AMERICAN STATE PAPERS.

CLASS X.

MISCELLANEOUS.

VOLUME II.

serial no. 038

AMERICAN STATE PAPERS.

DOCUMENTS,

LEGISLATIVE AND EXECUTIVE,

OF THE

THE LEHIGH UNIVERSITY
MAR 27 1878
LIBRARY

CONGRESS OF THE UNITED STATES,

FROM THE FIRST SESSION OF THE ELEVENTH TO THE SECOND SESSION OF THE SEVENTEENTH CONGRESS, INCLUSIVE:

COMMENCING MAY 22, 1809, AND ENDING MARCH 3, 1823.

SELECTED AND EDITED, UNDER THE AUTHORITY OF CONGRESS,

BY WALTER LOWRIE, *Secretary of the Senate*,

AND

WALTER S. FRANKLIN, *Clerk of the House of Representatives.*

VOLUME

WASHINGTON:

PUBLISHED BY GALES AND SEATON.

1834.

19475

TABLE OF CONTENTS.

MISCELLANEOUS....VOL. II.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.	Year.	No.	Page.
Olmstead. Message from James Madison, President of the United States, with protest of the Legislature of Pennsylvania against the proceedings of the Supreme Court in the case of Gideon,	1809	265	2
Olmstead. Message, with correspondence, &c. in the case of,	1809	268	11
Public buildings in the city of Washington. Message relative to progress in work on the,	1809	271	16
Barbary Powers. Message, with statement of expenses of intercourse with the,	1810	273	20
Veto in rejecting "An act incorporating the Protestant Episcopal Church in the town of Alexandria, in the District of Columbia." With objections to, or exercising the power of,	1811	294	152
Veto in rejecting "An act for the relief of Richard Tervin, William Coleman, Edwin Lewis, Samuel Mims, Joseph Wilson, and the Baptist Church at Salem Meeting-house, in the Mississippi Territory." Message, with objections to, or exercising the power of the,	1811	295	154
Canals in New York. Message on the subject of internal improvements, and transmitting an act of the Legislature for the establishment of,	1811	304	166
Pennsylvania, approving the measures of the General Government on the subject of its foreign relations. With resolutions of the Legislature of,	1811	305	167
New Jersey ditto. With resolutions ditto,	1812	309	172
Road. With the report of the Secretary of the Treasury, and proceedings under the act for laying out and making the Cumberland,	1812	311	175
Veto in rejecting "An act providing for the trial of causes pending in the respective District Courts of the United States, in case of the absence or disability of the Judges thereof." Message, with objections to, or exercising the power of the,	1812	315	180
War Department. Message recommending provision for two subordinate appointments in the,	1812	320	184
Veto in rejecting "An act supplementary to the acts heretofore passed on the subject of a uniform rule of naturalization." Message, with objections to, or exercising the power of the,	1812	329	195
Road. Message, with a statement of the progress made on the Cumberland,	1813	339	205
Appointment of a Secretary of the Treasury in the absence of Albert Gallatin. Message relative to the temporary,	1813	341	206
Nomination of Jonathan Russell. Message of the President declining a conference with a committee of the Senate on the,	1813	347	215
Nomination of Albert Gallatin. Note of the President declining a conference with a committee of the Senate on the,	1813	350	218
Road. Message, with a statement of the progress made on the Cumberland,	1814	356	226
Pennsylvania, approving the measures of the General Government. Message, with resolutions of the Legislature of,	1814	362	235
Pennsylvania, with a declaration for supporting the measures of the General Government. Message, with resolutions of the Legislature of,	1814	366	238
Appointments made during the recess of the Senate. Message, with copies of commissions for,	1814	368	240
Appointments of ministers and consuls made during the recess of the Senate. Message, with list of,	1814	370	242
Road. Message, with statement of the progress made on the Cumberland,	1815	379	262
Road. Message, with the total amount of appropriations and expenditures on account of the Cumberland,	1815	384	272
Washington. Message, with statement of public expenditures for, and value of, property in the city of,	1816	402	294
Road. Message, with statement of appropriations made and sum necessary for completing the Cumberland,	1816	403	296
Counsel for the United States. Message, with a statement of allowances made to assistant,	1816	407	302
Patent laws and the establishment of a patent office. Message recommending a revision of the,	1816	408	303
Office after their election to Congress. Message, with a list of persons holding,	1817	437	448
Roads by authority of the United States. Message relative to progress in making,	1818	443	466
Constitution of the United States relative to titles of nobility and presents from foreign Governments to officers of the United States. Relative to the ratification by the States of an amendment to the,	1818	446	477
Public edifices in Washington. With statements of the progress made in rebuilding the,	1818	448	484
Public buildings. With statements of the expenditures and progress on the,	1818	459	528
Federal Convention. Relative to the publication of the journal, acts, and proceedings of the,	1819	471	548
Fire engines and apparatus for the safety of the public buildings, &c. On the subject of expenditures, &c. for,	1820	494	626
First meridian for the United States at the city of Washington. Message, with calculations of the longitude of the Capitol, with a view to the establishment of a,	1822	508	753
First meridian. Message, with supplementary report relative to ditto,	1822	508	794
Floridas. Message, with documents relative to proceedings in Florida under the act to carry into effect the treaty with Spain for the cession of that Territory, and to a misunderstanding between Andrew Jackson, as Governor, and Eligius Fromentin, as Judge of the—(see index, under *Florida*,)	1822	513	799

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES—Continued.	Year.	No.	Page.
Bankruptcy in the United States. Message, with documents relating to proceedings in the States, &c., under the "act to establish a uniform system of,	1822	514	914
Attorney General and district attorneys of the United States. Message, with a statement of the duties of the Attorney General, and of the allowances made for extra duties to the,	1822	524	930
Treaty of Ghent. Message, with Jonathan Russell's account, and John Quincy Adams's reply, relating to certain proceedings of a majority of the American ministers who negotiated the,	1822	528	938
Slaves imported by David B. Mitchell, agent for the Creek Indians, contrary to law. Message, with documents relating to certain,	1822	529	957
Columbia river on the Pacific ocean. Message, with documents relating to a settlement made by citizens of the United States at the mouth of the,	1823	536	1007
Florida. Message, with a memorial from the Legislative Council on the expediency and necessity for further legislative provision for the government and improvement of,	1823	539	1025
Porto Rico. Message, with documents relating to an expedition illegally fitted out in the United States against the Spanish island of,	1823	540	1028
REPORTS FROM THE SECRETARY OF STATE.			
Patents issued for new inventions up to 1811. With a list of all,	1811	284	130
Same. in 1812. Same,	1812	308	169
Patent office of the United States. With statements relating to the,	1812	326	192
First meridian for the United States. On the memorial of William Lambert relative to establishing a,	1812	328	194
Patents issued, &c. in 1812. With a list of all,	1813	333	197
Same. in 1813. Same,	1814	358	228
Appointments made during the recess of the Senate. With copies of commissions for,	1814	368	240
Appointments of ministers and consuls made during the recess of the Senate. With lists of,	1814	370	242
Books and papers destroyed by the enemy. With a statement of the,	1814	374	252
Patents issued, &c. in 1814. With a list of all,	1815	383	268
Ministers and consuls of the United States in foreign countries. On the expediency of increasing the allowances to the public,	1816	409	303
Register of all officers and agents, civil, military, and naval, and of the ships and vessels in the service of the United States—"Blue Book,"	1816	410	307
Accountability of public officers and prompt settlement of accounts. With a plan for a new organization of the several Departments, to ensure the,	1816	411	396
Accountability of public officers, and rank and duties of the Attorney General. On the subject of the,	1817	424	417
Appointments of persons to office after their election as members of Congress. With a list of,	1817	437	448
Office. Stating the necessity for additional room for the accommodation of his,	1818	444	470
Constitution to prohibit the reception of titles of nobility or presents from foreign Powers. With notice of ratifications by States of the amendment to the,	1818	446	477
Journals and other printed documents of Congress. Relative to the distribution of the,	1818	455	512
Weights and measures. On the subject of,	1821	503	656
Clerks and messengers in the Departments, and stating such as are engaged in other pursuits. With the number of,	1822	521	978
Florida, under the act to carry into effect the treaty with Spain for the cession of that province; to acts of Andrew Jackson as Governor, and to his misunderstanding with Judge Fromentin. With documents relating to correspondence with the Spanish minister relating to transactions in,	1822	513	799
Bankruptcy in the United States. With statements of the number of cases settled under commissions in the several States, in pursuance of the "act to establish a uniform system of,	1822	514	914
Ghent. In answer to Jonathan Russell's account of the proceedings of a majority of the American ministers who negotiated a treaty of peace with Great Britain, at	1822	528	938
Columbia river. With documents relative to the establishment of the United States at the mouth of the,	1823	536	1008
Porto Rico. With documents relating to an expedition illegally fitted out in the United States against the Spanish island of,	1823	540	1028
REPORTS FROM THE SECRETARY OF THE TREASURY.			
Barbary Powers. With statement of expenses of intercourse with the,	1810	273	20
Gauging as practised at the custom-houses. On defects in the system of,	1811	290	147
Cumberland road. With proceedings under the act for laying out and making the,	1812	311	175
Internal Improvements. Recommending that the proceeds of the public lands be set apart for,	1812	312	179
Cumberland road. With proceedings in progress of the,	1813	339	205
Same, Same,	1814	356	226
Books and papers destroyed by the enemy. Statement of the,	1814	374	248
Cumberland road. With proceedings in progress of the,	1815	379	262
Same. With total amount of appropriations and expenditures on account of the,	1815	384	272
Internal improvements. Relative to funds applicable to a system of,	1816	398	285
Washington. With a statement of the public expenditures for, and value of, public property in the city of,	1816	402	294
Cumberland road. With a statement of appropriations made, and sum necessary for completion of the,	1816	403	296
Counsel for the United States. With a statement of allowances made to assistant,	1816	407	302
Accountability of public officers, prompt settlement of public accounts, and proposing a new organization of the several Departments. On the subject of,	1816	411	396
Appropriations from one object to another. On the expediency of repealing so much of the act authorizing the transfer of,	1817	420	413
Accountability of public officers, and rank and duty of the Attorney General on the subject of the,	1817	424	417
Prompt settlement of public accounts. On progress made under the act for the,	1818	442	460
Roads by authority of the United States. On progress made in constructing,	1818	443	466
Office. Stating the necessity for additional room for the accommodation of the Treasury,	1818	444	471
Cumberland road. On the cost and condition of the,	1818	458	523
Attorney General of the United States. On the subject of extra allowances to the,	1819	469	546
Payment of money due from individuals and corporate bodies to the United States. On a plan for enforcing speedy,	1820	483	575
Judiciary in the District of Columbia. On the expenses of the,	1820	485	581

REPORTS FROM THE SECRETARY OF THE TREASURY—Continued.	Year.	No.	Page.
Cumberland road to fulfil engagements made in 1817. Suggesting an additional appropriation for the,	1820	486	585
Cumberland road. With the report of the commissioners appointed to view and inspect the,	1822	511	797
Clerks and messengers in the Department, and stating such as are engaged in other pursuits. With the number of,	1822	531	979
Porto Rico. Relative to an expedition illegally fitted out in the United States against the Spanish island of,	1823	540	1039
Cumberland road. With a statement of the total amount appropriated and expended for the,	1823	542	1042
REPORTS FROM THE SECRETARY OF WAR.			
Bridges for military purposes be purchased from Benjamin Conner. Report recommending that the patent right for building,	1813	338	204
Books and papers destroyed by the enemy. With statement of the,	1814	374	250
Accountability of public officers, and prompt settlement of public accounts. Relative to a reorganization of the several Departments, to the,	1816	411	396
Road through the Chickasaw nation. With a report of the commissioners for surveying and marking a,	1816	413	401
Accountability of public officers, and rank and duties of the Attorney General. On the subject of the,	1817	424	417
Office. Relative to necessity for additional room for the accommodation of the War,	1818	444	471
Roads and canals. Relative to the execution of a general system for the construction of,	1819	462	533
Canal to connect the Illinois river with Lake Michigan. With report of a survey for a,	1819	474	555
Clerks and messengers in the Department, and stating such as are engaged in other pursuits. With the number of,	1822	531	983
Road from Plattsburg to Sackett's Harbor. Relative to the progress made on the military,	1823	534	987
REPORTS FROM THE SECRETARY OF THE NAVY.			
Books and papers destroyed by the enemy. Statement of the,	1814	374	248
	1814	377	255
Accountability of public officers and prompt settlement of accounts. With a plan for a new organization of the several Departments for the,	1816	411	396
Accountability of public officers, and rank and duties of the Attorney General. On the subject of the,	1817	424	417
Office. Stating the necessity for additional room for the accommodation of the Navy,	1818	444	471
Clerks and messengers in the Department, and stating such as are engaged in other pursuits. With the number of,	1822	531	983
REPORTS FROM THE ATTORNEY GENERAL.			
Duties of the office of the Attorney General, and declining to make report on a claim referred to him. On the subject of the,	1820	482	574
Duties of the office, necessity for allowing a clerk, a messenger, stationary, &c. Relative to the,	1820	489	590
Slaves from Africa by D. B. Mitchell, Indian agent, contrary to law. Relative to an alleged importation of,	1822	529	957
REPORTS FROM THE POSTMASTER GENERAL.			
Books and papers destroyed by the enemy. Statement of the,	1814	374	248
Clerks and messengers in the General Post Office, and stating such as are engaged in other pursuits. With the number of,	1822	532	984
REPORTS FROM THE COMMISSIONER OF THE GENERAL LAND OFFICE.			
Books and papers destroyed by the enemy. With a statement of the,	1814	374	250
	1814	377	255
Clerks and messengers in that office, and stating the cases in which they are engaged in other pursuits. With a statement of the number of,	1822	531	981
REPORTS FROM THE COMMISSIONER OF THE PUBLIC BUILDINGS.			
Washington. With documents concerning the location of the several public edifices in,	1818	447	479
Same. Relative to lots of ground belonging to the United States in the city of,	1821	507	752
REPORTS OF COMMITTEES OF THE SENATE.			
Mississippi Territory into the Union. Report of a committee on the admission of,	1812	318	182
Patent rights to Oliver Evans. Report of a committee on application to amend the act continuing certain,	1813	337	204
Nomination of Jonathan Russell to be minister to Sweden. Report of a committee on inquiry into the,	1813	342	206
Nomination of Albert Gallatin, Secretary of the Treasury, to be a minister to negotiate peace with Great Britain. Report of a committee relative to the,	1813	344	209
Canal. Report of a committee on the President's message concerning the Chesapeake and Delaware,	1813	348	215
President declining a conference with a committee of the Senate on the nomination of Albert Gallatin. Report of a committee on a note from the,	1813	350	217
Road. Report of a committee on a report of the Secretary of the Treasury on the proceedings under the act for laying out and making the Cumberland,	1814	357	227
Patent rights to Oliver Evans. Report of a committee on the amendment proposed to the act continuing certain,	1814	365	237
Library of Thomas Jefferson. Report of a committee relative to the purchase of the,	1814	372	246
Same, same, same,	1814	376	253
Road. Report of a committee on the report of the Secretary of the Treasury on the proceedings under the act for laying out and making the Cumberland,	1815	381	266
Library of Thomas Jefferson. Report of a committee relative to payment of the,	1815	387	274
Library of Congress, and the appointment of the librarian. Report of a committee on the subject of procuring books, regulations and expenditures on account of the,	1816	396	279
Roads and canals. Report of a committee on so much of the President's message as relates to,	1816	398	283
Canal. Report of a committee recommending an appropriation for a subscription of stock in the Chesapeake and Delaware,	1816	399	285

REPORTS OF COMMITTEES OF THE SENATE—Continued.	Year.	No.	Page.
Salaries of certain officers of the Government. Report of a committee on the subject of increasing the,	1816	405	299
Accountability of the public agents, &c. Report of a committee on a plan to ensure the regular settlement of public accounts and the,	1816	411	396
Library of Congress. Report of a committee relative to the increase of, regulations, &c. for the,	1817	419	412
Roads and Canals. On so much of the President's message as relates to,	1817	429	424
Printing for Congress, and proposing a remedy for defects. Joint committee on the subject of the public,	1818	460	531
Same, same, same,	1819	466	544
Compensation of officers and clerks of the Legislative and Executive Departments of the Government. On an inquiry into the propriety of reducing the,	1821	499	637
Piracy. On the subject of changing the punishment for the crime of,	1821	501	654
Patent right of Abel Pratt. On the petition for the extension of the,	1822	516	917
REPORTS OF COMMITTEES OF ELECTION OF THE HOUSE OF REPRESENTATIVES.			
Baylies, and in favor of Charles Turner, as a representative from Massachusetts. Report of a committee on the petition against the election of William,	1809	264	1
Same, same,	1809	266	7
Jennings, as delegate from Indiana. Report of a committee on the petition of Thomas Randolph against the election of Jonathan,	1809	270	15
Hungerford, as representative from Virginia. Report of a committee on the petition of John Taliaferro, contesting the election of John P.	1811	297	156
Harris, as representative from Tennessee. Report of a committee on the petition of William Kelly, contesting the election of Thomas K.	1813	340	205
Hungerford, as representative from Virginia. Report of a committee on the petition of John Taliaferro, contesting the election of John P.	1813	343	206
Same, same,	1813	345	210
Sage and John Lefferts, as representatives from New York. Report of a committee on the petition of Benjamin Blydenburgh and Peter Augustus Jay, contesting the election of Ebenezer,	1813	349	217
Bowers, as representative from New York. Report of a committee on the petition from Isaac Williams, jun., contesting the election of John M.	1813	351	218
Harris, as representative from Tennessee. Report of a committee on the petition of William Kelly, contesting the election of Thomas K.	1814	353	223
Hungerford, as representative from Virginia. Report of a committee on the petition of John Taliaferro, contesting the election of John P.	1814	355	226
Bayley, as representative from Virginia. Report of a committee on the petition of Burwell Bassett, contesting the election of Thomas M.	1814	360	233
Smith, as representative from New York. Report of a committee on the petition of Westel Willoughby, jun., contesting the election of William S.	1815	389	275
Adams, as representative from New York. Report of a committee on the petition of Erastus Root, contesting the election of John,	1815	390	275
McCoy, as representative from New York. Report of a committee on the petition of Robert Porterfield, contesting the election of William,	1816	400	291
Scott, as delegate from Missouri. Report of a committee on the petition of Rufus Easton, contesting the election of John,	1816	417	408
Same, same,	1817	421	414
Herrick, as a representative from Ohio. On the petition of C. Hammond, contesting the election of Samuel,	1818	438	448
Earle, as representative from South Carolina. On the contested election of Elias,	1818	439	457
Mumford, as representative from North Carolina. On the contested election of George,	1818	445	473
Merrill, as representative from Vermont. On the petition of Rollin C. Mallary, contesting the election of Orsamus C.	1820	476	558
Sage, as representative from New York. On the petition of James Guyon, jun., contesting the election of Ebenezer,	1820	480	570
Sharp, as representative from New York. On the petition of Cadwallader D. Colden, contesting the election of Peter,	1821	505	751
Cosden, as representative from Maryland. On the petition of Philip Reed, contesting the election of Jeremiah,	1822	519	922
REPORTS OF COMMITTEES OF THE HOUSE OF REPRESENTATIVES.			
Breach of privileges, in an assault, by J. A. Coles, on General Nelson, a member thereof. Report of a committee in the case of a,	1809	272	18
Banks in the District of Columbia. Report of a committee on the petition for renewal of charters of certain,	1810	274	45
First meridian for the United States. Report of a committee on the proposition of William Lambert for the establishment of a,	1810	277	53
Laws of the United States in Michigan in the French language. Report of a committee on the petition of sundry inhabitants for publication of the,	1810	278	71
Wilkinson. Report of a committee on an inquiry into the conduct of Brigadier General James,	1810	280	79
Lands acquired by treaty of Brownstown. Report of a committee on the expediency of laying out and making roads designated, and for disposal of,	1811	282	128
Mississippi into the Union. Report of a committee on the expediency of admitting the Territory of,	1811	283	129
Road from Vincennes, Indiana, towards Dayton, Ohio. Report of a committee on the expediency of opening a,	1811	286	145
Patent rights of Oliver Evans. Report of a committee on the petition of John Brumback and others, for curtailing the,	1811	287	145
Patent rights. Report of a committee on the petition of Benjamin and John Tyler, praying for an extension of their,	1811	288	146
Banks in the District of Columbia. Report of a committee on bills to incorporate sundry,	1811	289	147
National university. Report of a committee on so much of the President's message as relates to the establishment of a,	1811	293	151
Roads designated by the treaty at Brownstown. Report of a committee on providing for the	1811	298	160
Mississippi Territory into the Union. Report of a committee on the admission of the,	1811	301	163
Canals, and stating the inability of the Government to appropriate money for those objects. Report of a committee on the subject of the Union, Chesapeake and Delaware, and New York,	1812	313	178
Contingent expenses of the House of Representatives. Report of a committee on the subject of the,	1812	314	180

REPORTS OF COMMITTEES OF THE HOUSE OF REPRESENTATIVES—Continued.	Year.	No.	Page.
Secrecy concerning certain proceedings of the House of Representatives. Report of a committee relative to the violation of,	1812	316	181
Road. Report of a committee for making an appropriation for continuing the Cumberland,	1812	317	182
Canary islands. Report of a committee on the expediency of extending relief to the inhabitants suffering by famine in the,	1812	321	184
Toulmin, District Judge of the United States in Mississippi. Report of a committee on the presentment of the Grand Jury against Harry,	1812	322	184
Home Department, and on inquiry into the state of the Patent office. Report of a committee on the proposition to establish a,	1812	326	187
Sunday mails. Report of a committee on the memorial of the General Assembly of the Presbyterian Church in the United States to abolish,	1812	327	194
Road company in New York for aid. Report of a committee on the memorial of the New York Highland,	1813	330	196
National observatory. Report of a committee on the establishment of a,	1813	332	197
Missouri. Report of a committee on the revision of the act for the government of the Territory of,	1813	334	201
Illinois Territory. Report of a committee on the right of suffrage in the,	1813	336	204
Canal Company. Report of a committee in favor of extending aid to the Chesapeake and Delaware,	1813	352	222
Patent right to Oliver Evans. Report of a committee on the remonstrance against the removal of a,	1814	354	224
Mississippi Territory. Report of a committee relative to an act of the Legislative Council concerning escheats in the,	1814	367	239
Patent right. Report of a committee on the petition of an alien for citizenship and a,	1814	369	241
Capitol, President's house, and other public buildings in the city of Washington. Report of a committee on the subject of rebuilding the,	1814	375	252
Books and papers of the House of Representatives by the enemy, and the loss of vouchers, and state of the contingent fund. Report of a committee on the destruction of the,	1814	377	253
Contingent fund of the House of Representatives. Report of a committee relative to the adjustment of the account of the Clerk for expenditures from the,	1815	380	263
Roads from Nashville to Natchez, and from Fort Hawkins to St. Stephen's. Report of a committee relative to,	1815	385	273
National observatory. Report of a committee on the subject of a,	1815	386	273
Mississippi Territory into the Union. Report of a committee on the subject of admitting the,	1815	388	274
Same, same, same,	1815	391	276
Indiana Territory into the Union. Report of a committee on the admission of the,	1816	392	277
Patent right of Benjamin and John Tyler. Report of a committee on extending the,	1816	393	278
Lottery in the District of Columbia. Report of a committee on the memorial of a society of freemasons for authority to raise money by,	1816	394	278
Colonization of free negroes within the United States. Report of a committee on the petition of the Kentucky Abolition Society for land for the,	1816	395	278
Washington. Report of a committee on the subject of erecting a monument to the memory of General,	1816	404	298
Road. Report of a committee on so much of the President's message as relates to the Cumberland,	1816	406	300
National university. Report of a committee on so much of the President's message as relates to the establishment of a,	1816	414	402
Compensation to members of Congress. Report of a committee on the expediency of repealing or modifying the law making,	1816	415	403
Mississippi into the Union. Report of a committee on the admission of the Territory of,	1816	416	407
Flag of the United States. Report of a committee on the subject of a permanent establishment of the,	1817	418	412
Mississippi into the Union. Report of a committee on the admission of the Territory of,	1817	423	416
Insolvent debtor of the United States, to be released from imprisonment. On the petition of William Smith, an,	1817	425	419
Roads and canals. On a general system of,	1817	427	420
Judge of the sixth circuit of the United States for extra services. On the subject of paying the,	1817	428	424
President and Vice President of the United States. On the mode of examining votes and notifying the persons elected as,	1817	430	425
Public buildings in the city of Washington, &c. On the progress made on the,	1817	431	426
Chesapeake and Delaware and Dismal Swamp canals, &c. On subscription to the,	1817	432	438
Agriculture. On the subject of establishing a National Board of,	1817	433	442
Judge Toulmin. On an inquiry into the official conduct of,	1817	434	443
Roads and canals. On a general system of improvement by,	1817	435	443
Judicial proceedings of one State in the courts of the other States. On the effect of,	1817	436	447
Flag of the United States. On an alteration of the,	1818	440	457
Slaves brought into the United States from Amelia island. On the subject of,	1818	441	458
Heads of Departments, &c. On the subject of erecting buildings for the accommodation of the,	1818	444	470
Patent right to Daniel Pettibone. On the renewal of a,	1818	450	490
Clerks in the Executive offices. On the misconduct of certain,	1818	452	495
History of Congress by Gales & Seaton. On authorizing a subscription to the,	1818	453	510
Public edifices in Washington. On the expenditures for rebuilding the,	1818	454	510
Boundary with Great Britain. On the subject of the disputed,	1818	456	512
Fees charged by the district attorney of the United States for the southern district of New York, on prosecutions against retailers of spirits without license. On the subject of,	1818	457	518
Weights and measures. On the subject of fixing standards of,	1819	463	538
Judge of the southern district of New York. Relative to the official conduct of William P. Van Ness,	1819	464	542
Judge of the northern district of New York. Relative to the official conduct of Matthias B. Tallmadge,	1819	465	543
Deaf and dumb asylum of Connecticut for money or land. On the petition of the,	1819	467	545
First meridian for the United States. On ascertaining the longitude of the Capitol, and establishing a,	1819	468	546
Public buildings in the city of Washington, and various improvements connected therewith. On the subject of appropriations for the,	1820	484	577
Laws in newspapers. Relative to the publication of the,	1820	487	587
Public buildings in the city of Washington. On the subject of expenditures on the,	1820	488	587
Roads in Michigan contemplated by the treaty of Brownstown with the Indians. On the subject of carrying into effect certain,	1820	491	593
Missouri into the Union. On the approval of the constitution and admission of,	1820	493	625
Patent right to Benjamin and John Tyler. On the extension of a,	1820	495	627

REPORTS OF COMMITTEES OF THE HOUSE OF REPRESENTATIVES—Continued.	Year.	No.	Page.
Fine arts. On the petition of Julia Plantou for the purchase of a painting of an allegorical group representing the treaty of Ghent, or for the encouragement of the,	1821	496	628
Columbia river, on the western coast of North America. On the subject of the occupation of the,	1821	497	629
Lotteries in the District of Columbia. On the subject of,	1821	498	634
Missouri into the Union. On the resolution declaring the admission of,	1821	502	655
Imprisonment for debt. On the expediency of abolishing,	1821	504	750
Vaccination. On the expediency of amending the law of 1813 to encourage,	1822	517	918
Medals presented to Congress by George W. Erving, to be placed in the library. On the subject of,	1822	518	921
Weights and measures. On the subject of a uniform system of,	1822	520	927
Patent right to Anthony Dey and James Macdonald. On the extension of a,	1822	521	928
Naturalization law as requires a previous declaration of three years. On a resolution to inquire into the expediency of dispensing, as regards certain cases, with so much of the,	1822	522	929
Commissioner of the public buildings to the architect. On a resolution to inquire into the expediency of transferring the duties performed by the,	1822	523	929
Attorney General. On the subject of allowances made for extra services to the,	1822	524	930
Vaccination. On the propriety of repealing the act of 1813 to encourage,	1822	525	933
Roads and canals. On the subject of a general system for the construction of,	1822	526	934
Patent right to Anthony Dey and James Macdonald. On the remonstrance of David Melville against the removal of the,	1822	527	937
Potomac river. On the subject of improving the navigation of the,	1822	530	975
Medals presented to Congress by George W. Erving, to be placed in the library. On the subject of,	1822	532	985
Judge of the United States for Alabama. On the official conduct of Charles Tait, district,	1823	537	1014
Printers to the House of Representatives. Relative to the suppression of parts of certain documents ordered to be printed, and to the official conduct of Gales & Seaton,	1823	538	1015
Patent office. On the propriety of employing an artist for the preservation and repair of the models in the,	1823	541	1040
Judiciary system in the United States. On the subject of making alterations in the organization of the courts or in the,	1823	542	1042

RESOLUTIONS, MEMORIALS, &c. FROM STATES AND TERRITORIES.			
Pennsylvania protesting against the decision of the Supreme Court in the case of Gideon Olmstead. Resolutions, &c. of,	1809	265	2
Pennsylvania on the same subject. Correspondence between the President of the United States and the Governor of,	1809	268	11
Louisiana to be admitted as a State. Memorial of the people of the Territory of Orleans or,	1810	276	51
Georgia for the settlement of the boundary between that State and North Carolina. Resolutions and documents from the Legislature of,	1810	279	72
Pennsylvania approving the measures of the Federal Government on foreign affairs. Resolutions of the Legislature of,	1810	281	128
Ohio approving the measures of the Federal Government. Resolutions of the Legislature of,	1811	292	151
Florida to the Mississippi Territory. Of the inhabitants to annex West,	1811	296	155
Mississippi Territory, impeaching Harry Toulmin, judge of the district court of the United States, &c. Resolution of the House of Representatives of the,	1811	300	162
Pennsylvania approving the measures of the Federal Government regarding its foreign relations. Resolutions of the Legislature of,	1811	305	167
Mississippi Territory approving the measures of the Federal Government regarding its foreign relations. Resolutions of the Legislative Council of,	1811	306	168
North Carolina approving the measures of the Federal Government regarding its foreign relations. Resolutions of the Legislature of,	1811	307	168
New Jersey approving the measures of the General Government, &c. Resolutions of the Legislature of,	1812	309	172
Virginia approving the measures of the General Government, &c. Resolutions of the Legislature of,	1812	310	174
Ohio recommending the canal between the Hudson river and the lakes as of national importance. Resolutions of the Legislature of,	1812	312	178
Rhode Island opposed to a war. Resolutions of the Legislature of,	1812	324	185
Massachusetts opposed to a war. Resolutions of the Legislature of,	1812	325	186
Ohio approving the measures of the General Government, &c. Resolutions of the Legislature of,	1813	331	196
Pennsylvania approving of the declaration of war, &c. Resolutions of the Legislature of,	1813	335	203
Massachusetts against the war, and against the formation of new States from lands not within the original limits of the United States. Remonstrance of,	1813	346	210
Maryland against the war, and recommending that measures be adopted for its speedy termination. Remonstrance of the House of Delegates of,	1814	359	231
Tennessee to obtain an appropriation for the removal of obstructions to the navigation of the Tennessee river at the Muscle Shoals. Resolutions of the Legislature of,	1814	361	234
Pennsylvania approving the measures of the General Government in retaining hostages for the security of American prisoners in Great Britain. Resolutions of the Legislature of,	1814	362	235
Kentucky approving the measures of the General Government in the war with Great Britain. Resolutions of the Legislature of,	1814	363	235
Pennsylvania, with a declaration for supporting the Federal Government. Resolutions of the Legislature of,	1814	366	238
Indiana Territory for alterations in the judiciary system of that Territory. Memorial of the Legislature of,	1814	373	247
Ohio rejecting the seven amendments to the constitution proposed by Massachusetts and Connecticut. Resolutions of the Legislature of,	1816	397	282
New York to provide for the improvement of the internal navigation of that State. Act of the Legislature of,	1816	412	400
Kentucky relating to the boundary between that State and Tennessee. Memorial of the General Assembly of,	1818	451	490
Missouri for admission into the Union. Of the Legislative Council and House of Representatives of,	1819	475	557
Ohio on the refusal of the Bank of the United States to pay taxes to that State on the branch situated therein. Proceedings of the Legislature of,	1821	500	643
Maryland to obtain the passage of a law for the restoration of fugitive slaves from that State to Pennsylvania. Resolutions of the Legislature of,	1821	506	752
New Jersey to obtain the passage of law for deciding controversies between the States. Resolutions of the Legislature of,	1822	510	797

RESOLUTIONS, MEMORIALS, &c. FROM STATES AND TERRITORIES—Continued.	Year.	No.	Page.
Alabama to obtain provision for making a canal between the Alabama and Hiwassee rivers. Memorial of the Legislature of,	1822	512	798
Maryland in favor of the navy and a general system of internal improvements. Resolutions of the Legislature of,	1823	533	987
Maryland. Report of the commissioners appointed by Maryland and Virginia to survey the river Potomac, with a view to improving its navigation, transmitted by direction of the Legislature of,	1823	535	988
MEMORIALS, PETITIONS, REMONSTRANCES, &c.			
Land on which the church stands. Of the Baptist church at Salem, Mississippi, for the,	1809	267	11
Slaves. Of Harry Caldwell & Co. for remission of penalty for bringing, in their vessel, into New Orleans certain,	1809	269	13
Hall & Sellers for compensation for printing during the Revolutionary war. Of the representatives of,	1810	275	47
Orleans to be admitted into the Union as a State. Of the people of the Territory of,	1810	276	51
Canal in Massachusetts for aid in completing the same. Of the proprietors of the Middlesex,	1811	285	142
Patent laws. Of the Massachusetts Association for the Encouragement of Useful Inventions, for a revision of the,	1811	291	149
Canal Company of Pennsylvania for aid, &c. Of the Union,	1811	299	161
Patents granted to Robert Fulton. Of Aaron Ogden and others against extending the,	1811	302	164
Canal commissioners of New York for aid from the General Government in making canals in that State. Of the,	1811	303	165
Patent right for the cotton gin. Of Eli Whitney for an extension of his,	1812	319	183
Indian village on the river Thames. Of the Moravian Society of United Brethren for indemnity for the destruction of the,	1814	364	236
Patent right. Of Harriet Fulton, widow of Robert Fulton, for extension of a,	1816	401	292
Canals from Hudson river to Lakes Erie and Champlain. Of the commissioners of the State of New York for aid in the construction of,	1816	412	399
Bankruptcy. Of the Chamber of Commerce of Philadelphia for the establishment of a uniform system of,	1817	422	415
Emigrants. Of the New York Irish Emigrant Association for relief to,	1818	449	489
Slavery in the new States. Of the American Convention for Promoting Abolition of Slavery against the admission of,	1819	470	547
Bankruptcy. Of sundry merchants and traders of Boston for a uniform system of,	1819	472	549
Venue from the courts of Ohio to Kentucky or Virginia to recover service due to him from certain Germans. Of James Brown for change of,	1819	473	550
Vaccine institution. Of James Smith and others for the establishment of a national,	1820	477	565
Bankruptcy. Of the Chamber of Commerce of New York for the establishment of a uniform system of,	1820	478	567
Slavery in Missouri. Of the inhabitants of Newport, Rhode Island, for the prohibition of,	1820	479	568
Slavery in Missouri. Of the inhabitants of Hartford, Connecticut, for the prohibition of,	1820	481	572
Bankruptcy. Of the Chamber of Commerce of Baltimore for the establishment of a uniform system of,	1822	509	796
Bankruptcy. Of the citizens of Charleston, South Carolina, for the establishment of a uniform system of,	1822	515	915
MISCELLANEOUS DOCUMENTS.			
Tea plants to the members of the House of Representatives. Letter from John S. Grimes, presenting,	1812	323	185
Clerk of the House of Representatives concerning the destruction of the books and papers of his office by the enemy. Statement from the,	1814	371	245
Same, same, same,	1814	378	258
Clerk of the House of Representatives. Resignation of the,	1815	382	267
Reports of the decisions of the Supreme Court of the United States. Letter from J. Marshall, Chief Justice of the United States, relative to,	1817	426	419
Commissioner of the Public Buildings concerning the location of the public buildings in Washington, &c. From the,	1818	447	479
Surveyor of the Public Buildings. Vindication of the official conduct of Benj. H. Latrobe, late,	1819	461	531
Boundary between Kentucky and Tennessee. Adjustment by commissioners of the,	1820	490	591
Fees taxed in the several courts of the United States. Statements of,	1820	492	598
Potomac river, with a view to improving its navigation. Report of the commissioners appointed by Maryland and Virginia for surveying the,	1823	535	988

AMERICAN STATE PAPERS.

MISCELLANEOUS.

11th Congress.] No. 264. [1st Session.

CONTESTED ELECTION OF WILLIAM BAYLIES, A REPRESENTATIVE FROM MASSACHUSETTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 8, 1809.

Mr. FINDLEY, from the Committee of Elections, to whom was committed the petitions of certain inhabitants of Plymouth district, in the State of Massachusetts, praying that William Baylies may not be considered as entitled to a seat in this House, and that Charles Turner may be considered as entitled to a seat as a member of this House, made the following report:

That they have, according to order, examined the petitions and the documents which accompany them. The petitions, signed by one thousand two hundred and thirty-one inhabitants of the district, state that, at an election held for a member of Congress for the district of Plymouth, in the State of Massachusetts, agreeable to the law of that State, directing the time, place, and manner of electing members of Congress, on the first Monday of November, 1808. The whole number of votes given were 3,719, of which, agreeable to the laws of that State, 1,860 were necessary to make a choice; of these there were given for Charles Turner, Jun. Esq., 1,443 votes, and for Charles Turner, Esq., 430 votes, amounting, if for the same candidate, to 1,873, which being a majority of the whole number of votes decided the election in favor of Mr. Turner, the candidate for whom the petitioners claim the seat, if he was the same person intended to be voted for by the name and additions of Charles Turner, Jun. Esq. and Charles Turner, Esq. The petitioners assert that Charles Turner, in whose behalf they claim the seat, is the same person for whom the votes were given with the addition of Esq. and Jun. Esq.; and, in proof of this, they assert that the laws of Massachusetts direct that the candidates voted for must be inhabitants of the district for which they may be elected; and that there was no other person legally qualified to be a candidate for a seat in Congress, inhabiting that district at the time of the election, but the same Charles Turner for whom the petitioners claim the seat in Congress.

These assertions of the petitioners are proposed to be supported by testimony taken after due notice given to the sitting members, which have been admitted by the committee as correctly taken, but not acted on with respect to the merits of the case.

It appears that, by the law of Massachusetts, the Executive of that State decides on the election of members of Congress, and certifies the return, and that in this instance the selectmen, who appear by the laws and customs of that State, to be official election officers in their respective towns or districts, has set down the votes received for Charles Turner, Jun. Esq., and for Charles Turner, Esq., separate from each other, and that the Executive, in deciding on the election, had considered the votes as given for different candidates, and on this supposition none of the candidates had a majority of the whole number of votes given, and, therefore, directed that another election should be held in Plymouth district on the 19th of January, 1809, at which the sitting member had the majority of votes, and, in consequence of which, he was returned to Congress by a certificate signed by the Governor.

Before the committee examined maturely the documents, or deliberated on the merits of the case, the sitting member requested a postponement of the decision till the next session of Congress, in support of which he alleged, that it is necessary to a full and fair investigation of the case, and to acquaint himself with the facts, and to be able to produce all the evidence material to a correct decision of the question; that he was notified that his election would be contested but a short time previous to the meeting of Congress, and that he considered depositions taken without the direction of the House, or their committee, as taken without the authority of law; that these circumstances prevented him from preparing himself in such a manner as to be able at this time to do justice to the cause or to those who had honored him with their suffrages.

Without examining the merits of the case, the question was taken in the committee, on the request of the sitting member, to have the decision postponed, for the reasons herein before stated, and carried in the affirmative.

[NOTE.—See further report, No. 266.

11th Congress.] No. 265. [1st Session.

PROTEST OF PENNSYLVANIA AGAINST THE DECISION OF THE SUPREME COURT IN THE CASE OF GIDEON OLMSTEAD.

COMMUNICATED TO THE SENATE, JUNE 11, 1809.

To the Senate of the United States: JUNE 4, 1809.

In compliance with the request of the Legislature of Pennsylvania, I transmit to Congress a copy of certain of its proceedings communicated for the purpose by the Governor of that State.

JAMES MADISON.

Resolutions of the Pennsylvania Assembly.

Whereas, the Governor, in a communication to the Legislature, has represented that the Supreme Court of the United States had ordered a peremptory mandamus to be issued in the suit of Gideon Olmstead and others *versus* Elizabeth Sergeant and Esther Waters, executrixes of the late Mr. Rittenhouse; and that immediate application will be made to Richard Peters, judge of the district court of Pennsylvania, for an execution against the persons and effects of the said Elizabeth Sergeant and Esther Waters; or that, rather an attachment against their persons will be the compulsory process adopted on this occasion; and that, in conformity to the provisions of an act of assembly passed the 2d of April, 1803, it becomes the duty of the Executive to protect the property and persons of the said executrixes against such process: and whereas the causes and reasons which have produced this conflict between the General and State Governments, should be made known, not only that the State may be justified to her sister States, who are equally interested in the preservation of the State rights, but to evince to the Government of the United States, that the Legislature, in resisting encroachments on their rights, are not acting in a spirit of hostility to the legitimate powers of the United States court, but are actuated by a disposition to compromise, and to guard against future collisions of power, by an amendment to the constitution; and that, whilst they are contending for the rights of the State, it will be attributed to a desire of preserving the Federal Government itself, the best features of which must depend upon keeping up a just balance between the General and State Governments, as guarantied by the constitution.

Be it therefore known, That the present unhappy dispute has arisen out of the following circumstances:

That, in the night of the 6th of September, 1778, Gideon Olmstead, being a prisoner on board the armed sloop Active, bound to New York, on the passage prevailed on three of the seamen to assist him in endeavoring to take the said sloop from the captain and the rest of the crew, and to carry her into an American port. In pursuance of this bold and hazardous design, they secured the captain and crew under deck, and contemplated running the sloop into Egg Harbour: a considerable contest then arose between those under, and those on deck, for the command of the vessel.

On the 8th of September they were boarded by the brigantine *Convention*, fitted out by the State of Pennsylvania, commanded by Captain Thomas Houston, and, in a very short time after, the sloop Active was thus seized by the Convention the privateer sloop *Le Gerard*, of Philadelphia, commanded by Captain James Josiah, hove in sight.

The prize was brought into the port of Philadelphia, and was libelled in the court of admiralty of the State, on the 14th of September. Captain Thomas Houston for the State, himself and crew, claimed *one-half;* Captain James Josiah, commander of the privateer sloop Le Gerard, for himself, crew, and owners, as consort of the Convention, and as in sight at the time of capture, claimed *one-fourth*, allowing *one-fourth* for the four persons who first rose upon the crew of the sloop Active: Gideon Olmstead and his companions claimed the whole, alleging that they had risen on the captain and crew, had confined them in the cabin, had assumed the sole command and direction of the sloop, and were proceeding towards Egg Harbor with the captain and crew, *subjected and reduced*, when the said sloop was seized by the brigantine Convention. And the great question for decision was, whether Gideon Olmstead had subdued the captain and crew of the Active, *or whether hostilities had ceased*, when the Convention and Le Gerard came up with her?

The court of admiralty is the appropriate court for the trial and decision of all cases of prize. But how that court shall be constituted, must depend upon the will of the nation or State to which it belongs. The Legislature are, however, inclined to believe, that the interposition of a jury in admiralty causes was peculiar to some of the American States, and a remarkable instance of a departure from the usage of nations. It was, however, bottomed on the following resolution of Congress, of November 25, 1775: that it be recommended to the several Legislatures in the United Colonies, as soon as possible, to erect courts of justice, or give jurisdiction to the courts now in being, for the purpose of determining concerning the captures to be made as aforesaid, and to provide that *all trials in such case be had by a jury, under such qualifications as to the respective Legislatures shall seem expedient.* That, *in all cases*, an appeal shall be allowed to the Congress, or such person or persons as they shall appoint for the trial of appeals, &c.

By an act of Assembly of Pennsylvania, passed September 9, 1778, a court of admiralty was established. The trial was to be by jury, who were to be sworn or affirmed, "to return and give a true verdict according to evidence; and the finding of the said jury *shall establish the facts without re-examination or appeal.*"

In all cases of captures, an appeal from the decree of the judge of admiralty of this State shall be allowed to the continental Congress, or such person or persons as they may from time to time appoint for hearing and trying appeals, &c.

On the 4th of November, 1778, the cause came on to be tried before a struck jury, who, after hearing all the exhibits, and the arguments of the respective advocates thereon, and taken time to consider thereof, on the following day returned their verdict, finding one-fourth part of the net proceeds of the sloop Active and her cargo to the first claimants, (Gideon Olmstead and others,) and three-fourth parts of the net proceeds of the said sloop and her cargo to the libellant, (Captain Houston,) and the second claimant, (Captain Josiah,) as per agreement between them. The jury thus decided the great and important fact "that hostilities had not ceased on board the sloop Active at the time the brigantine Convention came up with her; in other words, that the captain and crew had not been *then* subdued." The judge made his decree accordingly, and the same day Gideon Olmstead and the three seamen appealed from the verdict, decree, and sentence.

At this period no *court* of appeals had been *established* under the authority of Congress, or in pursuance of the articles of confederation of the 9th of July, 1778. But committees of appeals had been from time to time appointed, consisting of *members of Congress.* By the 9th article of confederation, Congress was vested with power of "appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, provided that *no member of Congress shall be appointed a judge of any of the said courts.*"

The time when Pennsylvania acceded to the confederation is, perhaps, immaterial. It was not finally adopted by all the States, and ratified, until the 1st of March, 1781. It is, therefore, to be presumed that the Committee of Appeals, as appointed by Congress, was competent as to authority, even under the provision of our own law, as no objection appears ever to have been suggested on this head.

But as to the authority or extent of the jurisdiction of the Committee of Appeals, a difference of opinion has arisen among the wisest and best informed of our citizens; and this question, of mighty moment, indeed, has agitated all Pennsylvania for thirty years.

If the Committee of Appeals had authority to revise facts which had been already established by the verdict of a jury, there was an end of the question. Thier decree was conclusive and final; it could not be opened or reviewed; and it ought to have been carried into effect.

But Pennsylvania has uniformly, by all her public acts, denied the authority of the court of appeals to re-examine or control the verdict of the jury. The decision of a State is always important, and of infinite weight in comparison with mere private opinion. An assertion of her right was an obvious consequence; and an attempt to interfere with that right *ex parte* cannot fail to call forth, on her part, feelings of the deepest regret.

It is true that Congress, with the approbation and acquiescence of the people, exercised the power of war and peace; and, however imperfect their sovereignty might have been, they administered it with glory and advantage to the United States. It is equally true they commissioned privateers to cruise against the enemy; and to this high power, it is said, the question of prize is incidental. And if it would result from this that they had power to establish courts of admiralty, yet it is equally clear they did not exercise this power; and, by the articles of confederation, it was not vested in them, but merely the power to establish a court of appeals in cases of captures, although, by the same instrument, they had power "to establish courts for the trial of piracies and felonies upon the high seas, and the right of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by naval or land forces, in the service of the United States, shall be divided or appropriated." And whatever construction might have been had, if the decree of reversal had been in the court established after the confederation, yet in 1778 it had no binding force, nor did they profess to act under it. Courts of admiralty for the trial of captures, or the prize courts, could then be established only by the respective States.

Congress recommended to the several States to establish courts of admiralty, and to provide that all trials in such case be had by a jury, under such qualifications as to the respective Legislatures shall seem most expedient, reserving, in all cases, an appeal to Congress, &c.

However incidental the question of prize, or cases of captures, may be to sovereign power, the principle cannot apply in its full extent to the imperfect sovereignty exercised by the United States. Their authority was gradually acquired, by the consent and acquiescence of the States; and, where it was thus acquired, the exigencies of the new formed Union required that it should be deemed legitimate, though never expressly assented to. The power of establishing courts of admiralty they never assumed. The inference, therefore, is forcible, that they had not the power; or why recommend to the States to establish courts of admiralty, if, by virtue of their newly acquired sovereignty, they could themselves have established them? If they could not erect courts of admiralty jurisdiction, in the first instance, they could not, without the consent of the State, erect the appellate court. The State which established the admiralty court must likewise possess the power to regulate the appellate jurisdiction from its decrees; and, by the assent of the State, the appellate jurisdiction was, at their own requisition, given to Congress, where the interest and safety of the Union required it should be deposited, but under certain restrictions.

The admiralty court, being the court of all nations, has, by the usage of nations, been governed by the rules and principles of the civil law. It has always proceeded without a jury; and from its decrees on an appeal, the facts, as well as the law, have always been subject to a re-examination. But when Congress recommended the decision of facts in that court by a jury, strangely departing from the usage of nations, the consequence inevitably followed that the facts established by the jury could never be re-examined on an appeal. The party dissatisfied might have applied for a new trial; but there is no other way of reversing the facts determined by a jury. When, therefore, Congress recommended that the trial in such cases should be by jury, from the uniform course of proceeding in such trials, it is at least presumable they did not intend, by reserving an appeal, that the facts should be re-examined; and the only fair or consistent construction would be, that there should be an appeal on the points of law appearing on the record. That such was the intention of the Legislature of Pennsylvania is beyond doubt, when they declared "that the finding of the jury shall establish the facts, without re-examination or appeal;" and although, by the same act, they gave an appeal to Congress, it cannot be absurdly supposed that they meant to contradict and destroy the principle they had at the same instant so solemnly declared and adopted. The question itself to be tried was a mere fact, "Who captured the sloop Active?" The jury decided that fact. They could judge of the circumstances, as well as the credit or credibility of the witnesses. If their decision, therefore, was not to be conclusive, but to be open to a re-examination, on an appeal, before a committee of Congress, in the shape of a court of appeals, the jury trial was a solemn mockery, calculated for expense and trouble, but productive of no good. In the case of Ross and Rittenhouse, the chief justice declared "that the genius and spirit of the common law will not suffer a sentence of the lowest court, founded on a general verdict, to be controlled or reversed by the highest jurisdiction, unless for error in matter of law, apparent upon the face of the record." And the same chief justice was also of opinion that the principle was forfeited by the resolution of Congress of January 15, 1780, "that the trials in the court of appeals should be according to the usage of nations, and not by jury." And on the 31st of the same month, accordant with this resolution, the Legislature of Pennsylvania appear to have been willing, for the future, to change the practice; for they resolved, "that, if the mode of trial by jury, (in cases of captures,) as recommended by Congress, is found inconvenient to the circumstances of the United States, as being a mode unknown to most of the civilized States of Europe, this House is desirous of conforming to the customary practice."

But, notwithstanding this mode of reasoning, the committee of appeals undertook to re-examine the whole case; they set aside the verdict of the jury, reversed the sentence of the judge of the admiralty, and decreed the whole proceeds of the prize to the appellants, with costs. The judge of the admiralty refused to carry this decree into effect; and, on the 28th of December, further decreed "that, although the court of appeals have full power to alter or set aside the decree of the judge of this court, yet that the finding of the jury in the cause does establish the facts in the cause without re-examination or appeal, and, therefore, the verdict of the jury still standing, and being in full force, the court cannot issue any process, or proceed in any manner whatsoever contradictory to the finding of the said jury;" and he ordered the money to be brought into court, there to remain ready to abide the further order of the court therein.

Here, then, began the great contest for jurisdiction. On the 4th of January, 1779, the committee of appeals issued their injunction to the marshal to detain the money in his custody, to wait the further orders of the court. The marshal, notwithstanding, paid the money to the judge of the admiralty, in obedience to the decree of that court. The committee of appeals would proceed no further, but ordered to be entered on record "that, as the judge and marshal of the court of admiralty, for the State of Pennsylvania, had absolutely and respectively refused obedience to the decree and writ regularly made in, and issued from, this court, to which they, and each of them, were and was bound to pay obedience; the court being unwilling to enter into any proceedings for contempt, lest consequences might ensue, at this juncture, dangerous to the public peace of the United States, will not proceed further in this affair, nor hear any appeal, until the authority of this court shall be so settled as to give full efficacy to their decrees and process;" and they ordered a state of the proceedings to be prepared that they might lay it before Congress. On the 21st of January a committee was appointed by Congress to examine into the principles of the powers of the committee of appeals, and the causes of the refusal of the judge of the court of admiralty, in the State of Pennsylvania, to execute their decree; which committee, on the 6th of March following, reported specially, the finding of the jury, and decree thereon, the reversal thereof, the reasons of the judge, and act of Assembly of Pennsylvania, as they are before stated. Whereupon, it was resolved, "that Congress, or such person or persons as they appoint to hear and determine appeals from the courts of admiralty, have, necessarily, the power to examine as well into decisions on facts, as decisions on the law, and to decree finally thereon; and that no finding of a jury in any court of admiralty, or court for determining the legality of captures on the high seas, can, or ought to destroy the right of appeal, and the re-examination of the facts reserved to Congress.

"That no act of any one State can or ought to destroy the right of appeal to Congress in the sense above declared.

"That Congress is, by these United States, invested with the sovereign supreme power of war and peace.

"That the power of executing the law of nations is essential to the sovereign supreme power of war and peace.

"That the legality of all captures on the high seas must be determined by the law of nations.

"That the authority, ultimately and finally, to decide on all matters and questions, touching the law of nations, does reside, and is vested in the sovereign supreme power of war and peace.

"That a control by appeal is necessary in order to compel a just and uniform execution of the law of nations.

"That the said control must extend as well over the decisions of juries as judges, in courts for determining the legality of captures on the sea; otherwise the juries would be possessed of the ultimate supreme power of executing the law of nations in all cases of captures; and might, at any time, exercise the same in such manner as to prevent a possibility of being controlled; a construction which involves many inconveniences and absurdities, destroys an essential part of the power of war and peace entrusted to Congress, and would disable the Congress of the United States from giving satisfaction to foreign nations complaining of a violation of neutralities, of treaties, or other breaches of the law of nations, and would enable a jury, in any one State to involve the United States in hostilities; a construction which, for these and many other reasons, is inadmissible.

"That this power of controlling by appeal the several admiralty jurisdictions of the States has hitherto been exercised by Congress, by the medium of a committee of their own members.

"*Resolved*, That the committee, before whom was determined the appeal from the court of admiralty, for the State of Pennsylvania, in the case of the sloop Active, was duly constituted and authorized to determine the same.

"*Resolved*, That the said committee had competent jurisdiction to make thereon a final decree, and therefore their decree ought to be carried into execution:" And they thereupon requested the Assembly of Pennsylvania to appoint a committee to confer with a committee of Congress on the subject.

If the reasoning in the foregoing resolutions establishes the propriety of proceeding, in cases of admiralty jurisdiction, according to the law and usage of nations, and which is now the law of the land, it could not change the law as it then stood; therefore, could have no effect upon Pennsylvania, tenacious of her own rights, resting upon her own laws, and understanding as well as any other State the extent of the power of Congress, and the authority she had consented to vest in that body. Committees were appointed to confer with a committee of Congress, but every conference was ineffectual; and on the 31st January, 1780, by a unanimous vote of the General Assembly, the following decisive instructions were transmitted to the Pennsylvania delegation in Congress:

"GENTLEMEN:

"The House being informed that it has been proposed in the honorable Congress that an order be drawn on the Treasury of the United States, for the amount of three-fourths of the net proceeds of the sloop Active and her cargo, and to pay the same to Gideon Olmstead and others, appellants in that case, in order to satisfy the decree of the court of appeals for prizes made at sea, and that the same be charged to the State of Pennsylvania, referring said State for indemnification to the three-fourths in the hands of the judge of the admiralty of Pennsylvania,

"The House, in consequence of the above, have taken the premises into their most serious consideration, and adopted the instructions given by the last House of Assembly, (March 10, 1779,) to a committee of the said House, who had been appointed to confer with a committee of Congress in the case of the sloop Active; which instructions are in the following words:

"*Resolved*, 1st. That the power of establishing courts for receiving and determining finally, appeals in all cases of captures, is reserved in Congress by the articles of confederation; and as the State of Pennsylvania has acceded to these articles, this House esteem it their duty to adopt such regulations, consistent with the principles of the confederation, as Congress may judge necessary for the due exercise of the said power.

"*Resolved*, 2d. That, by an act of this commonwealth for establishing a court of admiralty, it is declared and enacted that the finding of the jury shall establish the facts without re-examination or appeal, and that the act *is not repugnant to, but consistent with the resolutions of Congress of the 25th of November*, 1775.

"*Resolved*, 3d. That the proceedings in the court of admiralty, in the case of the sloop Active, were founded upon the aforesaid act of Assembly, which, together with the said resolve, form the true ground whereupon the decision of the contested point should be made, without involving a consideration of the necessity or propriety of future alterations.

"The House likewise instruct you immediately to inform the honorable body, of which you are members, that this House will consider any application of the money of this State, by Congress, to the purpose aforesaid, as a high infringement on the honor and rights of the commonwealth of Pennsylvania; and in this view will complain, in an especial manner, of those delegations which shall concur in any vote for that purpose, to the several legislative bodies from whom they respectively derive their powers.

"And you are further instructed to enter a protest, in behalf of this State, that we will pay no part of the sum which Congress shall award, out of the Treasury of the United States, in consequence of the decree of the court of appeals.

"We also instruct you to inform Congress that the manifest right of the citizens of this State to the benefit of its laws has, some time since, obtained from the authority thereof, an order for the distribution of the three-fourths, given by the verdict of the jury in this case, to the captains and crews of the brigantine Convention and her consort.

"The House views with astonishment the perseverance and decision of Congress, in rolling upon this State an embarrassment created by the court of appeals.

"Congress recommended a trial by jury to be introduced into the court of admiralty. The Assembly of Pennsylvania adopted the measure. A jury, in the case of the sloop Active, founded their verdict upon the facts. It is the proper business, and the strict right of juries to establish facts; yet the court of appeals took upon them to violate this essential part of jury trial, and to reduce, in effect, this mode of jurisprudence to the course of the civil law; *a proceeding to which the State of Pennsylvania cannot yield.*

"If the mode of trial by jury, (in cases of captures,) as recommended by Congress, is found inconvenient to the circumstances of the United States, as being a mode unknown to most of the civilized States in Europe, this House is desirous of conforming to the customary practice.

"The House finally remind you of the laws, which, they understand, have been passed in some of the States of the Union, denying all appeal in law, as well as fact, to the court of appeals established by Congress for prize causes, except the claimants be foreigners, or captors in the pay of Congress; by the operation of one of which laws, Mr. Hugh McCulloch, a citizen of Pennsylvania, was debarred from removing the case of a ship and cargo condemned in New England, into the said court of appeals, *and that little notice appears to be taken of these laws*, whilst Pennsylvania, conforming to the *recommendation* of Congress, concerning admiralty jurisdiction, in the most *legal* and *usual* construction of the *expression*, has not, in our opinion, been treated by that honorable body with sufficient respect and attention:"

Such, then, has been the decisive stand which Pennsylvania has uniformly made against the decree of the committee of appeals. Can we undertake to say, from a view of the case, that our predecessors, for thirty years, have been wrong? Yet the opinions of public men have been various. Chief Justice McKean, in the case of Ross and Rittenhouse, judicially declares "that the decree of the committee of appeals was contrary to the provisions of the act of Congress, and of the General Assembly, *extra judicial, erroneous, and void.*" Two of the judges, who sat in the same cause, although they do not expressly negative this opinion, appear not to concur in it. The Supreme Court of the United States, in the case of Pennhallow and Doane, unanimously affirm the authority of the court of appeals; and, upon the decision of this case, it would appear this contest has been revived, after it had slumbered for twenty-three years; and, as it would seem, even after Congress had abandoned the right.

But the Legislature cannot relinquish this part of the case without once more referring to the proceedings of Congress on this long litigated point.

Mr. Ellery, Mr. Hand, Mr. Spaight, Mr. Jefferson, and Mr. Lee, a committee of Congress, to whom was referred the proceedings and sentence of the court of appeals, in cases of capture, on the case of the ship Susanna, reported; and, after stating that the resolution of the 25th of November, 1775, had been complied with by the several States, some of them *ceding* appeals to Congress on a larger, and some on a more contracted scale; that the court of appeals had reversed the sentence passed by the inferior and superior courts of New Hampshire, in the case of the ship Susanna; that all these proceedings *were prior* to the completion of the confederation, which took place on the 1st day of March, 1781. They *resolved*, That the said capture having been made by citizens of New Hampshire, carried in, and submitted to the jurisdiction of that State, *before the completion of the confederation*, while appeals to Congress were absolutely refused by their Legislature, neither Congress, nor any persons deriving authority from them, had jurisdiction in the said case." On the 30th of March, 1784, the report was taken up, and on the question of agreement, on the yeas and nays, six States voted for the resolution, two States, and Mr. Read from South Carolina, voted against it, and two States were divided; and, in numbers, the yeas were 15, the nays 9; but there not being a majority of States in the affirmative, the question was lost. It may not be unworthy of remark, that, on the above resolution, Mr. Jefferson voted in the affirmative; as also did Mr. Ellery, who was one of the court of appeals, which reversed the decree of the Pennsylvania court of admiralty; and as Pennsylvania allowed an appeal only on a contracted scale that could no more be exceeded than it could in the case of the New Hampshire, who allowed no appeal at all.

There is no reason, therefore, for departing from the principles and opinions of our predecessors, unequivocally declared in their public votes and laws, respecting the case of the sloop Active, without a single exception from the first moment of the contest.

The second part of the case exhibits facts and circumstances of the deepest interest and concern to Pennsylvania. An attempt has been made by the district court, deriving its authority from the constitution of the United States, to enforce the decree of the Committee of Appeals; the jurisdiction of which, to reverse the facts established by a jury, Pennsylvania had so long resisted; and which even Congress, under the confederation, had so long abandoned; not only to enforce it, but to enforce it *ex parte;* without power to examine the merits or to control its errors; without notice to the State, or consulting its interests; not only thus to enforce it, but to convert the treasurer and agent of the State, acting under its immediate authority, into a *stake holder,* as a mean to reach the funds of the State, and to affect its rights.

If this can be done, the amendment to the constitution would be a dead letter. The State can act under its laws only by its agents. Its moneys remain in the hands of its treasurers. If its officers can be converted, by the decree of a judge, into *stake holders*, there can, perhaps, be no possible case in which the constitution may not be evaded.

It sufficiently appeared, in answer to the libel, that Mr. Rittenhouse received the money as treasurer of the State, for *the use of the State.* It appeared decisively on the public records of the commonwealth. But it is alleged, "that the amendment to the constitution simply provides that no suit shall be commenced or prosecuted against the State. That in this case the suit was not instituted against the State or its treasurer, *but against the executors of David Rittenhouse.* That if the proceeds had been the actual property of Pennsylvania, however *wrongfully* acquired, the disclosure of that fact would have presented a case on which it is unnecessary to give an opinion.

Such is the language of the Supreme Court of the United States. If the process and jurisdiction of the admiralty court will reach and extend over the proceeds of prizes found within the district; and individuals, no party to the original decree, can be libelled against, is all investigation to be foreclosed? or, if it be not in the nature of an original suit, but merely a proceeding to *enforce a decree* of a former court, in which Captain Josiah and Captain Houston were parties, why are Captain Josiah and the representatives of Captain Houston unheard in this strange proceeding?

It is further alleged, and is made a ground of decision by the federal courts, "that the property which represented the Active and her cargo was in possession, not of the State of Pennsylvania, but of David Rittenhouse as an *individual*, after whose death it passed, like other property, to his representatives."

It is, however, clear that David Rittenhouse could not have received a farthing of the money, as David Rittenhouse, but *as treasurer of the State only*, and by order of the State. Although David Rittenhouse gave a bond to indemnify George Ross, yet that instant the State became bound to indemnify David Rittenhouse, and the real party then interested was the commonwealth of Pennsylvania. A treasurer or other officer, retaining the public moneys upon any pretence whatever, cannot, upon any principle, change the nature of the question.

Notwithstanding, by the highest judicial authority the question is declared to be at rest. " That, by the decree of reversal, the interest of the State of Pennsylvania in the Active and her cargo was extinguished; that, although Mr. Rittenhouse was treasurer of the State of Pennsylvania, and the bond of indemnity which he executed states the money to have been paid to him for the use of the State, it is apparent he held in his own right until he should be completely indemnified by the State, and that the evidence to this point was *conclusive;* that it did not appear that the original certificates were deposited in the State treasury, or in any manner designated as the property of the State, or delivered over to his successor; and, when funded, were funded in his own name, and the interest drawn by him. That the *memorandum* made by him, at the foot of the list of certificates, in these words, " The above certificates will be the property of the State of Pennsylvania when the State releases me from the bond I gave in 1778 to indemnify George Ross, Esq., judge of the admiralty, for paying the fifty original certificates into the treasury, as the State's share of the prize," demonstrates that he held the certificates as security against the bond he had executed, and that bond was obligatory not on the State of Pennsylvania, but of David Rittenhouse, in his private capacity.

This statement by the court, as part of the broad ground on which they decided, may be plausible, may give color to the decision, yet it by no means appears that he receives it as a *stake holder*, or upon a contingency, but for the use of the State, as its share of the prize. And even upon his own *memorandum*, so much relied on, it is stated that the certificates were paid into the treasury as the State's share of the prize; and, as the State was bound to indemnify him when he acted under its orders, the State would have of course been the real party interested in any suit which might have been commenced upon it. It would seem that the court was not possessed of the whole state of the case, as will appear from the authority under which the treasurer acted; which proves explicitly how and in what character he acted. In the minutes of the supreme executive council is the following resolution:

" PHILADELPHIA, *April* 21, 1779.

" *Resolved*, That David Rittenhouse, the treasurer, be directed to find sufficient security to be approved of by the judge of the admiralty for the share adjudged to the State of the prize sloop Active, taken by the brigantine Convention and Gerard privateer; and take up the money, which will exceed eleven thousand pounds, for the use of the State, one-half of the sum allotted to the Convention coming to the State."

It here incontrovertibly appears that he did not receive the money as a private individual, but for the use of the State, by the orders of the Executive authority, and the bond which he executed was executed by him by the like authority, as agent and security for the State. Having thus received the money, previously the property of the State, by the decree of the admiralty court, as treasurer, no detention of it when he went out of office ought in reason or principle to be considered as changing the nature of the original transaction. The Legislature, at their session, November 23d following, passed a resolution similar to that of the Executive Council; and the act of February 26, 1801, still further corroborates all the former proceedings of the State.

The Legislature are also of opinion that, as the brigantine Convention was the property of the State, as soon as judgment was pronounced upon the verdict of the jury, its interest attached upon its proportion of the prize, and as soon as it was received by the State treasurer, it was so much belonging to the State actually in the treasury.

When it is said that the State of Pennsylvania forbore to assert its title while the suit was depending, let it be forever remembered that the State of Pennsylvania had no notice. And if notice had been given, to what purpose could she have asserted her title, when by the high authority of the court it is declared that the court had nothing to do with the question decided by the court of appeals, which must be enforced without an examination of its merits.

Although the Legislature reverence the constitution of the United States and its lawful authorities, yet there is a respect due to the solemn and public acts, and to the honor and dignity of our own State, and the unvarying assertion of her right for a period of thirty years, which right ought not to be relinquished; therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, &c., That as a member of the Federal Union, the Legislature of Pennsylvania acknowledges the supremacy, and will cheerfully submit to the authority of the General Government as far as that authority is delegated by the constitution of the United States. But whilst they yield to this authority, when exercised within constitutional limits, they trust they will not be considered as acting hostile to the General Government, when, as the *guardians of the State rights*, they cannot permit an infringement of those rights by an unconstitutional exercise of power in the United States' courts.

Resolved, That, in a Government like that of the United States, where there are powers granted to the General Government, and rights reserved to the States, it is impossible, from the imperfection of language, so to define the limits of each, that difficulties should not sometimes arise from a collision of powers; and it is to be lamented, that no provision is made in the constitution for determining disputes between the General and State Governments by an impartial tribunal, when such cases occur.

Resolved, That, from the construction the United States' courts give to their powers, the harmony of the States, if they resist encroachments on their rights, will frequently be interrupted; and, if to prevent this evil, they should, on all occasions, yield to stretches of power, the reserved rights of the States will depend on the arbitrary power of the courts.

Resolved, That should the independence of the States, as secured by the constitution, be destroyed, the liberties of the people in so extensive a country cannot long survive. To suffer the United States' courts to decide on *States rights* will, from a bias *in favor of power*, necessarily destroy the *federal part* of our Government, and whenever the Government of the United States becomes consolidated, we may learn from the history of nations what will be the event.

To prevent the balance between the General and State Governments from being destroyed, and the harmony of the States from being interrupted,

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure amendment to the constitution of the United States, that an impartial tribunal may be established to determine disputes between the General and State Governments; and that they be further instructed to use their endeavors, that in the meanwhile such arrangements may be made between the Governments of the Union and of this State as will put an end to existing difficulties.

Resolved, That the Governor be requested to transmit a copy of these resolutions, together with the foregoing statement, to the Executive of the United States, to be laid before Congress at their next session. And that he

be authorized and directed to correspond with the President on the subject in controversy, and to agree to such arrangements as may be in the power of the Executive to make, or that Congress may make, either by the appointment of commissioners or otherwise, for settling the difficulties between the two Governments.

Resolved, That the Governor be also requested to transmit a copy to the Executive of the several States in the Union, with a request that they may be laid before their respective Legislatures.

JAMES ENGLE,
Speaker of the House of Representatives.
P. C. LANE,
Speaker of the Senate.

Approved, April 3, 1809.

SIMON SNYDER,
Governor of the Commonwealth of Pennsylvania.

[NOTE.—See No. 268.]

11th CONGRESS.] No. 266. [1st SESSION.

CONTESTED ELECTION OF WILLIAM BAYLIES, A REPRESENTATIVE FROM MASSACHUSETTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 21, 1809.

Mr. FINDLEY, from the Committee of Elections, to whom were recommitted the petitions of Charles Turner, Jun., and certain inhabitants of Plymouth district, in the State of Massachusetts, praying that William Baylies may not be considered as entitled to a seat in this House, and that Charles Turner may be considered as entitled to a seat, as a member of this House, made the following report:

That they have, according to order, examined the petitions and documents which accompany them. The petitions, signed by 1,231 inhabitants of the district, state, that at an election held on the first Monday of November, 1808, for choosing a member of Congress for the district of Plymouth, in the State of Massachusetts, agreeable to the law of that State, directing the time, place, and manner of electing members of Congress, the whole number of votes returned were 3,719, of which, agreeable to the laws of that State, 1,860 were necessary to make a choice. Of these, there were returned for Charles Turner, Jun. Esq., 1,443 votes; and for Charles Turner, Esq., 430 votes, amounting, if for the same person, to 1,873, which being a majority of the whole number of votes, decided the election in favor of Mr. Turner.

The petitioners assert that Charles Turner, of Scituate, in whose behalf they claim the seat, is the same person for whom the votes were given, with the addition of Esquire and of Junior Esquire; and, in proof of this, they assert that the laws of Massachusetts direct that the candidates voted for must be inhabitants of the district for which they may be elected; and that there was no other person by the name of Charles Turner, constitutionally qualified to be a candidate for a seat in Congress, inhabiting that district, at the time of the election, but the same Charles Turner, for whom the petitioners claim the seat in Congress; that Charles Turner, of Scituate, had for a long time been known throughout said district by the several descriptions of Colonel Charles Turner, Charles Turner, Esq., and Charles Turner, Jun. Esq.; that there was not in said district any other Charles Turner entitled to the addition of esquire; and that, for many years, there had not been any Charles Turner in said district older than Charles Turner, of Scituate, although he had continued to add junior to his signature, since the removal of his father into the district of Maine, several years ago.

In support of these facts, stated by the petitioners, Charles Turner, who claims a seat in this House, produced a law of Massachusetts, passed June 27, 1794, and another law passed March 10, 1802, prescribing the time, place, and manner of electing Representatives to Congress. In both of which laws it is enacted and required, that the persons voted for should be inhabitants of the district, and no instance of any practice contrary to these laws has been produced to the committee. He also produced one of the precepts issued by Lieutenant Governor Lincoln, for calling the meeting in Plymouth district, on the 19th day of January last, in which precept the Lieutenant Governor had inserted the words of the law; also, an attested copy of the schedule of the votes returned by the selectmen of the several towns in Plymouth district in November last; by which it appears that the statement made by the petitioners as to the number of votes, and in what manner they were returned, is correct.

And in support of the preceding statements and allegations, he produced the deposition of Augustus Clapp, who testifies that he has kept the post office in Scituate for six years last past, and that he had examined more than seventy letters received at that office, which, as appeared by the post mark, came from various towns, in and out of the district of Plymouth, having all the various directions of Colonel Charles Turner, Jun. Esq., Colonel Charles Turner, Esq., Colonel Charles Turner, Charles Turner, Jun. Esq., Charles Turner, Esq., and Mr. Charles Turner; that he had sent or delivered them to Colonel Turner, of Scituate, not doubting they were intended for him; that he had examined three letters from the Hon. Ephraim Spooner, one of the council, directed to Charles Turner, Jun. Esq., and Charles Turner, Esq.

The deposition of Nahum Mitchell, who testifies that he has been acquainted with Charles Turner, Esq., of Scituate, about twenty years; also knows his father, the honorable Charles Turner, who more than twelve years ago removed into the district of Maine; he has known his son add junior to his signature, but never supposed it strictly or legally necessary; that he has, in his own correspondence with him, omitted the junior.

The deposition of Noah Fearing, who testifies that he considered Colonel Charles Turner and Charles Turner, Esq., as applying to the same person, and that he has known Colonel Charles Turner to add junior to his name.

The depositions of Benjamin White, Samuel Williamson, Zacheus Rogers, third, Constant F. Oakman, and Prince Rogers, all of Marshfield, who testify that they put in votes or ballots written Charles Turner, Esq., meaning to vote for Colonel Charles Turner of Scituate.

The depositions of Chandler Sampson and Joseph Clift, Jun. Esq., selectmen of Marshfield, who testify that they consider the votes given in Marshfield for Charles Turner, Esq., and for Charles Turner, Jun. Esq., as de-

signed for the same person, viz: for Charles Turner of Scituate, and should have returned them all in one column, but for some objections made in the meeting.

The depositions of Seth Sprague and Phineas Sprague, of Duxbury, who testify that they wrote and distributed votes for Charles Turner, Jun. Esq., and each put in one of said votes. P. Sprague says he meant said votes for Charles Turner, Esq. of Scituate; S. Sprague says, he saw the ballots when read by the selectmen, and knew several of them to be in his own hand-writing, for Charles Turner, Jun. Esq.

The deposition of William Loring, Jun. Esq., of said Duxbury, states that, previous to the meeting in November last, he wrote ballots for Charles Turner, by which he intended Colonel Charles Turner, of Scituate; that he put in one of said ballots in voting; that, previous to said meeting, he noticed that Charles Turner, Jun. Esq. was proposed in the newspapers as a candidate, but not knowing any older Charles Turner in the district, he supposed the junior to have been added through mistake, and that he heard nothing said at the time by the selectmen about the votes being given in differently.

The depositions of Ezekiel Saul and Reuben Delano, selectmen of Duxbury, state that, at the town meeting in November last, some votes were given in for Charles Turner, Jun. Esq., and some for Charles Turner, Esq., that when they made the return they omitted the junior, considering Charles Turner, Jun. Esq., and Charles Turner, Esq., meant the same person, to wit: Charles Turner, of Scituate: Ezekiel Saul adds that, at the time of receiving the votes, he asked whether any person meant to vote for any Charles Turner other than Charles Turner, of Scituate, and received no answer.

The depositions of Edwin Howard and Howard Carey, Esq., of Bridgewater, state that they knew votes to be put in for Charles Turner, Jun. Esq: Howard Carey says, he saw a number of votes distributed in the town meeting for Charles Turner, Jun. Esq. Edwin Howard testifies that he examined the ballots, some days after the meeting, and found some written Charles Turner, Jun. Esq., and some Charles Turner, Esq.

The deposition of Abel Kingman, one of the selectmen of Bridgewater, states that, at the town meeting on the first Monday of November last, some votes were given in for Charles Turner, Esq., and some for Charles Turner, Jun. Esq., and some for Colonel Charles Turner; that he signed the return, in which the junior was omitted, because he considered there was no other Charles Turner in the district than Charles Turner, of Scituate; and that Charles Turner Esq., and Charles Turner, Jun. Esq., must mean the same person.

The depositions of Solomon Hayward and John Willis, selectmen, and Eliakim Howard, town clerk of Bridgewater, state, that they did not notice whether ballots given in for Charles Turner had junior on them or not; but that they knew of only one Charles Turner in the district, eligible as a representative. S. Hayward adds, that he heard no consultation nor conversation that excited attention, respecting the votes given in for Charles Turner.

Seventeen of the aforesaid deponents testify that they had no knowledge of any Charles Turner in Plymouth district eligible as a Representative to Congress, other than Charles Turner, of Scituate; fifteen of them testify that they had no knowledge of any Charles Turner, not an inhabitant of the district, having been proposed as a candidate; and fifteen of them testify that they had no knowledge of any Charles Turner in the district, entitled to the addition of esquire other than Charles Turner, of Scituate.

It appears that the testimony is certified to have been given before Nathan Willis, Esq., who appears, by the certificate of the Governor, and of the Secretary of the Commonwealth of Massachusetts, to be a justice of the peace, and an associate justice of the court of sessions, within and for the county of Plymouth, in the said State. It also appears that the said Willis, at the request of said Turner, issued citations, dated March 25 last, to William Baylies, Esq., the sitting member, requiring him to be present, if he saw cause, by himself, or his agent, duly authorized, when and where the testimony of the witnesses was to be taken respecting the election, which the claiming candidate proposed to contest. In which citations, the names of the persons to be examined, and the times and places where the examinations were to take place, were inserted, allowing a competent length of time to be prepared.

The committee admitted the testimony above recited to have been correctly taken, notwithstanding the sitting member declined being present himself, or by his agent, he having been duly notified.

The aforesaid depositions are accompanied with official certificates of the decisions of the Senate of Massachusetts, in two cases, supposed by the claiming candidate to be similar to his case, and made under similar constitutional provisions. The sitting member also laid before the committee a certified return of the election held on the first Monday of November last, agreeing with the certificate accompanying the petitions; and likewise a certificate or schedule of the votes returned on the 19th day of January last, in which schedule it appears that the sitting member had 2,168 votes, (being a majority of the whole number,) and the claiming candidate had 1,812 votes. He also exhibited the credentials of William Baylies, having been appointed and sworn into office, as justice of the peace for the county of Plymouth, and of his having been admitted an attorney by the supreme judicial court; in neither of which is junior added to his name. These are accompanied with a certified statement of the votes given in the second middle district of Massachusetts in the year 1794, which he suggests to be similar to the case now before the committee.

The committee gave deliberate attention to the allegations and arguments of both parties, and received from the sitting member, in writing, his reasons for requesting the decision to be postponed till the next session of Congress, contained in the papers marked A, which accompany this report. And they also received from the claiming candidate his observations on the reasons offered by the sitting member, contained in the papers marked B, which also accompany this report; and the sitting member also protested against the committees going into the investigation of the evidence adduced by the petitioner.

Having diligently attended to the allegations and arguments of both parties, and carefully examined the testimony produced, on mature deliberation, the committee submit the following resolutions to the decision of the House:

Resolved, That the election held in Plymouth district in November last, was legal and proper.

Resolved, That William Baylies is not entitled to a seat in this House.

Resolved, That Charles Turner, Jun. is entitled to a seat in this House.

No. 1.

In the case of CHARLES TURNER, Jun. and others, petitioners,
vs.
WILLIAM BAYLIES.

The said William Baylies did, before the Committee of Elections proceeded to take into their consideration the subject matter of said petitions, object to the admission in evidence of the depositions produced by said Turner in support of the allegations in said petitions, for the following reasons:

1st. The said depositions were taken without any authority of law, there being no act of the United States or of the Commonwealth of Massachusetts in force or existence on the subject.

2d. The said depositions were, for the most part, reduced to writing, and all of them certified by Nathan Willis, Esq., who is also, as appears by the documents in said case, a petitioner against the said Baylies, and, therefore, interested to prove by said depositions the allegations in his petition.

WM. BAYLIES.

No. 2.

In the case of CHARLES TURNER, Jun. and others, petitioners,
vs.
WILLIAM BAYLIES.

The said William Baylies did, previous to the Committee of Elections proceeding to take into consideration the subject matter of said petitions, state to said committee, in substance, as follows:

1st. That he believed he could prove, to the satisfaction of the committee and of the House, that the Governor and Council of said commonwealth, in their decision that no choice had been made by the electors of said Plymouth district, on the first Monday of November last past, and in directing the electors of said district again to be convened on the 19th of January last past; in their decision that said Baylies was duly elected on the said 19th day of January; and in all their proceedings in reference to said election, did act correctly, in strict conformity with precedent and usage.

2d. And the said Baylies further stated, that he could prove, as he had reason to believe, that several of the ballots given on the first Monday of November last past, for Charles Turner, or Charles Turner, Esq., were returned by the selectmen for Charles Turner, Jun., Esq.; and, though he protested against going behind the said returns, without some suggestion of fraud or corruption, for the purpose of explaining or contradicting them by parol testimony, yet, in case the said committee, or the House, should think proper to indulge the petitioner in this species of evidence, the same permission would undoubtedly be extended to the said Baylies.

3d. And the said Baylies further stated, that he believed he could prove, as far as such facts were susceptible of proof, that there was a perfect acquiescence on the part of the electors of said district of the petitioner (who, as said Baylies had understood, was actively engaged in endeavoring to promote and secure his own election, on the said 19th of January) in the decision of the Governor and Council that no choice had been made by the said electors on the first Monday of November; and that no elector withheld his vote on the said 19th of January, from a belief that a choice had been made on the said first Monday of November, or with an intention to avail himself of any supposed or pretended choice on that day, or to claim any.

4th. The said Baylies stated also his wish to lay before the committee copies of the records or journals of the Legislature of Massachusetts, in some cases of contested elections, which might be of importance, if the committee or the House should think proper to inquire into the practice of that State in regard to elections.

For the purpose of obtaining this evidence, (and the causes which prevented him from obtaining it were explained to the committee,) and evidence of other facts which might exist material to the decision of the case, but with which he had not an opportunity to acquaint himself, or not sufficiently acquaint himself to justify him in making a formal specification of them, and pledging his belief that he could prove them. The said Baylies prayed that the further consideration of the subject of Plymouth election be referred to the next session of Congress, or postponed to some future day; and, as a further reason for postponement, he stated that he had not possessed himself of any evidence that might be derived from the testimony of witnesses, as he conceived no law existed by the authority of which he could compel their attendance, or regularly take their depositions; and that it was his intention to apply to the House or to the committee for directions or instructions for that purpose.

WM. BAYLIES.

No. 3.

JUNE 20, 1809.

I would at this time call the attention of the committee to the following statement of what I have reason to believe are facts, but with some of the most material of which I was unacquainted when before the committee on Saturday. The statement is made on information derived from gentlemen of the most unquestionable veracity.

Charles Turner, Esq., the father of the petitioner, was formerly a settled minister in the town of Duxbury, in the district of Plymouth, and well known in that district as a preacher. After the ministerial relation between him and the people of Duxbury was dissolved, he still continued a preacher, and preached occasionally in different parts of the State of Massachusetts, and often in the district of Plymouth. After his removal to Scituate, in said district, he was appointed to several important public offices. He was a member of the convention of Massachusetts which adopted the constitution, and was also repeatedly elected by the district of Plymouth a Senator in the Massachusetts Legislature. In the year 1804, he was on the general ticket for electors of President and Vice-President; that, although he removed into the district of Maine, in said State, several years ago, where he owns real estate, on which he resides when in that part of the country, yet he still owns a valuable farm in Scituate, in the district of Plymouth, where he has frequently been since said removal, and sometimes resided a considerable portion of the year; and that, for this reason, the petitioner has uniformly, in writing his name, retained the *Junior*.

That Charles Turner, Esq., the father, is more generally and extensively known in the district of Plymouth than the petitioner, who lives in an extreme part of it, and for whom the people at large in said district have not been accustomed to vote.

From these facts it may be inferred, and not unfairly, that many of the electors (at least a sufficient number to destroy the pretended choice on the first Monday of November) who voted for Charles Turner, Esq. intended the father of the petitioner.

This statement must offer to the committee additional and conclusive reasons in favor of granting that postponement of the further consideration of the subject which I have requested; for, although I consider the course pursued by the petitioner to ascertain the intentions of the electors as liable to great and well-founded objections, yet, as it has in some measure been sanctioned by the committee, justice requires that I should have a reasonable time for the purpose of ascertaining whether any evidence of that sort exists, of which I can avail myself.

WM. BAYLIES.

To the COMMITTEE OF ELECTIONS.

No. 4.

In the case of CHARLES TURNER, Jun. and others, petitioners,
vs.
WILLIAM BAYLIES, Esq.

The petitioner, in answer to the objections stated by Mr. Baylies to the admission in evidence of the depositions produced by the said Turner, in support of the allegations in said petitions, agrees that no law of the United States

now exists prescribing the mode of taking depositions in contested elections; and no law of the State of Massachusetts ever did exist for that express purpose. In the fifth Congress a law was passed prescribing the mode of taking depositions in cases of contested elections, which was temporary, and has expired; since the expiration of which law, the Committee of Elections, as the petitioner understands, have received evidence, taken conformably to the general laws of the States for taking depositions in ordinary cases, provided the evidence was taken by such a magistrate as was named in the law of the United States; proper notice was given to the adverse party, and affidavits of said notice; and, in other respects, in conformity to the laws of the States in which it was taken. The petitioner, therefore, submits to the consideration of the committee, whether the evidence by him taken does not come within the rules of the committee as admissible in this case.

In answer to the second reason stated by Mr. Baylies why the depositions should not be admitted, the petitioner agrees that Nathan Willis, Esq. reduced to writing the greater part of the depositions, and certified the whole of them. It appears, also, that a Nathan Willis has signed one of the printed petitions; whether it is the same man, or not, is to the petitioner unknown; but, if it be admitted to be the same man, the petitioner contends that his signing a petition, stating general principles, and containing statements of facts well known and established throughout the district, even if it should conclude with a prayer that Mr. Baylies should be declared not entitled to his seat, and that the petitioner should be declared regularly elected, and entitled to a seat, does not render him an improper person, as a magistrate, to reduce to writing the testimony of independent electors; for, if it was required to obtain a magistrate who was, on all accounts, perfectly indifferent to the success of one or the other of the candidates, such a one could not be found in Massachusetts. The petitioner, therefore, submits it to the decision of the committee whether the depositions reduced to writing by Nathan Willis, Esq. shall be considered inadmissible, because a Nathan Willis has signed the petition referred to in Mr. Baylies's second reason, even if it were certain that he was the same person.

CHARLES TURNER, Jun.

No. 5.

In the case of CHARLES TURNER, Jun. and others, petitioners,
vs.
WILLIAM BAYLIES, Esq.

In answer to reasons No. 2. offered by Mr. Baylies, for a postponement of the consideration of the subject until next session of Congress, the petitioner states,

1st. That he has not, in his petition, or any other document, directly or indirectly alleged, that the Governor and Council of Massachusetts have acted incorrectly, or contrary to precedent and usage, in any part of their proceedings relative to the attempts to elect a Representative in Plymouth district for the eleventh Congress; on the contrary, he conceives they considered themselves not the judges, but only the certifiers of the election or non-election, conformably to the returns of votes made to them by the selectmen of the several towns, (if properly made, and in reason,) and that the House of Representatives of the United States being, by the constitution, made the judges, were the proper and only tribunal having authority to look into all parts of the proceedings, and determine, ultimately, who was, or was not, elected. That they, in deciding on the votes returned to them in November last, acted in perfect conformity to the precedent and usage, as respects the election of Senators in Massachusetts, under constitutional provisions exactly similar to those in the constitution of the United States, and in cases bearing a very strong analogy to the present.

2d. The petitioner conceives it to be very probable that evidence may be obtained that ballots were given in in November last, written Charles Turner, or Charles Turner, Esq., and returned by the selectmen for Charles Turner, Jun. Esq.; and for the same reason that ballots given in for Charles Turner Jun. Esq., were returned for Charles Turner, Esq., without the Jun., because the selectmen conceived them designed for one and the same person, there being but one Charles Turner in the district eligible; and the laws of the State, ever since the first census was taken, requiring the electors to give their votes for a person who was an inhabitant of the district in which the electors resided; and the petitioner having, for several years, been known and addressed by the name of Charles Turner, with the various additions of Col., Mr., Jun., and Esq., and that promiscuously by the same persons.

If Mr. Baylies's protest against going behind the returns, except where fraud is suggested, is to prevail, then no unintentional errors can be corrected; the House of Representatives are deprived of their constitutional right of judging of the election of their own members, and the Governor and Council of Massachusetts, as in this instance, and others in Massachusetts under similar constitutional provisions, not undertaking to inquire behind the returns, because not made by the judges, no supposable error can ever be rectified.

In answer to Mr. Baylies's third reason for a postponement, the petitioner states, that the Governor and Council having examined the returns of votes given in in November, and not feeling themselves authorized to go behind the selectmen's returns, because not made the judges of the election, and having decided there was no choice, it was incumbent on the Governor to issue new writs of election, in conformity to the laws of that State, which he did.

As soon as it was known what was the state of the votes returned in November, the petitioner was urged by his friends to claim a seat in the House of Representatives if, on the second trial he should not be declared elected; previous to the meetings in January, a printed statement of the result of the votes in Plymouth district, and the decision of the Council thereon, was circulated in said district, in which it was alleged that the petitioner was duly elected in November, and ought to have been so declared, and calling on the electors to appear at the polls, and decide the question; a few of those printed statements fell into the hands of the petitioner. The result of the meeting in January was, Mr. Baylies was declared elected, and on or about the tenth of March following the petitioner was informed he had a certificate of his election. It is impossible Mr. Baylies should prove that no elector withheld his vote on the 19th of January, from a belief that a choice was made in November, because it is not a fact.

In answer to Mr. Baylies's fourth reason for a postponement, wishing to lay before the committee copies of the records or journals of the Legislature of Massachusetts, in some cases of contested elections, the petitioner states that there are no cases of contested elections, in which the Legislature of Massachusetts, as a Legislature, have any power of deciding, that are analogous to the present case. In gubernatorial elections, the two Houses of the Legislature are, by the constitution of that State, directed to *examine* the votes, with no express power of judging of them, yet they, or nobody, must judge of them, for no other tribunal can; and they have expressly decided that the constitution of that State will not justify their going behind the returns; the only case in Massachusetts, resting on principles similar to this, is in the choice of Senators, where the Governor and Council examine the votes, and the Senate are, by the constitution, made the final judges of the elections, &c.; the copies of decisions of the Senate of that State, among the papers, are not produced as precedents to govern the committee, but to show the

practice of that Senate, under constitutional provisions exactly corresponding with constitutional provisions under which the House of Representatives of the United States act in judging of elections; and so far as they are founded on correct principles, the committee will, undoubtedly, give them their due weight.

With these answers to the reasons offered by Mr. Baylies, for a postponement to the next session of Congress, the petitioner requests the committee to consider that it was about the 10th of March that he was first made acquainted that Mr. Baylies had obtained a certificate of his election, previous to which it was not in the petitioner's power to give him notice that his election would be contested. If, on the second trial the petitioner had been declared elected, or it had been decided that there was again no choice, the petitioner would have had no person to contend with; but he must have waited, in case of no choice, for the electors to decide, upon a third or fourth trial, as the case might have been; or, in case of an intervening session of Congress, have claimed a seat in consequence of the votes given in November, having no particular person, claim, or candidate to contend with or notify. It will also be noticed that Mr. Baylies was notified on the 8th day of April, of the times and places proposed for taking depositions, also of what the petitioner should attempt to prove; that that notice gave him more than six times the time prescribed by the laws of Massachusetts, and was given him more than thirty days before it was necessary for him to leave home to attend the present session of Congress; during all which time, Mr. Baylies has not made it appear that there were any witnesses whose testimony he could not obtain, and which, if obtained, would be material to a correct decision; nor has he stated a single point which, if proved, would, in the opinion of the petitioner, balance the evidence now before the committee.

The petitioner, therefore, prays the opinion of the committee, that he may now go into the consideration of the merits of the case upon the evidence now before them.

CHARLES TURNER, Jun.

[NOTE.—See Report No. 264.]

11th CONGRESS.] No. 267. [2d SESSION.

APPLICATION OF A COMMITTEE OF THE BAPTIST CHURCH AT SALEM, MISSISSIPPI, FOR THE LAND ON WHICH THE CHURCH STANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 6, 1808.

The Honorable the Congress of the United States: JANUARY 7, 1809.

Your petitioners, a committee appointed by the Baptist Church at Salem meeting-house, Mississippi Territory, respectfully showeth:

That about ten years ago, the society to which your petitioners belong, built a meeting-house on land belonging to the United States, it being a situation more eligible and convenient than any other in the neighborhood; and presuming that no difficulty would arise in procuring a title to the land, have since built again, on the same place, a house which cost about $800; but, finding no provision made by any law of Congress heretofore passed relative to this Territory, by which the land aforesaid could be secured, except by purchase at public sale, which might subject us to pay, not only the value of the land, but a considerable part of the value of the house, should any speculator appear who would be disposed to take such an advantage; and, also, a larger quantity of land may be annexed, and offered for sale together, than we would wish to purchase, it being a poor pine hill, and part of it very broken, running in a small point between two tracts of land held by Spanish patents.

We, therefore, pray your honorable body to take our case into consideration, and pass a law to secure us in so much land, and on such terms as you in your wisdom may think proper, and your petitioners, as in duty bound, shall ever pray.

WM. SNODGRASS.

11th CONGRESS.] No. 268. [2d SESSION.

FURTHER PROCEEDINGS OF PENNSYLVANIA IN RELATION TO THE DECISION OF THE SUPREME COURT, IN THE CASE OF GIDEON OLMSTEAD.

COMMUNICATED TO THE SENATE, DECMBER 19, 1809.

To the Senate of the United States: DECEMBER 16, 1809.

Agreeably to the request in the resolution of the 15th instant, I transmit a copy of the correspondence with the Governor of Pennsylvania, in the case of Gideon Olmstead.

JAMES MADISON.

SIR: LANCASTER, *April* 6, 1809.

In discharge of a legislative injunction, I transmit you the proceedings of the General Assembly, on the long litigated cause of Gideon Olmstead and others *versus* Elizabeth Sergeant and Esther Waters, executrixes of

David Rittenhouse, deceased, late Treasurer of Pennsylvania. Believing it will tend to a more perfect understanding of the subject, I take the liberty to add a copy of an act of the General Assembly relative thereto, passed the 4th instant, and also beg leave to refer you to two other acts, the one passed February 1st, 1801, and the other April 2d, 1803.

While I deeply deplore the circumstance which has led to this correspondence, I am consoled with the pleasing idea, that the Chief Magistracy of the Union is confided to a man who merits, and who possesses so great a portion of the esteem and the confidence of a vast majority of the citizens of the United States; who is so intimately acquainted with the principles of the federal constitution, and who is no less disposed to protect the sovereignty and independence of the several States, as guarantied to them, than to defend the rights and legitimate powers of the General Government; who will justly discriminate between opposition to the constitution and laws of the United States, and that of resisting the decree of a judge, founded, as it is conceived, in a usurpation of power and jurisdiction not delegated to him by either; and who is equally solicitous with myself, to preserve the Union of the States, and to adjust the present unhappy collision of the two Governments in such a manner as will be equally honorable to them both.

Permit me to add in addition to the act I have done as the Chief Magistrate of the State of Pennsylvania, to assure you, sir, as an individual, of my full confidence in the wisdom, justice, and integrity of the present administration of the General Government, and my fixed determination, in my public, as well as in my private capacity, to support it in all constitutional measures it may adopt.

With the highest consideration, I am, sir, your obedient servant,

SIMON SNYDER.

To His Excellency the PRESIDENT OF THE UNITED STATES.

AN ACT relative to certain proceedings in the case of the prize sloop Active.

Whereas, by an act of the General Assembly of this Commonwealth, passed the 2d day of April, in the year of our Lord 1803, entitled "An act relating to the claim of this Commonwealth against Elizabeth Sergeant and Esther Waters, surviving executrixes of David Rittenhouse, Esq., deceased," the right of this Commonwealth was asserted to certain moneys which the said executrixes of David Rittenhouse, heretofore Treasurer of the Commonwealth of Pennsylvania, admitted to have been received by them in the manner in the same act particularly set forth, as part of the proceeds of a certain prize called the "Active," captured during the revolutionary war, and provision was made among other things, that if, in pursuance of the requisition of the said act, (the decree of the district court of Pennsylvania, in the said act mentioned, to the contrary notwithstanding,) the said executrixes should pay the said moneys into the treasury of the Commonwealth without suit brought against them to compel such payment, they thould be indemnified for so doing. And whereas the Supreme Court of the United States have reviewed the proceedings of the said district court of Pennsylvania, and have adjudged that the decree thereof ought to be enforced, notwithstanding the claim of the Commonwealth, and the payment of the said moneys into the treasury thereof, as aforesaid: and whereas the good faith of this Commonwealth requires that the said engagement of indemnity should be effectually performed: and whereas sundry unforeseen difficulties may arise in protecting the just rights of the State, which ought to be provided for before the adjournment of the Legislature; and as the Legislature, by their resolutions during the present session, have enjoined certain duties on the Governor, touching the premises, and it is expedient to make such appropriations as shall meet every contingency; but, protesting that nothing in this act contained shall be deemed or taken as a dereliction of any right or principle heretofore asserted on behalf of the Commonwealth. And it is, moreover, the duty of the Legislature to protect all good citizens from losses or injury in their property or persons, by reason of their obedience to the laws and constituted authorities of the Commonwealth. Therefore,

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That a sum not exceeding $18,000 be, and the same is hereby, appropriated and made subject to the orders of the Governor on the State Treasurer, to enable the Governor to carry into effect all and every engagement of this Commonwealth, touching the premises, in such manner as may appear to him to be advisable, just, and proper, and to meet all contingent expenses which may arise in the execution of any authority or power given to or enjoined on him by the resolutions of this Legislature, passed April the 3d, 1809, or by the act of Assembly of April the 2d, 1803. And also to protect all and every person or persons in any way concerned in the protection of the just rights of the Commonwealth, in obedience to the injunctions of any law or authority derived therefrom.

JAMES INGLE,
Speaker of the House of Representatives.
P. C. LANE,
Speaker of the Senate.

Approved, the 4th day of April, 1809.

SIMON SNYDER.

SIR: WASHINGTON, *April* 13, 1809.

I have received your letter of the 6th instant, accompanied by certain acts of the Legislature of Pennsylvania, which will be laid before Congress according to the desire expressed.

Considering our respective relations to the subject of these communications, it would be unnecessary, if not improper, to enter into any examination of some of the questions connected with it. It is sufficient, in the actual posture of the case, to remark, that the Executive of the United States is not only unauthorized to prevent the execution of a decree sanctioned by the Supreme Court of the United States, but is expressly enjoined, by statute, to carry into effect any such decree where opposition may be made to it.

It is a propitious circumstance, therefore, that whilst no legal discretion lies with the Executive of the United States to decline steps which might lead to a very painful issue, a provision has been made by the legislative act transmitted by you, adequate to a removal of the existing difficulty, and I feel great pleasure in assuring myself that the authority which it gives, will be exercised in a spirit corresponding with the patriotic character of the State over which you preside.

Be pleased, sir, to accept assurances of my respectful consideration.

JAMES MADISON.

His Excellency Governor SNYDER.

[NOTE.—See report, No. 265.]

10th CONGRESS.] No. 269. [2d SESSION.

VIOLATION OF THE ACT PROHIBITING THE IMPORTATION OF SLAVES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 22, 1809.

To the honorable the Congress of the United States: The petition of Harry Caldwell, of the town of Jersey, in the State of New Jersey, and Amasa Jackson, of the city of New York, merchants, trading under the firm of Harry Caldwell & Co. respectfully showeth:

That your petitioners are the owners of a brig or vessel called the Joseph Ricketson, now at the port of New Orleans; that the said vessel, after performing a voyage to Jamaica, proceeded from thence, on or about the 25th day of July last, for New Orleans; that while at Kingston, in Jamaica, she took on board, as your petitioners are informed and believe, three persons, called Madam Chazel, Madam Burreau, and Mr. Duvalles, with certain slaves or domestics belonging to them, and mentioned in the papers hereunto annexed, as passengers, bound for the port of New Orleans; that the said passengers and their said slaves or domestics were French subjects, who had been forcibly expelled from the island of Cuba by order of the Government thereof, and proceeded in said vessel for New Orleans, where they lately arrived; that Moses R. Smith, master of the said vessel, before his departure from Jamaica, not being well acquainted with the provisions of the law of the United States prohibiting the importation of slaves, and fearing that he might expose his vessel to some difficulty, applied to one of his consignees at Kingston for his opinion and advice, who conceived there could be no danger in taking the said passengers; but for the greater certainty, they also applied to Mr. Savage, the American consul residing there, who also advised that the said vessel could not thereby be exposed to any difficulty or danger, and added that he himself had a vessel up for New Orleans, and was desirous to take as many such passengsrs as he could; that, in consequence thereof, the said master did take and carry to New Orleans on board of the Joseph Ricketson the said passengers, with their said slaves or domestics, who are particularly mentioned in the document and papers hereunto annexed; that, in so doing, the master acted without the authority or knowledge of your petitioners, and, as your petitioners fully believe, without any intention to evade any of the provisions of any law of the United States, and was impelled thereto by the distressing situation of the said passengers, and the circumstances above mentioned; that, on arriving at New Orleans, the said vessel, as your petitioners are informed and believe, was seized, and is now there detained, for having on board or importing the said slaves or domestics in manner aforesaid; that a petition was presented on this subject in behalf of your petitioners by their consignees at New Orleans to Philip Grymes, Esquire, district attorney of the United States for the New Orleans district, and certain proofs offered to him substantiating the facts herein above set forth, which petition is hereunto annexed, with a certificate of the said attorney endorsed thereon, that the same, together with the said proofs, were so presented as contained in the documents marked A, B, C, also hereunto annexed. And your petitioners having presented a petition to his excellency the President of the United States, praying him to release the said vessel by virtue of the power vested in him by an act of Congress, entitled "An act for the remission of certain penalties and forfeitures, and for other purposes," passed June 28, 1809, when the President was of opinion that his power by the said act did not extend to the case of your petitioners.

Your petitioners, therefore, pray that the honorable the Congress of the United States would be pleased to pass a law to remit any penalty or forfeiture which the said vessel may have incurred by reason of the premises, and to release the said vessel and any effects on board of her during the said voyage to New Orleans, from all seizures and detention on account thereof, and that the same be restored to your petitioners or their consignees.

And your petitioners, &c.

HARRY CALDWELL,
AMASA JACKSON.

CITY OF JERSEY, *December* 1, 1809.

To Philip Grymes, Esq., district attorney of the United States for the Orleans district, respectfully show:

Your petitioners, Messrs. Fort and Giraud, merchants, trading under this firm in the city of New Orleans and district aforesaid; that your petitioners are the consignees of a certain vessel called the Joseph Ricketson, owned by Harry Caldwell & Co., and lately arrived here from the island of Jamaica; that the said vessel arrived in ballast, and brought in her some negro slaves, owned by, and the domestic servants of, three French passengers, who, together with the said passengers, had been forcibly expelled from the island of Cuba by order of the Government thereof, and arrived in the said vessel with their said domestics; that, previous to the departure of the said vessel with the said passengers and slaves from Jamaica aforesaid, application was made to the American consul residing at Kingston, to know whether she could proceed to this port with the said slaves without infringing any of the laws of the United States, or being exposed to seizure and detention; and upon being assured by the said consul that she might so proceed, the captain received the said passengers and domestics on board his vessel, and arrived with them in this city as aforesaid.

Wherefore your petitioners humbly pray, in behalf of the owners of the said vessel, that you will be pleased to state and certify to the President of the United States the testimony now offered by your petitioners in support of the facts above set forth, to the end that the President may in mercy, and by virtue of the act entitled "An act for the remission of certain penalties and forfeitures, and for other purposes," passed the 28th day of June, 1809, remit any penalty or forfeiture which the said vessel may have incurred by reason of the circumstances aforesaid, and order her to be forthwith cleared from all seizure and detention, and delivered up to your petitioners as consignees aforesaid.

And, as in duty bound, your petitioners will ever pray.

FORD & GIRAUD.

I hereby certify to the President of the United States that the several exhibits marked A, B, C, and hereunto annexed, were produced as evidence in support of the statement of facts contained in the petition of the other side written.

P. GRYMES,
United States Attorney for the Orleans district.

A.

District Court of the United States for the Orleans district.

The brig JOSEPH RICKETSON, *adsm.* THE UNITED STATES. } Affidavit.

NEW ORLEANS, *ss.*

Moses R. Smith, mariner, captain of the Joseph Ricketson, being duly sworn, deposeth, that he sailed from Kingston, in the island of Jamaica, some time on or about the 25th day of July last, having on board Madam Chazel with a black boy and girl, her domestic servants; Madam Burreau with one black girl, her domestic servant; and Mr. Duvalles with one black woman and her two children, his domestics, as passengers, and bound for the port of New Orleans; that when the above named passengers, who were refugees from the island of Cuba, applied to this deponent for the purpose of taking their passages on board of his vessel, having been informed of the law of the United States prohibiting the importation of slaves, but without having seen it, or understanding its particular provisions, this deponent apprehended that by having the domestics aforesaid, he might possibly expose his vessel to some difficulty, and therefore waited upon his consignee in Kingston, and requested his opinion; the consignee conceived that there could be no danger, but, in order to ascertain the point with certainty, called with this deponent, accompanied by Mr. Richard Tice, upon the American consul, Mr. Savage, and the consul being asked by Mr. Stuart whether any difficulty could arise to the vessel from conveying passengers with their domestics from Kingston to New Orleans? Mr. Savage replied "no, not the least;" upon which this deponent mentioned that he had been informed that she would be subject to seizure if she carried black domestics. The consul then assured him that there was not the smallest danger, and, to strengthen this assurance, added that he himself had a vessel up for New Orleans, and was willing to take as many as he could get. The conversation continued for some time longer, was of the same tendency, and left this deponent fully impressed with the idea that he was running no risk in giving an opportunity to these unfortunate refugees of transporting themselves with their domestics to New Orleans, where they were desirous of going; that there was no temptation in the very inconsiderable amount of passage money for so small a number of persons, to induce this deponent to attempt a violation of the law, nor could it in any way be done with impunity: and this deponent most solemnly declares that had it not been for the assurances so given to him as aforesaid, he would not have taken the said domestics on board the vessel. This deponent further adds that this vessel arrived here in ballast, and that there were no other slaves on board but those already enumerated.

MOSES R. SMITH.

Sworn before me, the 22d day of August, 1809.

COLSSON, *Justice of Peace.*

B.

District Court of the United States for the Orleans district.

The brig JOSEPH RICKETSON, *adsm.* THE UNITED STATES. } Affidavit.

NEW ORLEANS, *ss.*

Richard Tice, mariner, and captain of the schooner William, of Philadelphia, being duly sworn, deposeth, that some time prior to the departure of the Joseph Ricketson from the island of Jamaica in July last, he, this deponent, accompanied Moses R. Smith, the captain of the said brig, and Mr. Alexander Stuart to the house of Mr. Savage, the American consul in Kingston, and there heard Mr. Stuart ask the American consul whether any difficulty could arise to Captain Smith or his vessel from conveying passengers with their domestics from Kingston aforesaid to New Orleans? Upon which Mr. Savage replied "no, not in the least." Upon this Captain Smith observed that he had been informed that the vessel would be liable to seizure if she carried black domestics. The consul then assured him that there was not the smallest danger, and added, by way of confirmation, that he himself had a vessel up for New Orleans, and should be willing to receive as many as he could get. Some other conversation then took place, the particulars of which this deponent does not now recollect, but it was to this effect, that there could be no danger in taking passengers with their domestics. And this deponent is moreover firmly of opinion, from the circumspection manifested by Captain Smith on this occasion, that he would not have exposed his vessel to the hazard of seizure by receiving passengers with their black domestics on board, had it not been for the assurance so given to him by the American consul as aforesaid. And further this deponent sayeth not.

RICHARD TICE.

Sworn before me, the 22d day of August, 1809.

COLSSON, *Justice of the Peace.*

C.

District Court of the United States for the district of Orleans.

The brig JOSEPH RICKETSON, *adsm.* THE UNITED STATES. } Affidavit.

NEW ORLEANS, *ss.*

Mr. Duvalles, formerly of the island of Cuba, being duly sworn, deposeth, that he came to this city as a passenger on board the Joseph Ricketson, lately arrived here from Kingston, Jamaica; that he is one of those unfortunate persons who were forcibly compelled to leave the island of Cuba by the Government thereof; and had arrived about three weeks prior to embarking on board the said vessel in the island of Jamaica with his domestic servants, consisting of one black woman and her two children; that in bringing them here, he had no intention of infringing upon any of the laws of the United States, nor was he at that time acquainted with the act prohibiting the importation of slaves; but simply sought a shelter in New Orleans from the violence and persecution to which he had been so lately exposed; that for similar reasons there came passengers with him in the said vessel Madam Chazel, with a black boy and girl, her domestic servants, and Madam Burreau, with one negro girl, her domestic, and that there were no other slaves on board the said vessel.

DERILLAS.

Juré & affirmé pardevant nous, le conténu ci dessus sincère et véritable, à la Nouvelle Orléans le 24 Août, 1809.

S. DUCOURNAUX, *Juge de Paix.*

11th Congress.] No. 270. [2d Session.

CONTESTED ELECTION OF JONATHAN JENNINGS, A DELEGATE FROM THE INDIANA TERRITORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 22, 1809.

The Committee of Elections, to whom the memorial of Thomas Randolph, of the Indiana Territory, complaining of the election of Jonathan Jennings as a delegate to Congress for that Territory, and praying that his seat may be vacated, was committed on the 4th instant, and also the petition and resolution of the Legislature of that Territory, expressing a doubt of the authority under which they had been organized, and sundry other documents relating to said election, made the following report:

That they have maturely examined the documents committed to them by the House, and also the allegations of the petitioner, and of the sitting delegate. The documents are:

1st. The official certificate of the Governor of the Territory of Indiana, testifying that Jonathan Jennings was, on the 22d day of May, 1809, duly elected a delegate to Congress for that Territory.

2d. A memorial of Thomas Randolph praying that the seat of Jonathan Jennings may be vacated for the following reasons, viz: that though it does appear by the official return that Jonathan Jennings had a majority of thirty-nine votes, there ought, in the opinion of the petitioner, be deducted from the votes counted to the sitting member, ninety-one votes taken in the seventh district of the county of Dearborn, the returned copy of which was not certified by the two poll-keepers as the election law of the Territory directs; and, also, that two districts in the said county of Dearborn were prevented from voting through the omission or mistake of the sheriff, who did not appoint deputies to be judges of the election, or whose appointment was not attended to as it ought to have been, in which district the petitioner is of opinion that he would have had the majority of votes.

The petitioner further states, that it is not his intention on these grounds to claim a seat in this House, when in fact he had not a majority of votes, but that it is his wish that the voice of the people should be legally and truly heard, and in support of the prayer of his petition he refers to the memorial of the Legislature of the Territory, transmitted to the House, and referred to the Committee of Elections.

3d. A document purporting to be a petition of the legislative council, and members elected to serve in the House of Representatives, and not objected to by the parties, states that, from a deliberate view of the law of Congress dividing the Northwestern Territory, the ordinance for the Government of the Indiana Territory, the law of the Indiana Territory regulating the election, and the law of Congress extending the right of suffrage to the citizens of the Territory, they find that considerable doubt existed in the minds of the minority with respect to the constitutionality of the meeting of the General Assembly of the Territory; and they further state that, in the year 1805, there was a Legislature organized under the law dividing the Territory northwest of the river Ohio; that, in the year 1808, the Governor dissolved the said Legislature; that, on the 3d day of February, 1809, the law of Congress dividing the Indiana Territory, was enacted, and that, on the 4th day of April, 1809, the Governor issued his proclamation for the election of an additional number of members of the Legislature sufficient to supply the place of those struck off by the division of the Territory, corresponding with the law of 1805, on the authority of which the General Assembly was first organized, viz. eight Representatives; but the law passed 27th of February, 1809, extending the right of suffrage to the citizens of Indiana, declaring how the Legislature shall be formed after the passage of the said law, that is, that the General Assembly should apportion the members to the House of Representatives to consist of not less than nine or more than twelve members. That this law was evidently predicated on the principle that a Legislature was in existence at the time of its passage, or that a Legislature might be convened under the authority of the Governor's proclamation; but the fact was different, for the old Legislature was doubly dissolved, first by the Governor, as above stated, and again by the division of the Territory, which struck off three members of the House of Representatives and two of the legislative council; thus there was no Legislature in being to make the apportionment agreeably to the act of Congress.

The petitioner, after further consideration goes on to state that, after the General Assembly was convened, the minority of the Representatives not conceiving themselves authorized to go on in legislative business, the Legislature agreed to postpone doing any business except apportioning an additional member, to make the number nine, agreeably to the law of Congress extending the right of suffrage to the Territory.

The above petition is accompanied with a document purporting to be a resolution of the General Assembly, requesting the Governor to dissolve the Assembly, and to proceed as speedily as may be to organize another under the provisions of the act of Congress.

4th. In support of the irregularities in the election stated by the petitioner, he produced to the committee a certificate signed by the clerk of the court of Dearborn county, testifying that there were two districts in said county in which the citizens were prevented from voting through the omission or unintentional mistake of the sheriff. He also produced a return of the election held in the seventh district of Dearborn county, in which the signature of the poll-keepers, required by the law of that Territory, is wanting; but it is certified by the judges of election to be a true test of the votes taken under their inspection on the 22d of May, 1809, and certified by the Secretary of the Territory to be a true copy.

The petitioner also produced a certified notice given to Jonathan Jennings of his intention to contest his election, and that, for that purpose, he would apply on the first Tuesday of September next at the court house, in the town of Vincennes, where the sitting member might attend; and further adds, that there are other grounds upon which he shall contest his election, and says, that of this due notice shall be given, but these other grounds have not been stated to the committee, nor any further notice to the sitting member produced.

In reply to these objections to his election, the sitting delegate complains that he had neither notice, nor opportunity to have the alleged irregularities examined; he admits that two districts in Dearborn country were prevented from voting as stated by the petitioner; but says he could prove, if he had opportunity, that there did not more than fifteen attend at the places of election who had a right to a vote, who, if they had all voted for the petitioner, which he does not admit, would not have altered the state of the poll; he further alleges, that if opportunity had been allowed, he could have proved that the poll-keepers at the election held in the seventh district of Dearborn county, did their duty according to law, though their signatures does not appear along with that of the judges in the copy before the committee; he further says, that he is informed, that if he had opportunity he could prove that the election in the county of Knox, where the petitioner had all the votes, was not conducted according to law; this fact the petitioner admits, and the sitting member claims an opportunity to examine the facts alleged in opposition to his right to a seat in the House.

The petitioner does not ask the election to be declared void on the account of the want of legal authority vested in the Governor. He, before the committee, argued in support of the Governor's authority to order the election by proclamation, and rests his plea solely on the irregularities which he has specified.

The sitting delegate also advocated the legal authority of the Governor to organize the Legislature, and to direct the election of a delegate, in argument before the committee, and in a written paper reported along with the documents.

Besides the opinion of the General Assembly in their petition, expressing their doubt of the authority by which they were convened, the Governor himself, in what is submitted to the committee as the Governor's speech at the opening of the Assembly, convened by his own authority, he expresses a doubt of his authority, but goes on to support it by a liberal construction of the law of Congress for extending the right of suffrage to the Territory.

The committee, after a deliberate examination of the laws relating to the Indiana Territory, considered it to be their duty to investigate the authority under which the election for a delegate to represent that Territory was held, previous to an examination of the irregularities suggested, because, if the election was held without authority of law, it was void without regard to irregularities; and on this investigation they discovered that the Governor had, on October 26, 1808, dissolved the Legislature; but that, at that period, his power to organize it again remained unimpaired; they also found that, by the act of Congress erecting the Illinois into a separate Territory, five members of the representatives, with the district which they had represented, were taken away from the Indiana Territory, and two of the legislative council; by which act the Legislature of Indiana Territory was not only dissolved, but abolished, and no power vested in the Governor to revive it, because the power vested in the Governor, with relation to the Northwestern Territory, could not be applied to the Governor of Indiana Territory. The saving clause, viz: that nothing in the act dividing the Indiana Territory shall be construed in any manner to effect the Government, now in force in the Indiana Territory, cannot, by any reasonable construction be applied further than to protect the Executive and Judiciary of that Territory, because there was no Legislature in existence at the time at which the Territory was divided, and because the act of Congress, passed February 27, 1809, extending the right of suffrage to the citizens, directed a General Assembly that contained a greater number of members to be elected at the same time and places as the delegate to Congress directed by that act to be chosen by the freeholders.

The last mentioned act expressly provides that the apportionment on which such election shall be held, shall be made by the Legislature, and that that Legislature shall consist of not more than twelve nor less than nine members; and if no such Legislature or General Assembly existed in the Territory, the act of Congress gives no authority to the Governor, or any other person, to act with legislative authority.

That there was a defect in the act of Congress granting the extension of the right of suffrage is admitted; it did not provide for the organization of the General Assembly which it prescribed, and no reasonable construction could supply that defect; it required a supplementary act of Congress, which act has actually passed this session, and has been approved on —— instant.

If the Governor of the Indiana Territory, instead of exercising the legislative authority of Congress on what he supposed to be a liberal construction of the law, had represented the case to the last session of Congress, the defect would have been supplied, and the Territory now legally represented in Congress. It cannot be admitted that the Governor of a Territory may, by his own authority, supply a want or defect of a law of Congress, on his own opinion of liberal construction, expedience, or necessity; to sanction such assumption of power by a vote of this House, would set a dangerous precedent; on this view of the subject the committee submit the following resolution:

Resolved, That the election held for a delegate to Congress for the Indiana Territory on the 22d of May, 1809, being without authority of law, is void, and, consequently, the seat of Jonathan Jennings as a delegate for that Territory hereby declared to be vacant.

11th CONGRESS.] **No. 271.** [2d SESSION.

CITY OF WASHINGTON—PUBLIC BUILDINGS.

COMMUNICATED TO CONGRESS, DECEMBER 22, 1809.

DECEMBER 16, 1809.

To the Senate and House of Representatives of the United States:

I transmit to both Houses of Congress a report from the Surveyor of the Public Buildings, of the progress made on them during the last season, and of other explanations relative thereto.

JAMES MADISON.

The report of the Surveyor of the Public Buildings of the United States.

SIR: WASHINGTON, *December* 11, 1809.

During the past season, the appropriations made by law have been severally applied to the purposes for which they were designated, in the manner which I now beg leave to submit to you:

1.—*South wing of the Capitol.*

Agreeably to the intention of the last appropriation, further progress has been made in the sculpture of the capitals and cornices of the hall of Representatives. It will be observed that, on the east side of the house, two capitals are completely finished, and eight others, as well as the cornice, are in very considerable forwardness. The intermission of the work during the summer session, has prevented still greater progress. Chimney-pieces have been provided for the lobbies and Committee of Ways and Means, and in a variety of smaller details, the

accommodations of the house have been improved. The propriety of further considering the best mode of ventilating and warming the house has induced the postponement of any alteration in the fire-places of the hall itself.

A severe hail storm in the month of June broke almost all the glass on the south front of the house, and occasioned a very considerable expense of glass in addition to that contemplated by the appropriation.

2.—North wing of the Capitol.

At the beginning of the season, the wood work of the interior having been removed, progress had been made in rebuilding the chamber, and other apartments of the Senate, in solid brickwork. Many circumstances have since occurred to prevent the entire completion of this work before the commencement of this present session. The preparations for the session of last summer, the intermission of the principal part of the work during the presence of Congress, and especially the scarcity of workmen, and the difficulty of procuring materials, rendered the greatest and most expensive exertions necessary to complete the accommodations of the Senate, so far as that they may now, in a few days, be permanently occupied; some parts of the chamber itself still remain unfinished; but means have been taken that no inconvenience shall be thereby occasioned to the business of the house; and during the next recess, what is still deficient may be easily completed.

The court-room, the office of the Clerk of the Supreme Court, and the office and library of the judges have also been nearly completed, and may be occupied the approaching session of the court.

3.—President's House.

The appropriation made at the last session for the President's house has been expended towards the arrangement of the ground and garden within the enclosure; the copying of part of the surrounding wall; the construction of a carriage house, and the better arrangement of the interior for the accommodation of a family.

I now beg leave to lay before you a statement of the expenditures which the public buildings appear to require the next season.

1.—South wing of the Capitol.

To the perfect accommodation of the House of Representatives, nothing is so much wanted as a sufficient number of committee rooms. The standing committees of the House are eight, and it has been moved to increase their number to nine. When the House first occupied the south wing, the number of committees and committee rooms was only seven. The Committee of the District of Columbia has been since then created, and great inconvenience has been experienced for want of a room sufficiently spacious for their increasing business. At present their sittings are held in the small chamber fitted up for the use of the President whenever he comes to the Capitol; should the number of standing committees be increased, it will be impossible to find a room in which they can be accommodated.

For special committees there is no accommodation whatever; and it is well known to the members of the House that great inconvenience, interruption, and delay of business arises from this source. On these considerations, as well as on others, which I beg leave to lay before you, I must again point out the advantages that will arise from the erection of the northwest part of the south wing, and to refer to my reports of the two last sessions. This part of the building will contain several spacious committee rooms, and provide a proper situation for the water closets, which, in their present temporary situation, are a great annoyance to the lobbies and to the Hall of Representatives.

There is, however, another reason for the speedy erection of this work; the foundation of this corner of the house is naturally bad, and the cellars which have been dug there originally, collect a large quantity of water, which continues to injure them. This angle of the house was designed and built in full expectation that it would be supported by a mass of work in this place; the appropriation solicited for this purpose has been annually postponed, and the settlement of the wall, which has been the consequence, is now so considerable that I cannot help urging, with much solicitude, that the propriety of adding to the safety as well as to the accommodations of the building, may be taken anew into consideration. I beg leave to refer, for a more detailed representation of these and other motives for making the appropriation, to my report of the 23d March, 1808.

The terms on which the Italian sculptors employed on the Capitol are engaged, as well as the necessity of proceeding to finish the capitals of the columns of the interior of the Hall of Representatives, will require a moderate appropriation for that object.

The manner in which the House of Representatives is now warmed and ventilated requires further consideration, and considerable improvement. This subject was referred, at the session of June last, to a committee. It was not then acted upon to the extent suggested, but the expense of the improvement having been estimated, I have added it to the statement submitted.

2.—North wing of the Capitol.

The separate appropriation submitted in my last report, (December 1st, 1808,) for the library and judiciary having been postponed, the court room and those offices on the ground story, which support the Senate chamber, and other apartments of the Senate above, were necessarily constructed out of the general funds of the north wing, as otherwise the latter could not possibly have been built. This circumstance is taken into consideration in the estimate submitted below.

The whole east side and centre of the north wing being now permanently completed, excepting the parts deficient in the Senate chamber, the iron work of the staircase, and some minor details, I again beg leave to call your attention to the west side of this wing; it is intended to contain the library, and is in such a state of decay throughout, as to render it dangerous to postpone the work proposed. It is now the only part of the Capitol that remains to be solidly rebuilt.

But independently of this consideration, the increasing extent of the library of Congress induces me to represent to you the necessity of constructing the rooms intended permanently to contain it. Should the work be commenced in the approaching season, the books may be removed, and the library and reading rooms fitted up for use by the session after the next.

3.—President's House.

On the removal of the seat of Government to Washington, in the year 1800, the President's house was in a most unfinished state, and quite destitute of the conveniences required by a family. The roof and gutters leaked in such a manner as materially to injure the ceilings and furniture; the ground surrounding the house, barely enclosed by a rough fence, was covered with rubbish, with the ruins of old brick-kilns, and the remains of brickyards and stone cutters' sheds. During the Presidency of Mr. Jefferson, from the year 1804, annual appropriations have been made, by the aid of which several bed chambers were fitted up; the most necessary offices and cellars, which before were absolutely wanting, were constructed; a new covering to the roof was provided; a flight of stone steps

and a platform built on the north side of the house; the grounds were enclosed by a wall, and a commencement was made in levelling and clearing them in such parts as could be improved at the least expense. But notwithstanding the endeavors of the late President to effect as much as possible by these annual legislative grants, the building in its interior is still incomplete. It is, however, a duty which I owe to myself and to the public, not to conceal that the timbers of the President's house are in a state of very considerable decay, especially in the northern part of the building. The cause of decay, both in this house and in the capitol, is to be found, I presume, in the green state of the timber when first used, in its original bad quality, and in its long exposure to the weather before the buildings could be roofed. Further progress in the levelling and planting of the ground, in the coping of the wall, and in current repairs and minor improvements, are also included in the estimate submitted.

4.—*Highways round and between the public buildings.*

Until the year 1808, Congress have made an annual appropriation for the maintenance and repair of the public roads round and between the public buildings. These national grants, applied, in a great measure, to the immediate accommodation of the different branches of the General Government, as well as that of the citizens, have not been continued; and the roads, especially that south of the President's house, are already in a very bad state, and must certainly be thoroughly repaired next season. As they form part of the streets and avenues of the city, it might appear reasonable that they should be kept in repair at the expense of the city. But in proposing and making congressional grants for that purpose, it has always been considered that, by the very charter by which Congress has granted to the corporation the power to levy taxes on the city, it is expressly provided that no tax whatever shall be assessed on the national property, although if the national property were assessed in the same ratio in which the private property of the citizens is assessed, it would pay much more than is required to keep these roads in the most perfect order. I beg leave, therefore, again to submit an estimate for the purpose of repairing and draining the high roads around and connecting the public buildings, and for widening the bridge over the Tiber.

Estimate.

1. South wing, sculpture, warming and ventilating the house, - - -	$7,500
South wing, north west addition, - - - - -	25,000
2. North wing, defraying the expense of completing the court room and the offices of the judiciary on the east side, completing the Senate chamber, and for the library, - - -	40,000
North wing, for the platform and external access on the north side, - - -	5,000
3. President's house, offices, wall, and grounds, - - - - -	20,000
4. Highways, - - - - - - -	6,000
	$103,500

In submitting to you this report and estimate, I hope I may be permitted to add, that the late period of the session at which Congress have usually taken the subject of the public buildings into consideration most materially affects, not only the expense of the work, but the ability of those to whose direction they are entrusted to perform their duty in that manner which is most for the public interest. To explain how this happens, I will enter a little into detail. It is the general practice of all those who hire labor either for agricultural or other purposes, to engage their hands on the 1st of January; on that day all the best laborers are disposed of for the season. Those who are afterwards hired are few, expensive, and generally inferior hands. This circumstance must materially affect that part of our work which depends upon the quarries. No orders can be given till the legislative will is known, which has hitherto always been at the latter end of the session; the consequence is, that our best hands often leave us to search employment elsewhere; the quarriers being unprepared for labor, find it difficult to deliver stone before midsummer or the beginning of August, and that at a great expense; the mechanics are to be sought after in other places, often their travelling expenses to be paid, and, in fact, nothing effectual can be done till the latter part of the season, when the necessity of being prepared for the meeting of Congress requires exertions in which expense becomes only a secondary object; and, at last, the best endeavors are sometimes unsuccessful. In respect to common laborers, and to almost all the building artisans who have been brought up in this neighborhood, unless they can be engaged and employed during the winter, they cannot be depended upon until some time in July. In March the fishing season commences for shad and herrings, and lasts till the middle of May. Every man who has not profitable employment in hand, or who is not under engagements, then resorts to the shores. As soon as the fishing season is over the harvest commences, and until the end of the harvest, no great exertions, which depend upon these numerous classes of our people, can be made. During the last season, and that of the year 1807, when it was necessary to complete the Hall of Representatives, these causes have acted most materially to the public disadvantage; and I have thought it my duty to state the facts to you more particularly, in hopes that should they be laid by you before the National Legislature, they may have the weight which they merit.

All which is most respectfully submitted.

B. HENRY LATROBE,
Surveyor of the Public Buildings of the United States.

To the PRESIDENT OF THE UNITED STATES.

11th CONGRESS.] No. 272. [2d SESSION.

BREACH OF PRIVILEGES—ASSAULT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 29, 1809.

Mr. TAYLOR, from the committee appointed to inquire into the circumstances attending the occurrence alluded to in the letter of Mr. I. A. Coles to the Speaker of this House, made the following report:

That, according to order, they have taken into consideration the subject referred to them; that, in making the proposed inquiry, they have taken the depositions of the Hon. James Turner, a Senator of the United States, and of Mr. Samuel Sprigg, which depositions they beg leave to report to the House. From these depositions, it was

established, to the satisfactory belief of your committee, that Mr. I. A. Coles, without any immediate previous altercation or provocation, did assault and strike a member of this House, within the walls of the north wing of the Capitol; that this act was done on Monday, of the 27th ultimo, about one o'clock, P. M., and after this House had adjourned over to the following day.

That, from the assertions of Mr. Coles, and from the actual admission of the member assaulted, your committee were satisfied that the provocation, or supposed provocation, which occasioned the attack, did not arise from any thing said, or from any act done, by the member of this House, in the fulfilment of his duties as a Representative in the Congress of the United States.

Your committee are of opinion that this latter circumstance may be received in extenuation, but cannot be admitted in justification, of the act done by Mr. Coles; and, from all the circumstances of the case, they are of opinion that the said assault and violence offered to the member was a breach of the privileges of this House.

Your committee further report, that they have considered the letter of Mr. Coles to the Speaker of this House, together with another letter from Mr. Coles, addressed to the chairman of your committee, which they also beg leave to report to the House. That these two letters, in the opinion of your committee, do contain acknowledgments and apologies on the occasion, which ought to be admitted as satisfactory to the House. They, therefore, recommend the following resolution:

Resolved, That any further proceeding in the above case is unnecessary.

SIR: NOVEMBER 29, 1809.

An occurrence having recently taken place between a member of the House of Representatives and myself, produced by circumstances not at all connected with his official duties or opinions, which, from the time and place, may be considered disrespectful to the House of Representatives, I take the liberty of tendering, through you, my most respectful declarations that I am the last man who would wilfully manifest a deficiency of that reverence which is due to the Representatives of my country, or that sacred regard which is also due to their privileges.

To yourself, sir, personally, I tender the assurances of my very great respect.

I. A. COLES.

To the SPEAKER *of the House of Representatives.*

DISTRICT OF COLUMBIA, WASHINGTON COUNTY, *ss:*

This day came before me, a Justice of the Peace for said county, Mr. Samuel Sprigg, and made oath, that, on the 27th ultimo, about one o'clock, P. M., and after the House of Representatives had adjourned, (the Senate did not on that day form a quorum,) he, this deponent, and Captain Coles, were returning from the unfinished Senate chamber, and in the small room or lobby contiguous to said chamber, they met the Hon. James Turner, a Senator, who, after some salutations, passed them, when they met General Nelson, a Representative in Congress from the State of Maryland, who approached, holding out his hand to shake hands with Captain Coles, which Captain Coles repulsed by striking General Nelson on or near the face; he believes the blow was not a violent one. A contest immediately ensued, by both parties seizing hold of each other, but he, this deponent, did not see any other blow given.

As soon as this deponent could get over an intervening table, he, with the assistance of the Hon. James Turner, parted them. The deponent heard no immediate previous altercation between the parties, but believes the meeting between them was perfectly accidental and unexpected. After they were separated, Captain Coles said that he had taken that method of resenting the injury which General Nelson, at some time previous, had done to his character.

Sworn to, before me, this 20th December, 1809. DANIEL RAPINE.

COLUMBIA DISTRICT, WASHINGTON COUNTY, *ss:*

This day came before me, Daniel Rapine, a Justice of the Peace for said county, the Hon. James Turner, Senator of the United States, and made oath, that, on Monday, the 27th ultimo, being the first day of the present session of Congress, as he, this deponent, was going to the Senate chamber, at the head of the stairs or stone steps in the great area in the north wing of the Capitol, he fell in company with General Nelson, a member of the House of Representatives of the United States, who accompanied him till they reached the small room at the south side of the unfinished room designed for the Senate chamber, and there met Captain I. A. Coles, and a gentleman, whom he since has understood was a Mr. Sprigg. This deponent, after shaking hands with Captain Coles, passed on; but, hearing a noise behind him, he turned, and saw Captain Coles and General Nelson contending with each other, and in the act of striking at each other. This deponent and Mr. Sprigg immediately interfered and separated them. Before this could be effected, Captain Coles had with his left hand taken hold of General Nelson's collar, and struck him a blow with some violence on the forehead or temple. There might have been other blows given by each of the parties, but this deponent did not distinctly see but the one blow given. He did not hear any immediate previous altercation or provoking language between the parties.

After they were parted, Captain Coles said to General Nelson, "I am willing for this matter to end here; you attacked my character, and I have taken this method to take satisfaction or to chastise you." This deponent is not positive which of these expressions was used. Captain Coles and Mr. Sprigg then left the room. On their departure, this deponent said to General Nelson, "In the name of God what can this mean?" General Nelson replied, "I do not know; I never was so surprised in all my life, for I do not recollect ever to have said a word to the man's injury;" again asseverating that he never was so much astonished in his life.

Sworn to, before me, this 21st December, 1809. DANIEL RAPINE.

SIR: DECEMBER 28, 1809.

Understanding that the declaration which I had the honor this morning to make before the committee will be more acceptable if put in the written form, I hasten to comply with what I believe to be their wish, in tendering, through them, to the House of Representatives the renewed assurance "that if I could have supposed that the circumstance alluded to in my letter to the Speaker would have been construed into a breach of the privileges of the House, it would not have occurred at the time and in the place where it unfortunately happened."

With sentiments of great respect, I am your obedient, humble servant,

I. A. COLES.

The Hon. JOHN TAYLOR, *Chairman of the Committee, &c.*

11th Congress.] No. 273. [2d Session.

EXPENSES OF INTERCOURSE WITH THE BARBARY POWERS.

COMMUNICATED TO THE SENATE, JANUARY 22, 1810.

To the Senate of the United States: JANUARY 22, 1810.

I transmit to the Senate a report of the Secretary of the Treasury, complying with their resolution of the 27th of December, on the subject of disbursements in the intercourse with the Barbary Powers.

JAMES MADISON.

SIR: TREASURY DEPARTMENT, *January* 16, 1810.

In pursuance of the resolution of the Senate of the 27th ultimo, (herewith returned,) I have the honor to transmit a statement (marked A) of all the moneys disbursed from the Treasury of the United States for expenses of intercourse with the Barbary Powers, from the 4th day of June, 1805, being the date of the treaty with Tripoli, to the end of the year 1809. Notes have been added showing, as far as is ascertained at the Treasury, the agents who received the respective sums, and the particular purposes to which the same have been applied. As a considerable portion of the moneys thus disbursed were received by Mr. Lear, transcripts of his accounts to the end of the year 1808, being the latest period for which they have been received, are also enclosed.

I have the honor to be, with the highest respect, sir, your obedient servant,

ALBERT GALLATIN.

The PRESIDENT OF THE UNITED STATES.

A.

Statement of the moneys disbursed from the Treasury of the United States for expenses of intercourse with the Barbary Powers, from the 4th of June, 1805, *(the date of the signing of the treaty of peace with Tripoli,) to the end of the year* 1809.

Amount paid from June 4 to December 31, 1805,		134,172 13
In the year 1806,	155,263 99	
Repaid into the treasury,	8,764 78	
		146,499 21
In the year 1807,	162,571 86	
Repaid into the treasury,	500 00	
		162,071 86
In the year 1808,	89,963 41	
Repaid into the treasury,	3,294 97	
		86,668 44
In the year 1809,	108,060 15	
Repaid into the treasury,	18,672 23	
		89,387 92
		$618,799 56

Which was paid to the following persons, and for the following purposes, viz:

		(*b*) *To Richard O'Brien, late consul-general at Algiers.*
1805	1,500 00	Balance due him for his compensation, payments, and expenditures as consul-general aforesaid, from July 10, 1797, to September 10, 1804.
1806	33,159 00	
1808	1,204 00	Hire of the Pink O'Brien, in 1799, to carry despatches to Spain; cordage supplied Captain Geddes, of the brig Sophia; and rent of a house at Malta during the attack on, and negotiations with Tripoli.
1808	13,899 25	Sundry expenditures at Algiers, in 1799 and 1800, for the public service, as approved by the Secretary of State.
	$49,762 25	
		(*b*) *To William Eaton, late consul at Tunis.*
1807	$12,636 60	Balance paid him on settlement of his accounts pursuant to act of Congress of March 3, 1807.
		(*c*) *To James Leander Cathcart, late consul at Tripoli.*
1805	$4,708 62	For losses sustained by leaving bulky furniture at Tripoli on the breaking out of the war; and by a forced purchase of cloth made from him by the Bashaw; balance due him for his compensation and various expenses as consul at Tripoli; and for one-half of a bill drawn by Captain Robertson on the Secretary of State.
		(*b*) *To James Leander Cathcart, late consul at Tripoli.*
1806	17,500 00	Sundry expenditures in relation to the Tunisian ambassador in this country; presents purchased for the Bey of Tunis; and expenses on a journey from Washington to Boston and back, from May 12 to September 23, 1806.
1807	916 91	
	$18,416 91	
		(*b*) *To Daniel Brent.*
1805	2,000 00	Amount of his expenditures from December 14, 1805, to November 8, 1806, for the support of the Tunisian ambassador and suite, including house rent and various articles furnished for their accommodation, and the expense of keeping three Arabian horses imported by the said ambassador, to January 7, 1808; including a payment to John Stricker for certain expenses in relation to merchandise purchased for the said ambassador; and deducting the sum of $1,532 50 received on the sale of the aforesaid horses.
1806	6,930 20	
1807	4,316 13	
Re-		
paid in	13,246 33	
1808	1,612 91	
	$11,633 42	

STATEMENT—Continued.

		(*b*) *To Charles W. Peale.*
1806	$600 00	Cost of three polygraphs mounted with silver, for the Bey of Tunis.
		(*b*) *To Simeon Theus, collector of Charleston.*
1806	$719 75	Cost, charges, and freight of twenty-two whole, and six half, barrels of rice, intended as a present for the Bey of Tunis.
		(*b*) *To David Gelston, collector of New York.*
1806	$845 62	Paid for the passage of three Tunisians from New York to London, including the cost of mattresses, pillows, and blankets, and their board from September 6 to October 11, 1806.
		(*b*) *To John Stricker, navy agent, Baltimore.*
1805	3,500 00	This sum of $3,500, together with a further sum of $2,400, being the amount of a special grant made by Congress for the relief of Hamet Caramalli, ex-Bashaw of Tripoli, and which was not carried in the books of the treasury to the credit of the appropriations for Barbary intercourse, has been accounted for by Mr. Stricker by the purchase of two bills of exchange; one of which for 2,651 18 8 pezzos of Leghorn, equal to $2,400, was placed in the hands of Captain Hugh G. Campbell, and has been accounted for by him; and the other for £820 6*s.* 3*d.* sterling, equal to $3,645 83, but purchased for $3,500, was remitted to Messrs. McKenzie and Glennie, of London, who now stand charged on the books of the treasury for the amount.
1806	500 00	
Re-		
paid in	4,000 00	
1807	500 00	
	$3,500 00	
		(*c*) *To George Dyson, late navy agent at Syracuse.*
1808	$5,895 00	Expenses paid for the support of Hamet Caramalli, ex-Bashaw of Tripoli.
		(*b*) *To Captain Hugh G. Campbell, of the navy.*
1808	$176 27	Loss in exchange sustained by him on a bill remitted by John Stricker, navy agent at Baltimore, the amount whereof was applied to the relief of Hamet Caramalli, ex-Bashaw of Tripoli.
		(*b*) *To Joshua Wingate, Jun.*
1805	4,450 00	Cost and freight of a cargo of plank and spars, and the freight of five brass cannon, and sundry merchandise for the Dey of Algiers.
1806	3,053 23	
	$7,503 23	
		(*b*) *To Thomas Tingey, navy agent at Washington.*
1806	5,000 00	Expenses paid by him for outfit and supplies for brig Franklin, Lt. Wedentrandt, for Tunis, after deducting proceeds of eighty barrels of loaf sugar sold at auction, $2,112 22
1807	30,000 00	
1808	8,000 00	Cost of a cargo shipped by him May 23, 1808, on board of the ship Leonidas, R. McKenzie, master, consigned to T. Lear, consul at Algiers, including primage and part of freight, and his commission at two per cent. - - - 39,205 72
Re-		
paid in	43,000 00	
1808	1,682 06	
	$41,317 94	$41,317 94
		(*b*) *To Christopher S. Thom.*
1805	$8,764 99	Purchase and part of the transportation of five brass guns and their apparatus for the Dey of Algiers.
		(*b*) *To Lewis Deblois.*
1805	226 00	Premium of insurance on five brass cannon for the Dey of Algiers, shipped from Foxall's foundery to Boston, including his commission; and freight and charges on four brass cannon and their carriages, and ten tons of logwood, with sundry articles of furniture from Alexandria to Boston for the Tunisian ambassador.
1806	158 30	
	$384 30	
		(*b*) *To Samuel Brown, navy agent at Boston.*
1806	$222 27	Freight, insurance, and charges on five 18 pound cannon with their carriages from Philadelphia to Bath, Maine, intended for the Dey of Algiers.
		(*b*) *To Benjamin Lincoln, collector, Boston.*
1806	$213 40	Cost of seven boxes of confectionary, and one bag of coffee, forwarded to Bath, to be sent to the Dey of Algiers.
		(*c*) *To Henry Foxall.*
1805	$6,000 00	Advanced for brass cannon intended for the Dey of Algiers.
		(*c*) *To Ebenezer Stevens.*
1805	$3,705 04	Advanced for payment of freight for ship Anna Maria to Algiers; no account rendered.
		(*b*) *To Daniel Bedinger, navy agent at Norfolk.*
1805	$834 56	$832 52, part of this sum was a balance due him on sundry purchases and shipments of timber to Algiers; the remainder, $2 02, consists of errors in his accounts, for which he still stands charged on the books of the treasury.
		(*c*) *To Charles W. Goldsborough.*
1809	$44,950 00	Purchase of sundry supplies shipped to Algiers for the use of the Dey.

STATEMENT—Continued.

(c) *To Robert Montgomery, consul at Alicant.*

1808	$289 06	Postage and other expenses in transmitting letters and despatches to and from Algiers, Tunis, and Tripoli.

(c) *To John Ridgely, late consul at Tripoli.*

1808	1,927 60	Advanced as the balance due for his compensation, expenses, &c. as consul aforesaid.
1809	460 87	
	$2,388 47	

(c) *To Thomas Triplett, late physician at Algiers.*

1806	400 00	Advanced on account of his salary as physician aforesaid.
1809	600 00	
	$1,000 00	

(c) *To George Davis, consul at Tripoli.*

1806	$11,736 00	Advanced on account of his compensation and expenses as consul aforesaid.

(c) *To James Simpson, consul at Tangier.*

1805	4,960 69	Advanced on account of his compensation and expenses.
1806	6,800 00	
1807	8,800 00	
1808	1,400 00	
1809	3,200 00	
	$25,160 69	

(b) *To John Gavino, consul at Gibraltar.*

1808	18,172 23	This advance to Mr. Gavino was merely nominal. He had remitted to the Secretary of State bills of Tobias Lear, amounting to $25,000, on the credit of which his bills on the Secretary of State were drawn. As soon as he had drawn for the whole sum, the advances which had been charged to him on the books of the treasury were repaid, and Mr. Lear debited for the sum of $25,000.
1809	500 00	
	$18,672 23	
Re-paid in 1809	$18,672 23	

(b) *To Degen, Purviance, & Co., navy agents at Leghorn.*

1805	$23,000 00	Bills drawn by them to reimburse themselves for advances made to Col. Lear previous to June 4, 1805.

(c) *To Tobias Lear, consul-general at Algiers.*

		Paid for his bills drawn on the Secretary of State.	Paid for purchase of bills remitted to London for his account.	Total.	
1805	-	500 00	70,022 23	70,522 23	
1806	-	41,157 89	26,268 33	67,426 22	
1807	-	69,000 00	36,902 22	105,902 22	
1808	-	39,000 00	- -	39,000 00	
1809	-	58,349 28	- -	58,349 28	
Re-paid in		208,007 17	133,192 78	341,199 95	
1806	-	- -	8,764 78	8,764 78	
		$208,007 17	$124,428 00*	$332,435 17	

* This sum of $124,428 produced £28,881 2*s.* 7*d.* sterling, which was received by the bankers in London, and paid on the drafts of Mr. Lear, as noted at the foot of his account for the year 1808, herewith.

RECAPITULATION.

Richard O'Brien,	- -	49,762 25	Benjamin Lincoln,	- -	213 40
William Eaton,	- -	12,636 60	Henry Foxall,	- -	6,000 00
James L. Cathcart,	- -	4,708 62	Ebenezer Stevens,	- -	3,705 04
James L. Cathcart,	- -	18,416 91	Daniel Bedinger,	- -	834 56
Daniel Brent,	- -	11,633 42	Charles W. Goldsborough,	-	44,950 00
Charles W. Peale,	- -	600 00	Robert Montgomery,	- -	289 06
Simeon Theus,	- -	719 75	John Ridgely,	- -	2,388 47
David Gelston,	- -	845 62	Thomas Triplett,	- -	1,000 00
John Stricker,	- -	3,500 00	George Davis,	- -	11,736 00
George Dyson,	- -	5,895 00	James Simpson,	- -	25,160 69
Hugh G. Campbell,	- -	176 27	John Gavino.		
Joshua Wingate, Jun.	- -	7,503 23	Degen, Purviance, & Co.	- -	23,000 00
Thomas Tingey,	- -	41,317 94	Tobias Lear,	- -	332,435 17
Christopher S. Thom,	- -	8,764 99			
Lewis Deblois,	- -	384 30	Total,	-	618,799 56
Samuel Brown,	- -	222 27			

NOTE.—The accounts marked (*b*) have been adjusted and settled at the Treasury; those marked (*c*) remain unsettled.

B.

The United States of America in account with Tobias Lear, Consul General of the United States at Algiers, &c.

		Dr.	
1803. August	10,	To cash paid for bags and boxes, to pack the money received from the bank to carry to Algiers,	$4 00
August	10,	To cash paid carriage of do. on board the United States ship Constitution,	25
November	10,	To cash paid John Barnard, for board and expenses of myself and family in Gibraltar, while detained there on the service of the United States, at Tangier,	254 00
		N. B. I have made this charge because I was detained from the 12th of September to the 13th of November, on account of the situation of our affairs with the Emperor of Morocco; and went three times to Tangier, at the request of Commodore Preble, to assist in settling them.	
December	6,	To cash paid Bacri & Busnah, the balance due them on the settlement of their accounts on the 26th November, 1801, as stated and certified by Richard O'Brien, Esq., consul general of the United States, (see account and receipt of Bacri & Busnah,)	15,073 00
December	6,	To cash paid do. for sundry articles furnished by them for the biennial present given to the Dey and Regency of Algiers by Consul O'Brien, in September, 1803, as per account and certificate of Consul O'Brien, dated 25th October, 1803,	3,798 00
December	6,	To cash paid do. the amount of the consular present furnished by them on the reception of T. Lear, as consul general of the United States, in the Regency,	21,500 00
December	6,	To cash paid the Dey of Algiers, for the ransom of Captain Morris and crew, of the American brig Franklin, who had been taken by the Tripolines, and redeemed by the Dey,	6,800 00
December	6,	To Bacri & Busnah, for an elegant silver urn, burnished with gold, furnished by T. Lear for the consular present, and for which the United States have credit in their account with B. & B.,	400 00
December	6,	To cash paid for sundry stock and provision for the United States frigate Constitution, at the request of Commodore Preble, on the 20th of November,	473 89
December	12,	To cash remitted to G. Davis, Esq., chargé d' affaires of the United States in Tunis, for the use of the United States,	2,000 00
December	22,	To cash paid for a boat, to go off to the United States brig Syren, $8, steersman $2, (customary,)	10 00
December	28,	To cash paid the customary fee for the salute given to the United States brig Syren, on her anchoring,	76 00
December	28,	To cash paid for sundry stock and provision for the United States brig Syren, by desire of Captain Stewart,	53 16
December	28,	To cash paid boat hire for carrying off do.,	3 00
December	28,	To cash paid a man for procuring said stock, &c.	2 00
December	28,	To cash paid porterage of articles from the United States brig Syren,	2 00
1804. January	3,	To cash gave the customary fee on the feast of Ramadam, $72; dragoman, for do. $10,	82 00
January	20,	To cash remitted G. Davis, Esq. chargé d' affaires of the United States in Tunis, for the use of the American captives in Tripoli, as per receipt of the captain of a Spanish brig carrying the same, and a letter from Mr. Davis acknowledging the receipt,	2,000 00
March	14,	To cash paid the customary fee for the feast of Biram,	72 00
March	14,	To cash gave the dragoman for the same,	10 00
March	14,	To cash paid for a boat to go off to the United States schooner Vixen, $8; steersman of do. $2,	10 00
March	14,	To cash paid six months' rent of the consular house, $60; deduct two months, repaid me by Mr. O'Brien, $20,	40 00
March	14,	To cash paid for the salute given the United States schooner Vixen,	76 00
March	20,	To cash paid the customary annuity to the hospital for christian slaves,	50 00
March	23,	To cash paid for a boat to go off to the United States schooner Vixen on her return from Alicante, $8; steersman, $2,	10 00
March	24,	To cash paid Mr. O'Brien, late consul, for sundries paid by him on account of the United States, since my arrival here, as per his account and receipt,	530 00
March	24,	To cash paid do. for the rent of the consular country house, from this to the 7th of November next, which had been paid for by him,	130 00
March	25,	To cash paid on account of the annuities due from the United States to the Regency of Algiers, to the 5th instant,	10,131 00
March	25,	To cash paid the dragoman for his services in obtaining a cash payment of the annuities,	200 00
March	25,	To cash paid boat hire, carrying water, &c. to the United States schooner Vixen,	16 00
			63,806 28
May	1,	To balance due the United States, carried to new account,	6,367 72
			$70,174 00
		Cr.	
1803. August	3,	By cash received at the Branch Bank of the United States in Boston, for a check drawn by Thomas T. Tucker, Esq., treasurer of the United States, in favor of T. Lear, to be applied to the use of the United States in Algiers,	43,000 00
October	17,	By cash received from James Leander Cathcart, Esq., in Gibraltar, on account of the United States,	2,000 00
December	6,	By cash received from Richard O'Brien, Esq., in Algiers, on account of the United States,	13,000 00
December	22,	By cash received from James Leander Cathcart, Esq., from Leghorn, by the United States brig Syren, Lieutenant Commandant Stewart, commander,	12,070 00
			$70,174 00

Algiers, *May* 1, 1804.

Errors and omissions excepted. TOBIAS LEAR.

N. B. A copy of these accounts was transmitted to the honorable the Secretary of State of the United States, in my letter of the 7th of May, 1804.

The United States of America in account with Tobias Lear, Consul General of the United States at Algiers, &c.

1804.		Dr.	
May	1,	To cash paid the Regency of Algiers, on settlement of the annuities on the 25th March, - - - - - - -	$23,000 00
May	7,	To cash paid George Davis's bill on me from Tunis, in favor of Saul Levi Brahm, - - - - - - -	2,000 00
May	7,	To cash paid a courier for a letter brought me from Oran, - - -	4 00
May	30,	To cash gave the servants of the Casnagee, taking coffee with him on a visit of business, - - - - - - -	20 00
June	2,	To cash paid a courier express, who brought a letter to me from Mr. Davis, in Tunis, on public service, - - - - - - -	23 00
June	13,	To cash gave the servants of the Dey, taking coffee with him on the visit when the present was given on the circumcision of his son, - - -	20 00
June	22,	To George Davis, Esq., chargé d' affaires of the United States in Tunis, for a credit given him on Messrs. Degen, Purviance, & Co., of Leghorn, on account of the United States, - - - - - $2,000 N. B. This sum is carried short, as Messrs. Degen, Purviance, & Co. were desired to replace it by drawing on the United States.	
July	5,	To the amount of an entertainment given to the consular families and others, to celebrate the 4th of July, - - - - - - -	120 00
		N. B. I have made this charge to the United States, as it is a universal custom here for the consuls, when they give an entertainment to celebrate a national day, to charge the same to their Government.	
July	29,	To cash paid for a boat to go off to the United States frigate John Adams, $8; steersman, $2, - - - - - - -	10 00
July	30,	To cash paid for salute given to said frigate, - - - - -	76 00
July	30,	To cash paid boats carrying off sundries to said frigate, - - -	25 00
July	31,	To cash paid for sundry supplies furnished said frigate, - - -	82 35
September	15,	To cash paid for a boat to go off to the United States ship Congress, - -	10 00
September	16,	To cash paid for salute given to said ship, - - - - -	76 00
September	16,	To cash gave the choux who carried off the Dey's present to said ship, (customary,)	24 00
September	16,	To cash paid boats carrying off sundries bought for said ship, - -	10 00
September	16,	To cash gave the Dey's biscary, who brought me a letter from the Dey to the Bashaw of Tripoli, - - - - - - -	20 00
September	16,	To cash gave the servants of the Vichelhadge, taking coffee with him on my departure for Tripoli, - - - - - - -	20 00
September	16,	To cash gave the servants of the Casnagee, Aga, and Hogin de Cavalles, on the same occasion, - - - - - - -	60 00
October	15,	To cash paid six months' rent of the consular house, - - -	90 00
October	30,	To cash paid Commodore Preble, for money advanced by him to G. Davis, Esq., in Tunis, on account of the United States, in May last, - - $4,000 Premium for dollars, charged by William Higgins, Esq. - - 180	4,180 00
November	7,	To cash paid one year's rent in advance for the consular country house, -	202 00
November	7,	To cash paid a courier for a letter from Oran, - - - - -	4 00
December	1,	To cash remitted to G. Davis, Esq., at Tunis, from Malta, by William Higgins, Esq., by my order, for the use of the United States, - - $2,000 Premium for dollars, - - - - - 100	2,100 00
December	6,	To cash paid for a sparanaro, to go from Malta to Syracuse, to carry letters to Commodore Barron, in the service of the United States, - - -	70 80
December	9,	To cash paid (by T. Mountford, at Algiers) for a boat going on board the ship William and Mary, with annuities from the United States, - - -	8 00
December	12,	To cash paid (by T. Mountford) to the dragoman, for services in getting the William and Mary into the port, - - - - -	8 00
December	24,	To cash paid the fee on the feast of Ramadam, - - -	72 00
December	24,	To cash gave the dragoman, for the same, - - - -	15 00
December	25,	To cash gave the slaves, for Christmas, - - - -	25 00
December	27,	To cash paid for a sparanaro, to go from Malta to Syracuse, to carry letters to Commodore Barron, which I had received from Tripoli, - - -	70 80
December	30,	To cash gave to slaves, on finishing the unloading the ship William and Mary, -	2 00
December	31,	To the board of a Portuguese officer, (Segnior Juan de Fernandez,) sent to the American consular house by the Regency, in the time of Consul O'Brien, from April 1, to December 31, 1804, 37 weeks, at $3 50 per week, - -	129 50
December	31,	To salary of a secretary, from July 1, 1803, to December 31, 1804, one year and one-half, at $500 per year, - - - - -	750 00
December	31,	To wages paid Sid Alli, the American Turk guard, (one of whom is kept by each consul, to attend him, or his family, when they go out of the city, and all pay $8 per month,) from April 1 to December 31, nine months, at $8 per month, -	72 00
December	31,	To whitewashing and necessary repairs of the consular houses, in town and country, and other incidental expenses of a public nature not charged, yearly amount, -	50 00
			33,459 45
December	31,	Balance carried to new account, - - - - -	4,797 15
			$38,256 60

1804.		Cr.	
May	1,	By balance brought from old account, - - - -	6,367 72
May	1,	By cash received from David Coën Bacri, for my bill on Messrs. Degen, Purviance, & Co., of Leghorn, to pay the annuities on the 25th of March, - -	23,000 00
October	20,	By the amount of four bills of exchange, at thirty days' sight, in favor of William Higgins, Esquire, of Malta, on Messrs. Sir Francis Baring & Co., of London, Viz: One, dated October 17, 1804, for £500 sterling One, dated October 18, 1804, for 500 do. One, dated October 19, 1804, for 500 do. One, dated October 20, 1804, for 500 do. £2,000 sterling	8,888 88
			$38,256 60

The United States of America in account with Tobias Lear, Consul General of the United States in Algiers, &c.

1805.		Dr.		
January	7,	To cash paid (by T. Mountford) towards redeeming a slave, as given by the consuls in Algiers,		10 00
January	7,	To cash paid (by T. Mountford) to the Christian secretary of the main, receiving the cargo of the William & Mary,		8 00
February	8,	To cash paid for a letter from Oran,		1 00
February	19,	To cash paid by William Higgins, Esq., at Malta, by my order, G. Davis's bill on me, on account of the United States favoring A. Pioggi, of Tunis, for $1,500 [Should be remitted, "A bill on A. Pioggi to G. Davis for $1,500."]		
		Premium for dollars,	62 40	
				1,562 40
February	28,	To cash given (by T. Mountford) to the following persons, on landing the cargo of the ship William & Mary, with annuities from the United States, viz:		
		Captain of the port,	$16	
		Guardiano bassa,	8	
		Turkish secretary of main,	8	
		Lieutenant of the port,	4	
		Servant of captain of the port,	2	
		First Moorish carpenter,	16	
		Spanish constructor,	20	
		American dragoman,	25	
				99 00
March	2,	To cash gave the fee of the feast of Biram,		72 00
March	2,	To cash gave the dragoman, for do.		15 00
March	11,	To cash gave the servants of the Vicheltradge, on taking coffee with him paying compliments on the feast of Biram,		20 00
March	28,	To cash paid six months' rent of the consular house,		90 00
April	16,	To cash paid for a flag for the consular house,		10 00
April	19,	To cash gave (by T. M.) to the Biscary of the Dey, giving information of his recovery from his wounds,		2 00
April	27,	To cash paid William Higgins, Esq. of Malta, for 1,400 salms of wheat, sent to Algiers from Malta, with charges and insurance on part of the cargo, by the imperial ship Premura, Captain Bartolomeo Smirchinick, on account of the United States, in payment of annuities, as per invoice, 63,870 scudi, of Malta,		25,548 00
April	27,	To cash paid for drawing charter party for said ship,		2 80
April	27,	To cash paid William Higgins, for three salms of wheat, as sample,		55 40
April	27,	To cash paid Wm. Higgins, for 509 pounds of coffee, put on board the ship Premura, to be sent to Algiers, to be given to the Dey and principal officers, on receiving the cargo of wheat, on account of annuities, *a* 180 scudi per cwt. 916.2.8 scudi,		366 45
April	27,	To cash paid William Higgins for 200 pounds of loaf sugar, put on board said ship, to be given as above, 338 scudi,		135 20
May	8,	To cash paid by William Higgins, by my order, G. Davis, Esq. bills on me, on account of the United States favoring Seq. Hagi Darman, viz:		
		One dated March 8, 1805, for	$1,000	
		One do. 18, do.	1,000	
			2,000	
		Premium for dollars,	80	
				2,080 00
May	20,	To cash paid for sundries, to carry with me to Tripoli, for the use of the American captives there, as per account of William Higgins,		214 00
May	31,	To cash gave the following persons, on landing the cargo of the ship Permura, with wheat from Malta, on account of the United States, viz:		
		Secretary of the wheat magazine,	$20	
		Captain of the port,	16	
		Guardiano Bassa,	16	
		Christian and Turkish secretaries,	16	
		Head and assistant measurers,	20	
		American dragoman,	24	
		Lieutenant of the port,	4	
		Servant of the captain of the port,	2	
		Places employed in discharging,	4	
				122 00
June	1,	To cash paid insurance on part of the cargo of the ship Permura, in Messina, by William Higgins,		540 33
June	5,	To cash paid by William Higgins, Esq. by my order, G. Davis's bill on me, on account of the United States favoring Vincent Segeno,	$1,000	
		Premium for dollars,	30	
				1,030 00
June	5,	To cash paid by William Higgins, by my order, G. Davis's bill on me, on account of the United States favoring William Higgins, Esq. for	$455 00	
		Premium for dollars,	13 50	
				468 50
June	7,	To cash gave the American dragoman, for services,		10 00
June	7,	To cash gave the servants of the Vicheltradge, taking coffee, while discharging the Permura's cargo, (T. Mountford,)		20 00
June	21,	To cash gave the dragoman, for his services,		20 00
June	29,	To cash gave the Turk guard and servants of the consular house, for taking care of the house this day, when the city was given up to plunder for three hours, (T. Mountford,)		100 00
		Payments and expenses in Tripoli.		
June	5,	To cash paid for carrying the baggage, &c. of the Americans, on board the Constitution, and paying sundry small debts of the sailors,		92 05
June	5,	To cash advanced Dr. John Ridgely, on account of the United States, to be accounted for by him, as chargé d'affaires of the United States,		1,000 00
June	5,	To a credit given him on William Higgins, Esq. of Malta, for the use of the United States,		1,000 00

ACCOUNT—Continued.

1805.	Dr.	
June 5,	To cash paid for fruit and refreshments carried on board the United States' frigate Constitution, before I went on shore,	23 45
June 19,	To cash paid the ransom of two hundred Americans, after having exchanged Tripolines for 100 of do. as per treaty, dated June 4, 1805,	60,000 00
June 21,	To cash delivered to N. C. Nissen, Esq. H. D. M. consul in Tripoli, for Leon Farfana, the broker, a sensal of the bashaw, on the representation of Mr. Nissen, as per receipt of Mr. Nissen,	1,555 50
	To cash paid expenses of the ransom of the Americans, as is always customary with all nations, viz: two hundred and ninety-five persons, $10 per head for each person, to be divided among the marine captains, first and second karnadars, the Bashaw's secretary, and the guardiano Bashaw, $2,950 The general salute, given on the conclusion of the peace, among sundry officers, as per account, 250 First and second salute given to the United States frigate Constitution, 152	3,352 00
	N. B.—This was paid into the hands of Mr. Nissen, H. D. M. consul, to be delivered to the Bashaw's sensal, as per his receipt, and his certificate attached to the account.	
June 21,	To cash gave at sundry times, while in Tripoli, to the servants of the Bashaw and prime minister, on taking coffee, and to slaves,	150 00
June 21,	To cash gave to the servants in Mr. Nissen's house, where I resided while in Tripoli, and to the American dragoman there,	75 00
June 30,	To cash paid William Higgins, Esq. for charges, &c. furnishing $65,000 for the business at Tripoli, viz: Boxes for the money, scudi, 22.6.0 Bags for do. 6.0.0 Porterage and guards, 15.4.0 Brokerage and agency, 2.456.6.0 Premium on $17,000 furnished in Spanish dollars, 1.266.8.0 3.767.0.0	1,506 80
July 5,	To cash gave the poor Jews in Algiers,	6 00
July 8,	To cash gave the secretary of the palace, for services,	20 00
July 10,	To cash gave the servants of the Casnagee, taking coffee, on a visit of business, (T. M.)	20 00
July 16,	To cash paid a Turk guard, for taking care of the consular country house, during the riots,	24 00
August 4,	To cash gave the servants of the Casnagee, taking coffee, on a visit of business, (T. M.)	20 00
August 4,	To cash gave the servants of the Vicheltradge, on taking coffee, on a visit of business, (T. M.)	20 00
August 10,	To cash paid G. Davis, Esq. on account of the United States, on board the United States ship Constitution, in Tunis Bay,	1,000 00
August 14,	To cash gave the American dragoman, at Algiers, (T. M.)	24 00
August 31,	To cash gave the servants of the new Dey, taking coffee,	20 00
August 31,	To cash gave the servants of the new Casnagee, do.	20 00
August 31,	To cash gave the servants of the new Aga, do.	20 00
August 31,	To cash paid for stock, &c. sent on board the United States squadron in Tunis Bay,	276 33
September 1,	To cash paid amount of expenses of the consulate at Tunis, including the entertainment of the officers and men of the squadron, who were occasionally at Tunis during the time of the negotiation, as per account kept by Mr. Ambrose Allegro, secretary of the consulate,	682 24
September 1,	To cash gave away, on taking coffee, and other occasions, and when going twice on board the squadron with Millinelle,	120 00
September 2,	To cash paid Dr. James Dodge, chargé d'affaires of the United States in Tunis, on account of the United States,	1,000 00
September 2,	To cash paid G. Davis, Esq. on account of the United States, by a bill on John Gavino, Esq. of Gibraltar, at three days' sight,	1,000 00
September 4,	To cash paid for a letter from Oran,	4 00
September 11,	To cash paid for a boat to go on board the United States schooner Nautilus,	8 00
September 11,	To cash paid for salute given to said schooner,	76 00
September 11,	To cash gave the choux, who carried the Dey's present on board said schooner,	24 00
September 11,	To cash paid for boats carrying articles on board said schooner,	16 00
September 11,	To cash paid balance of an account left unpaid by the purser of said schooner,	28 56
September 11,	To cash paid the broker for purchasing sundries for said schooner,	4 00
September 16,	To cash gave the new vicheel of the Vicheltradge,	8 00
September 21,	To cash gave a new port admiral, (customary,)	100 00
October 4,	To cash gave servants of the new Aga, taking coffee,	20 00
October 5,	To cash paid six months' rent of the consular house,	90 00
October 5,	To cash gave the dragoman, for extra services,	10 00
October 24,	To cash paid for a gold caftan, presented to the Dey on his inauguration,	120 00
October 24,	To cash paid for a gold watch and chain, presented to the new Casnagee,	120 00
October 27,	To cash gave a new captain of the port,	70 00
October 27,	To cash paid for a gold watch and chain, presented to the new Aga on the 4th instant,	180 00
October 29,	To a credit given Dr. John Ridgely, chargé d'affaires of the United States in Tripoli, on Messrs. Degen, Purviance, & Co. of Leghorn,	3,000 00
November 5,	To cash paid the dragoman for secret services,	10 00
November 6,	To cash paid the annual sum to the hospital,	50 00
November 7,	To cash paid one years' rent, in advance, for the consular country house,	202 00
November 13,	To a credit given Dr. James Dodge, chargé d'affaires of the United States in Tunis, on Messrs. Degen, Purviance, & Co. of Leghorn,	2,000 00
November 18.	To cash paid for a boat to go off to the United States ship Constitution,	8 00
November 19,	To cash paid for salute given to said ship,	76 00
November 19,	To cash gave the chouse who carried the Dey's present on board said ship,	24 00
November 19,	To cash paid boats for carrying sundries on board said ship,	32 00
November 19,	To cash gave the servants of the Vicheltradge, taking coffee with him, with Commodore Rodgers,	20 00

ACCOUNT—Continued.

1805.	DR.	
November 19,	To cash gave the servants of the Casnagee, Aga, and Hogia de Covollos, taking coffee with them on my return from Tripoli, $20 each,	60 00
November 19,	To cash paid another account left unpaid by the purser of the United States schooner Nautilus, in September,	32 34
November 28,	To the amount of the biennial present to the Dey and Regency of Algiers, (due 5th September last,)	15,002 00
December 11,	To cash paid David Coen Bacri, on account of sundries furnished by him, on account of the United States, as per his account,	9,630 00
	To discount of exchange on a bill of 10,700⅔ pezzos, given D. C. Bacri, on Messrs. Degen, Purviance, & Co. of Leghorn, to pay the above sum, at 7 per cent. 700⅔ pezzos,	674 10
December 12,	To cash paid to sundry persons to facilitate the departure of the American brig Friendship, James Clements, master, brought in here for want of the new Mediterranean passport, and to prevent holding a court of admiralty on the same,	150 00
December 15,	To cash paid the fee of the feast of Ramadam,	72 00
December 15,	To cash gave the dragoman, in do.	10 00
December 25,	To cash gave the Christian slaves, for Christmas,	25 00
December 28,	To cash paid expenses in assisting the American ship Raleigh, which had on board the annuities from the United States, carrying off anchors and cables in a gale of wind,	50 80
December 31,	To cash paid for clerk hire, while I was absent from Algiers on the business of the United States, at Tripoli and Tunis,	150 00
December 31,	To amount of secretary's salary, at Algiers, for one year,	500 00
December 31,	To wages of the consular Turk guard, one year,	96 00
December 31,	To whitewashing and necessary repairs for the consular houses, in the town and country, and other incidental expenses, for one year, not entered in the preceding,	50 00
		138,439 45
December 31,	To balance due the United States, carried to new account,	4,655 96
		$143,095 41
1805.	CR.	
January 1,	By balance brought from old accounts,	4,797 15
February 27,	By the amount of two bills of exchange, at thirty days' sight, in favor of William Higgins, Esq., of Malta, on Messrs. Sir Francis Baring & Co. of London, viz: £500 each, £1,000,	4,444 44
April 8,	By the amount of ten bills of exchange, at thirty days' sight, in favor of William Higgins, Esq. of Malta, on Messrs. Sir Francis Baring & Co. of London, viz: 10 bills, from No. 1 to 10, for £500 each, £5,000,	22,222 22
May 23,	By the amount of two bills of exchange, at thirty days' sight, in favor of Wm. Higgins, Esq. of Malta, on Messrs. Sir Francis Baring & Co. for £500 each, £1,000,	4,444 44
June 26,	By the amount of forty-three bills of exchange, at thirty days' sight, in favor of Wm. Higgins, Esq. of Malta, on Messrs. Sir Francis Baring & Co. of London, viz:	
	Dated June 20, 1805, No. 1, £200 0 0	
	" 2, 250 0 0	
	" 3, 300 0 0	
	" 4, 350 0 0	
	" 5, 400 0 0	
	" 6, 450 0 0	
	" 7, 500 0 0	
	2,450 0 0	
	June 21, No. 8 to 14, in like sums, 2,450 0 0	
	22, 15 to 21, 2,450 0 0	
	23, 22 to 28, 2,450 0 0	
	24, 29 to 35, 2,450 0 0	
	25, 36 to 42, 2,450 0 0	
	26, 43 264 0 6	
	Sterling, £14,964 0 6	66,586 80
July 20,	By the amount of three bills of exchange, at thirty days' sight, in favor of William Higgins, Esq. of Malta, on Messrs. Sir Francis Baring & Co. of London, viz:	
	One for £500	
	One for 300	
	One for 200	
	Sterling, £1,000	4,444 44
September 24,	By the amount of a bill of exchange, drawn this day, at thirty days' sight, in favor of John Broadbent, Esq. of Messina, on Messrs. Sir Francis Baring & Co. of London, 140 pounds sterling,	620 66
November 9,	By the amount of three bills of exchange, at thirty days' sight, in favor of Messrs. Degen, Purviance, & Co. of Leghorn, on the Hon. James Madison, Secretary of State of the United States, viz:	
	One bill for $16,776 31	
	One bill for 4,934 22	
	One bill for 3,947 36	
	25,657 89	
	Negotiated at a discount of eight per cent, 2,052 63	
		23,605 26
December 10,	By the amount of a bill of exchange, at thirty days' sight, in favor of Messrs. Degen, Purviance, & Co. of Leghorn, on the Hon. James Madison, Secretary of State of the United States,	12,000 00
		$143,095 41

ALGIERS, *December* 31, 1805.

Errors and omissions excepted. TOBIAS LEAR.

N. B.—A copy of this account, from May 1, 1804, to this date, was transmitted to the honorable the Secretary of State of the United States, in my letter to him under date of the 24th of May, 1806.

The United States of America in account with Tobias Lear, Consul General of the United States in Algiers, &c.

1806.		Dr.		
January	12,	To cash given to sundry persons to obtain a favorable settlement of the cargoes of the ships William & Mary and Raleigh, which brought annuities from the United States, - - - - - - - - -		$400 00
January	22,	To cash paid David Coën Bacri on account, - - - - -		1,400 00
February	15,	To cash paid for a boat to go off to the United States' brig Syren in bad weather, -		15 00
February	15,	To cash paid by Wm. Higgins, Esq., to Dr. John Ridgely, chargé d'affaires of the United States, at Tripoli, and charged to me by Dr. Ridgely's order, -		82 67
February	27,	To cash paid the fee on the feast of Biram, - - - -		72 00
February	27,	To cash gave the dragoman for do. - - - -		10 00
March	14,	To cash gave the following officers, newly appointed, instead of their usual presents, viz:		
		To a new Casnagee, - - - - $500		
		To a new Aga, - - - - 300		
		To a new Hogia de Covollos, - - - 200		
		To a new Guardiano Bassa, - - - 75		
				1,075 00
March	14,	To cash paid six months' rent of the consular house, - - -		90 00
March	14,	To cash paid for half the port charges of the ship Raleigh, - - -		17 00
March	15,	To cash paid for a boat to go off to the United States' brig Syren, - -		8 00
March	15,	To cash paid for the salute given to said brig, - - - -		76 00
March	28,	To cash paid John Wingate, Esq., on account of the freight of the ship Raleigh from Algiers to Malta, to be charged to the Regency of Algiers. - -		500 00
March	28,	To cash gave the servants of the new Casnagee—Aga and Hogia de Covollos, taking coffee, on making their presents on their new appointments, $20 each, -		60 00
March	28,	To cash gave the servants of the Vicheltradge, taking coffee, while the ship Raleigh was discharging, - - - - - -		20 00
April	26,	To cash paid for boat to go off to the United States' brig Syren, - -		8 00
April	26,	To cash paid for the salute given to said brig, - - - -		76 00
April	29,	To cash paid for a boat to go off to the United States' schooner Enterprise, -		8 00
May	14,	To cash paid for a boat to go off to the United States' ship Constitution, -		8 00
May	14,	To cash paid for the salute given to said ship, - - - -		76 00
May	17,	To cash gave the Choux, who carried the Dey's present on board said ship, -		24 00
May	17,	To cash paid for boat hire for carrying off sundries to said ship, - -		16 00
May	25,	To cash paid for sundries for the United States' schooner Nautilus, while she lay in the bay, - - - - - - -		121 20
May	28,	To cash paid John Gavino, Esq. for difference of exchange on my bill, on Sir Francis Barring & Co., for £1,000 sterling; credited the United States, - $4,444 44		
		Exchange, 37 for the dollar, - - - 4,324 32		
				120 12
July	5,	To an entertainment given to the consular families and others, on the 4th of July, -		120 00
July	5,	To cash paid for a boat to go off to the United States' brig Hornet, - -		8 00
July	5,	To cash paid for a salute given said brig, - - - -		76 00
July	9,	To cash gave the Choux for carrying the present of the Dey on board the said brig,		24 00
July	9,	To cash paid boat hire for carrying sundries on board said brig, - -		12 00
July	24,	To cash paid for a boat to go off to the United States' schooner Enterprise, -		8 00
July	24,	To cash paid for salute given to said schooner, - - -		76 00
August	7,	To cash paid the annual sum to the Christian hospital, - - -		50 00
August	29,	To cash paid for a boat to go off to the United States' schooner Enterprise, whose boat I met coming on shore with my letters, &c. (did not anchor,) - -		8 00
October	16,	To cash paid six months' rent of the consular house, - - -		90 00
November	7,	To cash paid one year's rent, in advance, for the consular country house, -		202 00
November	27,	To cash gave the new Aga, in money, instead of the usual present, - -		375 00
November	27,	To cash gave servants of do. taking coffee with him, - - -		20 00
December	4,	To cash paid the fee for the feast of Ramadam, - - -		72 00
December	4,	To cash gave the dragoman for do. - - - -		10 00
December	16,	To John Gavino, Esq. for difference of exchange on my bill, on Sir Francis Baring & Co. of London; credited to the United States, - - $6,666 66		
		Exchange 37½ to the dollar, - - - 6,442 95		
				223 71
December	31,	To amount of Secretary's salary one year, - - - -		500 00
December	31,	To the wages of the consular Turk guard, one year, - - -		96 00
December	31,	To whitewashing, and necessary repairs for the consular house, in town and country, and other incidental expenses of a public nature, not entered in the preceding,		50 00
				6,303 70
		Balance carried to new account, - - - - -		13,907 80
				$20,211 50
1806.		Cr.		
January	1,	By balance brought from old account, - - - -		$4,655 96
May	17,	By the amount of a bill of exchange, at thirty days' sight, in favor of John Gavino, Esquire, of Gibraltar, on Messrs. Sir Francis Baring & Co. of London, for £1,000 sterling, - - - - - -		4,444 44
July	1,	By the amount of a bill of exchange, at thirty days' sight, in favor of Messrs. Degen, Purviance, & Co., of Leghorn, on Messrs. Sir Francis Baring & Co., of London, for £1,000 sterling, - - - - - -		4,444 44
October	11,	By the amount of a bill of exchange, at thirty days' sight, in favor of John Gavino, Esquire, of Gibraltar, drawn on Messrs. Sir Francis Baring & Co., of London, for £1.500 sterling, - - - - - -		6,666 66
				$20,211 50

The United States of America in account with Tobias Lear, Esq., Consul General of the United States in Algiers, &c.

1807.		Dr.	
January	1,	To cash paid for a boat to go off to the United States' ship Constitution, -	$8 00
January	1,	To cash paid for a salute given to said ship, - - - -	76 00
January	3,	To cash gave the servants of the Casnagee, Aga, Hogia Covollos, and Vickeltradge, taking coffee with them, on a visit previous to my departure for Tunis, -	80 00
January	3,	To cash paid for a boat to go on board the Constitution, after she was under way, -	8 00
January	10,	To cash paid for the feast of Biram, - - - -	72 00
January	10,	To cash gave the dragoman for do. - - - -	10 00
February	24,	To cash paid Lieutenant William Lewis, who remained in Algiers during my trip to Tunis, - - - - - -	50 00

Payments and expenses in Tunis from January 14, to March 6, 1807.

		To cash paid the expenses of the consulate at Tunis, from the 17th of August, 1806, when Dr. Dodge, late chargé d'affaires, rendered in his account, to December 31, 1806, account kept by Mr. Ambrose Allegro, secretary of the consulate, -		741 78
		To cash paid ditto. from January 1 to 31, 1807, including one year's house rent, $538 60, as kept by Mr. Ambrose Allegro, - - - -		903 02
		To cash paid the expenses of the consulate, at Tunis, from January 31, to March 6, 1807, including difference paid in exchanging cloth for the Sapatapa 715 piasters; dinner, &c., given to the consular families, &c., 757; and expenses of the officers and sailors of the United States' ship Constitution and schooner Enterprise, who were occasionally at Tunis, - - - - - - Accounts kept by Mr. Ambrose Allegro.		1,185 00
		To cash gave the servants of the Bey, Sapatapa, and other persons, with whom we took coffee, on the feast of Biram, - - - -		75 00
		To cash gave the Caigi of Porto Ferino, for a cable furnished for sloop Hornet, when she was on shore on Cape Bon, and which was taken away by the United States' brig Argus; and for a messenger for the United States' ship Constitution at this time, a diamond ring, - - - - - -		600 00
		To cash paid the Bey of Tunis in full for his cruise and two prizes, captured by the United States' squadron, off Tripoli, and sold in Malta, as per agreement, -		10,000 00
		To cash paid freight, demurrage, and primage of the ship Two Brothers, from Boston to Tunis, viz:		
		Freight per charter party, - - - -	$3,500	
		Demurrage at Boston, 37 days,		
		At Gibraltar, 31 days,		
		At Tunis, 34 days,		
		102 days,		
		Allowed for charter, 50 days,		
		52 days, at $40 per day, -	2,080	
		Primage, as customary, - - - -	175	
				5,755 00
		To cash paid Charles D. Coxe, Esq., chargé d'affaires of the United States, in Tunis, on account of the United States, - - - -		1,000 00
		To a credit gave him on William Higgins, Esq., of Malta, - - -		2,000 00
		To a credit gave him on Messrs. Degen, Purviance, & Co., of Leghorn, -		2,000 00
		To Dr. John Ridgely, chargé d'affaires of the United States, in Tripoli, gave him a credit on William Higgins, Esq., of Malta, to settle all accounts of the United States, at Tripoli, previous to his leaving it, - - -		1,500 00
		To do. gave him a credit on Messrs. Degen, Purviance, & Co., in Leghorn, for the same purpose, - - - - - -		1,500 00
		To cash gave the two dragomen and house servants of the consulate at Tunis, on my departure, - - - - - -		50 00
March	20,	To cash paid for a boat to go on shore from the United States' ship Constitution,		
March	20,	before she came to anchor in the Bay of Algiers, - - -		8 00
		To cash paid for the salute given to said ship, - - - -		76 00
March	23,	To cash gave the servants of the Casnagee, Aga, Hogia de Covollos, and Vickeltradge, taking coffee with them, on my return from Tunis, - -		80 00
March	23,	To cash gave the Choux, who carried the Dey's presents on board the United States' ship Constitution, - - - - - -		24 00
March	23,	To cash paid for fruit, &c., given to the sailors on board the United States' ship		
March	23,	Constitution, - - - - - - -		25 00
		To cash paid for boat hire, carrying sundries on board the said ship, - -		16 00
		To sundries gave to the Dey, as a customary regalia, on my return from Tunis, viz:		
		One Cashmere shawl, - - - -	$200	
		Two fine bunooses, - - - -	60	
		Eight fine Tunisian caps, - - -	40	
		Two bottles essence jessamine, - - -	20	
		Six skins of dates, - - - -	16	
				336 00
March	23,	To cash given to the Casnadar, in similar articles, amounting to, - -		231 00
March	23,	To cash given to the Vickeltradge, in similar articles, amounting to, - -		231 00
March	23,	To cash given to the captain of the port, in similar articles, amounting to, -		125 00
March	28,	To cash paid for six months' rent of the consular house, - - -		90 00
March	31,	To cash paid to the Regency of Algiers, the amount of duty on the freight of the American ship Fair Lady, Captain Peterson, from Amsterdam, in my absence, which he left an obligation to pay, if it should be demanded, - -		40 00
April	9,	To cash paid David Coën Barcri in full of all accounts with the United States, (see Barcri's account,) - - - - - -		1,743 00
April	23,	To cash paid for a new flag-staff, rigging, carrying to the American Garden, and putting up, - - - - - -		150 00
April	30,	To cash gave to sundry persons to get the American ship Traveller, of Salem, away, before she should be detained by a fresh embargo, having been detained already twenty-five days, - - - - - -		200 00

ACCOUNT—Continued.

1807.		Dr.		
June	3,	To cash gave towards liberating a female slave, whose brother had been liberated by the English subscription made at Messina, (the same given by all the consuls,)		$100 00
June	17,	To cash paid Dr. Tripplett on account of his salary,		100 00
July	5,	To an entertainment given to the consular families and others, celebrating the 4th of July,		120 00
July	25,	To cash gave towards liberating two slaves, who had been servants in the American house,		120 00
July	30,	To cash paid the amount of the biennial present, furnished by David Coën Bacri, as per account,		18,923 15
July	30,	To cash gave the servants of the Casnagee, Aga, Hogia de Covollos, and Vickeltradge, on taking coffee, when the biennial present was made, $20 each,		80 00
August	18,	To George Davis, Esq., Consul of the United States, in Tripoli, for a bill on Wm. Higgins, Esq., of Malta, in his favor, at thirty days' sight,		4,000 00
October	20,	To cash paid for clothes for the son of the American dragoman, in Tunis, who had been pressed into the Tunisian service, as a soldier, taken by the Algerines, and came here destitute of clothes, and in great distress,		25 00
October	27,	To cash paid one year and a half to the hospital,		75 00
October	27,	To cash paid six months' rent of the consular house,		90 00
October	27,	To cash gave the Aga, his customary regalia, on his appointment, being the first time of his coming to Algiers since his appointment,		360 00
October	27,	To cash gave the servants of Aga, on taking coffee with him, at the same time,		20 00
November	1,	To cash paid for three years' rent in advance for the consular country house, the only conditions on which it could be had, from the 7th of the present month,		606 00
November	20,	To cash paid Dr. Tripplett on account of his salary,		100 00
November	21,	To cash paid for the fee on the feast of Ramadam,		72 00
November	21,	To cash gave the dragoman for do.		10 00
November	21,	To cash paid for clothes for three American seamen, who were taken out of the schooner Mary Ann, and brought here in the frigate which detained her,		45 00
December	25,	To cash gave the Christian slaves at Christmas,		25 00
December	28,	To cash paid the Regency of Algiers, for two annuities due March 5, 1807, which, if paid in stores, according to treaty, would be $43,200; but paid with difficulty in cash at the rate of $30,000 per year,		60,000 00
December	28,	To cash gave to enable me to make the aforesaid payment, which circumstances made it necessary to be done at this time, when we have no vessels of war in this sea, and our dispute with Great Britain rendering it improbable that we should have any here soon; and also to release two American merchant vessels, crews, and cargoes, which had been detained by the Algerines in consequence of the non-arrival of naval and military stores from the United States,		10,000 00
December	31,	To a discount of five per cent. on $40,000 in bills of exchange on Messrs. Degen, Purviance, & Co. of Leghorn, to make the aforesaid payment,		2,000 00
December	31,	To the amount of a secretary's salary for one year,		500 00
December	31,	To the wages of the consular Turk guard one year,		96 00
December	31,	To whitewashing and necessary repairs of the consular houses in the town and country, and other incidental expenses not included in the foregoing accounts, for one year,		50 00
December	31,	To the amount of stationery for the consulate for four years, at $25 per year,		100 00
December	31,	To cash paid for a screw press for the consular seal,		10 00
				$128,615 95
		Balance carried to new account,		30,402 96
				$159,018 91
		Balance brought down,	$34,402 96	
		Omission.		
		To the salary of the secretary of the consulate in Tunis, paid on the 5th of March, 1807, as stated in the accounts of Tunis forwarded herewith, omitted,	567 50	
		True balance,		$29,835 46
		Cr.		
		By balance brought from old account,		$13,907 80
January	25,	By the amount of five bills of exchange, at thirty days' sight, in favor of Messrs. Degen, Purviance, & Co., of Leghorn, on the honorable James Madison, Secretary of State of the United States, dated January 21st, 22d, 23d, 24th, and 25th, five bills of $5,000 each,		25,000 00
February	16,	By the amount of two bills of exchange, at thirty days' sight, in favor of William Higgins, Esq., of Malta, on the honorable James Madison, Secretary of State of the United States, dated February 12th and 13th, for $5,000 each,		10,000 00
February	16,	By the amount of three bills of exchange, at thirty days' sight, in favor of William Higgins, Esq., of Malta, on Messrs. Sir Francis Baring & Co., of London, viz:		
		One dated February 12, 1707, for	£1,000	
		One dated February 12, 1807, for	500	
		One dated February 13, 1801, for	1,000	
				11,111 11
March	30,	By cash received from Captain Robert Arundel, of the American brig Sophia; for which I gave him the following bills of exchange, at thirty days' sight, on the honorable James Madison, Esq., Secretary of State of the United States, in favor of Richard O'Brien, Esq., viz:		
		One bill for	$12,000	
		One bill for	2,000	
				14,000 00
		Received the following money from Captain Arundel, viz:		
		Doubloons, at $17 each, the amount of,	$2,000	
		Doubloons, at 16 each, do	9,764	
		In sequins of Algiers,	2,236	
			$14,000	

ACCOUNT—Continued.

1807.	Cr.	
August 20,	By the amount of four bills of exchange, at thirty days' sight, in favor of Messrs. Deyen, Purviance, & Co., of Leghorn, upon the Hon. James Madison, Secretary of State of the United States, viz:	
	One dated August 17, 1807, for - - - $5,000 00	
	One dated August 18, 1807, for - - - 5,000 00	
	One dated August 19, 1807, for - - - 5,000 00	
	One dated August 20, 1807, for - - - 5,000 00	
		$20,000 00
December 14,	By the amount of three bills of exchange, at thirty days' sight, in favor of John Gavino, Esq., of Gibraltar, on the Hon. James Madison, Secretary of State, viz:	
	One bill, dated December 12, 1807, for - - $10,000 00	
	One bill, dated December 14, 1807, for - - 10,000 00	
	One bill, dated December 14, 1807, for - - 5,000 00	
		25,000 00
December 31,	By the amount of four bills of exchange, at thirty days' sight, in favor of Messrs. Degen, Purviance, & Co., of Leghorn, on the Hon. James Madison, Secretary of State, viz:	
	One for - - - - - $3,000 00	
	One for - - - - - 9,000 00	
	One for - - - - - 11,000 00	
	One for - - - - - 12,000 00	
		40,000 00
		$159,018 91

Errors and omissions excepted.

TOBIAS LEAR.

Algiers, *December* 31, 1807.

Messrs. Bacri and Bushnah, of Algiers, in account with the United States of America.

1803.	Dr.	
November 24,	To cash paid you on account of the United States, - - -	$13,000 00
November 24,	To the amount of sugar furnished you by Mr. O'Brien for the consular present, and charged by him to the United States, - - - -	211 00
November 24,	To an elegant urn furnished you by T. Lear, for the consular present, -	400 00
December 6,	To cash paid you in full of all accounts, - - - -	33,560 00
		$47,171 00
1803.	Cr.	
November 24,	By the amount of an account due to you from the United States, as certified by Richard O'Brien, Esq., late consul, dated November 26, 1801, - -	$15,073 00
November 24,	By the amount of articles furnished for the biennial present, given in August last, as per account certified by R. O'Brien, Esq. - - - -	3,798 00
November 24,	By the amount of a consular present given to the Dey and Regency of Algiers on the reception of T. Lear as consul general from the United States, - -	20,000 00
November 24,	By cash paid the Dey and Regency of Algiers for the ransom of Captain Morris and crew, of the brig Franklin, captured by the Algerines, - - -	6,800 00
November 24,	By the amount of an extra present demanded by the Dey on presentation of the new consul, - - - - - -	500 00
November 24,	By your services in making the consular present, and preparing the way for a favorable reception of a new consul, given, as Mr. O'Brien says, by all nations on such occasions, - - - - - -	1,000 00
		$47,171 00

David Coën Bacri, of Algiers, in account with the United States of America.

1805.	Dr.	
December 11,	To the amount of a bill of exchange, at thirty days' sight, in your favor, on Messrs. Degen, Purviance, & Co., of Leghorn, for - - Ps. 10,700 8r.	
	Discount at seven per cent. - - - 700	
1806.	Ps. 10,000 8r.	$9,630 00
January 22,	To cash paid you, - - - - - -	1,400 00
1807.		
April 9,	To cash paid you in full, - - - - -	1,743 00
		$12,773 00
1804.	Cr.	
June 4,	By the amount of a present furnished for the Dey, on the circumcision of his son, as given by the other consuls, - - - - -	420 00
September 15,	By a diamond ring, solitaire, given to the Dey on the consul of the United States going to Tripoli on the business of the United States, as is customary on such occasions, - - - - - -	1,000 00
1805.		
May 31,	By cash paid the freight and primage of the Imperial ship Premura, with a cargo of wheat from Malta to Algiers, on account of the annuities from the United States to the Regency, - - - - - -	2,750 00
May 31,	By cash paid the supercargo of said ship, as per agreement, - -	205 00

ACCOUNT—Continued.

1805.	Cr.		
June,	By the following articles given to the Dey and ministry to prevent a rupture with the United States, on account of a demand made by the Dey for a ship of seventy-four guns, to be built for him in the United States, at their cost, as per account and declaration of Timothy Mountford, left in charge of affairs at Algiers during the absence of the consul to Tripoli, viz:		
	To the Dey, a gold watch with diamonds, - -	$1,300 00	
	To the Dey, a diamond ring, solitaire, - -	1,200 00	
	To the Casnagee, a watch with diamonds, - -	1,000 00	
	To the Vicheltradge, a watch with diamonds, - -	550 00	
	To the Casnagee, a diamond ring, solitaire, - -	1,000 00	
	To the Aga, a gold watch with diamonds, - -	500 00	
	To the Hogia Covollos, - - -	200 00	
	To the Hogia Covollos, three caftans, - -	300 00	
			6,050 00
September.	By the amount of the following presents given to the new Dey and ministry, viz:		
	To the Dey, a gold watch with diamonds, - -	$1,200 00	
	To the Dey a diamond ring, solitaire, - -	600 00	
	To the Casnagee, a gold watch and chain, - -	200 00	
	To the Casnadar, a gold watch and chain, - -	60 00	
	To the Casnadar, one caftan, - - -	114 00	
	To the Aga, one gold watch and chain, - -	60 00	
	To the first secretary of the palace, one caftan, -	114 00	
			2,348 00
			$12,773 00

The Regency of Algiers in account with the United States of America.

1804.	Dr.		
March 25,	To the amount of the cargo of the ship Betsey Walker, sent with annuities from the United States, in June, 1803, and settled this day, viz:		
		Pat. cheq.	
	84 pine beams, with 7, 9, and 10 inches spring, for a frigate, at 200, -	16,800	
	170 four-inch plank 50 feet long, at 90, - - -	15,300	
	40 barrels lampblack, at 50, - - - -	2,000	
	107 barrels pitch and tar, at 20, - - - -	2,140	
	132 two-inch pine plank, at 35, - - - -	4,620	
	16 pieces oak for stems and keels, at 190, - - -	3,000	
	408 Algerine quintals of nails, at 80, - - -	32,640	
	132 pieces of oak for floor timber, stern posts, and transoms, at 100, -	13,200	
	944 handspikes, - - - - -	944	
	25,847 hhd. staves, at 25 pt. c. per 100, - - -	6,450	
	Pataca cheques, five to a dollar,	97,094	19,418 80
March 25,	To the amount of the cargo of the ship Old Tom, sent with the annuities in November, 1803, viz:		
	459 pine plank, 45 feet long, 2 and 4 inches thick, at 50, - -	22,950	
	143 pine plank, 45 feet long, 4½ and 5 inches, at 70, - -	10,010	
	26 pine beams, at 150, - - - - -	3,900	
	390 handspikes, - - - - - -	390	
	Pataca cheques, -	37,250	
			7,450 00
March 25,	To cash in full for two and a half years' annuities, viz: from September 5, 1801, to March 5, 1804, - - - - - -		27,131 20
			$54,000 00
	N. B. To accomplish this cash payment of $27,131 20, the following cash and articles were given, according to the advice and arrangement of Mr. O'Brien, late consul, viz:		
	To the Dey, an elegant gold repeating watch and chain, richly ornamented with diamonds; cost in Leghorn, - - - -	$1,789	
	To the Casnagee, in cash, - - - -	2,000	
	To the Jews, Bacri and Basnah, cash, - - -	6,000	
	To the Vichaltradge, an elegant watch, with diamonds, and a shawl, -	600	
	To the first Cogia of the Palace, an elegant watch and chain, with diamonds, and a shawl, - - - - -	900	
	To the second Cogia of the Palace, an elegant watch, with diamonds,	500	
	To the Am. dragoman, cash, - - - -	200	
		$11,989	
1805. November 28,	To the amount of the biennial present, due September 5, given this day,	$15,502	
1806. January 13,	To the amount of the cargo of the ship William and Mary, with annuities from the United States, in May, 1805, viz:		
		Pat. chs.	
	148 oak plank, 3 inches thick, at 85, - - - -	12,790	
	212 pine plank, 40 feet long, 3 inches thick, - - -	8,480	
	14 pine beams, at 150, - - - - -	2,100	
	Pataca cheques, 5 to a dollar,	23,370	
			$4,674 00

ACCOUNT—Continued.

1804.		Dr.		
January	13,	To the amount of the cargo of the ship Raleigh, with annuities from the United States, December, 1805, viz:		
		85 oak plank, 40 feet long, 3 inches thick, at 85, - - -	7,225	
		270 pine do do do at 40, - - -	10,800	
		20 pine beams, at 70, - - - - -	1,400	
		10 topsail yards, at 120, - - - - -	1,200	
		12 topmasts, at 150, - - - - -	1,800	
		207 spars of various dimensions, at 25, - - - -	5,175	
		400 pieces of ash, for sponges and rammers, at 5, - -	2,000	
		5 brass cannon, 18 pounders, weight 15,900 lbs. Algerine, at 3 per lb. -	47,700	
		Pat. cheques,	77,300	
				15,460 00
January	13,	To the amount of the cargo of the Imperial ship Permura, sent from Malta on account of the United States:		
		6,763 measures of wheat, at $3, - - - - -		20,289 00
		N. B. To obtain a favorable settlement of these cargoes, there were given to sundries, $400.		
March	26,	To the amount of the freight of the ship Raleigh, going to Malta for a load of wheat for the Regency, which sum has been paid by the United States, - -		3,500 00
1807.				
July	28,	To the amount of the biennial present due on the 5th of September, given this day, - - - - - -	$18,923 15	
December	28,	To cash in full for two annuities, according to the treaty, at $21,600 per year, -		43,200 00
		N. B. To accomplish this payment in cash, I was obliged to give at the rate of $30,000 per year, which makes a difference of - -	$16,800	
		And, to enable me to do this, I was obliged to obtain the influence of the principal persons of the Regency, for which were distributed -	10,000	
				26,800 00
				$109,249 00
		At this time we had no ships of war in the Mediterranean, which was well known to the Government here. Three American vessels had been detained, and two sent in by their cruisers, on account of our not having made our payments in naval and military stores; and it became necessary for me to release these vessels and their crews, and to prevent others from being sent in.		
1804.		Cr.		
March	5,	By the amount of two and a half years' annuity, due this day, according to the treaty between the United States and the Regency of Algiers, at 12,000 old sequins or		
1805.		$21,600 per year, to be paid in naval and military stores, - -		$54,000 00
March	5,	By the amount of one annuity due this day, - - - -		21,600 00
1806.				
March	5,	By the amount of one annuity due this day, - - - -		21,600 00
1807.				
March	5,	By the amount of one annuity due this day, - - - -		21,600 00

George Davis, Esq., Chargé d'Affaires at Tunis, in account with the United States.

1803.		Dr.	
December	12,	To cash remitted to you from Algiers, - - - -	$2,000 00
1804.			
January	20,	To cash remitted to you from Algiers, - - - -	2,000 00
May	7,	To cash; paid your bill favoring Saul Levi Brahm, - - -	2,000 00
June	22,	To a credit on Messrs. Degen, Purviance, & Co., Leghorn, - -	2,000 00
December	1,	To cash remitted you from Malta, by William Higgins, - - -	2,000 00
1805.			
February	19,	To cash remitted to you from Malta, by William Higgins, - - -	1,500 00
May	8,	To cash; paid your bill favoring Seig'r Hadge Dermon, 8th March, - -	1,000 00
May	8,	To cash; paid your bill favoring Seig'r Hadge Dermon, dated 18th March, -	1,000 00
June	5,	To cash; paid your bill favoring Mr. Vincent Segond, - - -	1,000 00
June	5,	To cash; paid your bill favoring William Higgins, Esq. - - -	455 10
August	10,	To cash paid you on board the U. S. ship Constitution, in Tunis bay, - -	1,000 00
September	2,	To a bill of exchange on John Gavino, Esq., of Gibraltar, at three days' sight, -	1,000 00
			$16,955 10
1804.		Cr.	
May	10,	By your account rendered to this date, accounting for $6,000 received by you, as per contra, - - - - - - -	$6,000 00
1805.			
April	10,	By your account rendered to this date, accounting for $7,500 received by you, as per contra, - - - - - -	7,500 00

Dr. John Ridgely, Chargé d'Affaires of the United States in Tripoli, in account with the United States.

1805.		Dr.	
June	5,	To cash advanced you in Tripoli, - - - - -	$1,000 00
June	5,	To a credit on William Higgins, Esq., in Malta, - - -	1,000 00
October	29,	To a credit on Messrs. Degen, Purviance, & Co., Leghorn, - -	3,000 00
1806.			
February	15,	To cash paid William Higgins, Esq., of Malta, on your account, - -	82 67
1807.			
February	20,	To a credit on William Higgins, Esq., of Malta, - - -	1,500 00
February	20,	To a credit on Messrs. Degen, Purviance, & Co., Leghorn, - -	1,500 00
			$8,082 67

Dr. James Dodge, Chargé d'Affaires of the United States in Tunis, in account with the United States.

1805.	Dr.	
September 2,	To cash advanced you in Tripoli, - - - - -	$1,000 00
November 13,	To a credit on Messrs. Degen, Purviance, & Co., Leghorn, - -	2,000 00
1806.		
December 31,	Balance due you from the United States, - - - -	1,287 35
		$4,287 35
1806.	Cr.	
October 4,	By the amount of your account with the United States, from September 3, 1805, to August 17, 1806, received this day, examined, and found correct, - -	$4,287 35

Charles D. Coxe, Esq., Chargé d'Affaires of the United States in Tunis, in account with the United States.

1807.	Dr.	
March 5,	To cash advanced you in Tunis, - - - - -	$1,000 00
March 5,	To a credit on Messrs. Degen, Purviance, & Co., Leghorn, - -	2,000 00
March 5,	To a credit on William Higgins, Esq. of Malta, - - -	2,000 00

Dr. Thomas Triplett, in account with the United States.

1807.	Dr.	
February 23,	To cash paid you in Tunis, on account of your salary, 300 piasters, - -	$92 30
June 17,	To cash paid you on account of your salary, - - - -	100 00
November 20,	To cash paid you on account of your salary, - - - -	100 00

George Davis, Esq., Consul of the United States in Tripoli, in account with the United States.

1807.	Dr.	
August 18,	To the amount of a bill of exchange, at 30 days' sight, in your favor, on William Higgins, Esq. of Malta, - - - - -	$4,000 00

I hereby certify, to all whom it may concern, that the accounts contained in the preceding pages, from August 10, 1803, to December 31, 1807, are a just and true copy of those kept by the subscriber, Consul General of the United States for the Regency of Algiers, &c. on account of the United States of America; and that the same are just and true.

In testimony whereof I have hereunto subscribed my name and affixed my seal of office, at Algiers, this 31st day of December, 1807.

TOBIAS LEAR.

Dr. James Dodge, Esq., in account with the United States of America.

1805.	Dr.	
September 1,	To this sum of one thousand Spanish dollars received here in Tunis from the honorable Tobias Lear, Esq., consul general, &c. &c. - - -	$1,000
November 13,	To a letter of credit from Tobias Lear, Esq., on Messrs. Degen, Purviance, & Co. in Leghorn, for two thousand dollars, dated Leghorn, October 29, 1805. -	2,000
		3,000
1805.	Cr.	
September 1,	By amount paid for sundry furniture for the American House, (purchased of Mr. Eaton, as per blotter,) - - - - -	$409 33
September 1,	By three months' salary paid to Joseph Manucei, agent at Bizerte, up to the 31st August last, - - - - - -	28 00
September 1,	By salary to first dragoman, for last month, - - - -	10 25
September 1,	By salary to second dragoman, for last month, - - -	7 50
September 1,	By salary to the Moor servant, - - - - -	4 15
September 3,	By present to the dragoman and servants, as usual on the appointment of a new consul or chargé d'affaires, - - - - -	35
September 4,	By a sandal for watering the squadron at Portofarina, having made nine voyages, -	41 60
September 4,	By a sandal for watering the squadron at Portofarina, having made four voyages, -	18 50
September 4,	By customary pay to the guard of marine, for having the things of boats in the night during the squadron's stay, - - - - -	3 00
September 4,	By supper last night and breakfast this morning to four sailors, at the inn, -	4 00
September 4,	By fresh provisions furnished the Constitution, as per certificate, - -	12 42
September 5,	By blacksmith's work done in the house, - - - -	2 28
September 5,	By repairing the necessary place in the house, - - - -	4 00
September 5,	By loss on doubloons and dollars, in exchanging, left by Colonel Lear, -	20 00
September 5,	By an additional servant employed in the house during the squadron's stay, -	12 00
September 5,	By blank books for the office, - - - - -	3 00
September 5,	By clockmaker's charge for repairing the clock of the large looking-glass, -	8 00
September 5,	By salary to the first dragoman, - - - - -	10 25
September 5,	By salary to the second dragoman, - - - -	7 50
September 5,	By salary to the Moor servant, - - - - -	4 15
October 12,	By carpenter's work in the house, - - - -	2 38
October 12,	By whitewashing terraces and walls of the consular house, - - -	14 30
October 12,	By customary to the officer of Goletta bringing a letter from Captain Hull, of the United States' brig Argus, - - - - -	72

ACCOUNT—Continued.

		Cr.	
1805.			
October	12,	By a Mameluke bringing the Bey's permission for my going on board, and small expenses at Goletta,	2 00
October	25,	By a sandal from Portofarino, bringing a tiskery from the Government of that place for having watered the squadron, having made eleven voyages at ten piastres per voyage, - - - - - - - -	33 78
October	31,	By salary to the first dragoman, - - - - - -	10 25
October	31,	By salary to the second dragoman, - - - - - -	7 50
October	31,	By salary to the Moor servant, - - - - - -	4 15
November	6,	By repairs, and glazing windows of the American house, - - -	6 00
November	10,	By ruling paper, - - - - - - -	56
November	19,	By expenses for white-washing house inside, - - - - -	12 00
November	19,	By customary present to the first dragoman, at the Turkish lent or ramadam, of 12½ lbs. coffee, and 12½ lbs. sugar, - - - - - -	13 22
November	19,	By customary present to the second dragoman, at the Turkish lent or ramadam, of 6¼ lbs. coffee, and 6¼ lbs. sugar, - - - - -	6 61
November	30,	By three months' salary paid to Joseph Manucei, agent at Bizerte, up to this day,	28 00
November	30,	By salary to the first dragoman, - - - - - -	10 25
November	30,	By salary to the second dragoman, - - - - - -	7 50
November	30,	By salary to the Moor servant, - - - - - -	4 15
December	4,	By repairing and painting the writing desk of Chancy, - - -	3 75
December	20,	By a ream of writing paper and sealing wax, - - - -	3 75
December	22,	By customary presents to the different officers, servants, &c. of the palace, at the feast of Biram, including dragoman, - - - - -	22 00
December	28,	By repairing the terraces of the house, - - - - -	1 7
December	31,	By cash paid at sundry times for support of the animals, viz: For barley-straw, shoeing, &c., as per blotter, up to this day, - - - - -	105 60
December	31,	By salary to the first dragoman, - - - - - -	10 25
December	31,	By salary to the second dragoman, - - - - - -	7 50
December	31,	By salary to the Moor servant, - - - - - -	4 15
1806.			
January	1,	By cash paid for the American consular house, rent for one year up to this date, the sum of 200 Venetian sequins, at piastres, 9 2½ equal to - -	563 60
January	1,	By brokerage for getting the Venetian sequins, - -	1 50
January	1,	By blacking and repairing the flag-staff, - - - -	8 56
January	1,	By charity to a poor Christian family, - - - -	2 00
January	20,	By victualling nine men for two days in repairing the terraces of the house, -	3 70
January	31,	By salary to the first dragoman, - - - - - -	10 25
January	31,	By salary to the second dragoman, - - - - - -	7 50
January	31,	By salary to Moor servant, - - - - - -	4 15
February	2,	By customary charity to the Catholic friars on Candlemas day, - -	75
February	16,	By carpenter's work to the necessary place, - - - -	1 08
February	18,	By brokerage on 2,000 piastres of 8½ per cent., - - -	10 30
February	28,	By usual presents to the different officers, servants, &c., of the palace, at the feast of Biram, including the dragoman, - - - - -	22 00
February	28,	By customary to a Mameluke from the Bey, informing the ports of the regency being shut up, - - - - - -	68
February	28,	By three months' salary paid to Joseph Manucei, agent at Bizerte, up to this day,	28 00
February	28,	By salary to the first dragoman, - - - - - -	10 25
February	28,	By salary to the second dragoman, - - - - - -	7 50
February	28,	By salary to the Moor servant, - - - - - -	4 15
March	1,	By a year's salary paid to the Secretary Ambrose Allegro, from 1st of March, 1805, to the present day, at one dollar per day, - - - - -	365 00
March	22,	By blacksmith's work, - - - - - -	1 08
March	25,	By a boat's hire for a messenger to go on board the brig Argus, - -	3 50
March	26,	By a boat's hire for the dragoman carrying a letter to Captain Hull, - -	3 50
March	27,	By expense for a horse for an officer to come from Goletta and other expenses for feeding the animals, &c. - - - - - -	2 20
March	29,	By expenses for a sandal to carry a cable and anchor on board the sloop Hornet,	1 50
March	30,	By customary fees to the officers of marine for letting the boat pass, - -	3 10
March	30,	By cash paid to the inn supporting and lodging four sailors of the Argus two days,	6 32
March	30,	By house expense for supporting three officers from the Argus on public business, two days, - - - - - - -	10 00
March	30,	By customary charity to the Catholic friars on Palm Sunday, - -	2 00
March	30,	By cash paid four soldiers sent by the Bey, on my application to Cape Bonn to the relief of the sloop Hornet, - - - - - -	17 56
March	31,	By salary to the first dragoman, - - - - - -	10 25
March	31,	By salary to the second dragoman, - - - - - -	7 50
March	31,	By salary to the Moor servant, - - - - - -	4 15
March	31,	By cash paid at sundry times for support of the animals, viz: For barley straw, &c. from the first of January up to this day, - - - - -	19 16
April	12,	By cash paid to the inn for supporting and lodging four sailors of the brig Argus two days and one night, - - - - - -	6 00
April	17,	By repairing windows of the American house, - - - -	3 00
April	30,	By cash paid for grass, and shoeing the animals, - - -	7 75
April	30,	By salary to the first dragoman, - - - - - -	10 25
April	30,	By salary to the second dragoman, - - - - - -	7 50
April	30,	By salary to the Moor servant, - - - - - -	4 15
May	4,	By cash paid to the officer of Goletta announcing the arrival of the United States' ship Constitution as customary, - - - - - -	72 00
May	24,	By repairing the animals places, - - - - - -	3 10
May	26,	By customary to the officer of Goletta bringing a note from the United States' schooner Enterprise, and a boat hire for the dragoman to go on board, -	3 40
May	31,	By cash paid for grass, shoeing, &c. of the animals, - - -	9 10
May	31,	By salary to the first dragoman, - - - - - -	10 25
May	31,	By salary to the second dragoman, - - - - - -	7 50
May	31,	By salary to the Moorish servant, - - - - - -	4 15
May	31,	By three months' salary paid to Joseph Manucei, agent at Bizerte, up to this day, -	28 00

ACCOUNT—Continued.

1805.		Cr.	
June	18,	By customary to the officer of Goletta announcing the arrival of the United States' schooner Enterprise,	72
June	25,	To a Jewess for setting up the curtains in the parlor, and white lime for the house,	1 10
June	30,	By cash paid for barley and straw, &c., for the animals,	10 16
June	30,	By salary to the first dragoman,	10 25
June	30,	By salary to the second dragoman,	7 50
June	30,	By salary to the Moor servant,	4 15
July	15,	By customary to the officer of Goletta bringing a letter from Captain Dent of the Hornet, and for an animal for the dragoman to go to Bardo,	1 00
July	31,	By cleaning the public sewer,	2 00
July	31,	By cash paid for barley-straw, &c. for animals,	14 54
July	31,	By salary to the first dragoman,	10 25
July	31,	By salary to the second dragoman,	7 50
July	31,	By salary to the Moorish servant,	4 15
August	17,	By my salary for one year,	2,000 00
			$4,287 35

A true copy of the account of James Dodge, Esq., Chargé d'Affaires of the United States in Tunis, from the account book kept by Mr. Ambrose Allegro, consular secretary at Tunis.

TOBIAS LEAR.

Algiers, *December* 31, 1807.

Memorandum of articles of household furniture, purchased of General William Eaton, in the American house, for which I paid $409\frac{1}{3}$, *viz: purchased by James Dodge, Esq., Chargé d'Affaires of the United States in Tunis.*

1805.		prs. cars.
September	1, 1 high writing desk,	15 00
	2 book-cases,	10 00
	1 large looking-glass,	100 00
	2 playing-tables,	12 08
	3 bedsteads,	13 08
	1 dining-table,	5 00
	Sundries of plate furniture,	219 00
	1 copper stove for a ship,	50 00
	1 iron scale and tea-kettle,	25 00
	6 copper cooking-pans and kettle,	35 00
	Earthen plates and dishes of different kinds,	45 00
	Eight empty demijohns,	8 00
	1 spy-glass,	13 08
	2 mattresses,	25 00
	3 coverlets of Malta,	41 08
	1 woollen of Malta,	20 00
	1 large looking-glass with marble table in the hall,	350 00
	8 lustres in the hall,	120 00
	2 playing tables in the hall,	50 00
	1 large crystal lamp in the hall,	150 00
	4 curtains and 4 cushions in bed room,	25 00
	2 round mahogany tables, in hall,	25 00
	Sundry wine glasses,	30 00
	2 sofas and 3 chairs,	45 00
	2 looking-glasses in dining-room,	36 00
	12 prints or paintings in dining-room,	36 00
	The Spanish dollar valued at $3\frac{3}{4}$ p. makes $409\frac{1}{3}$	

Memorandum of sundry expenses in the American house at Tunis, during the squadron's stay, and in the absence of Mr. Davis.

1805.		prs. cars.
Aug.	10, To an animal for myself to go from Goletta to Marsa, and from thence to Tunis,	4 00
	11, To 3 measures barley for the animals,	13 14
	To take away the dirt of the house and stable,	1 04
	To porterage at Marine for Mr. Davis's baggage,	1 12
	To the Caid of Portofarine's servants for Mr. Davis, taking coffee,	4 08
	To the dragoman, for the animals at Bardo,	10
	Paid to Farroud for three boats' hire, and to going to Goletta,	30 00
	12, To water for the animals,	1 00
	14, To charcoal,	6 04
	To the servants, for buying their necessaries for these four days,	10 14
	To mend the washing vessel,	1 00
	16, To the servant for house expenses, these eight days,	3 12
	17, To measures barley,	9 00
	To the servants, their victuals, lemons, &c.,	3 03
	To water for animals,	1 00
	To two bottles rum,	7 00
	Paid for fruit the men of the boat bought from a Moor,	2 04
	To house expenses, &c., for eggs, milk, lemons, &c.,	2 08
	To house expenses, &c., for eggs, milk, lemons, &c.,	2 14

MEMORANDUM—Continued.

1805.		prs. cars.
Aug. 17,	To four bottles rum,	14 00
	To 28 lbs. sugar,	31 00
	To house expenses, two days,	2 08
	To mend outside of the skiff, for mason and chalk,	4 08
	To house expenses, &c.,	2 04
	To two bottles rum,	7 00
	To charcoal,	6 00
	To a measure of barley,	4 08
	To porterage for a trunk of Mr. Davis,	12
	To house expenses, &c.,	1 10
24,	To house expenses, &c.,	2 02
	To two bottles rum,	7 00
	To four animals and a coachman to go with some gentlemen to Madubba,	16 04
	To porterage from Marine for Dr. Dodge's things,	1 00
	To regalia to the French and Swedish consuls' coachmen to go and come back to Madubba,	18 00
	To a present to the pilot who came in the boat from Goletta to Tunis, $4,	15 00
	To 51 mauboobs, for to give to sundry persons at Madubba,	229 08
	To cure the horse,	1 00
	To house expenses for lemons, eggs, &c.,	3 00
26,	To house expenses for lemons, eggs, &c.,	3 02
27,	To house expenses for lemons, eggs, &c.,	2 06
	To 12½ lbs. coffee,	27 08
	To my passage from Goletta, on a sandal,	08
	To porterage for several things to the Marine,	12
	To a present to the Moorish house, where Colonel Lear and Captain Decatur slept last night,	27 00
	To a measure of barley,	4 08
	To water for the animals,	1 08
	To house expenses, lemons, eggs, milk, &c.,	2 02
29,	To vegetables to send to the Commodore,	4 02
	To house expenses, lemons, eggs, milk, pipes, and tobacco,	4 14
30,	To house expenses, lemons, eggs, milk, pipes, and tobacco,	3 00
	To 4 mesarelles of wine,	120 00
	To soap for washing,	2 00
	To baker's account for bread supplied this month,	80 12
	To butcher's account for beef this month,	18 06
	To vinegar,	4 00
	To the Swedish consul's coachman,	4 08
31,	To a Moor, who accompanied two seamen from the Marine to the house in the night,	1 00
	To fresh provision for Commodore, by order of Dr. Dodge,	9 08
	Paid to the barber for Mr. Cruize,	1 00
	To two black skins some of the gentlemen took away by mistake,	7 00
	To 3 sandals for carrying water to the ships from port Farino,	305 00
	To 12¾ lbs. sugar,	15 00
	To 6¼ lbs. coffee, at 220 piasters per pound,	13 12
	To the dragoman, regalia,	200 00
	To the French cook for victuals supplied from the 12th August to this day, as per account,	607 14
	To the Ragusean hotel, for seamen and some officers having eaten and lodged, as per account,	124 08
	To the Imperial hotel for seamen and some officers having eaten and lodged, as per account,	117 08
	To the officers of the wharf at Marine for the boats coming up the lake, as customary,	9 00
	To a demijohn of wine,	14 00
	To a sandal, to be paid for dragoman and things sent on board some days ago,	8 00
		2,217 01
	To cash paid for sundry articles on the private account of Colonel Tobias Lear,	811 08
		3,029 01

I, the undersigned, have received from the Hon. Tobias Lear, Esq., consul general of the United States for the Regency of Algiers, &c., the above sum of three thousand and twenty-eight piastres and fourteen caroobs.

AMB. ALLEGRO.

TUNIS, *September* 1, 1805.

A true copy: TOBIAS LEAR.

ALGIERS, *December* 31, 1805.

An account of the expenses of the consulate of the United States at Tunis, from the 17th of August, 1806, when Dr. Dodge, late Chargé d' Affaires, rendered his account to December 31, 1806, kept by Mr. Ambrose Allegro, Secretary of the Consulate.

1806.		prs. cars.	
Aug. 31,	By barley-straw, &c., for the animals,	-	$8 20
	By salary to first dragoman,	-	10 25
	By salary to the second dragoman,	-	7 50
	By salary to the Moorish servant,	-	4 15
	By three months' salary paid to Joseph Manucci, agent at Bizerte, up to this day,	-	28 00
Sept. 2,	By repairing a window in the parlor,	-	76
7,	By customary present to the officer of Goletta, bringing a letter from Captain Dent, of the United States brig Hornet,	-	72
8,	By cash paid for an animal for the dragoman and secretary for to go to Goletta and Bardo,	-	2 00
9,	By an additional servant for three days,	-	1 00
10,	By usual present to the Aga of Goletta for Captain Dent coming on shore,	-	6 00

ACCOUNT—Continued.

1806.		prs. cars.	
Sept. 10,	By usual present to the several slaves of the palace on a commander of a vessel of war visiting the Dey,	-	$15 25
	By present to the Swedish consul's coachman for Captain Dent and officers going to palace, &c.,	-	2 00
11,	By customary fees to the officers of the Marine and guard coming up,	-	3 85
	By usual present to the dragoman in cash and cloth, for a commander of a vessel of war coming on shore,	-	43 08
	By cash paid to the inn for supporting and lodging eight sailors of the brig Hornet three days,	-	18 00
	By house expense and cook's account for supplying the table during four days' stay of Captain Dent and officers,	-	26 00
12,	By sending a letter to Goletta for Algiers,	-	80
18,	By cash paid for a mat for the skiff,	-	37
30,	By cash for barley-straw and shoeing the animals, and for doctoring the mule,	-	18 50
	By salary to the first dragoman,	-	10 25
	By salary to the second dragoman,	-	7 50
	By salary to the Moorish servant,	-	4 15
Oct. 10,	By expense for white-washing the house,	-	10 80
14,	By cash for straw for the animals, and other expenses,	-	7 65
23,	By 800 bricks for Mr. Dodge's tomb,	13 08	
	By masons' wages for two days,	9 00	
	By eight caffisse's gibs, or chalk, at 4 piasters,	32 00	
	By four workmen for two days,	8 00	
	By dinner to five men two days,	2 00	
	By utensils, hire, and water,	4 08	
	By an animal for the dragoman to go to Bardo,	1 00	
	By usual presents to all the dragomen of the consular houses, twenty-one in number, for accompanying the corpse to the grave, at one mauboob each,	94 08	
	By usual present to four guardians of the Guardian Basa, at half a mauboob each,	9 00	
	Present to the Swedish Consul's servants for services rendered during Mr. Dodge's sickness,	13 08	
	By four men to bring the corpse from the Swedish to the American house, last evening,	6 00	
	By expenses of coffin, as per carpenter's account,	207 00	
	By present to the Greek priests for performing the funeral ceremonies,	100 00	
	By cash for wax candles, 12 rx. at 5 piasters,	60 00	
	Two men dressing Mr. Dodge's remains,	10 08	
28,	By expense for washing all the clothes, beds, &c., used by Mr. Dodge in the Swedish and American house,	19 08	
	By whitewashing his room,	2 08	
	By half a meserol of wine,	18 00	
	By half a metal oil,	5 12	
	By salary to the first dragoman,	33 05	
31,	By salary to the second dragoman,	24 06	
	By salary to two servants,	23 08	
	By house and cook's expenses from the 13th up to this day, as per blotter,	58 10	
	By baker's account for bread supplied this month,	15 13	
	By expense for mending and whitewashing the terraces of the American house,	23 12	
Nov. 1,	By 6 rx. coffee,	12 12	
4,	By five measures of barley for the horse,	8 10	
6,	By a sailor's going up the flagstaff to put up the rope,	3 08	
8,	A comb for the horse,	4	
12,	By customary present to first dragoman of 12¼ lbs. coffee, 12½ lbs. sugar, at Rammadam,	33 00	
	By half ditto to the second dragoman,	16 08	
	By 25 tumblers,	4 00	
14,	By an animal for dragoman going to Bardo,	1 00	
	By mending several windows with glasses,	5 00	
	By washing the carpet of the parlor,	6 08	
20,	By shoeing the horse,	1 02	
22,	By cash for charcoal,	13 04	
24,	By half a metal of oil,	4 14	
	Firewood,	1 02	
29,	By four measures of barley for the horse,	6 12	
30,	By house expenses this month, as per blotter,	62 00	
	By salary to the first dragoman,	33 05	
	By salary to the second dragoman,	24 06	
	By salary to two servants,	23 08	
	By baker's account for bread supplied this month,	12 09	
Dec. 1,	By firewood,	11	
	By 4 rx. cheese,	4 00	
6,	By two gallons rum,	26 00	
9,	By brown and white sugar,	7 08	
	By a boat going on board the Hornet,	9 00	
	By an animal for secretary going to Goletta,	3 00	
10,	By porterage of Mr. Coxe's things from Goletta,	2 12	
	By a passage in a sandal from Goletta Mr. Coxe, secretary, dragoman, and effects,	2 04	
	By feeding and taking care of the animals at Goletta a day and night,	1 08	
11,	By two animals for secretary and dragoman to go to Bardo,	2 00	
	By a boat for Mr. Coxe's going on board the Hornet,	10 00	
	By bringing three flags from Goletta,	1 00	
	By feeding and taking care of the animals at Goletta,	1 08	
12,	By customary presents at the feast of Biram, including the dragoman,	72 08	
	By an animal for dragoman going to Goletta,	3 00	
	By animals for dragoman and secretary going to Bardo,	2 00	
	By a man bringing the animals from Goletta,	1 08	
	By two measures of wine,	9 00	
15,	By house expenses from 1st December to this day,	31 09	

ACCOUNT—Continued.

		prs.	cars.	
1805.				
Nov. 15,	By regalia to the Swedish consul's coachman,	2	00	
	By two bottles of rosolio,	8	00	
	By customary to the officer of Goletta, bringing a letter from Captain Dent on the 9th,	2	04	
19,	By half a metal of oil,	4	12	
20,	By customary to the officer of Goletta bringing the bill of health of ship Two Brothers,	2	02	
	By two animals for secretary and dragoman going to Bardo,	2	04	
	By cash for charcoal,	13	00	
	By customary to the renegado bringing permission for Captain Chandler to come on shore,	2	00	
21,	By four measures of barley for the horse,	6	01	
	By 7 rx. white sugar,	7	00	
22,	By wax candles,	6	00	
	By mats for the rooms,	15	08	
23,	By two animals for secretary and dragoman going to Bardo,	2	04	
25,	By 6¼ rx. coffee,	12	08	
	By keeping the gates open for the captain last evening,	1	00	
27,	By bathing Mr. Coxe,	4	10	
28,	By lime for whitewashing,	3	04	
	By house expenses from 16th to 27th instant,	86	07	
	By 8 rx. white sugar,	8	08	
	By 111 rx. white wax candles, at 5 piasters,	8	07	
29,	By a metal of oil,	9	00	
	By present to Mellimelli's slave bringing presents,	2	00	
	By seven and a half measures of wine at 5 piasters,	41	04	
	By cash to a Moor bringing a letter from Goletta,	1	00	
	By a blank book for the office,	3	00	
31,	By carriage and animals to go to Bardo,	4	08	
	By present to a Moor bringing permission from the Bey for the ship Two Brothers coming in the canal,	3	00	
	By salary to the first dragoman,	33	05	
	By salary to the second dragoman,	24	06	
	By salary to two servants,	23	08	
	By baker's account for bread supplied this month,	21	12	
	By house expenses from 28th to this day,	20	13	
	Piasters,	1,642	03	$236 68

A true copy: TOBIAS LEAR.

ALGIERS, *December* 31, 1807.

An account of the expenses of the consulate of the United States at Tunis, from January 1 *to* 31, 1807, *kept by Mr. Ambrose Allegro, secretary of the consulate.*

			prs.	cars.
1807.				
January	2,	By C. rx. brown sugar,	5	
January	2,	By fire-wood,	4	12
January	4,	By repairing a window in the dining room,	3	
January	6,	By four measures of barley,	6	6
January	8,	By fire-wood,	13	8
January	8,	By charity to a slave,		8
January	8,	By an animal for dragoman to go to Goletta, and expense there,	4	
January	8,	By advance to the courier despatched to Bona,	10	
January	8,	By an animal for dragoman to go to Bardo and Manubia	2	4
January	9,	By porterage of a barrel of beef,		10
January	10,	By a sandal, bringing the Bey's present from Goletta,	2	
January	12,	By customary to a Mameluke bringing permission from the Bey for the consul, &c. coming on shore,	4	8
January	12,	By do. to the officer of Goletta, announcing the arrival of the frigate and bringing a letter,	2	4
January	12,	By 8 rx. white sugar,	8	8
January	12,	By 5 do. coffee,	10	10
January	12,	By an animal for dragoman going to Goletta and Bardo,	5	
January	12,	By a man taking care of animals at Goletta,	2	
January	12,	By an animal for dragoman going to Bardo,	1	2
January	12,	By bringing from Marine different things of Col. Lear,	1	12
January	12,	By house expense, from the 1st till this day,	115	12
January	15,	By an animal for dragoman going to Bardo twice,	2	4
January	15,	By a dozen different birds, partridges, and ducks, sent to Captain Campbell,	5	
January	15,	By two sandals, bringing the remainder of the Bey's present,	4	
January	15,	By porterage of do. from Marine to American house,	36	
January	15,	By two bottles liquor,	8	
January	18,	By two animals, for secretary and dragoman to go to Bardo,	2	
January	19,	By do. do. do. do.	2	
January	19,	By usual presents at palace to the Bey's slaves, for Colonel Lear drinking coffee,	49	8
January	20,	By house rent, 200 V. sequins, at 8¾ pr. each,	1,750	
January	20,	By two animals, for secretary and dragoman to go to Bardo,	2	4
January	20,	By pair boots for little James,	5	
January	20,	By porterage of the Bey's presents from Tunis to Bardo,	60	
January	21,	By an animal for dragoman to go to Bardo,	1	
January	22,	By half metal of oil,	4	6
January	22,	By an animal for dragoman to go to Bardo,	1	2

ACCOUNT—Continued.

1807.			prs.	cars.
January	22,	By 100 eggs, sent to Captain Campbell,	3	10
January	22,	By house and kitchen expense, from 13th to 22d,	206	13
January	22,	By dinner for seven men of the frigate,	10	8
January	23,	By do. do.	10	8
January	23,	By cash for six horse loads of fire-wood,	15	
January	24,	By four measures of barley,	5	14
January	25,	By cash for eight demijohns of French and Sardinian wine, for use of the house,	81	8
January	25,	By rx. C. white sugar,	6	
January	26,	By two horses for Mr. Coxe and a Mameluke, coming from Goletta with a chaoux from the Aga,	8	8
January	26,	By a slave for curing the horse,	3	
January	26,	By an animal for the dragoman to go to Goletta with a letter to Captain Campbell,	5	
January	26,	By cash to the Mameluke who was to go to Portofarine for watering the frigate,	22	8
January	30,	By present to a porter from Bardo, bringing the cloth back,	4	8
January	30,	By wax candles,	8	
January	31,	By salary to the first dragoman,	33	5
January	31,	By salary to the second do.	24	6
January	31,	By ten small bottles rosalio,	20	
January	31,	By rx. C. ¼ white sugar,	6	4
January	31,	By salary to two servants,	23	8
January	31,	By house and cook's expenses, from 23d to 31st,	179	10
January	31,	By baker's account of bread supplied this month,	39	13
		Omitted on the 24th, six rx. sugar,	5	4
		Do. 27th, brazier,	14	10
		Do. 28th, straw for horse,	4	
			2,878	2

ALGIERS, *December* 31, 1807.

A true copy:

TOBIAS LEAR.

An account of the expenses of the consulate of the United States at Tunis, from the 31*st of January to the* 6*th of March*, 1807, *kept by Mr. Ambrose Allegro, secretary of the consulate.*

1807.			prs.	cars.
February	1,	By two animals for Turkish dragoman to go to Bardo with the cloth,	2	8
February	1,	By an animal for first dragoman to go to Bardo,	1	
February	1,	By a camel load of charcoal,	8	
February	2,	By hemp bridle for the horse,	2	4
February	2,	By fire-wood,	1	8
February	2,	By an animal for dragoman to go to Bardo,	1	2
February	3,	By cash for balance for cloth,	715	
February	4,	By two camel loads of fire-wood,	9	
February	4,	By vinegar,	3	8
February	4,	By rx. 5 loaf sugar,	7	8
February	4,	By cash for burnoose for 2d dragoman,	23	
February	4,	By an animal for the dragoman to go to Bardo,	1	2
February	5,	By a woollen sash for little James,	4	
February	5,	By 4 rx. wax candles,	20	
February	5,	By repairing terraces,	10	4
February	7,	By an animal for dragoman to go to Bardo,	1	
February	7,	By fire-wood,	1	8
February	7,	By half metal of oil for the house,	4	4
February	7,	By two mil's and two and a half mitri Spanish wine, at 40 prs. as per acc't,	95	6
February	7,	By rx. 12½ white and brown sugar,	11	4
February	7,	By 19 bottles rosalio,	60	8
February	7,	By four flasks Madeira wine,	18	
February	10,	By ham and cheese, as per account,	110	
February	11,	By house and cook's expense, from the 1st to the 11th,	188	14
February	12,	By a camel load of charcoal,	9	
February	13,	By fire-wood,	2	8
February	13,	By a tureen for the soup,	6	
February	14,	By fire-wood, three camel loads,	9	
February	14,	By four vibas barley for horse and sheep,	5	4
February	16,	By 6½ rx. white sugar,	6	4
February	17,	By an animal for the dragoman to go to Bardo,	1	
February	18,	By four do. for dragoman, secretary, and Captain Candler, for do.	5	8
February	18,	By customary presents at the feast of Biram, including the dragoman's,	72	8
February	18,	By an animal for dragoman to go to Goletta,	3	
February	19,	By customary to the odabashi of Goletta, bringing a letter from Captain Campbell,	2	4
February	19,	By an animal for dragoman to go to Bardo,	1	8
February	20,	By a dozen knives,	6	
February	20,	By a new lantern,	8	
February	22,	By a half metal of oil for the house,	4	
February	22,	By house and cook's expenses, from the 12th to the 22d, as per book,	256	5
February	22,	By cash paid to the inn, for eating and lodging seamen and officers of the United States' ship Constitution and schooner Enterprise, as per account,	67	4
February	23,	By 4 rx. wax candles,	16	
February	23,	By four camel loads of fire-wood,	15	10
February	23,	By 12½ rx. brown and white sugar,	11	4
February	24,	By two camel loads of charcoal,	19	
February	24,	By an animal for dragoman to carry a letter to Bardo,	1	

ACCOUNT—Continued.

1807.				prs.	cars.	
February	24,	By an animal for dragoman to go to Goletta and Bardo - -		4	10	
February	25,	By do. for do. to go to Bardo, - - -		1	4	
February	25,	By several expenses for preparing the table, &c. - - -		14	6	
February	25,	By 25 rx. sugar, - - - - -		25		
February	25,	By present to the Spanish consul's servant, - - -		9		
February	26,	By an animal for the dragoman to go to Bardo, - - -		1		
February	26,	By cash for playing cards, - - - - -		2	4	
February	26,	By present to a slave working in kitchen, - - -		3	8	
February	27,	By cash to a porter from Bardo, bringing a letter for Colonel Lear, -		2	4	
February	28,	By four measures of barley for the horse, - - -		6	6	
February	28,	By ten bottles of rum, a pr'd $\frac{3}{4}$, - - - -		37	8	
February	28,	By balance to the courier who was sent to Bona by Mr. Coxe, - -		90		
February	28,	By three rx. wax candles, - - - - -		12		
February	28,	By present to a porter from Bardo, bringing a letter to Colonel Lear, -		2	4	
February	28,	By salary to the first dragoman, - - - -		33	5	
February	28,	By salary to the second dragoman, - - - -		24	6	
February	28,	By salary to two servants, - - - - -		23	8	
February	28,	By salary to Nicholas, for three months, - - -		34		
February	28,	By house and cook's expense from the 23d to the 28th, including the dinner of the 25th, - - - - - -		757	2	
February	28,	By cash paid to the inn, for sailors of the United States' frigate Constitution and schooner Enterprise, for supporting and lodging from 23d to 28th, as per account, - - - - - -		215		
February	28,	By cash paid for officers' lodging, eating, &c. at inn, as per account, -		52		
February	28,	By baker's account for bread supplied this month, - - -		48		
February	28,	By six months' salary to the agent of Bizerte, up to this day, - -		180		
March	2,	By six rx. brown sugar, - - - - -		5		
March	2,	By brokerage on 88,625 p. at $\frac{1}{2}$ per cent. - - -		443		
March	5,	By secretary's salary, from 1st of March, 1805, to 31st of August, at $365 per annum, - - - -	$182 50			
		Do. from 1st September to 1st March, 1806, - -	250 00			
		Do. from 1st March, 1806, to 1st March, 1807, - -	500 00			
			932 50			
		Received from Dr. Dodge, - - -	365 00			
		Due, -	567 50	-		$567 50

TUNIS, *March* 6, 1807. Received in full.

AMBROSE ALLEGRO.

I, Charles D. Coxe, chargé d' affaires for the United States of America, do hereby certify that the foregoing account has been kept by Mr. Ambrose Allegro, secretary to this consulate, according to the custom of this office, and is just and true. In testimony whereof I have hereunto affixed the seal of my office, and subscribed my name, this 6th day of March, 1807.

[SEAL.]

CH. D. COXE.

A true copy: TOBIAS LEAR.

ALGIERS, *December* 31, 1807.

TUNIS, *March* 4, 1807.

Inventory of articles belonging to Doctor Dodge, viz:

One mahogany bureau, containing the following articles: 3 old blue cloth coats; 1 new cloth coat; 1 jacket of the same; 1 new surtout or cloak, blue cloth; 2 pair pantaloons, blue cloth; 2 coverlets, one cotton, one Indiana; 6 pair nankeen pantaloons; 2 pair white jane; 1 pair white kerseymere; 1 pair white breeches; 9 pair trowsers, some old and some good; 2 old night gowns; 5 white pillow covers; 3 small sheets; 1 clarionet; 1 new portfolio; 2 old portfolios, with sundry papers; 1 segar box; 15 shirts; 25 neckerchiefs and 1 black silk; 1 dressing box; 8 pocket handkerchiefs; 12 white waistcoats; 2 white kerseymere waistcoats; 3 flannel waistcoats; 3 pair silk stockings; 3 pair coarse thread stockings; 1 pair cotton gloves; 1 silk purse; 7 Spanish dollars; 1 box with surgical instruments; 1 dagger. One trunk, containing as follows: 1 writing desk, with sundry letters and papers; 2 silver watches; 1 ring with 3 small diamonds; 2 gold rings; 3 breastpins; and a pair of small buckles. 34 books; 1 japan dressing box; 1 woollen blanket.

The foregoing I certify to be a true copy of an inventory given me by Mr. Ambrose Allegro, secretary to the United States' consulate at Tunis.

MELS. F. WOOLSEY.

U. S. FRIGATE CONSTITUTION, ALGIERS ROAD, *March* 23, 1807.

I hereby certify, to all whom it may concern, that the foregoing is a true copy of an inventory of articles belonging to the late Dr. James Dodge, chargé d' affaires of the United States in Tunis, sent to me by Lieutenant Woolsey, of the United States ship Constitution; and that the said articles were committed to the care of Lieutenant Woolsey, to be forwarded to the friends of the late Dr. Dodge, in the United States.

ALGIERS, *March* 23, 1807.

TOBIAS LEAR,

Consul General of the United States for the Barbary Regencies.

B—Continued.

Accounts of Tobias Lear for the year 1808, together with an explanatory note made at the Treasury, showing the difference between the accounts rendered by Mr. Lear and the sums with which he stands charged.

The United States of America, in account with Tobias Lear, Consul General of the United States at Algiers, &c.

1808.		Dr.	
January	30,	To cash gave the customary present on the feast of Biram, - - -	$72 00
January	30,	To cash gave the dragoman and Turk guard, for do., - - -	20 00
February	1,	To Doctor Triplett, paid him on account of salary, - - -	100 00
February	6,	To cash gave the slaves of the Vickeltradge, taking coffee with him before Biram, -	20 00
February	7,	To cash gave towards liberating a slave, as given by the other consuls, -	15 00
February	16,	To cash gave towards liberating another slave, as given by the other consuls, -	10 00
March	7,	To cash paid six months' rent of the consular house, - - -	90 00
March	19,	To John Ridgely, Esq. late Chargé d'Affaires of the United States in Tripoli; paid his bill on me on account of the United States, favoring John Gavino, Esq., -	200 00
March	28,	To Doctor Triplett, paid him on account of salary, - - -	20 00
March	31,	To the regency of Algiers, paid (per force) for nine subjects of the regency, who had been destroyed or carried away on board the American schooner Mary Ann, of New York, Ichabold Sheffield, master, in October last, as explained in my letter to the Hon. the Secretary of State of the United States, of this date, $2,000 each,	18,000 00
April	8,	To cash gave the slaves who went with the Canip against Tunis, to buy necessaries, given by all the consuls, - - - - -	10 00
April	16,	To cash gave the slaves in the bagnio, at Easter, given by the consuls in consequence of the pay of the Portuguese being stopped, - - - -	40 00
May	1,	To cash gave the dragoman for services, - - - -	20 00
May	2,	To cash gave towards liberating a slave, as given by the other consuls, -	12 00
May	16,	To Doctor Triplett, paid him on account of salary, - - -	100 00
July	3,	To cash gave the slaves in the bagnio, for the 4th of July, as they have been deprived of pay from their Government, and have been in great distress on that account; the same being given by other consuls on their national feasts, - -	100 00
July	3,	To cash gave the Portuguese officers' slaves in the bagnio, to provide a dinner on the 4th of July, as they were not permitted to go to the American garden on that day,	20 00
July	3,	To cash gave the slaves of the skiff at the Marine, - - -	10 00
July	4,	To a dinner given to the consular families, and others, at the American garden this day, - - - - - - -	120 00
July	10,	To Doctor Triplett, paid him on account of salary, - - -	100 00
July	30,	To cash gave towards redeeming a slave, - - - -	10 00
July	30,	To cash paid boat hire going off to the ship Leonidas, - - -	8 00
August	12,	To cash paid for sundry articles, given as a customary present to a new Casnagee, or Prime Minister, viz:	
		1 gold caftan, - - - - $114 00	
		1 gold repeating watch, - - - 250 00	
		12 piques of cloth, - - - 84 00	
		8 piques of damask, - - - 14 00	
		1 piece Holland, - - - 27 00	
		$489 00	
		Also, to procure a favorable settlement of the cargo of the ship Leonidas, one diamond ring, solitaire, - - - - 250 00	
			739 00
August	12,	To cash gave the slaves of the Casnagee, on taking coffee with him, when I gave the present, - - - - - - -	20 00
August	13,	To cash gave the slaves of the Vickeltradge of the Marine, taking coffee with him sundry times while the Leonidas was discharging her cargo, - -	30 00
August	15,	To cash paid Captain Ronald Mackenzie, of the ship Leonidas, balance of freight of said ship from the United States to Algiers, with a cargo of stores,	
		Spanish dollars, 1,686 00	
		Purchased said dollars at ten per cent. advance, - 168 28	
			1,854 28
August	15,	To cash paid half the anchorage, &c. of said ship, - - -	17 50
August	15,	To cash gave sundry persons at the marine, on discharging the cargo of the ship Leonidas, and getting receipts for the same to settle at the palace, viz. measurers, weighers, inspectors, secretaries, &c. &c. &c. - - -	330 00
August	15,	To cash on the settlement of the cargo of the Leonidas at the palace, 1,490, 557, 1,123, 1,100, 1,063, 1,226, 663, 1,138, 918, 1,518, 663, 218, viz:	
		1,100, 212, 78, - - - - $2,000 00	
		889, 501, 232, 800, 1,518, 663, 315, 936, 940, - - 2,400 00	
		534, 749, 1,439, 1,518, 663, 621, - - - 1,500 00	
		78, 1,518, 862, - - - - 2,000 00	
		753, 666, 377, 1,012, 1,374, - - - 1,500 00	
		54, 1,523, 534, 749, 1,439, - - - 100 00	
		1,513, 1,570, 1,484, 520, 800, - - - 630 00	
			10,130 00
August	19,	To cash paid six months' rent of the consular house, - - -	90 00
September	25,	To cash gave the chouse who announced the approach of the fast of Ramadan -	2 00
September	30,	To cash paid for sundries, given as a customary present to the new Aga, viz:	
		1 gold repeating watch, - - - $230 00	
		1 caftan, - - - - - 114 00	
		8 piques cloth, - - - - 48 00	
		8 piques damask, - - - - 18 00	
			410 00
September	30,	To cash gave the slaves of the Aga; taking coffee with him on making the present, -	20 00
October	4,	To cash paid for ten hikes and dyeing, to make a flag for the consular garden, $40 00	
		Making the flag, - - - - - 6 00	
			46 00
October	13,	To cash paid for carrying letters on board an English brig of war, to send to Malta, on account of the United States, - - - -	4 00

ACCOUNT—Continued.

	Dr.				
1808.					
October 21,	To Doctor Triplett, paid him on account of salary,				$100 00
November 2,	To cash gave to the scrivan of the skiff of the Marine,				4 00
November 6,	To cash gave the usual present for Ramadan,				72 00
November 6,	To cash gave the dragoman and Turk guard, for Ramadan,				20 00
November 6,	To cash paid annuity to the Christian hospital,				50 00
November 12,	To cash paid for affixing the seal of the new Dey Alli to our treaty, on his ratification of the same, to the secretary, instead of a caftan, as usual,				100 00
November 18,	To cash gave to the Rais of a Tunisian vessel, who brought me a letter from Mr. Coxe,				5 00
November 18,	To Doctor Triplett, paid him on account of salary,				50 00
November 19,	To cash gave the slaves of the Vickeltradge, taking coffee with him before Ramadan,				20 00
November 19,	To cash gave charity to the pilot of the late Portuguese frigate,				6 00
November 26,	To cash paid for sundries, for the customary present given to the new Dey Alli, viz:				
	1 gold watch and chain, richly set with brilliants,			$1,100 00	
	1 diamond ring, solitaire,			600 00	
	1 gold caftan,			114 00	
	16 piques of cloth,			96 00	
	1 piece Holland,			30 00	
	8 piques velvet,			24 00	
					1,964 00
November 26,	To Charles D. Coxe, Esq., Chargé d'Affaires of the United States at Tunis, remitted him a bill of exchange on William Higgins, Esq., of Malta, for				2,000 00
November 30,	To cash gave a slave to pay his redemption fees,				10 00
December 15,	To cash gave the new Casnagee, in money, instead of the usual present,				350 00
December 15,	To cash gave the slaves of the new Casnagee, taking coffee with him,				20 00
December 25,	To cash gave the slaves in the bagnio and hospital, a Christmas gift, as usual,				50 00
December 26,	To cash gave the new Aga, in money, instead of the usual present,				250 00
December 26,	To cash gave the slaves of the new Aga, taking coffee with him,				20 00
December 29,	To Doctor Triplett, paid him on account of salary,				20 00
December 30,	To cash gave a Tunisian Rais, to take a letter to Mr. Coxe, in Tunis,				4 00
December 30,	To cash advanced for one month's subsistence of four Portuguese officers, at eight dollars each, as per agreement among the consuls,				32 00
December 31,	To the amount of secretary's salary one year,				500 00
December 31,	To the wages of the consular Turk guard one year,				96 00
December 31,	To whitewashing, and necessary repairs of the consular houses in town and country, and other incidental expenses of a public nature, not included in the foregoing account, for one year,				50 00
December 31,	To stationery for the consulate for one year,				30 00
December 31,	To the support and clothing of two Italian slave women, sent by the Regency to the consular house in December, 1803, where they have remained ever since; five years, at $75 per year each,				750 00
	N. B. It is customary for the Regency to send the women slaves to the houses of the consuls, and others, to prevent their being mixed with the men in the prison; and humanity forbids our refusing them, even if such refusal would prevent their being forced upon us when their services are not wanted in the family.				
	The following charges of discount, commissions, guaranty of bills, &c. are charged to T. Lear, by Messrs. Degen, Purviance, & Co., of Leghorn, on account of the United States, vide account of Messrs. D. P. & Co. with T. Lear, viz:				
1805.			Ps. of 8 r.		
November 9,	To commissions and guaranty on T. Lear's bills on the Hon. Secretary of State of the United States, favoring Messrs. D. P. and Co. for $25,657 89, net proceeds, ps. 26,000 8r. at 1 per cent.,		260 0 0		236 00
1806.					
January 4,	To discount on T. Lear's bill on the Hon. the Secretary of State of the United States, favoring Messrs. D. P. and Co., dated December 10, 1805, for $12,000, at 8 per cent.,				960 00
January 4,	To commissions and guaranty on ps. 12,160 8r., proceeds of the foregoing bills, at 1 per cent.,		121 12 0		109 00
January 4,	To Agio on my bill of ps. 10,700 8r., in favor of D. C. Bacri, on account of the United States, dated December 10, 1805, at 7 per cent.,		749 0 0		680 00
July 15,	To commission, guaranty, and brokerage on £1,000, my bill on Messrs. Sir Francis Baring and Co., London, on account of the U. States, producing ps. 4,845 5 6,		54 5 6		49 00
September 15,	To premium on insurance of $1,000 sent to Doctor Ridgely, Chargé				
1807.					
April 22,	d'Affaires of the United States in Tripoli, ps. 1,130 8r., at 7 per cent.,		84 15 0		74 40
	To commissions on my bill on the Hon. the Secretary of State of the United States, favoring Messrs. D. P. and Co. for $25,000, dated				
1808.					
May 10,	January 21, 1807, producing ps. 27,536 4 7, at 1 per cent.,		275 0 0		250 00
	To commissions on paying ps. 54,128 11 11, at 1 per cent		541 5 8		
	To postages, franking letters, &c.		18 15 3		
			560 0 11		508 40
May 10,	To cash paid Thomas Appleton, Esq., so much paid by him for a monument for Doctor James Dodge, late Chargé d'Affaires of the United States in Tunis,				78 00
May 10,	To charges for paying my bill favoring D. C. Bacri, dated December 31, 1807, on account of the United States, $40,000,		45,217 7 9		
May 10,	To proceeds of my bill on the Hon. the Secretary of State of the United States, favoring Messrs. D. P. and Co., dated December 31, 1807, $40,000,		41,417 9 7		
	Difference,		3,799 18 2		
May 10,	To commissions for accepting, negotiating, and paying said bills, at 2 per cent.,		904 6 10		
	Brokerage,		22 12 2		
	Postages and stamp,		24 13 3		
			4,751 10 5		

ACCOUNT—Continued.

1808.		Dr.			
May 10,	Deduct Agio, allowed on the proceeds of my bills of £1,000, of the 15th of July, 1806, favoring Messrs. D. P. and Co., ps. 4,526 6, at 7 per cent., - - - - - -			316 19 6	
				4,434 10 11	$3,922 35
	Account of the negotiation and proceeds of the following bills of exchange, drawn by T. Lear in favor of William Higgins, Esq., of Malta, on account of the United States, vide account of William Higgins herewith, viz:				
1807.				Scudi of Malt.	
December 3,	February 16, two bills on the Hon. the Secretary of State of the United States, $5,000 each, - - -		$10,000 00		
	February 16, three bills on Messrs. Sir Francis Baring and Co., of London, £2,500, - - -		11,111 11		
			$21,111 11		
	£2,500, negotiated at 59½d. per dollar, making scudi, 25,210, equal - -	$10,084 00			
	$10,000, negotiated at Gibraltar, deduct freight from Gibraltar to Malta, making scudi, 23,754 9 18, equal - -	9,501 60			
			19,585 60	-	1,525 51
	Charges on £2,500.				
	Insurance in London on £2,500, - -		£22 10 0		
	Policy duty, one-eighth per cent., - -		2 18 9		
	Commission in London, half per cent., - -		11 5 0		
			£36 13 9	400 2 0	
	Charges on $10,000.				
	Landing dollars and carriage, - - - -			5 4 3	
	Brokerage for changing, - - - -			23 9 0	
	Commissions in Malta, for receiving and paying, 1 per cent., -			489 7 15	
	Postages, - - - - - -			6 0 0	
				924 10 18	370 00
December 31,	To difference in Mr. Higgins's account between my bills drawn on him, favoring G. Peronze for $3,000, which, at par, is 7,500 scudi, and his charge of the same, 7,750 scudi, making 250 scudi, - - - - -				100 00
December 31,	To charge for five American flags sent to Tunis, one of which was brought to Algiers, scudi 449 9 12, - - - - -				179 70
December 31,	To difference in my bills on Messrs. Baring, Brothers, and Co., favoring John Gavino, Esq., dated August 18, 1808, for £1,500.				
	Credited the United States, - - - -		$6,666 66		
	Produced by Mr. Gavino's letter to me, of the 9th of November, 1808,		6,197 84		468 82
					$48,873 96
December 31,	Balance carried to the credit of the United States in new account, - -				7,628 16
					$56,502 12
1808.		Cr.			
January 1,	By balance brought from old account, - - - -				$29,835 46
April 2,	By the amount of four bills of exchange, at thirty days' sight, in favor of John Gavino, Esq., of Gibraltar, on the Hon. James Madison, Secretary of State of the United States, viz.				
	One for - - - -		$3,000 00		
	One for - - - -		4,000 00		
	One for - - - -		6,000 00		
	One for - - - -		7,000 00		20,000 00
August 18,	By the amount of two bills of exchange, at thirty days' sight, on Messrs. Baring, Brothers, and Co., of London, in favor of John Gavino, Esq., viz:				
	One for - - - -		£1,000		
	One for - - - -		500		
			£1,500		6,666 66
					$56,502 12

Algiers, *December* 31, 1808.

Errors and omissions excepted.

TOBIAS LEAR.

EXPLANATORY NOTE MADE AT THE TREASURY.

Notes in relation to the accounts of Tobias Lear.

The sum of £28,881 2 7, placed in the hands of the bankers at London, subject to the drafts of Mr. Lear, together with a further sum of £1,617 3 7, which was in their hands on the 5th June, 1805, and amounting together to - - - - - - - - £30,498 6 2

Has been accounted for by the said bankers as follows:

Paid on drafts of Mr. Lear, drawn previous to 5th June, 1805, - -	£6,000 0 0	
Paid on drafts of Mr. Lear, drawn subsequently to 5th June, 1805, - -	23,604 10 6	
Charges of protest on Crousillat's bill, - - - -	11 10 7	
Charges on Mr. Lear's bill, - - - - -	1 0 0	
Balance in the banker's hands, December 31, 1808, - - -	881 5 1	
		30,498 6 2

The sums paid and charged to Mr. Lear directly at the Treasury, and the sums paid by the bankers in London, agree with the credits given by him in his accounts, with the following exceptions, viz:

1. In relation to the moneys paid at the Treasury.

The amount he credits from 5th June, 1805, to 31st December, 1808, for his bills drawn on the Secretary of State, is - - - - - - - - - $189,605 26

To which is to be added this sum, deducted by him for a discount or loss in exchange of 8 per cent. on certain bills, which, instead of being deducted, ought to have been charged as an item of expense, 2,052 63

$191,657 89

The amount charged at the Treasury for payments to the end of the year 1809, as above, is - 208,007 17

Difference, - - $16,349 28

Which is made up as follows:

Four years annuity paid to the attorney of Mr. Lear's mother, at $500 per annum, per his authority to that effect, - - - - - - -	$2,000 00	
A bill dated March 28, 1806, paid July 18, 1806, not credited by him, - -	2,500 00	
A bill dated March 28, 1806, paid August 14, 1806, not credited, - -	500 00	
And the following payments for bills drawn in the year 1809, for which year his accounts have not been received, viz:		
$500 00		
21,089 28		
1,000 00		
1,760 00		
	24,349 28	
	29,349 28	
From which deduct two bills credited by him in 1808, but which have not yet appeared at the Treasury for payment, one for $6,000, and one for $7,000, both dated April 2, 1808,	13,000 00	
		$16,349 28

2. In relation to the moneys paid by the bankers of the United States in London, a difference of ten shillings sterling in a bill dated October 11, 1806, it being credited by Mr. Lear at £1,500, and charged by the bankers, February 4, 1807, at £1,500 10.

A. G.

11th Congress.] No. 274. [2d Session.

DISTRICT OF COLUMBIA—BANKS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 2, 1810.

Mr. Love, from the Committee of the District of Columbia, to whom was referred the several petitions relative to the Banks of Alexandria, of Potomac, of Washington, and of the Union Bank of Georgetown, reported:

First: That the Bank of Alexandria was established by an act of the Legislature of Virginia, passed in the year 1792; allowing a capital to be raised to the amount of $150,000, and limiting the duration of the bank to the 1st day of January, 1803; that by an act of the same Legislature, passed the 5th day of December, in the year 1795, the capital of the said bank was allowed to be increased to $500,000, the whole of which has been subscribed for; and on the 21st day of January, in the year 1801, the Legislature of Virginia extended the duration of the charter to the 4th of March, 1811.

An increase of capital and an extension to the time last mentioned, it is presumed was decided on, from a knowledge of the beneficial effects the community had derived from the institution and the propriety with which it had been conducted; and also from an opinion, perhaps prevalent, (but how well founded your committee do not pretend to decide,) that the Congress of the United States had divested themselves of the power of granting a charter, even to a private bank, till the term of limitation for that of the United States had expired.

The useful and prosperous operations of the Bank of Alexandria, have continued to an equal degree and extent to that which they had been carried to when that institution last received the sanction of the State of Virginia, by the act of 1801. It has preserved a stability of credit, and there is every reason to induce a belief that the same prudence and circumspection has influenced the conduct of the directors of it since, as did before the State of Virginia ceased to have jurisdiction over the place of its establishment.

The circumstance of this incorporation having been created under the special sanction of the ceding State, and its therefore presumed consistency with the interests and wishes of that State, the citizens of which are principally affected by the circulation of its notes, affords considerations for a continuance of its charter, which are certainly entitled to particular respect. The average annual dividends of this bank have been equal to 8¾ per cent. on its capital, to the present time.

The provisions of its charter secure to the public, affected by the circulation it enjoys, the responsibility of each stockholder or member of the company, in their natural capacities, to an amount equal to the stock held by him in case of losses or deficiency of the capital stock, at the time such loss or deficiency shall take place, from whatsoever cause it may arise; and, also, in case the total amount of the debts, which the company shall at any time owe, shall exceed four times the amount of the capital stock over and above the moneys actually deposited in the bank for safe keeping, the directors, under whose administration it shall happen, shall, in their natural and private capacities, be liable for such excess to any creditor of the bank, except those directors who were absent, or being present, dissented to the act, which should produce such excess; and, in case such directors should not have property sufficient to pay, the stockholders are made liable, in their private capacities, for such excess.

It is also made necessary, by the provisions of its charter, that the president and directors shall, once in every year, lay before the Executive of Virginia an account truly stating the situation of the bank and its funds. A summary mode of recovery is also provided for the creditors of the bank.

2dly. The Bank of Potomac, next to that of Alexandria, has been longest in existence of any respecting which petitions have been referred to this committee. It is derived from an association of individuals, which took place for that purpose in the town of Alexandria, in the year 1804, who agreed to subscribe a capital, not exceeding 500,000 dollars, the whole amount of which has been paid according to the terms of the association. The petitioners assign, as a reason for not applying at that time for a charter, their impression that the National Legislature had been precluded by the terms on which that of the Bank for the United States had been granted from authorizing by law any other bank till the 4th of March, 1811, and the necessity of an increase of banking capital, in order to enable the traders in agricultural products to purchase the increased quantity of those articles brought to Alexandria for a market.

This banking association has established a solid credit. There is every reason to presume its operations have been prudently conducted. Its utility is tested by the constant demand for its capital, as evidenced by the rate of annual dividends or profits it has yielded the stockholders, averaging precisely seven per cent. to the period previous to the last half year, which, for that term, has been declared to be four per cent. on the capital.

3dly. The Bank of Washington and the Union Bank of Georgetown, are constituted by articles of association nearly similar to that of the Bank of Potomac, and have originated during the year 1809.

The Washington Bank is established in the city of Washington, contemplating a capital of $250,000 certain; for the amount of which a subscription has been obtained, and is capable of being augmented to $1,000,000. The operations of this bank have already commenced.

The Union Bank is contemplated to be established in Georgetown, with an immediate capital of $300,000, four-fifths of which the petitioners state is now subscribed for, and is capable, by the articles of association, of being enlarged to the amount of $1,000,000. Its operations have not yet commenced, but it is represented in the petition, that preparations are so progressing as to ensure their commencement early in the present month.

The probable utility and success of those banks must depend on a variety of circumstances, and cannot be deduced, as in the two first instances, from actual experience.

The Committee of the District of Columbia can, however, readily confide in the statement of the petitioners, that an increase of banking capital will be conducive to the growth of commerce and manufactures within the district. The committee will also observe, that the founding and erection of so extensive a city as the permanent seat of empire for the United States, must obviously require the aid of vast resources, and that that consideration offers additional inducements to give the most advantageous extension to the moneyed capital it may possess, and to attract a portion of that which may be to spare in other parts of the Union. The purposes of an increasing commerce, of manufacturing establishments, and more especially improvements for accommodation, now rapidly progressing, it is presumed, demand a sum of circulating medium perhaps not to be answered, even by the increase expected from the establishment of the banks petitioned for.

A fulfilment of the expectations of the founders of the national seat of Government appears, from the rapid increase of its growth and population, no longer to remain doubtful. It can no longer be doubted, that the District of Columbia is destined to an enviable, and perhaps unrivalled enjoyment of commerce and the useful arts, the essential concomitants of wealth, power, and magnificence. Its site at the head of the maritime navigation of a great river, deriving its sources from the regions which also give birth to the western waters of the United States; the facility of connexion with the trade of the latter; the natural and improved fertility of the country to which those advantages give a cheap access, with innumerable other existing causes of prosperity, seem at length to have attracted a considerable share of the notice of the enterprising. The opinion is, therefore, presumed to be warranted, that the necessary means of improvement would be greatly accelerated by an increase, at this time, of banking capital.

But, should this supposition not be founded in a correct estimate of the present demands for an increased quantity of currency in the district, no apparent evil can result to the public from the permission of an unnecessary investiture of capital in banks; provided, such banks are subjected to regulations, which may ensure the community against loss from attributing to them an unmerited credit. Under such a security, the only consequence which can result from an excess of capital, would be a want of employment for it, and a consequent loss to the stockholders. This part of the inquiry might then be left to rest with the petitioners themselves.

The committee, however, wish to be understood to entertain the opinion, that the unrestrained permission to individuals, by extensive associations to establish institutions of a moneyed kind, might be carried to pernicious lengths; they conceive it to be the duty of the Legislature, while they encourage those useful instruments of commerce and improvement, to guard the interest of the citizen from the dangers which an unlicensed extent of them might produce; and their attention has, therefore, been led to the examination of the principles on which those companies have erected themselves, which are now the particular subject of inquiry.

The different articles of association which constitute the three last noticed institutions, although undoubtedly the result of the most laudable intentions, are not discerned to possess in themselves any security to the public, against an abuse of the credit the community is in the habit of bestowing on bank notes. The members of the institution are in all cases, and under any circumstance of mismanagement, by express stipulation, exempted from personal liability, a quality which it is presumed ought not to be found, to the same extent, in any co-partnership whatever; it is certainly proper, however, to add, that no imposition can possibly be presumed to have been contemplated in these particular instances, as well from the high standing in society, which the framers and managers of those institutions enjoy, as from the evidence of candor and fairness exhibited by them, in having provided, that contractors with them should be specially notified of this quality in their contracts, and that the receivers of their bank currency should be apprized of it, from the language used on the face of their notes.

It is presumed to result from this view of the inquiry submitted to the committee, that the granting of charters to the several petitioners, and by law prohibiting future associations which have so important an effect upon the interests of society, unless under the restrictions and provisions of special laws, the safety and interests of the public

would be best protected. It only remains, then, for this committee to recommend the mode of such restrictions as will, in their opinion, best comport with the public safety, and not unnecessarily fetter the operations of these institutions.

Various means to secure this object may be suggested as proper to be introduced into the terms of their several incorporations:

1. Such as those provisions engrafted into the charter granted by the Legislature of Virginia to the bank of Alexandria, and which exist in most bank charters, and which are herein before referred to.

2. By subjecting those institutions to an examination into the state of their affairs from time to time, under such authority as Congress might appoint, with a correspondent power of removing or obviating abuses.

3. By authorizing the Executive of the United States, or providing for Congress to appoint, annually, a certain number of the directors of the several institutions.

4. By incorporating them, with such other funds as might be authorized, into a national bank, making them branches thereof, in order to accommodate the different sections of the district, or consolidating their several capitals into an integral institution, and thus, in either mode, establishing them on the most satisfactory responsibility.

The fourth alternative certainly involves important considerations, not more from its intrinsic moment, than from the time at which the subject has been presented for consideration.

In all Governments where any system of finance has been adopted, the instrumentality of banks has been found of great utility in its management. In one like that of the United States, where the revenues are collected throughout a vast extent of country, and the amounts from that circumstance rendered proportionally difficult in their transportation to the different scenes of expenditure, the safety and convenience of banks have been already appreciated by the department to which our fiscal operations are confided. The bank established for the United States by an act of Congress of 1791, has heretofore furnished that convenience, not, however, without a compensation entirely ample, from the advantages derived to it from the deposites of public money. Should objections be found to exist to a further continuation of that charter, which will expire in a very short period, the convenience and also the exigencies of Government will point out the policy and necessity of creating a new national bank, the place of establishment for which would most properly be at the seat of Government of the United States, under the immediate eye of the Government, with which a greater or less portion of its capital would control the operations of such branches as might be authorized by the proper powers.

To an establishment of this kind within the District of Columbia, where the United States have an exclusive jurisdiction constitutionally in all cases, one at least of the objections to a prolongation of the charter of the present United States Bank would not exist, nor to the branches of a new bank, when authorized by the State sovereignties. It would be, however, for the wisdom and justice of the Legislature to decide what portion of the stock of the present United States Bank might, with the approbation of its owners, be engrafted into the new national bank. To continue this inquiry would be carrying this committee beyond the limits assigned them in a report on the petitions referred to them. Nor would it be more certainly within the scope of their duty to point out the mode which, in their opinions, it would be most eligible to adopt in the creation of a national bank, or to observe upon defects they might presume to exist in the present one. They profess only the obvious right of deciding in their report on the propriety of rejecting or acceding to the prayers of the several petitions referred to them; and, in acceding to them, to endeavor to develop the means most eligible for individuals, and most advantageous and safe for the public, upon which the institutions prayed for may be established. They, therefore, report the following resolution:

Resolved, That the prayers of the several petitioners, to continue the charter of the bank of Alexandria, and to grant charters to the banks of Potomac, of Washington, and of the Union bank of Georgetown, are reasonable, and ought to be granted.

[NOTE.—See further report, No. 289.]

11th CONGRESS.] **No. 275.** [2d SESSION.

ACCOUNT OF BILLS OF CREDIT, AND OTHER PRINTING EXECUTED UNDER RESOLVES OF THE REVOLUTIONARY CONGRESS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 27, 1810.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled, the memorial of William Hall, surviving partner of Hall and Sellers, of the city of Philadelphia, printers, and Robert B. Sellers, administrator to the estate of William Sellers, deceased, respectfully showeth:

That the said Hall and Sellers were employed by the Congress of the United States of America, during the revolution, in the execution of a variety of printing work, viz: bills of credit, bills of exchange, loan office certificates, &c., for the performance of which a considerable balance remains due to them, their accounts having been refused acceptance at the proper offices when presented, on the ground of their being barred by the act of limitation; that the delay in presenting them was occasioned by circumstances out of their control; that their press was removed from place to place, viz: from Philadelphia to Baltimore, from Baltimore to Lancaster, from Lancaster to Yorktown, and from thence again to Philadelphia; and during these removals, the work was overseen by the inspectors of the press, assisted by the then treasurer of the United States, Michael Hillegas, Esq., in whose books the number of bills of credit printed, and the amount of the different emissions issued, were entered; that frequent applications were made to Mr. Hillegas for information, and extracts from his books, as to the numbers and emissions issued and printed, but owing to his public engagements, and absence from Philadelphia, the documents necessary to complete the accounts for presentment could not be obtained in time, and they were rejected, as stated above, by the officers of accounts.

Thus circumstanced, your memorialists pray your honorable body to take their case into consideration, and to grant them such relief as your wisdom and justice may deem proper. And your memorialists, &c.

WILLIAM HALL,
Surviving partner of Hall and Sellers.

ROBERT B. SELLERS,
Administrator to the estate of William Sellers, deceased.

PHILADELPHIA, *January* 10, 1809.

The United States of America in account with Hall and Sellers.

		Specie.		
	Dr.	£	s.	d.
See exhibit No. 1,	To printing 13,827,819 bills of credit, at 10s. per thousand,	6,913	17	5
	To printing 2,574,949 bills of credit, at 12s. 6d. per thousand,	1,609	8	6
No. 2,	To printing 38,058 sets of bills of exchange, at 10s. per hundred,	190	5	9
No. 3,	To printing 127,529 loan and lottery office certificates, at 40s. per thousand,	255	1	1
	For the following work, done in the years 1776, 1778, 1779, and 1780, viz:			
March 7, 1776,	To printing 750 receipts, and half binding ditto, with blank leaves, £1 15 0			
	To printing 750 counter receipts, 1 10 0	3	5	0
June 3, 1776,	To printing 360 receipts, and binding, with blank leaves, £1 0 0			
	To printing 360 counter ditto, 0 17 6	1	17	6
September 2, 1776,	To printing 250 receipts, half binding, &c., £0 17 6			
	To printing 250 counter ditto, 0 15 0	1	12	6
January 11, 1778,	To printing 400 signers' receipts,	1	0	0
March 4, 1778,	To printing 1560 ditto,	5	12	6
August 1, 1778,	To printing 300 ditto,	1	2	6
November 6, 1778,	To printing 500 ditto,	1	17	6
February 2, 1779,	To printing 500 ditto,	1	17	6
March 9, 1779,	To printing 1000 ditto,	3	15	0
July 16, 1779,	To printing 1700 counter receipts, £6 0 0			
July 20, 1779,	To printing 480 signers' receipts, 1 10 0	7	10	0
October 16, 1779,	To printing 1000 signers' receipts,	3	15	0
December 1, 1780,	To printing 100 signers' receipts, } for continental			
	To printing 100 counter receipts, } loan office. £0 15 0			
December 15, 1780,	To printing 120 receipts for continental loan office, 0 10 0	1	5	0
	To amount of sundry printing work done for the United States lottery, as per account No. 4,	203	16	0
		9,206	18	9
	In dollars and cents,	24,551	83	
	To balance per contra,	$16,504	79	

		Continental dollars.	Rate of exchange.	Specie.
	Cr.			
October 24, 1777,	By cash on account,	2080	3 for 1,	$693 33
April 4, 1778,	Ditto,	$722\frac{24}{90}$	6 for 1,	265 10
April 13, 1778,	Ditto,	$868\frac{70}{90}$		
April 13, 1778,	Ditto,	700	6	116 66
June 4, 1778,	Ditto,	1,000	4	250 00
July 8, 1778,	Ditto,	2,000	4	500 00
September 6, 1778,	Ditto,	500	5	300 00
September 12, 1778,	Ditto,	1,000		
October 2, 1778,	Ditto,	2,000	5	440 00
October 24, 1778,	Ditto,	200		
November 6, 1778,	Ditto,	1,000	6	166 66
December 5, 1778,	Ditto,	3,000	6	666 66
December 19, 1778,	Ditto,	1,000		
February 27, 1779,	Ditto,	2,000	10	200 00
April 22, 1779,	Ditto,	2,000	17	117 64
June 1, 1779,	Ditto,	3,000	20	150 00
August 7, 1779,	Ditto,	2,000	20	250 00
August 28, 1779,	Ditto,	3,000		
October 30, 1779,	Ditto,	4,000	30	133 33
November 12, 1779,	Ditto,	20,000		
November 18, 1779,	Ditto,	20,000	$38\frac{1}{2}$	1,558 44
November 29, 1779,	Ditto,	20,000		
January 1, 1780,	Ditto,	3,700		
January 1, 1780,	Ditto,	20,000	$48\frac{1}{2}$	782 71
January 22, 1780,	Ditto,	8,000		
March 20, 1780,	Ditto,	2,000	$61\frac{1}{2}$	32 52
June 10, 1780,	Ditto,	1,000	$61\frac{1}{2}$	48 78
June 24, 1870,	Ditto,	2,000		
July 1, 1780,	Ditto,	3,200	$64\frac{1}{2}$	96 12
July 29, 1780,	Ditto,	3,000		
August 24, 1780,	Ditto,	2,000	70	28 57
September 2, 1780,	Ditto,	2,500	72	76 38
September 30, 1780,	Ditto,	3,000		
October 14, 1780,	Ditto,	4,300		
October 25, 1780,	Ditto,	12,000	73	264 38
October 31, 1780,	Ditto,	3,000		
November 25, 1780,	Ditto,	2,000	74	27 02

ACCOUNT—Continued.

		Continental dollars.	Rate of Exchange.	Specie.
December 2, 1780, -	By cash on account, - - -	4,000		
December 15, 1780, -	Ditto, - - -	3,600	75	$118 66
December 30, 1780, -	Ditto, - - -	1,300		
January 6, 1781, -	Ditto, - - -	5,000		
January 20, 1781, -	Ditto, - - -	1,500	75	177 72
January 27, 1781, -	Ditto, - - -	2,829		
January 30, 1781, -	Ditto, - - -	4,000		
February 24, 1781, -	Ditto, - - -	2,000	75	86 66
February 27, 1781, -	Ditto, - - -	4,500		
March 10, 1781, -	Ditto, - - -	3,000	75	66 66
March 24, 1781, -	Ditto, - - -	2,000		
April 7, 1781, -	Ditto, - - -	4,000	75	116 66
April 24, 1781, -	Ditto, - - -	1,500		
April 28, 1781, -	Ditto, - - -	3,250		
December 4, 1779, -	Ditto, (omitted above,) -	4,000	41½	96 38
May 12, 1781, -	By cash $40 Pennsylvania State money,			
May 26, 1781, -	By cash 60 ditto,	- -	5 for 1,	220 00
June 26, 1781, -	By cash 1000 ditto,			
	1100 dollars.			
	Total received in dollars and cents, -	- -	-	8,047 04
	Balance due Hall and Sellers, -	- -	-	16,504 79
				$24,551 83

Errors excepted.

HALL & SELLERS.

Account of bills of credit emitted by resolutions of Congress for the United States of America, and printed by Hall and Sellers.

Dates of the bills.	Emissions.	Appendix to emissions.	Denominations of the bills.									Amount of dollars in each emission.	No. of bills in each emission.	Dates of the resolutions of Congress.
Feb. 17, 1776,	3	-	-	-	7	6	5	4	3	2	1	3,000,000	782,612	Feb. 17, 1776.
Feb. 17, 1776,	3	small	money		-	-	-	60/90	45/90	30/90	15/90	1,000,000	2,245,920	
May 9, 1776,	4	-	-	8	7	6	5	4	3	2	1	5,000,000	1,111,111	May 9th and 22d, 1776.
July 22, 1776,	5	-	30	8	7	6	5	4	3	2	-	5,000,000	615,385	July 22 and August 31, 1776.
Nov. 2, 1776,	6	-	30	8	7	6	5	4	3	2	-	5,000,000	615,385	Nov. 2d and Dec. 28, 1776.
Feb. 26, 1777,	7	-	30	8	7	6	5	4	3	2	-	5,000,000	615,385	Feb. 26, 1777.
May 20, 1777,	8	-	30	8	7	6	5	4	3	2	-	5,000,000	615,385	May 20, 1777.
May 20, 1777,	8	1	30	8	7	6	5	4	3	2	-	1,000,000	123,075	Aug. 13, 1777.
May 20, 1777,	8	2	30	8	7	6	5	4	3	2	-	1,000,000	123,075	Nov. 7, 1777.
May 20, 1777,	8	3	30	8	7	6	5	4	3	2	-	1,000,000	123,075	Dec. 3, 1777.
May 20, 1777,	8	4	30	8	7	6	5	4	3	2	-	1,000,000	123,075	Jan. 7, 1778.
May 20, 1777,	8	5	30	8	7	6	5	4	3	2	-	2,000,000	246,150	Jan. 22, 1778.
May 20, 1777,	8	6	30	8	7	6	5	4	3	2	-	2,000,000	246,150	Feb. 16, 1778.
May 20, 1777,	8	7	30	8	7	6	5	4	3	2	-	2,000,000	246,150	Mar. 5, 1778.
May 20, 1777,	8	8	30	8	7	6	5	4	3	2	-	1,000,000	123,075	Ap'l 4, 1778.
May 20, 1777,	8	9	30	8	7	6	5	4	3	2	-	500,000	61,539	Ap'l 18, 1778.
April 11, 1778,	9	-	40	30	20	8	7	6	5	4	-	5,000,000	333,332	Ap'l 11, 1778.
April 11, 1778,	9	1	40	30	20	8	7	6	5	4	-	5,000,000	333,332	
April 11, 1778,	9	2	40	30	20	8	7	6	5	4	-	5,000,000	333,332	June 20, 1778.
April 11, 1778,	9	3	40	30	20	8	7	6	5	4	-	5,000,000	333,332	July 30, 1778.
April 11, 1778,	9	4	40	30	20	8	7	6	5	4	-	5,000,000	333,332	Sept. 5, 1778.
Sept. 26, 1778,	10	-	60	50	40	30	20	8	7	5	-	10,000,100	363,640	Sept. 26, '78.
Sept. 26, 1778,	10	1	60	50	40	30	20	8	7	5	-	10,000,100	363,640	Nov. 4, 1778.
Sept. 26, 1778,	10	2	60	50	40	30	20	8	7	5	-	10,000,100	363,640	Dec. 14, '78.
Sept. 26, 1778,	10	3	60	50	40	30	20	8	7	5	-	5,000,160	181,824	Feb. 3, 1779.
Sept. 26, 1778,	10	4	60	50	40	30	20	8	7	5	-	5,000,160	181,824	Feb. 19, 1779.
Sept. 26, 1778,	10	5	60	50	40	30	20	8	7	5	-	5,000,160	181,824	Ap'l 1, 1779.
Sept. 26, 1778,	10	6	60	50	40	30	20	8	7	5	-	10,000,100	363,640	May 5, 1779.
Sept. 26, 1778,	10	7	60	50	40	30	20	8	7	5	-	10,000,100	363,640	June 4, 1779.
Sept. 26, 1778,	10	8	60	50	40	30	20	8	7	5	-	10,000,100	363,640	July 17, 1779.
Jan. 14, 1779,	11	-	65	60	55	50	45	40	35	30	-	44,186,400	930,240	Jan. 14, 1779.
Jan. 14, 1779,	11	-	80	70	20	5	4	3	2	1	-	5,813,995	251,416	May 17, 1779.
Jan. 14, 1779,	11	1	80	70	20	5	4	3	2	1	-	5,000,180	216,224	July 17, 1779.
Jan. 14, 1779,	11	2	80	70	20	5	4	3	2	1	-	5,000,180	216,224	Sept. 17, '79.
Jan. 14, 1779,	11	3	65	60	55	50	45	40	35	30	-	10,000,080	210,528	Sept. 17, '79.
Jan. 14, 1779,	11	4	80	70	20	5	4	3	2	1	-	5,000,180	216,224	Oct. 14, 1779.
Jan. 14, 1779,	11	5	65	60	55	50	45	40	35	30	-	5,000,040	105,264	Nov. 17, '79.
Jan. 14, 1779,	11	6	80	70	20	5	4	3	2	1	-	5,050,500	218,400	Nov. 17, '79.
Jan. 14, 1779,	11	7	65	60	55	50	45	40	35	30	-	10,000,140	210,529	Nov. 29, '79.
													14,985,568	

AMOUNT OF BILLS OF CREDIT—Continued.

	Amount of dollars in each emission.	No. of bills in each emission.
To printing 3000 proof sheets on blue paper, marked "confederation," containing	- -	48,000
To printing 3,000 ditto ditto, marked "United States," containing	- -	48,000
June 1, 1780.—To printing dollar State money, apportioned among the States, viz: for		
New Hampshire, - - - - - -	260,000	41,600
Massachusetts, - - - - - -	1,495,000	239,200
Rhode Island, - - - - - -	130,000	10,800
Connecticut, - - - - - -	1,105,000	176,800
New York, - - - - - -	487,500	78,000
New Jersey, - - - - - -	585,000	93,000
Pennsylvania, - - - - - -	1,495,000	239,200
Delaware, - - - - - -	110,500	17,680
Maryland, - - - - - -	1,027,000	164,320
Virginia, - - - - - -	1,625,000	260,000
Total amount of bills of credit printed -	- -	1,6402,768

Errors excepted by HALL & SELLERS.

Certified by M. HILLEGAS, *late treasurer.*

PHILADELPHIA, *July* 19, 1788.

Account of bills of exchange, printed by Hall and Sellers, for the United States of America, viz:

Dates.	Sets of bills of exchange.	Number of bills to a set.	On what places drawn.
July 30, 1778,	18,400	Four of ten different denominations, - - -	France.
July 9, 1779,	60	Six, drawn in favor of Mr. Caron de Beaumarchais,	
Dec. 18, 1779,	1,583	Four, - - - - - -	Holland.
Dec. 11, 1779,	1,576	Four, - - - - - -	Spain.
June 1, 1780,	100	Four of five different denominations, - - -	France.
June 11, 1780,	100	Four of five different denominations, - - -	Spain.
August 4, 1780,	5,200	Four of four different denominations, - - -	France.
August 10, 1780,	200	Four of five different denominations, - - -	France.
Sept. 26, 1780,	300	Four of five different denominations, - - -	France.
Sept. 11, 1780,	30	Four of two different denominations, - - -	France.
Oct. 6, 1780,	66	Four of two different denominations, - - -	Holland.
Oct. 11, 1780,	66	Four of two different denominations, - - -	Spain.
Jan. 6, 1781,	20	Four of three different denominations, - - -	France.
Jan. 12, 1781,	213	Four of three different denominations, - - -	Holland.
Jan. 27, 1781,	44	Four of one different denominations, - - -	Holland.
Feb. 24, 1781,	10,100	Four of seven different denominations, - - -	France.
	38,058		

Errors and omissions excepted. HALL & SELLERS.

PHILADELPHIA, *July* 19, 1788.

I do certify that the above was printed under the inspection of the superintendents of the press whilst I was one.
NATH. FALCONER.

Account of Loan Office Certificates, &c. printed by Hall and Sellers for the United States of America.

Dates.	Denominations.											Amount of emissions.	Number of certificates.
Nov. 1776,	-	-	-	-	-	1,000	600	500	400	300	-	$5,000,000	11,027
January, 1777,	-	-	-	-	-	-	-	-	-	-	200	2,000,000	10,000
February, 1777,	-	-	-	-	-	1,000	600	500	400	300	200	13,000,000	30,066
January, 1778,	-	-	-	-	-	1,000	600	500	400	300	200	10,090,000	19,999
Feb. 3, 1779,	10,000	5,000	4,000	3,000	2,000	1,000	600	500	400	300	200	20,000,000	23,116
April 27, 1779,	-	-	-	-	-	1,000	-	-	-	-	-	4,000,000	4,000
June, 1779,	10,000	5,000	4,000	3,000	2,000	1,000	600	500	-	-	-	20,000,000	23,450
Jan. 19, 1780,	-	5,000	-	-	-	1,000	-	500	-	-	-	600,000	938
April 27, 1780,	10,000	5,000	4,000	3,000	-	-	-	-	-	-	-	4,800,000	1,090
Sept. 5, 1780,	-	-	-	-	-	1,000	600	500	400	300	-	1,000,000	2,127
Jan. 2, 1781,	30,000	20,000	15,000	10,000	*5,000	1,000	500*					-	1,216
May 22, 1781,	-	-	-	-	-	-	-	Lottery certificates,				-	500
Total number of certificates printed, - - - - -													127,529

*Lottery certificates.

I hereby certify that the first four articles agree with my books.
The rest having been delivered to F. Hopkinson, Treasurer of Loans. M. HILLEGAS.

The United States of America to Hall and Sellers, Dr.

			£	s.	d.
Feb. 5,	1777,	To advertising the scheme of the United States Lottery, - -	3	0	0
July 2,	1777,	To advertising the day fixed for drawing the first class, - -	0	5	0
July 2,	1777,	To advertising the calling in the unsold tickets, - - -	0	5	0
July 1,	1778,	To printing 1,000 copies of the list of prizes drawn in the first class; 3½ sheets, octavo, - - - - - -	31	10	0
Nov. 9,	1778,	To printing the numbers and prizes for the second class, - -	10	0	0
Oct. 20,	1779,	To advertising the sale and renewal of tickets for the third class, -	0	7	6
Jan. 27,	1780,	To paper, and printing the numbers and prizes of the third class, -	12	16	0
Jan. 27,	1780,	To printing the list of prizes in the third class, - - -	31	10	0
Nov. 29,	1780,	To advertising the sale and renewal of tickets for the fourth class, -	0	7	6
Jan. 31,	1781,	To printing 100,000 tickets for the fourth class, at 20*s.* per thousand, -	100	0	0
Jan. 31,	1781,	To paper, and printing the numbers and prizes for the fourth class, -	13	15	0
		Specie, -	203	16	0

11th CONGRESS.] No. 276. [2d SESSION.

APPLICATION FOR THE ADMISSION OF THE TERRITORY OF ORLEANS INTO THE UNION AS A STATE.

COMMUNICATED TO THE SENATE, MARCH 12, 1810.

To the honorable the Senate and
House of Representatives of the United States in Congress assembled:

The inhabitants of the Territory of Orleans, become your countrymen by a combination of political events, but as satisfied with the title of citizens of the United States as if they had acquired it from choice, raise up to you, through the organ of their Representatives, their respectful remonstrances on the inconveniences which, no doubt against your intentions, have been the inevitable consequences of the system of government which you have given them. They appear before your honorable assembly full of confidence in your justice not to vent any complaints, but to claim their rights. They bring you not testimony of their discontent, but the expression of their wishes and of their hopes; and they pray you, before you listen to their representations, to accept the homage of the fidelity which they again swear to the constitution of the United States, and the tribute of admiration which they pay to that sacred charter where the true principles of liberty are recorded in indelible characters. After this solemn protestation of their sentiments, they entreat you to lend an attentive ear to the object which they are going to submit to your consideration. Its importance claims that it interests the fate of a great number of men, whose happiness you have contracted the obligation to procure when you adopted them for your fellow-citizens.

A considerable portion of the inhabitants of this Territory thought some years ago that they had a right to solicit the incorporation of this country into the Union. They founded their claims on the stipulations of the treaty of April, 1803, and demanded that this Territory should be erected into a State, not so much because of the utility of the measure, than because they considered it as secured by the treaty.

Things are now materially altered. The Legislature of this Territory came forward several years after to solicit that incorporation, not so much as a right than as a favor. Whatever may have been the political considerations which induced your honorable body to reject the application which was made to you in 1804, those reasons exist no longer. The loyalty of the whole population of this Territory has since then been put to the trial in circumstances sufficiently critical for you to be now convinced that the inhabitants of Lower Louisiana are not undeserving the confidence of the Federal Government. The devoted spirit of our militia, when war with Spain was on the eve of breaking out, our unshaken fidelity, in the midst of treasons and conspiracies, are irrefragable proofs of the incorruptibility of our honor, and of the sincerity of our affection to our common country.

But not only there is no longer any reason to oppose the wish of the citizens of this Territory, there exists powerful motives to induce your honorable assembly to see it in a favorable point of view. The system of government which you have given them, because you thought it would be convenient, does not suit either their physical nor their political situation. To use the expressions of the person who is at the head of our Executive, when speaking of a particular branch of our Government: "The ordinance of 1787, originally intended for a small agricultural society, was of hazardous experiment in a territory like ours, populous, wealthy, and commercial, where the landed property is holden by titles so various and complex, and where the principles of the common and civil law, the statutes of the United States, and the municipal regulations of France and of Spain," mingle together to render the administration of our affairs more complicated and more embarrassing. Since the introduction of that ordinance a sad experience has shown us its imperfection and its insufficiency. As we have been endeavoring to conciliate it with our wants and our localities, the difficulties multiplied themselves so much, that we now think it impossible to establish harmony amidst the incoherent materials of which our present Government is composed.

We live, however, at the distance of six hundred leagues from your honorable assembly, who gave us those laws, and who alone has the right of remedying the evils which they may have created. Convened, moreover, for the general good of the Union, occupied with great political subjects, on which depends the safety of the whole nation, you cannot, nay, you ought not, to stop to the details of our local administration; and although you should consent to enter into the examination of those details, you are not sufficiently acquainted with our situation to have it in your power to ameliorate it.

Such were undoubtedly the reasons which determined your honorable body to give us an elective Legislature. You thought that, by granting us the privilege of making our own laws, you furnished us with the means of securing our happiness. No doubt, legislators, such were your benevolent intentions. But how far that institution fell short of the end for which it was established! From the bosom of that ordinance, which you had given us as a favor, inconveniences and difficulties have sprung which made our situation worse than it was before.

In almost all the measures which we attempt to take for the amelioration of the government of the Territory, the provisions of the ordinance shackle our efforts. It would be preposterous to entertain your honorable assembly with the particulars that form the mass of our grievances, and to conduct you through the windings of the labyrinths of our administration. Higher objects call your attention, and bid us to spare the precious time which you are bound to employ for the general good of the nation. But without tiring your patience with useless details, if you will deign to cast an eye on the most striking inconveniences of our present situation, you will be forced to acknowledge the necessity of granting to us more extensive powers wherewith to clear our way amidst the innumerable difficulties which reiterated changes of government have heaped around us.

The absolute veto of the Executive; a judiciary placed above the authority of the Legislature; provisions only obscure, sometimes contradictory, which furnish individuals whose private interests is in opposition to the public welfare, with the means of creating doubts upon the most important subjects; powers and functions imperfectly defined; a complicated jurisprudence; an entangled chicane, in the vortex of which our business and fortunes are precipitated; public officers who often have no idea of our municipal laws, and do not understand the language of the great majority of our population; no voice in their election; no check on their conduct; no confidence, no harmony; such is, legislators, the present state of government in the Territory of Orleans. It would even be more grievous if the chief of our Executive, to whom we owe this public testimony of our acknowledgment, had not united his efforts to ours to better our situation.

But the palliative measures to which we recur offer little resistance to the torrent of disorder which flows from our constitution itself. The only efficacious means to employ is to drain the source of the evil, by changing entirely the actual system of our government.

That remedy, legislators, is in your hands. No constitutional obstacle prevents you from using it. The condition which you have put to our admission into the Union, that of waiting until the Territory should possess sixty thousand inhabitants, can be repealed by the same authority which has imposed it. It does not emanate from the constitution of the United States, it emanates from your will. If you think the emancipation of this Territory to be a necessary measure because of the physical and of the political situation of this country, because of its remoteness from the seat of the Federal Government, where we are now obliged to apply even for the details of our local administration, because of the confusion into which that administration has been plunged by the successive changes which it has experienced; if you think that emancipation to be a salutary measure, as tending to bind more closely to the interests of the Union a population already known by their loyalty; if you think that emancipation to be a just measure as the recompense of the irreproachable conduct which that population has pursued in critical and tempestuous times; nothing can, nay, nothing ought, to prevent you from pronouncing the decree which we solicit.

In vain would it be objected that our demand is premature; that our population does not yet amount to sixty thousand free inhabitants, as is required by the ordinance of 1787, originally made for the territory northwest of the Ohio. The articles of *compact*, which are included in that ordinance, cannot be considered as obligatory on us, since we stipulated, approved, accepted nothing; and the ordinance with regard to us, is a law like the others eminating solely from your will. If those articles are obligatory on your part, they can be so only as containing an engagement not to retard our incorporation into the Union beyond the epoch when our population shall amount to sixty thousand inhabitants; but by contracting the obligation, not to deprive us of certain advantages, you did not part with your right of granting to us further favors.

Such was your consideration of the subject, even with respect to those who were considered as contracting parties in the ordinance of 1787, when you erected in 1802 the Territory of Ohio into a State, long before it possessed the number of inhabitants required by the ordinance.

But although the law which you have established over us can be revoked by the same power that has dictated it, if through respect for ancient institutions, if through attachment for a plan of government which was successively applied to your several territories, you should persist in requiring, as a condition of our incorporation, that our population should amount to sixty thousand free inhabitants, then we might abandon the hope ever to see the change which is the object of our wishes. Our Territory, though vast, cannot admit of any large increase of population. Nearly all the lands conveniently situated are occupied; immense swamps cover a great proportion of the remaining part of the country, and such uninhabited lands as are cultivable are chiefly to be found towards the limits of our Territory. Such a situation threatens, therefore, at least, the present generation, never to see the epoch of their emancipation, if your honorable assembly should not yield to the powerful reasons which now make it convenient, or rather necessary.

Must we add to what has been above represented, that we are capable of appreciating the advantages of the Government which we pray you to extend to us? Do you suppose it possible that we should have enjoyed during several years a portion of that precious liberty which you alone have preserved, amidst the subjection of all the civilized nations, and that we should not wish to possess it entirely? Do you doubt that we would receive with transport the favor which we solicit from your liberality and your justice? And do you hesitate to believe that, once in possession of our independence, it shall not be wrested from us but with our lives? No, legislators, your reason must persuade you that the emancipation of the Territory of Orleans is ardently desired by its inhabitants; and your heart must tell you that, by extending independence to them, you will forever secure their friendship and their devotion.

THOMAS URQUHART,
Speaker of the House of Representatives.

J. D. DEGONTIN BELLECHASSE,
President of the Legislative Council.

Attest: E. FROMENTIN,
Clerk to the House of Representatives.

Attest: P. DERBIGNY,
Secretary to the Legislative Council.

11th Congress.] No. 277. [2d Session.

ESTABLISHMENT OF A FIRST MERIDIAN FOR THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 28, 1810.

Mr. Pitkin, from the committee to whom was referred the memorial and representation of William Lambert, made the following report:

That the memorialist states that, for the purpose of laying a foundation for the establishment of a first meridian for the United States of America, at the seat of Government, he has made calculations to determine the longitude of the capitol, in the city of Washington from Greenwich observatory, in England; and that he submits the same, together with the data and elements on which his calculations are made, to the consideration and patronage of the National Legislature.

The committee have deemed the subject worthy the attention of Congress, and would, therefore, beg leave to observe, that the necessity of the establishment of a first meridian, or a meridian which should pass through some particular place on the globe, from which geographers and navigators could compute or reckon longitude, is too obvious to need elucidation.

The ancient Greek geographers placed their first meridian to pass through one of the islands, which were by them called the Fortunate islands, since called the Canaries. Those islands were situated as far west as any lands that had then been discovered, or were known by ancient navigators in that part of the world.

They reckoned their longitude east, from Heria or Junonia, one of these islands, supposed to be the present island of Teneriffe.

The Arabians, it is said, fixed their first meridian at the most westerly part of the continent of Africa. In the fifteenth and sixteenth centuries, when Europe was emerging from the dark ages, and a spirit of enterprise and discovery had arisen in the south of Europe, and various plans were formed, and attempts made to find a new route to the East Indies, geographers and navigators continued to calculate longitude from Ferro, one of the same islands, though some of them extended their first meridian as far west as the Azores or Western islands.

In more modern times, however, most of the European nations, and particularly England and France, have established a first meridian to pass through the capital, or some place in their respective countries, and to which, they have lately adapted their maps, charts, and astronomical tables.

It would perhaps have been fortunate for the science of geography and navigation, that all nations had agreed upon a first meridian, from which all geographers and navigators might have calculated longitude; but as this has not been done, and in all probability never will take place, the committee are of opinion that, situated as we are in this Western hemisphere, more than three thousand miles from any fixed or known meridian, it would be proper, in a national point of view, to establish a first meridian for ourselves; and that measures should be taken for the eventual establishment of such a meridian in the United States.

In examining the maps and charts of the United States, and the particular States, or their seacoasts, which have been published in this country, the committee find that the publishers have assumed different places in the United States, as first meridians.

This creates confusion, and renders it difficult, without considerable calculation, to ascertain the relative situation of places in this country. This difficulty is also increased, by the circumstance that, in Louisiana, our newly acquired territory, longitude has heretofore been reckoned from Paris the capital of the French empire.

The exact longitude of any place in the United States, being ascertained from the meridian of the observatory at Greenwich, in England, a meridian with which we have been conversant, it would not be difficult to adapt all our maps, charts, and astronomical tables, to the meridian of such a place. And no place, perhaps, is more proper than the seat of Government.

It appears by the papers submitted to the consideration of the committee, that Mr. Lambert has calculated the longitude of the capitol in the city of Washington, from the royal observatory at Greenwich, by one of the most approved methods now in use for that purpose, viz: an occultation of a known fixed star by the moon.

His calculations are founded on an occultation of *n* pleiadum, *(alcyone)* one of the seven stars, on the night of the 20th of October, 1804. By these calculations it appears, that the longitude of the capitol, in the city of Washington, as reduced according to the true figure of the earth, (being that of an oblate spheroid,) is 76° 53′ 6″ 920 deg. west. The committee would observe, that Mr. Lambert appears to be well acquainted with astronomical calculations; and that, so far as the committee have had time to examine them, they appear to be correct. In a question, however, of so much nicety, the correct decision of which depends so much on the accuracy of the observations made, and the goodness of the instruments used, and when the smallest error in the data will necessarily produce an erroneous result, full reliance ought not to be placed on calculations made from a single observation.

Indeed, in order to be certain of a correct result, it may be proper that more than one of the various methods of ascertaining longitude should be used; that calculations should be made from observations of the eclipses of Jupiter's satellites, of solar eclipses, of the angular distances between the sun and moon, or the moon and a fixed star, and other methods, as well as from observations on occultations of fixed stars.

The committee are, therefore, of opinion that, in order to lay a foundation for the establishment of a first meridian in this Western hemisphere, the President of the United States should be authorized to cause the longitude of the city of Washington, from the observatory at Greenwich, in England, to be ascertained with the greatest possible degree of accuracy; and that he also be authorized, for that purpose, to procure the necessary astronomical instruments.

They, therefore, beg leave to submit to the consideration of the House, the following resolution:

Resolved, That it is expedient to make provision, by law, authorizing the President of the United States to cause the longitude of the city of Washington, from the observatory at Greenwich, in England, to be ascertained with the greatest degree of accuracy; and also authorizing him, for that purpose, to procure the necessary astronomical instruments.

City of Washington, *December* 15, 1809.

To the honorable the Senate and House of Representatives of the United States in Congress assembled: The memorial of William Lambert, of the State of Virginia, respectfully showeth:

That the establishment of a first meridian for the United States of America at the permanent seat of their Government, by which a further dependence on Great Britain, or any other foreign nation, for such a meridian, may be entirely removed, is deemed to be worthy the consideration and patronage of the National Legislature.

That your memorialist, having lately collected, and, in some instances, formed rules and series for a solution of useful cases in oblique angled spherical trigonometry, which may hereafter be offered to the American public, has also made the necessary calculations to determine the longitude of the capitol, in the city of Washington, from Greenwich observatory, in England, by one of the most approved methods of computation hitherto devised; an abstract of which, together with some explanatory remarks connected with the subject, are contained in the paper No. 2, accompanying this memorial. But, however correctly the data and elements afforded by a single observation may be ascertained, the result ought not to be depended upon as conclusive, without the aid of a sufficient number of observations, especially when a first meridian for any country is proposed to be established.

The moon's true place in longitude, latitude, right ascension, and declination, being of great use to the mariner, as well as to the geographer, some rules are given in the paper No. 3, to find all or any of those elements with great accuracy, by interpolation from successive differences, extended to the fourth order, for any intermediate time between 0 and 12 hours.

Your memorialist respectfully submits these papers to the Legislature of the Union for their consideration, with a request that such proceedings may be had therein as to their wisdom shall seem meet.

WILLIAM LAMBERT.

No. 2.

Abstract of calculations to determine the longitude of the capitol, in the city of Washington, from Greenwich observatory, in England; founded on an occultation of n. *Pleiadum* (*Alcyone*) *by the moon, which was observed near the President's house, on Saturday evening, October* 20, 1804.

The subject of this communication being of national concern, it is submitted without a tedious introduction to apologize for its nature or contents. Such explanations or information alone as have a tendency to show the progress and effect of a novel undertaking will be given as indispensably connected with its development.

In all branches of science which admit of mathematical demonstration, the principles and rules on which the operation is founded, should be clearly understood. These may be stated by a plain expression in words at length, or by symbolical characters or signs, often substituted in a work of this kind, under the denomination of algebraical formulæ; but as some of the elements necessary to produce an accurate result must be obtained by a needless waste of additional labor, without a competent knowledge of analytical process, the latter method will be adopted in all cases where a strict confinement to its use will not be attended with ambiguity.

By the plan of the city of Washington, in the Territory of Columbia, the capitol in that city is intended as a first meridian for the United States of America; but, in order to establish it as such, the distance between it and some known meridian in Europe, or elsewhere, measured or estimated on a parallel to the equator, and referred to the centre of the earth under the respective meridians for which the computation may be made, should be ascertained on correct principles, and with due precision. As many of our mariners and geographers are still in the habit of taking their departure, or reckoning their longitude from Greenwich observatory, in England, it will not, it is hoped, be considered as an instance of unpardonable presumption for attempting to extricate ourselves from a sort of degrading and unnecessary dependence on a foreign nation, by laying a foundation for fixing a first meridian of our own.

The geographical position of any place on the surface of the earth is determined from its latitude and longitude. The former is easily obtained with sufficient accuracy, by the help of a good sextant or quadrant in the hands of a skilful observer, but the latter is attended with greater difficulty, and often with uncertainty. Of all the means hitherto discovered or devised for a satisfactory accomplishment of this desirable object, solar eclipses and occultations of known fixed stars by the moon afford the most to be depended on. In such cases, when the weather is favorable, the exact moment of time of the beginning and end of an eclipse of the sun, or of the immersion and emersion of a star, may be either observed or inferred without the hazard of error in any sensible degree. The frequent eclipses of Jupiter's satellites furnish us with a simple and easy method to find the longitude on land; but the immense distance of that planet from the earth renders it necessary that many observations should be made, a mean of which may be taken as a near approximation to the truth.

In several methods used for ascertaining the longitude on land, as well as at sea, it is customary to consider the form of the earth as a perfect sphere, whereas it has been proved to be that of an oblate spheroid, from the ingenious admeasurements and observations of certain French mathematicians at or near the equator, and in the northern parts of Europe, during the last century, who, by carefully determining the length of a degree of latitude, in toises, at the respective places to which they were sent by order of Louis XV, verified the hypothesis of the celebrated Sir Isaac Newton, concerning the real figure of the earth, contrary to the opinion of many, and even of scientific persons at that period, some of whom believed it to be an exact globe, and others a prolate instead of an oblate spheroid. The ratio of the equatorial diameter to the polar axis of the earth, as adopted by Sir Isaac Newton, is as 692 to 689, and that since used by Messrs. Vince, Mackay, and other British astronomers, 230 to 229, which is nearly the same; but, whether the shape of the earth is subject to a gradual change by an accumulation of the particles of matter towards and at the poles, a diminution of the equatorial diameter, or some other cause, which may at a future period be investigated and explained, it appears that, in consequence of new lunar equations discovered in France by M. de la Place, about the commencement of the present century, the proportion of the equatorial diameter to the polar axis of the earth is now assumed to be as 334 to 333, which, as it has been asserted, agrees better with actual observations than either of the ratios before mentioned. It will be readily discovered that a variance proportionate to the distance between any two meridians will be found by supposing the earth to be a perfect sphere, when compared with the result obtained by admitting it to be either a prolate or an oblate spheroid; and that difference will be shown in the course of this work, according to the ratios assumed for the computation.

The moon, being the only satellite which revolves around the earth as one of the primary planets, is so much nearer thereto than any other of the celestial bodies composing our solar system, that it is a fit object to be observed for ascertaining the longitude of a place with precision, especially when its correct position with respect to the sun or a known fixed star is obtained; but greater reliance may always be had on the data afforded by the apparent time at which those positions are determined than such as relate to the angular distance; because an error of only one minute of space will occasion a deviation in the result of twenty-seven minutes of longitude from the truth. The error arising from a single observation may, indeed, be lessened, if not entirely removed, by a sufficient number of them, taken with a good instrument, and by an accurate observer. This is usually done at sea, from the frequency to which the practice may be resorted, and the rules for clearing the observed distance of parallax and refraction having been rendered more simple from the introduction of natural co-sines and versed sines in the process, may be attended with advantage on land, as an auxiliary to some other methods better adapted to insure a correct result.

About the year 1770, the lunar tables constructed by Tobias Mayer, of Gottingen, in Germany, having been previously received, in manuscript, by the British Board of Longitude, with the curious and elaborate theory on which they were formed, furnished by M. Euler, after Mayer's decease, they were ordered to be printed under the inspection of Dr. Maskelyne. These tables, far superior in point of accuracy to any that had ever appeared before, were further improved by Mr. Charles Mason, some time after their original publication; and the discovery of the longitude from lunar observations, to any desirable degree of precision, which, for a series of ages, had been considered impracticable, was not only rendered certain, but comparatively easy of attainment, by the additional help of Hadley's (or rather Godfrey's) reflecting quadrant and sextant. It is said that M. Burg, of Vienna, in Germany, has constructed a new set of tables, still further improved; but very few copies, if any, are yet to be procured in this country.

The irregularities in the moon's motions, arising from the constant but unequal disturbing forces of the sun, the earth, and some of the other planets, particularly Jupiter and Venus, have produced that difficulty which was once thought insurmountable for a correct determination of the longitude by any computation founded on their observations. There are upwards of twenty equations necessary to reduce the moon's mean to her true place, besides those that have been discovered by M. de la Place. The motion in right ascension and longitude, as referred to the equator or the ecliptic, is progressively, though not uniformly accelerated from the apogeon to the perigeon, and retarded, in like manner, from the perigeon to the apogeon; and even the figure of the elliptical orbit in which this secondary planet moves around the earth is subject to change. Hence, great credit is due to the indefatigable labors of Mayer and other scientific characters in Europe, for the present state of perfection to which the theory has been brought. A tedious routine of calculation has been saved by the annual publication of the British Nautical Almanac, and the French *Connoissance des Temps;* the former, being printed in our own language, must, of course, be better understood, and more generally used in the United States, than the latter. It would be a valuable improvement of that useful production if all the elements contained in it, particularly such as relate to the moon, were extended to the fractional parts of a second in time as well as space.

To those who are not acquainted with practical astronomy it may be proper to remark:

That the apparent or visible place of the sun, moon, or any of the planets, is that seen by an observer, wherever he may be on the surface of the earth; and the true place, that which would be viewed by a spectator, if he could be fixed at the centre of the earth, under the same meridian, and no obstacle intervened to prevent the effect of his vision; the difference between these positions is called "parallax," and is generally applied to the altitude, longitude, and latitude of the observed object; but may, with equal propriety, be extended to its right ascension and declination, when referred to the equator instead of the ecliptic.

Aberration of a star is a small *apparent* motion, occasioned by a sensible proportion between the velocity of light, and that of the earth in its annual orbit. Nutation is also a small *apparent* motion, proceeding from the variable attraction of the sun and moon on the spheroidical figure of the earth; both of which should be computed and applied according to the signs + or −, to the *mean* right ascension and declination of the star, when great accuracy is required.

The ecliptic is a great circle, one-half of which is always above the horizon, and the middle of this part being 90° from their intersection, is called the *nonagesimal*, on the altitude of which, and the longitude from the equinoctial point Aries, the effects of parallax depend; for when the observed object is in the *nonagesimal*, it has no parallax in longitude, and the parallax in latitude is then equal to the parallax in altitude; because a great circle passing through the pole of the ecliptic and *nonagesimal*, passes also through the zenith.

The moon's parallaxes in longitude and latitude may be obtained by means of the parallax in altitude, and the angle formed between the vertical circle and a parallel to the ecliptic, divided by the co-sine of the moon's *apparent* latitude.

To find the longitude and latitude of the moon or a star, from its right ascension and declination, and the obliquity of the ecliptic.

Log. sine right ascension, + log. co-tangent lat. place, = log. co-tangent arch A, which call *north* or *south*, according as the declination is north or south.

Call the obliquity of the ecliptic *south*, in the first six signs of right ascension, and *north*, in the last six signs.

The sum of arch A, and the obliquity of the ecliptic, if they are of the same name, that is, both north or both south, or their difference, if of a contrary name, one north and the other south, = arch B.

Arith. comp. log. co-sine arch A, + log. co-sine arch B, + log. tangent right ascension, = log. tangent longitude.

Log. sine longitude, + log. tangent arch B, = log. tangent latitude, of the same title or denomination as arch B.

The right ascension and declination may be found from the longitude and latitude, by the same rule, calling the obliquity of the ecliptic north, in the first six signs of longitude, and south, in the six last signs. N. B. If the longitude or right ascension thus obtained, come out near 0,° or near 180,° substitute log. tangent + log. co-sine, for log. sine, to find the declination or latitude.

In all cases where the log. sine, or log. tangent of an arch or angle under five degrees, or the log. co-sine or co-tangent of an arch or angle above 85,° may be wanted, it will be proper to allow the equation arising from a *mean* of second differences, to ensure greater accuracy in the result.

To find a constant logarithm to reduce the latitude of a place, according to any assumed ratio of the equatorial to the polar diameter of the earth.

Let x represent the polar, and y the equatorial diameter; then

$$x \times x = l.$$

$$y \times y = m.$$

Log. l, + radius, − log. m. = constant log. for that ratio.

Constant log. + log. tangent lat. by observation, = log. tangent lat. reduced.

For reducing the moon's equatorial horizontal parallax.

Log. y, − log. x, = log. C. log. co-tangent lat. by observation, + log. C. = log. tangent arch D. log. co-sine lat. by observation, + radius, − log. sine arch D. = constant logarithm for that lat. and ratio.

Log. moon's equat. hor. parallax, in seconds, &c. + constant log. = log. moon's hor. parallax, reduced.

For greater exactness, use the log. sine moon's equat. hor. parallax, instead of the log. in seconds, &c.

It is always to be understood in the use of algebraical formulæ, that radius, or its double, triple, &c. must be rejected, when the nature of the operation requires it.

For the right ascension of medium cœli, or the mid-heaven.

Apparent time, + ☉'s right ascension, = right ascension, mid-heaven, if the sum be less than 24 hours or 360,° or the excess, if greater.

For the moon or a star's horary angle, or distance from the meridian.

If the object be $\left\{\begin{matrix}\text{East,}\\\text{West,}\end{matrix}\right\}$ of the meridian, $\left\{\begin{matrix}\text{R. A. moon or star, — R. A. mid-heaven,}\\\text{R. A. mid-heaven, — R. A. moon or star,}\end{matrix}\right.$
(Borrowing 24 hours, or 360° if necessary) = horary angle in time, or deg.

For the altitude and longitude of the nonagesimal.

There are several rules for obtaining these elements, three of the most approved of which will be given.

Rule 1.

When the place is in north latitude, subtract the right ascension of the mid-heaven from 270,° or in south latitude from 90,° (borrowing 360,° if necessary) and if the remainder be more than 180,° take it from 360,° for arch I.

Log. versed sine arch I, (— 3 from index, when seven places of figures are used) + log. co-sine lat. place, + log. sine obliq. ecliptic, = log. of natural number A.

Natural sine . . . } sum of lat. place and obliq. eclip. $\left\{\begin{matrix}-\\+\end{matrix}\right\}$ natural number A.
co-versed sine }
= natural co-sine } altitude of the nonagesimal.
versed sine }

Log. co-secant arch I, + log. secant lat. place, + log. sine alt. nonagesimal, = log. secant longitude of the nonagesimal.

N. B. The longitude of the nonagesimal will be generally in the same quadrant as the right ascension of the mid-heaven, but not always, as may be seen in the following computation, the *former* being in ♈, and the *latter* in ♐, both at the immersion and emersion.

Rule 2.

Find arch I, as directed in the first rule.

90,° — lat. place — obliq. ecl. = arch B.

90,° — do. + do. = arch C.

Ar. comp. log. sine ½ arch C, + log. sine arch B, + log. co-tangent ½ arch I, = log. tangent arch D.

Ar. comp. log. co-sine ½ arch C, + log. co-sine arch B, + log. co-tangent arch I, = log. tangent arch E.

Arith. comp. log. sine arch D, + log. sine arch E, + log. tangent ½ arch B, = log. tangent ½ arch F, which being doubled, gives the altitude of the nonagesimal.

In North Latitudes.

90,° $\pm$ D + E. = longitude of the nonagesimal. Sign +, when R. A. mid-heaven is between 90° and 270° otherwise —; in which case, if D + E is greater than 90,° the longitude of the nonag. will be = 450,° — D + E.

In South Latitudes.

270,° $\mp$ D + E. The sign —, when the right ascension of the mid-heaven is between 90° and 270,° and + if between 270° and 90,° and if it exceeds 360,° take its excess.

Rule 3.

Log. co-sine lat. place, + log. co-sine right ascension mid-heaven from ♈ or ♎, = log. co-sine arch I.

Log. cotangent lat. place, + log. sine R. A. mid-heaven, = log. cotangent arch II.

Arch II, $\left\{\begin{matrix}-\\+\end{matrix}\right\}$ obliq. eclip. when ♈ $\left\{\begin{matrix}\text{is past}\\\text{not past}\end{matrix}\right\}$ the meridian, = arch III.

Log. sine arch I, + log. sine arch III, = log. co-sine altitude nonagesimal.
tangent arch I, + log. co-sine arch III, = log. tangent long. nonagesimal.

[See directions contained in rule 2.]

For the moon's parallaxes in longitude and latitude.

Log. sine moon's hor. parallax, + log. sine altitude nonagesimal, + arith. comp. log. co-sine moon's true latitude, + log. sine moon's apparent distance from the nonagesimal, = log. sine parallax in longitude.

But as the moon's apparent distance from the nonagesimal is not given, it must be found by approximation from the moon's true distance; thus,

Log. sine moon's hor. parallax, + log. sine altitude nonagesimal, + arith. comp. log. co-sine moon's true latitude, = constant logarithm (*a*)

Log. sine moon's true distance from the nonagesimal (*b*)

a + *b*, = log. sine	(*c*) 1st approximation.
b + *c*, =	(*d*)
a + *d*, =	(*e*) 2d approximation.
b + *e*, =	(*f*)
a + *f*, =	(*g*) 3d approximation.
b + *g*, =	(*h*)
a + *h*, =	(*i*) 4th approximation.
b + *i*, =	(*k*)
a + *k*, =	(*l*) parallax in longitude.

(*k*) is the moon's apparent distance from the nonagesimal.

It is not customary to extend the approximated apparent distances and parallax in longitude beyond the 2d or 3d at farthest; but the fifth being found to be exactly, or very nearly the same as the fourth, may be considered as the correct parallax in longitude.

Log. sine moon's hor. parallax, + log. co-sine altitude nonagesimal, + arith. comp. log. sine moon's true distance from nonagesimal, + log. sine moon's apparent distance from nonagesimal, = log. sine first part of parallax in latitude.

Log. sine moon's true latitude, + arith. comp. log. sine, moon's true distance from nonagesimal + log. sine parallax in longitude, + log. co-sine moon's true distance from nonagesimal + $\frac{\text{par. in long.}}{2.}$, = log. sine second part parallax in latitude.

The second part of parallax in latitude becomes positive when the moon's latitude is south; but it is negative, when the moon's latitude is north, in a place of north latitude. The contrary in a place of south latitude. In this case it is to be subtracted from the first part, both at the immersion and emersion, for the correct parallax in latitude.

For the moon or star's true altitude.

This element may be found by several rules, some of which are as follows:

RULE 1.

Log. versed sine horary angle (— 3 from index) + log. sine polar distance, + log. co-sine lat. place, = log. of natural number A.

Moon or star's polar distance, — comp. lat. place, = arch B.

Natural co-sine arch B, — natural number A, = natural sine moon or star's true altitude.

RULE 2.

Log. cotangent lat. place, + log. co-sine horary angle, = log. tangent arch I.

Moon or star's polar distance, — I, = arch II.

Log. co-sine arch II. + log. sine lat. place, + log. secant arch I, = log. sine moon or star's true altitude.

RULE 3.

Find arch II, as directed in second rule.

Log. co-sine lat. place, + log. sine horary angle, = log. sine arch III. secant arch II. + log. secant arch III, = log. co-secant moon or star's true altitude.

For the angle of position at the moon or star.

RULE 1.

Arith. comp. co-sine true altitude, + log. sine horary angle, + log. co-sine lat. place, = long sine angle of position.

RULE 2.

Having the true azimuth from the north given or found.

Ar. comp. log. sine moon or star's polar distance, + log. sine azimuth from north (or its supplement) + log. co-sine lat. place = log. sine angle of position.

RULE 3.

Log. co-tangent latitude place, + log. cosine horary angle, = log. tangent arch I.

Moon or star's polar distance, — arch I. = arch II.

Log. sine arch I, + log. tangent horary angle + log. co-secant arch II, = log. tangent angle of position.

RULE 4.

Find the true altitude and arch III, by the third rule for obtaining the true altitude.

Log. sine arch III, + log. secant true altitude, = log. sine angle of position.

For the moon's parallax in altitude, and apparent altitude of her centre, exclusive of refraction.

Let y represent the moon's horizontal parallax, and z the true altitude.

Log. sine y, + log. co-sine z, = log. sine (a) - - 1st approximation.

z, — (a) = (b). Log. sine y. + log. co-sine (b) = log. sine (c) 2d approximation.

z, — (c) = (d). Log. sine y. + log. co-sine (d) = log. sine (e) 3d approximation.

z, — (e) = (f). Log. sine y. + log. co-sine (f) = log. sine (g) 4th approximation.

z, — (g) = (h). Log. sine y. + log. co-sine (h) = log. sine (i) parallax in altitude.

z, — (i), = (k) the moon's apparent altitude exclusive of refraction.

For the moon's augmented semi-diameter.

Arith. comp. log. cosine moon's true altitude, + log. co-sine apparent altitude, + log. moon's horizontal semi-diameter in seconds, &c. = log. moon's augmented semi-diameter, arising from a change in altitude.

For the inflexion of the moon's light.

The quantity of this element has been variously estimated by astronomical writers, as follows:

	"	dec.
Mr. Vince,	— 3	0
Mr. Mackay,	— 3	5
Mr. John Garnett, (American req. tables,)	— 2	977
Mr. Ferrer, (American req. tables,)	— 2	18
Mean inflexion of light,	— 2	914

To be subtracted, in all cases, from the augmented semi-diameter for the moon's *corrected* semi-diameter.

For the angle between the parallels to the ecliptic and the equator.

Arith. comp. log. co-sine moon or star's true latitude, + log. co-sine moon or star's right ascension, + log. sine obliq. eclip. = log. sine angle between the parallels.

From 9 to 3 signs (270° to 90°) of the moon or a star's right ascension, in a place of *north* latitude, the parallel to the ecliptic *ascends above* the parallel to the equator; but from 3 to 9 signs (90° to 270°) it *descends below* the same. The contrary for a place of *south* latitude.

If the parallel to the ecliptic *ascend above* the parallel to the equator, subtract the angle just found from 90°; but if it *descend below*, add it to 90°, for the angle between the meridian, passing through the centre of the moon or star, and a parallel to the ecliptic.

If the moon or star be *east* of the meridian, add the angle of position to the angle between the meridian passing through the centre of the moon or star and a parallel to the ecliptic; but, if *west* of the meridian, subtract the former from the latter, (borrowing 360°, if necessary,) for the angle between the vertical circle and a parallel to the ecliptic. This may be called the "parallactic angle."

To find the moon's parallaxes in longitude and latitude, by the last method.

Log. sine parallax in *altitude*, + log. sine angle between vertical circle and parallel to ecliptic, (or its supplement,) + arith. comp. log. co-sine moon's *true* latitude, = log. sine parallax in *latitude*, nearly approximated.

If the moon's true latitude be *north*, subtract the approximated parallax in latitude therefrom, for the moon's *apparent* latitude approximated; then,

Log. sine parallax in *altitude*, + log. sine angle between vertical circle and parallel to the ecliptic, + arith. comp. log. co-sine moon's *apparent* latitude approximated, = log. sine parallax in *latitude*, farther approximated, and very near the truth.

Repeat the process, using the moon's *apparent* latitude, last found, and the correct parallax in *latitude* will be obtained.

Log. sine parallax in *altitude*, + log. co-sine angle between vertical circle and parallel to ecliptic, + arith. comp. log. co-sine moon's correct *apparent* latitude, = log. sine parallax in *longitude*.

Having given rules for obtaining most of the elements necessary in the computation, we shall now proceed to collect and arrange them, as found by the first method proposed for ascertaining the parallaxes in longitude and latitude.

	° ′ ″	dec.	
Latitude of the capitol, in Washington, by observation,	38 52 57		N.
Latitude of the capitol reduced, (334 to 333,)	38 42 52	939	
Latitude of the capitol reduced, (230 to 229,)	38 38 19	465	
Right ascension of *n* pleiadum, *(Alcyone,)* October 20, 1804, at 15 hours, Greenwich time, allowing aberration and nutation,	53 59 6	273	
Declination of do. allowing aberration and nutation,	23 29 45	143	N.
Obliquity of the ecliptic, October 20, 1804,	23 27 54	250	
Longitude of the star, by computation,	57 16 35	925	
Latitude of the star, by computation,	4 1 59	809	
Logarithms to reduce the moon's hor. parallax, (334 to 333,)	9.9994878	. 30	
(230 to 229,)	9.9992562	. 83	

	h. m. s.		
Estimated longitude from Greenwich,	5 7 36 =	76 54 0	west.

	h. m. s.	dec.
Time, by watch, of the immersion, reduced to the capitol,	9 30 9	32
Watch too fast, mean of the errors,	— 7 33	0
Apparent time of immersion at the capitol,	9 22 36	32
Sun's right ascension, in time,	+13 42 5	21777

	° ′ ″	dec.
Right ascension of the mid-heaven, ♓	16 10 23	06565, = 23 4 41 53777

or 76 10 23 06565, from the beginning of ♈, = arch I.

	Without reduction of lat. or moon's hor. parallax.	Reduced (334 to 333.)	Reduced. (230 to 229.)
	° ′ ″ *dec.*	° ′ ″ *dec.*	° ′ ″ *dec.*
Altitude of the nonagesimal,	49 27 59 333	49 36 39 564	49 40 35 523
Longitude of the nonagesimal,	5 59 20 968	5 52 37 578	5 49 38 037
Moon's true longitude,	56 26 10 243	56 26 10 243	56 26 10 243
Moon's true dist. from nonag. east,	50 26 49 275	50 33 32 665	50 36 32 206
Moon's horizontal parallax,	1 1 3 3311	1 0 59 0134	1 0 57 0631
Moon's parallax in longitude,	36 11 932	36 17 525	36 20 028
Moon's apparent dist. from nonag.	51 3 1 207	51 9 50 190	51 12 52 234
First part parallax in latitude,	40 1 273	39 51 171	39 46 668
Second part parallax in latitude,	— 2 20 055	— 2 19 852	— 2 19 762
Parallax in latitude,	37 41 218	37 31 319	37 26 906
Moon's true latitude, north,	4 30 25 405	4 30 25 405	4 30 25 405
Moon's apparent longitude,	57 2 22 175	57 2 27 768	57 2 30 271
Moon's apparent latitude, north,	3 52 44 187	3 52 54 086	3 42 58 499

	h.	*m.*	*s.*	*dec.*
Time, by watch, of the emersion, reduced to the capitol,	10	24	47	32
Watch too fast, mean of the errors,	—	7	33	0
Apparent time of emersion at the capitol,	10	17	14	32
Sun's right ascension, in time,	+13	42	13	8263149

	° ′ ″ *dec.*			
Right ascension of the mid-heaven,	♐ 29 52 2 1947,	=	23	59 28 1463149

or 89 52 2 1947, from the beginning of ♑.

	Without reduction of lat. or moon's hor. parallax.	Reduced. (334 to 333.)	Reduced. (230 to 229.)
	° ′ ″ *dec.*	° ′ ″ *dec.*	° ′ ″ *dec.*
Altitude of the nonagesimal,	54 47 34 751	54 56 22 722	55 0 21 319
Longitude of the nonagesimal,	17 41 28 819	17 35 29 938	17 32 46 800
Moon's true longitude,	57 0 26 776	57 0 26 776	57 0 26 776
Moon's true dist. from nonag., east,	39 18 57 957	39 24 56 838	39 27 39 976
Moon's horizontal parallax,	1 1 2 724	1 0 58 4066	1 0 56 4566
Moon's parallax in longitude,	32 3 506	32 8 772	32 11 155
Moon's apparent distance from nonag.	39 51 1 463	39 57 5 610	39 59 51 131
Moon's true latitude, north,	4 29 6 143	4 29 6 143	4 29 6 143
First part parallax in latitude,	35 35 558	35 25 276	35 20 631
Second part parallax in latitude,	— 3 2 961	— 3 2 807	— 3 2 733
Parallax in latitude,	32 32 597	32 22 469	32 17 898
Moon's apparent longitude,	57 32 30 282	57 32 35 548	57 32 37 931
Moon's apparent latitude, north,	3 56 33 546	3 56 43 674	3 56 48 245

In occultations, the moon's motion in *apparent* longitude during the transit should be multiplied by the co-sine of the star's latitude, to reduce it to the same parallel to the ecliptic as the star, which being found, we have the moon's motion in *apparent* latitude, to find the angle of inclination of the moon's apparent orbit, from which, with the moon's corrected semidiameters, the chord of transit, segments of the base, angles of conjunction, and the central angles at the immersion and emersion, may be determined; also, the difference of *apparent* longitude of the star and moon's centre; and by applying the parallax in longitude to the last mentioned element, the *true* difference of longitude between the moon and star will be obtained: the apparent time of ecliptical conjunction of moon and star, as seen from the centre of the earth under the meridian of the capitol, in the city of Washington, will then be known, by having the hourly motion reduced to the ecliptic, or the moon's motion for twelve hours, at the times of immersion, respectively.

If the *apparent* longitude of the points of occultation (or those parts of the moon's eastern and western limb at which the star immerged and emerged) be *less* than the star's longitude, the estimated longitude is too little, or farther to the east than it should be; the contrary, if the points of occultation be found *east* of the star.

As it is desirable that the result should be obtained with precision, according to the principles adopted in the computation, it may be necessary to repeat the process, using the longitude found as a near approximation to the truth, instead of the estimated longitude.

	Without reduction of latitude or moon's hor. parallax.	Reduced, 334 to 333.	Reduced, 230 to 229.
	deg. m. sec. dec.	deg. m. sec. dec.	deg. m. sec. dec.
Moon's motion in apparent longitude during transit, -	30 8 107	30 7 780	30 7 660
Ditto, reduced to a parallel to the ecliptic with star, -	30 3 6287	30 3 3026	30 3 1831
Moon's motion in apparent latitude during transit, -	3 49 363	3 49 592	3 49 750
Angle of inclination of moon's apparent orbit, -	7 14 50 149	7 15 20 599	7 15 40 092
Chord of transit, or line of moon's apparent path, -	30 18 1639	30 17 8596	30 17 7608
Moon's semidiameter, (corrected,) at immersion, -	16 44 897	16 44 892	16 44 875
Ditto, ditto, at emersion, - - -	16 47 256	16 47 243	16 47 237
Segment of the base, at immersion, - -	15 7 7766	15 7 62315	15 7 57315
Ditto, at the emersion, - - - -	15 10 3873	15 10 23645	15 10 18765
Angle of conjunction, at immersion, - -	25 23 51 522	25 24 58 444	25 25 19 356
Ditto, at the emersion, - - - -	25 20 2 336	25 21 8 766	25 21 49 381
Central angle, at immersion, - - -	32 38 41 671	32 40 19 043	32 40 59 448
Ditto, at emersion, - - - -	18 5 12 187	18 5 48 167	18 5 49 381
Difference of apparent longitude between moon's centre and point of occultation, at immersion, - -	14 8 254	14 7 985	14 7 872
Ditto, at the emersion, - - - -	14 59 862	15 59 795	15 59 788
Difference of apparent longitude at immersion, -	14 8 254	14 7 985	14 7 872
Moon's apparent longitude, then, - - +	57 2 22 175	+57 2 27 768	+57 2 30 271
Apparent longitude, point of occultation, - -	57 16 30 429	57 16 35 753	57 16 38 143
Star's longitude, - - - -	57 16 35 925	57 16 35 925	57 16 35 925
Point of occultation, at immersion, - -	0 0 5 496 West of star.	0 0 0 172 West of star.	0 0 2 218 East of star.
Moon's apparent longitude, at emersion, - -	57 32 30 282	57 32 35 548	57 32 37 931
Difference of apparent longitude, - - -	— 15 59 862	— 15 59 795	— 15 59 788
Apparent longitude, point occultation, emersion, -	57 16 30 420	57 16 35 753	57 16 38 143
Star's longitude, - - - -	57 16 35 925	57 16 35 925	57 16 35 925
Point of occultation at emersion, - - -	0 0 5 505 West of star.	0 0 0 172 West of star.	0 0 2 218 East of star.

The estimated longitude is *less* than it should be in the longitude found without a reduction of the latitude of the place, and moon's hor. parallax, also, allowing the ratio of 334 to 333, but *greater*, admitting the ratio of 230 to 229, as will appear from the following process.

	Without reduction of latitude or moon's hor. parallax.	Reduced, 334 to 333.	Reduced, 230 to 229.
	deg. m. sec. dec.	deg. m. sec. dec.	deg. m. sec. dec.
Difference of apparent longitude, at immersion, -	14 8 254	14 7 985	14 7 872
Parallax of longitude, - - - -	+ 36 11 932	+ 36 17 525	+ 36 20 028
True difference of longitude, - - -	— 50 20 186	— 50 25 510	— 50 27 900
Parallax in longitude at emersion, - -	32 3 506	32 8 772	32 11 155
Difference of apparent longitude, - - -	— 15 59 862	— 15 59 795	— 15 59 788
True difference of longitude, - - -	16 3 644	16 8 977	16 11 367

The apparent time of ecliptical conjunction of moon and star happened at Greenwich, when the moon's true longitude was the same as the star's longitude, which is found by the method of interpolation from the successive differences carried as far as the fourth order, to have been at 15*h*. 50*m*. 35*s*. 556*dec.*; the moon's hourly motion at a middle time between it and the immersion at Washington, + 5*h*. 7*m*. 36*s*. was 37*m*. 38*s*. 333*dec*. and at a middle time between the emersion, + 5*h*. 7*m*. 36*s*. = 37*m*. 37*s*. 864*dec*.

				m.	*s.*	*dec.*		*h.*	*m.*	*s.*	*dec.*	
				50	20	186		1	20	14	467	the interval of apparent time
As 37	38	333,	to 1 hour, so	50	25	510	to	1	20	22	954	between the immersion and
				50	27	900		1	20	26	764	true conjunction at Washing-

ton, which, added respectively to 9*h*. 22*m*. 36*s*. 320*dec*., gives—

10*h*. 42*m*. 50*s*. 787*dec*. | 10*h*. 42*m*. 59*s*. 274*dec*. 10*h*. 43*m*. 3*s*. 084*dec*. the apparent times of ecliptical conjunction at Washington, by the immersion.

				m.	*s.*	*dec.*		*m*	*s.*	*dec.*	
				16	3	644		25	36	460	the interval of apparent time be-
m.	*s.*	*dec.*		16	8	977		25	44	960	tween the emersion and true con-
As 37	37	864,	to 1 hour, so	16	11	367	to	25	48	774	junction at Washington, which,

added respectively to 10*h*. 17*m*. 14*s*. 320*dec*., gives—

	Without reduction of latitude or moon's hor. parallax.	Reduced, 334 to 333.	Reduced, 230 to 229.
	h. m. sec. dec.	h. m. sec. dec.	h. m. sec. dec.
By the emersion,	10 42 50 780	10 42 59 280	10 43 3 094
By the immersion,	10 42 50 787	10 42 59 274	10 43 3 084
True conjunction,	10 42 50 783	10 42 59 277	10 43 3 089
Ditto at Greenwich,	15 50 35 556	15 50 35 556	15 50 35 556
Longitude in time,	5 7 44 773	5 7 36 279	5 7 32 467
	deg. m. sec. dec.	deg. m. sec. dec.	deg. m. sec. dec.
Equal to	76 56 11 595	76 54 4 185	76 53 7 005

To prove how far the foregoing results may be relied on, without a repetition of the whole process, the parallax in longitude, and the moon's true longitude may be re-computed, using the longitude from Greenwich, found as above, instead of the estimated longitude first assumed, which are found to be as follow:

	Without reduction of lat. or moon's hor. parallax.	Reduced 334 to 333.	Reduced 230 to 229.
	deg. m. sec. dec.	deg. m. sec. dec.	deg. m. sec. dec.
Moon's true longitude,	56 26 15 744	56 26 10 417	56 26 8 025
Parallax in longitude,	+ 36 11 924	+ 36 17 525	+ 36 20 030
Moon's apparent longitude,	57 2 27 671	57 2 27 942	57 2 28 055
Diff. of apparent longitude,	+ 14 8 254	+ 14 7 985	+ 14 7 872
Apparent long. point occult.	57 16 35 925	57 16 35 927	57 16 35 927
Star's longitude,	57 16 35 925	57 16 35 925	57 16 35 925
Difference, point occult.,	0 0 0 000 agreeing with star.	0 0 0 002 east of star.	0 0 0 002 east of star.

The correction in time answering to the above differences, is = 0*s*. 004*dec*. which substracted, respectively, from 5*h*. 7*m*. 36*s*. 279*dec*. and 5*h*. 7*m*. 32*s*. 467*dec*. leaves 5*h*. 7*m*. 36*s*. 275*dec*. and 5*h*. 77*m*. 32*s*. 463*dec*.

For which the moon's true longitude being computed, it will be:—

	=	deg. m. sec. dec.	deg. m. sec. dec.
		56 26 10 415	56 26 8 023
Parallax in longitude,		+ 36 17 525	+ 36 20 030
Moon's apparent longitude,		57 2 27 940	57 2 28 053
Difference of apparent longitude,		+ 14 7 985	+ 14 7 872
Apparent longitude, point of occult.		57 16 35 925 agreeing with star.	57 16 35 925 agreeing with star.

By the emersion for the longitude as last corrected.

	deg. m. sec. dec.	deg. m. sec. dec.	deg. m. sec. dec.
Moon's true longitude,	57 0 32 279	57 0 26 948	57 0 24 557
Parallax in longitude,	+ 32 3 499	+ 32 8 772	+ 32 11 157
Moon's apparent longitude,	57 32 35 778	57 32 35 720	57 32 35 714
Difference of apparent longitude,	— 15 59 862	— 15 59 795	— 15 59 788
Apparent long. point occult.,	57 16 35 916	57 16 35 925	57 16 35 926
Star's longitude,	57 16 35 925	57 16 35 925	57 16 35 925
Point of occultation,	0 0 0 009 west of star.	0 0 0 000 agreeing with star.	0 0 0 001 east of star.

A mean of the result, as corrected at the immersion and emersion, will be

5*h*. 7*m*. 44*sec*. 780*dec*. 5*h*. 7*m*. 36*sec*. 275*dec*. 5*h*. 7*m*. 32*sec*. 462*dec*.

Supposing the error of the watch and the apparent times of the immersion and emersion, to have been exactly as they are herein stated, the longitude of the capitol, in the city of Washington, from Greenwich observatory, by accurate calculation, is determined as follows:

Without reduction of latitude or moon's hor. parallax.				Reduced, (334 to 333.)				Reduced, (230 to 229.)			
deg.	min.	sec.	dec.	deg.	min.	sec.	dec.	deg.	min.	sec.	dec.
76	56	11	700	76	54	4	125	76	53	6	930 west.

CITY OF WASHINGTON, *November* 3, 1809.

By the foregoing process and rules, the form of the earth is considered, in the first place, to be a perfect sphere, the length of whose polar is the same as its equatorial diameter; therefore, no reduction of the latitude by observation, or of the moon's horizontal parallax, has been made: in the second and third, it is admitted to be that of an *oblate spheroid*, the ratio of whose equatorial diameter to the polar axis is as 334 to 333, and 230 to 229, respectively. It is submitted, with great deference, to the opinions of such scientific persons as are familiar with the theory and practice of astronomy, whether an arithmetical mean between those ratios, = 282 to 281, would not be a proper one to be adopted, by which the longitude of the capitol, in Washington, at the same mean of rate,* will be 5*h*. 7*m*. 34*sec*. 368*dec*. in time, = 76*deg*. 53*m*. 35*sec*. 527*dec*.; but as the fractional parts of a second in space may, with propriety, be rejected, the result may be stated at 76*deg*. 53*m*. 35*sec*. as a very near approximation to the truth, and sufficiently accurate; according to that ratio, to establish a first meridian for the United States. When the foregoing result is sanctioned by the public sentiment, it will not be difficult to adapt a table or tables of the geographical positions of other places in the United States, and elsewhere, to a first meridian of our own, instead of depending for one on a foreign nation; and as we have long since extricated ourselves from the shackles of colonial subjection, in other respects, there is no good reason to be assigned, why a remaining incumbrance unworthy the freedom and sovereignty of the American people and their Government should not at some period or other be removed.

WILLIAM LAMBERT.

No. 3.

Rules and regulations for computing the moon's longitude, latitude, right ascension and declination, and its hourly velocity, at any intermediate time between 0 *and* 12 *hours, having the positions given as stated in the Nautical Almanac, or Connoissance des Temps.*

Among the rules essential for a correct determination of the longitude of a place either at sea or on land, the method of computing the moon's place by interpolation from successive differences at any intermediate time between noon and midnight, or midnight and noon, requires our attention: it may not be necessary in the nicest computation to extend the equations beyond the fourth order of differences, especially when the positions at every twelve hours are given as they are stated in the Nautical Almanac; and so much of algebraical process ought to be understood as relates to addition, subtraction, and multiplication.

It may be proper, in all cases, to take *three* positions next before, and *two* immediately following the intermediate time required, and set them down with their successive differences, to which the signs + or —, must be prefixed as follow:

The moon's longitude is required, November 27, 1809, at 4 hours 48 minutes, P. M: by the meridian of Greenwich.

	☽'s Longitude.	1st Difference.	2d Difference.	3d Difference.	4th Diff.
	s ° ′ ″	° ′ ″	′ ″	′ ″	″
Nov. 26. Noon,	3 21 30 10 A	+ 5 57 11 *a* 1	+ 1 19 *a* 2	+ 0 27 *a* 3	+ 3 *a* 4
Midnight,	3 27 27 21 B	+ 5 58 30 *b* 1	+ 1 46 *b* 2	+ 0 30 *b* 3	
27. Noon,	4 3 25 51 C	+ 6 0 16 *c* 1	+ 2 16 *c* 2		
Midnight,	4 9 26 7 D	+ 6 2 32 *d* 1			
28. Noon,	4 15 28 39 E				

The time required is between C and D.

Let x represent the intermediate time, and y 12 hours, or 720 minutes, then the series will be—

$$\text{C}, + \frac{x}{y} \times c\,1 + x \times \frac{x-1}{2y} \times c\,2 + x \times \frac{x-2}{3y} \times b\,3 + x \times \frac{x \times 1}{4y} \times a\,4$$

		S.	*deg.*	*min.*	*sec.*	*dec.*
C. Moon's longitude at noon,	- -	4	3	25	51	000
$\frac{x}{y} = \frac{2}{5} \times c\,1$	- - - +		2	24	6	400
$x \times \frac{x-1}{2y} = \frac{3}{25} \times c\,2$	- - -		0	0	16	320
$x \times \frac{x-1}{2y} + x \times \frac{x-2}{3y} \times b\,3$	- - +		0	0	1	920
$x \times \frac{x-1}{2y} + x \times \frac{x-2}{3y} + x \times \frac{x+1}{4y} \times a\,4$	- +		0	0	0	0672
Moon's longitude at 4 hours 48 minutes,	- =	4	5	49	43	0672

* This mean of rate, applied to the longitude, is not strictly correct; but the variance is so small, that it is scarcely worth the trouble of ascertaining by a more exact method of computation.

By Mr. Garnett's second theorem, (American impression of the Nautical Almanac,) the process will be—

					deg.	min.	sec.	dec.
$b\,1$	- - -	=		5	58	30	
$+\frac{1}{2}\,b\,2$	- - -	+			0	53	
$-a\,3+b\,3$	- - -	−			0	4	750
12		M.		5	59	18	250

			deg.	min.	sec.	dec.
M, $\times\frac{x}{y}$	- - -	=		2	23	43	300
$+\frac{1}{2}\,b\,2-\frac{1}{24}\,a\,4\times\frac{xx}{yy}$	- -	+			0	8	460
$+\frac{a\,3+b\,3}{12}\times\frac{xxx}{yyy}$	-	+			0	0	304
$+\frac{1}{24}\,a\,4\times\frac{xxxx}{yyyy}$	-	+			0	0	0032
C, = moon's position at noon,	-	+	4	3	25	51	—
Moon's longitude at 4 hours 48 minutes, as before,			4	5	49	43	0672

I have been favored by Mr. Garnett with another method, not published in his edition of the Nautical Ephemeris, as follows:

			deg.	min.	sec.	
$\frac{b\,1+c\,1}{2}$	- -	=	5	59	23	N.
N, $\times\frac{x}{y}$	- - -		2	23	45	200
$+\frac{xx}{2\,y\,y}\times b\,2$	- -	+		0	8	480
$-\frac{x-xxx}{6\,y\,y\,y}\times\frac{a\,3+b\,3}{2}$	- -	−		0	1	596
$-\frac{xx-xxxx}{24\,y\,y\,y\,y}\times a\,4$	- -	−		0	0	0168
C, = moon's position at noon,	-	+	4	3	25	51	
Moon's longitude at 4 hours 48 minutes, as before,			4	5	49	43	0672

But if *one* position at noon or midnight be taken next before, and *four* immediately following the intermediate time, the value of the equation arising from the fourth difference will not be the same; and the series, in that case, will be

$$\text{A},+\frac{x}{y}\times a\,1+x\times\frac{x-1}{2\,y}+x\times\frac{x-2}{3\,y}+x\times\frac{x-3}{4\,y}$$

And if we find the moon's longitude at 4 hours 48 minutes, between C and D, reckoned from the term A, we shall have, applied to the foregoing example, where the differences $a\,1$, $a\,2$, $a\,3$, and $a\,4$, are to be used,

$$\text{A},+\frac{12}{5}\times a\,1$$
$$+\frac{42}{25}\times a\,2$$
$$+\frac{28}{125}\times a\,3$$
$$-\frac{21}{625}\times a\,4$$

			S.	deg.	m.	sec.	dec.
Hence, - A, - - -	=	3	21	30	10	000
$+\frac{12}{5}\times a\,1$ - - - -	+		14	17	14	400
$+\frac{42}{25}\times a\,2$ - - -	+		0	2	12	720
$+\frac{28}{125}\times a\,3$ - - -	+		0	0	6	048
$-\frac{21}{625}\times a\,4$ - - -	−		0	0	0	1008
Moon's longitude at 4*h*. 48*m*. between C and D, the same as before,		4	5	49	43	0672

If we compute the same from the term B, we shall have—

				S.	deg.	m.	sec.	dec.
	B, - - -			3	27	27	31	000
B, + $\frac{7}{5}$ × b 1	b 1 × $\frac{7}{5}$ - - -		+		8	21	54	000
+ $\frac{7}{25}$ × b 2	b 2 × $\frac{7}{25}$ - - -		+		0	0	29	680
— $\frac{7}{125}$ × b 3	a 3 × $\frac{28}{125}$ - - -		—		0	0	1	680
+ $\frac{14}{625}$ × a 4	a 4 × $\frac{14}{625}$ - - -		+		0	0	0	0672
				4	5	49	43	0672

The result from the term C, having been already computed, we shall now show how it may be found from the terms D and E, subtractive.

From D, the differences will be c 1, b 2, a 3, and a 4, and the series, as follows:

— $\frac{3}{5}$ × c 1.

— $\frac{3}{25}$ × b 2.

— $\frac{7}{125}$ × a 3.

— $\frac{21}{625}$ × a 4.

			S.	deg.	m.	sec.	dec.
D, - - - - -		=	4	9	26	7	000
— $\frac{3}{5}$ × c 1 - - - -		—		3	36	9	600
— $\frac{3}{25}$ × b 2 - - - -		—		0	0	12	720
— $\frac{7}{125}$ × a 3 - - - -		—		0	0	1	512
— $\frac{21}{625}$ × a 4 - - - -		—		0	0	0	1008
Moon's longitude at 4h. 48m. between C and D, -			4	5	49	43	0672

From the term E,

			S.	deg.	m.	sec.	dec.
E, - - - - -			4	15	28	39	000
— $\frac{8}{5}$ × d 1 - - - -		—		9	40	3	200
+ $\frac{12}{25}$ × c 2 - - - -		+		0	1	5	280
+ $\frac{8}{125}$ × b 3 - - - -		+		0	0	1	920
+ $\frac{14}{625}$ × a 4 - - - -		+		0	0	0	0672
Moon's longitude at 4h. 48m. between C and D, -			4	5	49	43	0672

By Mr. Garnett's first theorem, (Naut. alm. American edition.)

From the term A,

		deg.	m.	sec.	dec.
a 1 - - - - -	-	5	57	11	000
— $\frac{1}{2}$ a 2 - - - - -	—		0	39	500
+ $\frac{1}{3}$ a 3 - - - -	+		0	9	000
— $\frac{1}{4}$ a 4 - - - - -	—		0	0	750
M, -	-	5	56	39	750

		Deg.	m.	sec.	dec.
M, $\times \frac{x}{y} = \frac{12}{5}$ - - - - -	-	14	15	59	400
$+ \frac{1}{2} a\,2 - \frac{1}{2} a\,3 + \frac{11}{24} a\,4 \times \frac{xx}{yy} = \frac{144}{25}$ -	+		2	37	680
$+ \frac{1}{6} a\,3 - \frac{1}{4} a\,4 \times \frac{xxx}{yyy} = \frac{1728}{125}$ -	+		0	51	840
$+ \frac{1}{24} a\,4 \times \frac{xxxx}{yyyy} = \frac{20736}{625}$ -	+			4	1472
A, - - - - -		3	21	30	10 —
Moon's longitude at 4*h*. 48*m*. between C and D, -		4	5	49	43 0672

For the moon's hourly velocity.

The hourly velocity at 1 hour is very nearly equal to the difference of the moon's place in longitude, latitude, &c., computed at 1*h*. 30*m*. and at 0*h*. 30*m*. from noon or midnight; at 1*h*. 30*m*. to the difference computed at 2*h*. and at 1*h*. &c. In addition to the theorems to find this element, published by Mr. Garnett, in the appendix to the Nautical Almanac, the following series may be adopted, where $\frac{1}{12}$ of $c\,1$ and the differences $c\,2$, $b\,3$, and $a\,4$, are to be used.

$- \frac{6 + x}{144} \times c\,2$ = equation of second difference.

$+ \frac{96 - 24\,x - xx}{3456} \times b\,3$ = equation of third difference.

$+ \frac{864 - 72\,x - 18\,xx + xxx}{124416} \times a\,4$ = equation of fourth difference.

In this series y is to be estimated as 1 hour instead of 12 hours.

The moon's hourly velocity in longitude, Nov. 27, 1809, at 4*h*. 48*m*. P. M. at Greenwich, is required.

		M.	sec.	dec.
$\frac{1}{12} c\,1$ - - - - -	=	30	1	333333
$- 6 + x = \frac{7}{5} \times \frac{1}{144} = \frac{7}{720} \times c\,2$ - - -	—		1	133333
$+ \frac{96 - 24\,x + xx}{3456} \times b\,3$ - - -	+		0	033333
$+ \frac{864 - 72\,x - 18\,xx + xxx}{124416} \times a\,4$ - -	+		0	005166, &c.
Moon's hourly velocity, at 4 hours 48 minutes, - -		30	0	2385

By Mr. Garnett's second theorem, (Nautical Almanac.)

		Deg.	m.	sec.	dec.
Find M, as directed in page 63, - - -	=	5	59	18	250
$+ b\,2 - \frac{1}{12} a\,4 \times \frac{x}{y}$ - - - -	+		0	42	300
$+ \frac{a\,3 + b\,3}{4} \times \frac{xx}{yy}$ - - - -	+		0	2	280
$+ \frac{1}{6} a\,4 \times \frac{xxx}{yyy}$ - - -	+		0	0	032
Moon's velocity for 12 hours, at 4 hours 48 minutes, -	=	6	0	2	862
Moon's hourly velocity, the same as above, - -	$(\frac{1}{12})$		30	0	2385

The rules given by Mr. Garnett are peculiarly adapted to the use of logistic or proportional logarithms, computed for 12 and 3 hours; but, when great accuracy is required, those logarithms should be extended to seven places of figures, or six at least, besides the index. These logs. are thus found—

Log. of 12 hours, or 720 minutes, - - - -	2	8573325	
Log. of 1 hour, or 60 minutes, - - - -	1	7781513	
Proportional log. of 1 hour or 60 minutes, - - -	1	0791812	
Log. of 3 hours, or 180 minutes, - - - -	2	2552725	
Log. of 1 hour or 60 minutes, - - - -	1	7781513	
Proportional log. of one hour, - - - -	0	4771212	

In the first case the proportion is for twelve hours, and in the last, for three hours.

The American public are indebted to Mr. John Garnett, not only for the rules here noticed, but for his edition of requisite tables, which are, in many respects, a valuable improvement on the British impression, and are recommended to the attentive examination of scientific persons in the United States, who will find them both ingenious and useful.

If tables for computing the moon's longitude, &c., and hourly velocity at every three minutes of intermediate time between 0 and 12 hours, extended to differences as far as the fourth order, and to six or seven places in the decimal fractions, were constructed and published on the principles herein stated, they would be an acquisition to our geographers and mariners; the numbers for every minute might then be accurately obtained by an easy method of interpolation. Such tables I shall probably undertake, at no distant period, accompanied with a sufficient number of examples to explain their utility; also, the manner of finding, by interpolation, the decimal fractions at intermediate times not contained therein.

WILLIAM LAMBERT.

November 14, 1809.

No. 4.

The tables given by some writers in Europe to facilitate the computation of the most essential elements used in practical astronomy, seldom extend to the fractional parts of seconds. In cases affecting the latitude of a place only, it is generally thought sufficiently exact, even in the nicest calculations, to determine it to the nearest second by observation; but the improvement in the moon's theory, during the present century, from the discovery of new equations, seems to require a more scrupulous attention to precision in ascertaining the longitude, than heretofore. There is, undoubtedly, as much propriety in having the elements correct as the data, whether consisting of time or space; for errors, in both or either, may be expected to produce a proportionate deviation from the truth in the result.

As all objects appear greater or less, as they are at a less or greater distance from the eye of the observer, the moon being in the zenith of any place, will be nearer to a spectator there by a semi-diameter of the earth, than in the horizon; consequently, her apparent semi-diameter will increase from the horizon to the zenith, in the proportion of radius to sine of the apparent altitude of her centre. The Nautical Almanac states the moon's equatorial horizontal semi-diameter (which is the same as if viewed from the centre of the earth under the equator) for every noon and midnight throughout the year, by the meridian of Greenwich; and it may be found at any other time or place by an easy proportion. The augmentation arises both from a change of the apparent altitude and of the horizontal semi-diameter; and if we suppose the form of the earth to be that of a perfect sphere, the logarithms contained in the following table will show the increase of the moon's horizontal semi-diameter, according to its variation, from 14′ 36″ to 16′ 59″, inclusive, when the apparent altitude is 90°. For any other apparent altitude, the rule is—

As radius;

To the log. annexed to the horizontal semi-diameter;

So is log. sine of the given apparent altitude;

To the corresponding augmentation which, added to the horizontal semi-diameter, will give the increased semi-diameter arising from the apparent altitude, from which the inflexion of light, 2′ 914*dec.** being subtracted, will leave the moon's semi-diameter corrected.

But as the form of the earth is found, by accurate observations and admeasurements, not to be a perfect sphere, but an oblate spheroid, (except we deem the authority and reasoning of St. Pierre sufficient to overturn the Newtonian hypothesis,) a correction of the equatorial horizontal semi-diameter will arise from any assumed ratio of the equatorial diameter to the polar axis of the earth, and from the latitude of the place of observation; the apparent altitude of the object will also be affected in proportion to its true azimuth or bearing from the meridian, which, in nice calculations for determining the longitude of a place, ought to be taken into view. The ratio used by Vince, Mackay, and other European mathematicians, is as 230 to 229; but that of 334 to 333, appears now to be thought more correct. It is respectfully submitted to scientific persons in the United States of America and elsewhere, whether an arithmetical mean of the two, = 282 to 281, would not be proper to be adopted, unless an undeviating standard should be established, which, by a probable change arising from the centrifugal force, and the effect of other causes not so well understood, may not soon be agreed upon.

The proportion of the moon's horizontal parallax to her semi-diameter, is as 1 to .272495, (400 to 109, very nearly.) The radius of a circle containing 360° is found to be = 57° 17′ 44″ 8; as this is to be estimated from the earth's centre, it must be diminished by the moon's equatorial horizontal parallax, or the angle under which the earth's equatorial semi-diameter is viewed at the moon, to reduce it to the visible horizon.

° ′ ″ ° ′ ″

As 1 to .272495, so is 57 17 44 8 to 15 36 46, which call x.

Let y represent the moon's horizontal semi-diameter, and z the augmentation when the moon is in the zenith, or the apparent altitude of her centre = 90°; then,

$\frac{y^2}{x-y,} = z$; and $y + z$, = to the moon's augmented semi-diameter, when the apparent altitude is 90°, admitting the form of the earth to be a perfect sphere. To compute it for an oblate spheroid, the equatorial horizontal semi-diameter must be reduced according to the latitude of the place, and the assumed ratio of the equatorial diameter to the polar axis of the earth, in the following manner:

Find the difference between the latitude of the place by observation, and that which is referred to the earth's centre, and call it the reduction of latitude.

Compute the moon's reduced horizontal parallax, according to the latitude of the place and the ratio of the earth's diameters, and take the difference between it and the equatorial horizontal parallax, which call the reduction of horizontal parallax.

Compute, also, the moon's true azimuth or bearing from the meridian, at the time of observation, then—

As radius;

To the reduction of latitude, in seconds, &c.;

So is co-sine of true azimuth from the meridian;

To the correction of the moon's apparent altitude, which is to be added to it, if the true azimuth from the south be less than 90°, and subtracted, if greater, to find the reduced apparent altitude.

As 400 to 109, so is the reduction of horizontal parallax, in seconds, &c., to the corresponding reduction of the moon's equatorial horizontal semi-diameter, which, subtracted from it, will give the reduced horizontal semi-diameter.

* See abstract of calculations, No. 2.

To the logarithm in the following table, answering to the reduced horizontal semi-diameter, add the logarithm sine of the reduced apparent altitude, the sum (rejecting radius) will be the logarithm of the augmentation in seconds, &c, which, added to the reduced horizontal semi-diameter, will give the moon's augmented semi-diameter, allowing for the spheroidical figure of the earth.

Table of Logarithms corresponding with the augmentation in seconds, and decimal parts of the moon's horizontal semi-diameter, when the apparent altitude of her centre is ninety degrees.

Moon's hor. semid.	Log.	Diff. +	Moon's hor. semid.	Log.	Diff. +	Moon's hor. semid.	Log.	Diff. +
min. sec.			min. sec.			min. sec.		
14 36	1.1420475	9988	15 24	1.1887602	9484	16 12	1.2331261	9019
37	1.1430463	9977	25	1.1897076	9474	13	1.2340271	9010
38	1.1440440	9966	26	1.1906540	9464	14	1.2349272	9001
39	1.1450406	9954	27	1.1915993	9453	15	1.2358264	8992
40	1.1460360	9944	28	1.1925436	9443	16	1.2367247	8983
41	1.1470304	9932	29	1.1934869	9433	17	1.2376221	8974
42	1.1480236	9921	30	1.1944292	9423	18	1.2385185	8964
43	1.1490157	9910	31	1.1953705	9413	19	1.2394140	8955
44	1.1500067	9899	32	1.1963108	9403	20	1.2403086	8946
45	1.1509966	9888	33	1.1972502	9394	21	1.2412024	8938
46	1.1519854	9876	34	1.1981885	9383	22	1.2420953	8929
47	1.1529730	9865	35	1.1991258	9373	23	1.2429872	8919
48	1.1539595	9854	36	1.2000622	9364	24	1.2438782	8910
49	1.1549449	9843	37	1.2009975	9353	25	1.2447683	8901
50	1.1559292	9833	38	1.2019319	9344	26	1.2456575	8892
51	1.1569125	9821	39	1.2028653	9334	27	1.2465459	8884
52	1.1578946	9810	40	1.2037977	9324	28	1.2474333	8874
53	1.1588756	9800	41	1.2047291	9314	29	1.2483199	8866
54	1.1598556	9789	42	1.2056595	9304	30	1.2492055	8856
55	1.1608345	9778	43	1.2065889	9294	31	1.2500903	8848
56	1.1618123	9767	44	1.2075174	9285	32	1.2509741	8838
57	1.1627890	9757	45	1.2084449	9275	33	1.2518571	8830
58	1.1637647	9746	46	1.2093714	9265	34	1.2527392	8821
59	1.1647393	9735	47	1.2102969	9255	35	1.2536204	8812
15 0	1.1657128	9724	48	1.2112215	9246	36	1.2545008	8804
1	1.1666852	9714	49	1.2121451	9236	37	1.2553803	8795
2	1.1676566	9703	50	1.2130677	9226	38	1.2562589	8786
3	1.1686269	9692	51	1.2139894	9217	39	1.2571367	8778
4	1.1695961	9681	52	1.2149101	9207	40	1.2580136	8769
5	1.1705642	9671	53	1.2158299	9198	41	1.2588897	8761
6	1.1715313	9660	54	1.2167487	9188	42	1.2597649	8752
7	1.1724973	9650	55	1.2176665	9178	43	1.2606392	8743
8	1.1734623	9639	56	1.2185834	9169	44	1.2615127	8735
9	1.1744262	9628	57	1.2194994	9160	45	1.2623853	8726
10	1.1753890	9618	58	1.2204144	9150	46	1.2632570	8717
11	1.1763508	9608	59	1.2213285	9141	47	1.2641278	8708
12	1.1773116	9597	16 0	1.2222416	9131	48	1.2649978	8700
13	1.1782713	9587	1	1.2231538	9122	49	1.2658669	8691
14	1.1792300	9577	2	1.2240650	9112	50	1.2667352	8683
15	1.1801877	9566	3	1.2249753	9103	51	1.2676027	8675
16	1.1811443	9556	4	1.2258847	9094	52	1.2684693	8666
17	1.1820999	9546	5	1.2267931	9084	53	1.2693351	8658
18	1.1830545	9535	6	1.2277006	9075	54	1.2702000	8649
19	1.1840080	9525	7	1.2286072	9066	55	1.2710640	8640
20	1.1849605	9515	8	1.2295128	9056	56	1.2719272	8632
21	1.1859120	9504	9	1.2304175	9047	57	1.2727896	8624
22	1.1868624	9494	10	1.2313213	9038	58	1.2736511	8615
23	1.1878118		11	1.2322242	9029	59	1.2745117	8606

The moon's horizontal semi-diameter is never less than 14′ 36″, nor greater than 16′ 59″; therefore, the augmentation at any time or place (supposing the earth to be a sphere) is readily found, as follows:

To the log. annexed to the given horizontal semi-diameter, add the log. sine of the apparent altitude; the sum (rejecting radius) will be the log. of the augmentation in seconds, and decimal parts.

EXAMPLE.

Let the horizontal semi-diameter be 16′ 38″, and the apparent altitude of the moon's centre, 41° 58′; required the corrected semi-diameter?

16′ 38″	log. annexed,	-	-	1.2562589
41° 58′	log. sine,	-	-	9.8252301
		min. sec. dec.		
	Augment. log.	- 12 064	-	1.0814890
	Moon's hor. sem. +	- 16 38 —		
	Augmented sem.	- 16 50 064		
	Inflexion of light,	- — 2 914		
	Moon's semid. (corrected)	16 47 150		

If the horizontal semi-diameter be given to fractional parts of a second, add the proportional part to the next preceding logarithm.

EXAMPLE.

Let the horizontal semi-diameter be 15′ 57″ 78 dec., and the apparent altitude of the moon's centre, 58° 18′ 24″; required the corrected semi-diameter.

The difference is 9150, and the proportional part for $\frac{78}{100}$ = 7137, which, added to 1.2194994, makes 1.2202131

	deg.	min.	sec.	dec.		
Apparent altitude, -	58	18	24		log. sine, - - -	9.9298644
Augment. log. -	—	—	14	128	- - - -	1.1500775
Moon's hor. semid. + -	—	15	57	780		
Augmented semid. -	—	16	11	908		
Inflexion of light, -	—	—	2	914		
Moon's semid. (corrected)	—	16	8	994		

It has been shown that the process is easy, considering the form of the earth to be that of a perfect sphere; but if we admit it to be an oblate spheroid, the operation will be attended with more labor, as may be seen by the following

EXAMPLE.

Let the latitude of the place of observation be 38° 52′ 57″, N.; the moon's equatorial horizontal parallax, 61′ 1″; the horizontal semi-diameter, 16′ 38″; the apparent altitude of her centre, 41° 58′; and the true azimuth from the meridian or south point, 61° 24′ 36″; required the moon's corrected semi-diameter, admitting the ratios of the equatorial diameter to the polar axis of the earth to be 334 to 333, and 230 to 229, respectively?

(334 to 333.)

	deg.	min.	sec.
Lat. by observation, - -	38	52	57
Reduced latitude, - -	38	42	53
Reduction of latitude, - -	—	10	4

	deg.	min.	sec.	dec.
Moon's equat. hor. parallax, -	1	1	1	—
Moon's hor. parallax reduced, -	1	—	56	68
Reduction of the hor. parallax, -	—	—	4	32

(230 to 229.)

	deg.	min.	sec.	dec.
Lat. by observation, -	38	52	57	—
Reduced latitude, -	38	38	19	5
Reduction of latitude, -	—	14	37	5

	deg.	min.	sec.	dec.
Moon's equat. hor. parallax, -	1	1	1	—
Moon's hor. parallax reduced, -	1	—	54	74
Reduction of hor. parallax, -	—	—	6	26

As 400 to 109, so { sec. dec. 4 32 / 6 26 } to { sec. dec. 1 177 / 1 706 } the reduction of the moon's horizontal semi-diameter, which, subtracted from 16′ 38″, leaves { min. sec. dec. 16 36 823 / 16 36 294 } the moon's horizontal semi-diameter reduced.

Reduction of latitude, -	604″	log. -	2.7810369		Reduction of latitude, -	877″ 5	-	2.9432471
Log. co-sine true azimuth from S.		-	9.6799170		Co-sine azimuth, -		-	9.6799170
	deg. min. sec. dec.	min. sec.			dg. min. sec. dec.	sec. dec.		
Cor. of alt. -	4 49 05	= 289 05	2.4609539		6 59 92	= 419 92	-	2.6231641
App. alt. -	41 58 — —				41 58 — —			
Red. alt. -	42 2 49 05				42 4 59 92			

	deg.	min.	sec.	dec.		deg.	min.	sec. dec.
Reduced hor. semid. -	—	16	36	823 (table)	1.2552246	16	36	294 log. 1.2547594
Reduced app. alt. -	42	2	49	05 log. sine,	9.8259059	42	4	59 92 log. sine, 9.8262112
			sec.	dec.			sec.	dec.
Augmentation,			12	054	1.0811305	Augment.	12	050 1.0809706
		min.	sec.	dec.			min.	sec. dec.
Reduced hor. semid.	+	16	36	823		Reduced. hor. sem.	16	36 294
Augmented semid.	—	16	48	877		Augmented semi.	16	48 344
Inflexion of light,	—	—	2	914		Inflexion of light,	—	2 914
Moon's semid. corrected,		16	45	963		Moon's semid. cor.	16	45 430

When the longitude of a place is to be determined, having regard to the spheroidal figure of the earth, the moon's augmented semi-diameter should be found as above stated, according to the assumed ratio of the earth's diameters, and the latitude of the place of observation, from which the inflexion of light must be subtracted, to obtain the moon's corrected semi-diameter.

The reduction of latitude and of the moon's horizontal parallax may be found in tables computed by astronomical writers for the purpose, particularly Messrs. Vince, Mackay, and Garnett; but, if such tables are wanting, the following rules may be adopted to find those elements:

Let the number representing the polar diameter be x, and the equatorial y.

$x \times y = z$ / $y \times x = a$ then log. z + radius, — log. a = constant log. for the reduction of the latitude of a place, according to the assumed ratio.

Constant log. + log. tangent latitude, — radius, = log. tangent lat. reduced.

For the reduction of the moon's horizontal parallax.

From the log. of the number representing the equatorial diameter, subtract the log. of the number representing the polar diameter, and call the remainder log. A.

Log. A. + log. co-tangent lat. place, = log. tangent arch B.

Log. co-sine lat. place, + radius, — log. sine arch B, = constant log. for that latitude and ratio.

Constant log. + log. sine moon's equat. hor. parallax, — radius, = log. sine hor. parallax, reduced.

As the moon's hor. parallax never amounts to 1° 2′, the log. in seconds may be substituted for the log. sine.

CITY OF WASHINGTON, *March* 9, 1810. WILLIAM LAMBERT.

No. 5.

Concerning the spheroidal form of the earth, and a proper method of reducing the latitude of a place, by observation, and the moon's horizontal parallax, as referred to the earth's centre, according to any assumed ratio of the equatorial to the polar diameter.

It has been admitted by scientific persons, since the publication of Sir Isaac Newton's Principia, and other works, (with the exception of a very few), that the figure or shape of the earth is an *oblate spheroid*, or, in other words, that the equatorial is greater than the polar diameter; the proportion of the former to the latter, as used by Messrs. Vince, Mackay, and other British astronomers, is as 230 to 229; but from the discovery of new lunar equations by M. de la Place, and other circumstances, the ratio of 334 to 333 is now stated, in the Nautical Almanac, as more correct, and better agreeing with observations lately and carefully made. Among the number of writers who object to the Newtonian hypothesis is James Henry Bernardin de Saint Pierre, who has, in explanation of the plates in his first volume of the Studies of Nature, XXXII to XXXVI, asserted, and endeavored to prove, that the true form of the earth is a *prolate*, and not an *oblate spheroid*, or, that the polar axis is greater than the equatorial diameter. It is said that *Cassini* was of the same opinion: but the reasoning and authority of St. Pierre will not, probably, change the general belief that the earth is an *oblate spheroid*. The difference between the ratios of 334 to 333, and 230 to 229, is such, that it would be desirable to establish some *mean* proportion as an invariable standard: an arithmetical mean of the above ratios, = 282 to 281, is submitted to the consideration of mathematicians in the United States of America, and elsewhere, as proper to be adopted.

Having, in the abstract of calculations, No. 2, and the method of finding the moon's augmented semi-diameter, No. 4, given rules for computing the reduction of the latitude of a place, and of the moon's equatorial horizontal parallax, it is only necessary, in respect to the latitude, to state the constant logarithms by which it may be reduced, according to the following ratios:

	const. log.
334 to 333, - - - -	9. 9973955. 3.
282 to 281, - - - -	9. 9969144. 2.
230 to 229, - - - -	9. 9962152. 9.

If, to the above fixed logarithms, or either of them, the log. tangent of the latitude of any place, by observation, be added, the sum (rejecting radius) will be the log. tangent of the latitude reduced, according to the assumed ratio; and this rule is invariable for all latitudes north or south, from 0 to 90 degrees.

EXAMPLES.

Required the reduced latitude of the capitol, in the city of Washington.

334 to 333, - - - - -		and 230 to 229.	
Constant log. - -	9. 9973955. 3	Const. log. - - -	9. 9962152. 9.
deg. min. sec.			
Lat. by observ. 38 52 57			
Log. tangent, - -	9. 9065473.	Log. tangent lat. - -	9. 9065473.
deg. min. sec. dec.		*deg. min. sec. dec.*	
Log. tang. 38 42 52 937		Log. tan. 38 38 19 463 lat.	
lat. reduced, - -	9. 9039428. 3	reduced, - -	9. 9027625. 9.

Required the reduced latitude of Greenwich observatory, in England.

334 to 333, - - - -		and 230 to 229.	
Constant log. - - -	9. 9973955. 3	Constant log. - -	9. 9962152. 9
deg. min. sec.			
Lat. 51 28 40 log. tang. -	10. 0990491.	- - - -	10. 0990491.
deg. min. sec. dec.		*deg. min. sec. dec.*	
Log. tan. 51. 18. 36 867.		Log. tang. 51 14 3 277.	
latitude reduced, - -	10. 0964446. 3	latitude reduced, -	10. 0952643. 9

The reduced latitude of a place being so easily found by the help of the constant logarithms, it is thought unnecessary to form a table for that purpose.

But the process for reducing the moon's equatorial horizontal parallax, founded upon a variation of latitude, as well as the different ratios of the earth's equatorial to the polar diameters which have been, or may be assumed, is more complicated, and, therefore, a greater necessity arises for an accurate table constructed for each degree of latitude, from 0° to 90°, according to the ratios now in use, viz: 334 to 333, and 230 to 229. Such a table, on a new plan, is herewith presented, by which the reduced horizontal parallax may, at all times, be found with great precision. By the first differences annexed to the logarithms, the log. corresponding to parts of a degree in minutes

and seconds, may be found by simple proportion, only; but if greater accuracy be required, take a *mean* of the second differences, to which prefix the proper sign + or —; then multiply that *mean*, according to algebraical process, for

6 by —,045
12 by —,08
18 by —,105
24 by —,12
30 by —,125
36 by —,12
42 by —,105
48 by —,08
54 by —,045

the product applied to the proportional part of the first difference, by addition or subtraction, according as the signs direct, will give that part corrected, which is always to be deducted from the logarithm answering to the next preceding degree.

But, without the trouble of applying the equation arising from second differences, which, in no case, will amount to two units in the last place of the logarithm, the reduced horizontal parallax may be found with sufficient accuracy, by simple proportion of the first differences.

Table for reducing the moon's equatorial horizontal parallax for any latitude, from 0 *to* 89 *degrees, according to the ratios* 334 *to* 333, *and* 230 *to* 229.

Lat. by observation.	334 to 333.	Diff.	230 to 229.	Diff.	Lat. by observation.	334 to 333.	Diff.	230 to 229.	Diff.
	Log.	—	Log.	—		Log.	—	Log.	—
Deg.					d eg.	9.9993499	227		330
0	10.0000000		10.0000000		45	9.9993272	227	9.9990559	330
1	9.9999996	4	9.9999994	6	46	9.9993045	227	9.9990229	330
2	9.9999984	12	9.9999977	17	47	9.9992818	227	9.9989899	329
3	9.9999965	19	9.9999948	29	48	9.9992592	226	9.9989570	328
4	9.9999937	28	9.9999908	40	49	9.9992367	225	9.9989242	327
5	9.9999901	36	9.9999857	51	50	9.9992144	223	9.9988915	325
6	9.9999858	43	9.9999794	63	51	9.9991923	221	9.9988590	322
7	9.9999807	51	9.9999720	74	52	9.9991704	219	9.9988268	319
8	9.9999749	58	9.9999635	85	53	9.9991487	217	9.9987949	316
9	9.9999682	67	9.9999539	96	54	9.9991272	215	9.9987633	312
10	9.9999608	74	9.9999432	107	55	9.9991059	213	9.9987321	309
11	9.9999527	81	9.9999314	118	56	9.9990849	210	9.9987012	305
12	9.9999439	88	9.9999185	129	57	9.9990642	207	9.9986707	300
13	9.9999343	96	9.9999046	139	58	9.9990439	203	9.9986407	295
14	9.9999240	103	9.9998897	149	59	9.9990240	199	9.9986112	290
15	9.9999131	109	6.9998738	159	60	9.9990045	195	9.9985822	284
16	9.9999014	117	9.9998569	169	61	9.9989854	191	9.9985538	277
17	9.9998890	124	9.9998389	180	62	9.9989668	186	9.9985261	271
18	9.9998760	130	9.9998200	189	63	9.9989486	182	9.9984990	264
19	9.9998623	137	9.9998002	198	64	9.9989309	177	9.9984726	257
20	9.9998480	143	9.9997795	207	65	9.9989137	172	9.9984469	250
21	9.9998331	149	9.9997579	216	66	9.9988971	166	9.9984219	243
22	9.9998177	154	9.9997355	224	67	9.9988810	161	9.9983976	234
23	9.9998017	160	9.9997122	233	68	9.9988655	155	9.9983742	226
24	9.9997852	165	9.9996881	241	69	9.9988506	149	9.9983516	217
25	9.9997680	172	9.9996632	249	70	9.9988363	143	9.9983299	209
26	9.9997503	177	9.9996376	256	71	9.9988225	138	9.9983090	199
27	9.9997322	181	9.9996113	263	72	9.9988093	132	9.9982891	190
28	9.9997136	186	9.9995843	270	73	9.9987968	125	9.9982701	181
29	9.9996946	190	9.9995567	276	74	9.9987851	117	9.9982520	171
30	9.9996752	194	9.9995284	283	75	9.9987741	110	9.9982349	161
31	9.9996554	198	9.9994996	288	76	9.9987638	103	9.9982188	150
32	9.9996352	202	9.9994703	293	77	9.9987542	96	9.9982038	140
33	9.9996146	206	9.9994405	298	78	9.9987453	89	9.9981898	130
34	9.9995936	210	9.9994101	304	79	9.9987371	82	9.9981768	119
35	9.9995724	212	9.9993793	308	80	9.9987297	74	9.9981649	108
36	9.9995509	215	9.9993481	312	81	9.9987231	66	9.9981541	97
37	9.9995292	217	9.9993165	316	82	9.9987172	59	9.9981444	85
38	8.9995073	219	9.9992846	319	83	9.9987121	51	9.9981359	74
39	9.9994852	221	9.9992525	321	84	9.9987077	44	9.9981285	63
40	9.9994629	223	9.9992201	324	85	9.9987041	36	9.9981222	53
41	9.9994404	225	9.9991875	326	86	9.9987013	28	9.9981169	41
42	9.9994179	225	9.9991548	327	87	9.9987013	20	9.9981128	29
43	9.9993953	226	9.9991219	329	88	9.9986993	13	9.9981099	17
44	9.9993726	227	9.9990889	330	89	9.9986980		9.9981082	

Application and use of the foregoing table.

To the logarithm annexed to the latitude, by observation, add the log. sine of the moon's equatorial horizontal parallax, the sum (rejecting radius,) will be the log. sine of the horizontal parallax reduced for the latitude given, and either of the ratios for which the table has been constructed.

Or, as the moon's equatorial horizontal parallax never amounts to 1° 2′, its logarithm in seconds and decimal parts may be substituted for the log. sine, which added to the log. for the latitude, the sum (rejecting radius) will be the log. in seconds and decimal parts of the reduced horizontal parallax; but it is not quite so correct as the result by using the log. sine.

EXAMPLE.

Let the latitude of a place, by observation, be 38° 52′ 57″ north, and the moon's equatorial horizontal parallax, 1° 1′ 5″. Required the reduced horizontal parallax.

(334 to 333.)		(230 to 229.)	
Const. log. - - -	9. 9994878	Const. log. - - -	9. 9992563
For lat. 38° 52′ 57″ - -			
Moon's eq. hor. par. 1° 1′ 5″ -	8. 2496260	Log. sine, - - -	8. 2496260
Moon's log. sine, - -			
Log. sine 1° 1′ 0″ 680 *dec.* -	8. 2491138	Log. sine 1° 0′ 58″ 728 *dec.* -	8. 2488823
hor. par. reduced, - -		Hor. par. reduced, - -	

Const. log. - - -	9. 9994878	Const. log. - - -	9. 9992563
Moon's hor. par. in seconds, 3665″ log.	3. 5640740	- - - -	3. 5640740
Log. 3660″ 680 *dec.* - -	3. 5635618	Log. 3658″ 729 *dec.* - -	3. 5633303
= 1° 1′ 0″ 680 *dec.* - -		= 1° 0′ 58″ 799 *dec.* - -	
Hor. par. reduced, - -		Hor. par. reduced, - -	

It will be seen by the foregoing example that the log. of the moon's equatorial hor. parallax in seconds, &c. may be substituted for the log. sine, without sensible error, or such as will scarcely affect the nicest computations; and when the table of log. sines, tangents, &c. has not been extended to seconds of a degree, for every second of the quadrant, as it is in Taylor's, or as far as two degrees, as in Hutton's, the latter process will be preferable, unless the equations arising from second and third differences are computed and applied as corrections to the log. sine, when the table extends to minutes of a degree only.

WILLIAM LAMBERT.

CITY OF WASHINGTON, *April* 2, 1810.

11th CONGRESS.] No. 278. [2d SESSION.

APPLICATION FOR THE PUBLICATION OF THE LAWS IN THE MICHIGAN TERRITORY IN THE FRENCH LANGUAGE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 18, 1810.

Mr. GARLAND, from the committee to whom was referred the petition of sundry French inhabitants of the Territory of Michigan, praying that certain laws of the United States may be translated and published in that Territory in the French language, reported:

That, although the measure prayed for might be attended with temporary advantage to the petitioners, this consideration is greatly outweighed by reasons of public policy operating against its adoption.

If Congress were to authorize the translation of the laws into the French language, they would thereby give to the translation a sanction which would entitle it to be received in the courts of that Territory as evidence of the laws of the land; and great inconvenience and confusion might result from having two separate texts for the same law, susceptible, as they necessarily would be from the imperfection of all languages, of different and perhaps opposite interpretations.

The policy of legalising any other than the prevailing language of the country is also objectionable, on the ground that it would tend to encourage and perpetuate the other dialects which partially prevail in different parts of the Union, and which, it is believed, ought rather to be discouraged.

In a republic where the operations of Government are the result of the combined opinions of its citizens, it is important that the people at large should possess, not only enlightened, but similar views of the public interest; and it is not, therefore, of more consequence that information should be generally disseminated, than that the avenues o it should be common.

The committee, therefore, beg leave to offer the following resolution:

Resolved, That it is inexpedient to grant the prayer of the petitioners.

11th Congress.] No. 279. [2d Session.

BOUNDARY BETWEEN GEORGIA AND NORTH CAROLINA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 26, 1810.

IN SENATE, *November* 18, 1809.

To the President and gentlemen of the Senate, and to the Speaker and gentlemen of the House of Representatives in Congress assembled.

The State of Georgia, by her convention with the United States bearing date the 24th day of April, which was in the year 1802, for the cession of her western Territory, having acquired a right to a certain tract of country, which was west of South Carolina, and separated the States of North Carolina and Georgia; and the commissioners on the part of the United States having held forth to the commissioners of Georgia on that occasion, this Territory, as a strong and valuable part of the consideration offered by the United States for the completion of that convention.

The State of Georgia sent her Surveyor General to ascertain the extent and quality of the Territory she had thus acquired; he ascertained the boundaries to be at points that had long been supposed by South Carolina, and all the precedent claims to this tract of country; Georgia then proceeded, under the solemn convention she had entered into with the United States, to extend her laws and Government over the people there resident, and she then, with astonishment, first heard that her claims were to be resisted by North Carolina, unless she would agree to sanction grants that had issued from the Government of that State, and which would swallow up the right of soil through the whole extent of country; the sanctioning of which would have overthrown her benevolent intentions to its resident inhabitants, and confirmed a system of speculation which it had been the effort of Georgia to weed out of the limits of her State.

The documents subjoined to this address (and marked No. 1) will confirm what is here advanced.

Georgia, disappointed in her application to North Carolina, then addressed herself to Congress on the subject; her Representatives abstained, however, from pressing the affair, on receiving assurances from the delegation of the State of North Carolina that they would represent to their own State the necessity of meeting on some other grounds the requisition of Georgia.

In consequence of this application North Carolina did appoint commissioners, who met commissioners from Georgia. Some observations were made of the latitude of places, supposed about the boundaries of the two States. But because those observations were contrary to all that had been made before them; because they were directly against the opinions of persons best informed upon the subject, from neighboring States; because they were not confided in by the citizens claimed of Georgia, resident in the country; and, above all, because the observations made were themselves so variant, (where a variation to such an extent was not to be expected,) as to demonstrate that there was an error in the men employed, or in the instruments used.

The Legislature of Georgia, from some or all of these resons, refused her assent to the boundaries that would have been fixed by these observations, and again requested North Carolina to appoint commissioners, that the doubts on the subject might be removed; that if Georgia had no just claim to a Territory for which, by her convention with the United States, she had allowed a valuable consideration, she might have satisfactory and conclusive testimony. This application, though reiterated, has been rejected; this requisition, though pressed by the Government of Georgia to a wearisome length, has met with nothing but denial from her sister State, as the documents annexed to this memorial (and marked No. 2.) will confirm.

The Legislature of Georgia now see but one mode of calming the irritations that have arisen between the two States on this subject; they, therefore, apply to the Government of the United States to appoint a proper person to run the dividing line between the two States, through the whole extent, either at the expense of the Union, as Georgia believes she has a right to demand, or, at the expense of the two States, if Congress should so insist.

Be it, therefore, resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That our Senators and Representatives in the Congress of the United States press upon the attention of the General Government the subject matter of the preceding memorial.

And be it further resolved, That His Excellency the Governor transmit to our delegation in Congress the preceding memorial and resolution.

Read and passed. HENRY MITCHELL, *President.*
Attest: WILL. ROBERTSON, *Secretary.*

In the House of Representatives, read, and concurred in.

B. WHITAKER, *Speaker.*
Attest: HINES HOLT, *Clerk.*

EXECUTIVE DEPARTMENT, GEORGIA, *December* 15, 1809.

Presented, read, and approved. D. B. MITCHELL, *Governor.*
Attest: ELEAZAR EARLY, *Secretary E. D.*

SECRETARY OF STATE'S OFFICE, MILLEDGEVILLE, *February* 7, 1810.

I certify that the foregoing is a true copy of the original deposited in this office, with the great seal of the State affixed thereto.

HOR. MARBURY, *Secretary of the State.*

SIR: EXECUTIVE DEPARTMENT, GEORGIA, LOUISVILLE, *December* 10, 1806.

Agreeably to a resolution of the General Assembly of this State, I do myself the honor to enclose to your excellency copies of sundry resolutions, passed at their last session, relative to ascertaining the limits of this State. In conformity with one of the resolutions, the Legislature did, on the 5th instant, proceed to elect commissioners on the part of this State, when it appeared that Thomas P. Carnes, Thomas Flournoy, and William Barnett, Esquires, were elected to ascertain the 35th degree of north latitude, and plainly to mark the dividing line between the States of North Carolina and Georgia.

I am, sir, very respectfully, your excellency's obedient servant,

JARED IRWIN.

His Excellency the GOVERNOR *of North Carolina.*

SIR: EXECUTIVE DEPARTMENT, NORTH CAROLINA, RALEIGH, *January* 1, 1807.

I have the honor to acknowledge the receipt of your excellency's favor, dated the 10th of December last, accompanied with certain resolutions entered into by the Legislature of the State of Georgia, relative to the boundary line.

It was with satisfaction I saw that measures had been adopted that may, and no doubt will, lead to an amicable adjustment of our territorial differences.

Enclosed you will receive the copy of a law passed by the Legislature of North Carolina at its last session; by adverting to it you will observe that the objectionable parts of the former law are removed; thus it is expected that no difficulty can result in determining the equitable claims of the two States by their conferers.

On inquiry, I find the country in the neighborhood of the boundary is thinly inhabited, and that it is hardly probable that the commissioners can be comfortably accommodated in its vicinity during their negotiations. Permit me, therefore, to propose Buncombe court-house, in this State, as a suitable place for the meeting of the commissioners, and that the same should take place on the 20th of April next. If, however, neither the time nor place should meet with your approbation, please to alter them so as to make it agreeable to the commissioners on the part of Georgia, as no difficulty shall arise on this head, as the commissioners on the part of this State are disposed to accede to any proposition in this respect that you should be pleased to make.

The commissioners appointed by this State on the subject of boundary are Messrs. John Steele, John Moore, and James Willborn.

You will please to inform me by the earliest opportunity what arrangement you have thought proper to make on this important business.

With high consideration and respect, I am, sir, your obedient servant,

NATH'L ALEXANDER.

His Excellency the GOVERNOR *of Georgia.*

SIR: EXECUTIVE DEPARTMENT, GEORGIA, LOUISVILLE, *March* 11, 1807.

Immediately upon the receipt of your letter of the 1st of January last, I wrote the commissioners, on the part of this State, and informed them of the time and place proposed by your excellency for the commissioners on the part of both States to meet at to adjust our differences respecting boundary; to which I received their answers on the 27th ultimo, wherein they informed me that they will be at the place appointed by you on the 15th of June next, of which you will please to notify the commissioners on the part of the State over which you preside.

I have the honor to be, with high consideration and respect, your excellency's most obedient servant,

JARED IRWIN.

His Excellency the GOVERNOR *of North Carolina.*

SIR: EXECUTIVE DEPARTMENT, RALEIGH, N. C. *March* 25, 1807.

It is with pleasure I acknowledge the receipt of your letter dated the 11th instant, in answer to mine dated the 1st of January last, on the subject of boundary. I do not hesitate to say that the time proposed will be considered agreeable to the commissioners of this State; I shall accordingly instruct them to proceed to Buncombe court-house, within this State, to be there on the 15th of June next, as proposed, prepared to enter upon the duties of their appointment. On the 14th of the present month I had the honor of addressing a letter to you, wherein I declined a meeting of the commissioners on the 28th of April next as proposed, for the want of time to make the necessary arrangements, as I had not heard from you, but your last communication has obviated all difficulty I hope.

I have the honor to be, with high respect and consideration, your most obedient,

NATHANIEL ALEXANDER.

His Excellency JARED IRWIN, *Governor of Georgia.*

JULY 25, 1807.

We, the undersigned, a majority of the commissioners appointed to ascertain the thirty-fifth degree of north latitude, and on that parallel to run and plainly mark the boundary line between the States of Georgia and North Carolina, respectfully report:

That, in pursuance of the power and authority in us vested, we proceeded to Buncombe court-house, in the State of North Carolina, and there, on the 15th day of June, (as previously agreed on,) we were met by Generals John Steele, John Moore, and James Willborn, accompanied by their artist, the Reverend Joseph Caldwell. The day after our meeting a board was formed, and the business of our mission was entered into, after exchanging and re-exchanging credentials, and being satisfied that the powers given to the commissioners by each State were sufficiently ample. It was then proposed by the commissioners, on the part of North Carolina, that some previous arrangements ought to take place relative to the claimants, under patents from the State of North Carolina, so far as they covered land which might be found to be within the limits of the State of Georgia, on our ascertaining the line; and that, so far as the commissioners were competent, an amnesty for all disorders and offences (under the degree of capital) heretofore committed within the county of Walton should be agreed on. On these subjects it was thought expedient to reduce to writing the sense of the commissioners, which was accordingly done in the form of articles, which is herewith transmitted, and distinguished by No. 1.

It will be perceived, by the tenor of this instrument, that the commissioners, on the part of North Carolina, entertained no manner of doubt but that the line of demarcation between the two States would be found in the neighborhood of the place where preceding astronomical observations had fixed it. It was then proposed and agreed to, that the commissioners should forthwith proceed to the house of a Mr. Justice, living on the route from Ashville to the Blue ridge, and about three miles from that part of the ridge where the Kentucky road from South Carolina crosses the same.

On our arrival at this place, an artificial horizon was prepared, under the direction and superintendence of Mr. Meigs, on the part of Georgia, and Mr. Caldwell, on the part of North Carolina. The result of their observations, as reported to the commissioners, will be found on the journal herewith transmitted, marked with the letter A. Taking the mean difference it is found that Justice's is on latitude, north, 35° 22′ 32″ 20‴. We take leave to state, that when the report of this first observation, made at Justice's, was received, our astonishment and disappointment were great in the extreme. We who had been taught to believe, from preceding calculations, and those

made under the authority of our Government, and by a person whose public station obliged us to believe that a scientific fault could not be attributed to him, had the most abundant reason to be astonished and mortified at the result of this first attempt, which made a difference, and varied from the preceding observations, twenty miles or upwards. The case was the more perplexing and unaccountable, when we reflected that all the observations, both by the Surveyor General of this State, and the present artists, were made by the same kind of instruments, and such as have become proverbial for their verity and accuracy. We were, however, accompanied by an artist appointed by the Government, whose talents and integrity we had no reason to doubt, and of course were under the necessity of suspending our astonishment, and proceeding on the duty assigned us. After his observation was made, and reported, which was on Sunday, the 21st of June, making the mean difference as above stated, we proceeded about fifteen miles west to a Mr. Lane's, near the mouths of Davidson's and Little rivers, where Mr. Sturges ascertained the thirty-fifth degree of north latitude to be. At this place, on the 22d June, great pains were taken to construct an artificial horizon, with which each of the astronomers expressed themselves satisfied. On taking the latitude of this place, the report stands thus:

	°	′	″	‴
North Carolina, - - - - - -	35	17	6	93
Georgia, - - - - - -	35	18	10	22

After finding, from the foregoing observation, that we were upwards of seventeen minutes north of the desired point, we agreed to proceed to Cæsar's head, a place on the Blue ridge, about twelve horizontal miles directly south, and in the vicinity of Dowthet's Gap. It was stated by those persons present, who were said to be best informed, that this was the most southern point to be found on the Blue ridge within the present boundary line, and that here a natural and smooth horizon might be commanded, which situation was stated by the attendant astronomers to be all important. On our arrival at this place, within one hundred yards of the summit of the Blue ridge, the astronomers, after having viewed the heights, verbally stated that an artificial horizon was again to be resorted to, alleging that the view of the natural horizon from the mountain was too distant and remote to be depended on: whether this was a sound reason for abandoning a natural, and resorting to an artificial horizon, we leave to others better skilled in this important science than ourselves, to determine. We can now only say, what we then said, that the reason offered for relinquishing a natural horizon, and embracing an artificial one, did not appear to us satisfactory. An artificial horizon was then constructed in view of our camp; on the 24th of June observations were taken and produced the following result:

	°	′	″	‴
Georgia, - - - - - - -	35	11	1	0
North Carolina, - - - - - -	35	9	15	21

On the 26th June (the 25th being cloudy) the observations were:

Georgia, - - - - - - -	35	6	20	24
North Carolina, - - - - - -	35	7	21	11

And on the 28th June, which was the last observation:

Georgia makes the latitude, - - - - -	35	02	57	56
North Carolina, - - - - - -	35	04	54	04

This last observation (on the 28th) was made under very unfavorable circumstances, as the clouds obscured the sun about the time he was on the meridian, in such a degree that only an imperfect glimpse could be obtained.

The commissioners on the part of each State believing, from the observations made and reported by the attendant artists, that the thirty-fifth degree of north latitude could not be found on the summit or to the north of the most southern point of the Blue ridge, agreed to and signed certain articles of agreement which are called articles supplementary to those entered into at Ashville, to which we beg leave to refer.

The reports of the astronomers, on the part of each State, are herewith transmitted.

Mr. Secretary Robinson is in the possession of the journal of our proceedings, from the time of our meeting at Greenville until the close of our mission, together with a statement of expenditures, and the necessary vouchers, all which he is directed to lay before your excellency on his return to the seat of Government.

We have the honor to be, with respectful esteem, your excellency's most obedient humble servants,

THOMAS P. CARNES,
WILLIAM BARNETT.

To His Excellency JARED IRWIN, *Governor of Georgia:*

The Commissioners, on the part of the State of Georgia and North Carolina, having freely exchanged ideas on the subject of their mission, and believing that every measure ought to be pursued which would bear the stamp of conciliation and good-will, have agreed to the following articles:

ARTICLE 1. It is mutually agreed and admitted that the territories of the said States of Georgia and North Carolina, as far as they adjoin each other, are, and of right ought to be, separated and bounded by the thirty-fifth degree of north latitude, and for the purpose of preventing in future all manner of dissensions concerning jurisdictions, the underwritten commissioners will proceed forthwith to ascertain the said thirty-fifth degree of north latitude, and to run and mark the line accordingly; which line, when ascertained and completed with joint concurrence, shall forever after be regarded as the line of separation and boundary between the two States.

ART. 2. The commissioners on the part of Georgia do not consider their powers competent to enter into any stipulations which would bind the Government of the said State to confirm entries or grants for land heretofore made or obtained under the authority of the State of North Carolina, which land, on the running of the line, may be found to be within the State of Georgia; but impressed with the justice of a certain proportion of the said claims, and the peculiar circumstances which entitle them to consideration, the said commissioners promise and agree to recommend them in a special manner to the liberality of their Government, not doubting but that the Legislature thereof will by law provide for the confirmation and establishment of the said titles in a manner which will afford a satisfactory and adequate relief; and to this end the said commissioners will recommend the establishment of an impartial tribunal for the special purpose of inquiring into, and ascertaining the various descriptions of such claims, and of determining on each according to their respective merits, and as reason and equity may require, which tribunal the said commissioners will also recommend to be composed of three persons, to be appointed and paid by each State; but they shall convene and hold their meetings in the State of Georgia, and their decisions shall be conclusive.

ART. 3. There having been great dissensions between the people resident in the neighboring counties of Buncombe and Walton, and the said dissensions having produced many riots, routs, affrays, assaults, batteries, trespasses, woundings, and imprisonments, as well on the one side as on the other, and it being of primary importance that peace and tranquillity should be restored, and all animosity and ill-will forever buried between people who, from their local situations, will in all probability be constrained to continue in the vicinity of each other; and as the several outrages committed on both sides proceeded more (as the undersigned are impressed) from a mistaken zeal to support the Government to which they thought themselves constitutionally bound, than from a wish to injure their neighbors, or disturb the public peace, the undersigned agree to recommend, in the most earnest manner, to the Legislatures of their respective States to pass laws of amnesty, forgiveness, and oblivion for all such offences (under the degree of capital) as may have been committed within the said counties of Buncombe and Walton respectively, subsequent to the 10th day of December, in the year 1803, and which shall have arisen from, and had relation to, the disputes which existed concerning the jurisdiction of the two States.

In testimony whereof, we have hereunto set our hands and affixed our seals, as commissioners of our respective States, at Buncombe court-house, in the State of North Carolina, the 18th day of June, in the year 1807.

Signed, sealed, and interchangeably delivered by the commissioners of the two States, in presence of us, who have hereunto subscribed as witnesses,

Witnesses:
JAMES CALL,
WM. ROBERTSON,
JOSEPH CALDWELL,
J. MEIGS.

JOHN STEELE, [L. S.]
THOMAS P. CARNES, [L. S.]
JOHN MOORE, [L. S.]
WM. BARNETT, [L. S.]
JAMES WILLBORN. [L. S.]

The commissioners of the States of Georgia and North Carolina having discovered, by repeated astronomical observations made on the Blue ridge and elsewhere, that the thirty-fifth degree of north latitude is not to be found on any part of the said ridge of mountains, east of the line established by the General Government, as the temporary boundary between the white people and the Indians, and having no authority to proceed over that boundary for the purpose of ascertaining the said thirty-fifth degree of north latitude, and of running and marking the line accordingly. And being desirous that all causes of collision or irritation between the jurisdictions and people of the two States, may be effectually and completely prevented, have agreed to the following articles in addition and supplementary to the convention agreed to, at Buncombe court house, on the 18th day of the present month, viz:

ART. 1. The commissioners of Georgia, for and on the part of their State, acknowledge and admit, which acknowledgment and admission are founded on the aforesaid astronomical observations, that the State of Georgia hath no claim to the soil or jurisdiction of any part of the territory northwest of the ridge of mountains which divides the eastern from the western waters, commonly called the Blue ridge, and east or south of the present temporary boundary line between the white people and the Indians.

And that they will consequently recommend to the Legislature of the State of Georgia to repeal, at their next ensuing session, the act to establish the county of Walton, and to abrogate and to annul all Executive, ministerial, or other proceedings for the organization thereof.

ART. 2. The commissioners, on the part of the State of North Carolina, promise and agree to recommend to their Government, and particularly to the magistrates, sheriff, and other officers, civil and military, in the county of Buncombe, to execute the laws concerning forfeitures and penalties, and in every other respect where the State may be concerned, (under the degree of felony,) upon and towards the people who have adhered to the State of Georgia in the late dissensions concerning jurisdictions, with mildness and clemency, and if the said officers can do it consistently with their obligations of official duty, that they forbear to institute suits, and to distrain or execute for forfeitures and penalties incurred as aforesaid, between the 10th day of December, in the year 1803, and the date of this agreement, until the sense of the Legislature shall be had and known thereon.

In testimony whereof, we have hereunto set our hands and affixed our seals, as commissioners of our respective States, near Dowthet's Gap, on the summit of the Blue ridge, the twenty-seventh day of June, in the year one thousand eight hundred and seven.

Signed, sealed, and interchangeably delivered by the commissioners of the two States, in presence of us, who have subscribed hereunto as witnesses,

Witnesses:
J. MEIGS,
JOSEPH CALDWELL,
WM. ROBERTSON,
AMOS JUSTICE.

JOHN STEELE,
T. P. CARNES,
JOHN MOORE,
WILLIAM BARNETT,
JAMES WILLBORN.

A.

At Mr. JUSTICE'S, SATURDAY, *June* 20, 1807.

We have had but one satisfactory observation which we made this day. The result of an average or mean, is, that we are in the latitude of thirty-five degrees, twenty-two minutes, thirty-two seconds and twenty thirds, north, viz: 35° 22′ 32″ 20‴

We are confident that it will be advisable for the commissioners to proceed to a station further southward, that we may be able to perform with satisfaction to ourselves the duty assigned to us.

J. MEIGS,
J. CALDWELL.

To the gentlemen commissioners on the part of the States of North Carolina and Georgia.

GENTLEMEN: At Mr. LANE'S, MONDAY, *June* 22, 1807.

We agree that the circumstances attending our astronomical observation this day have been as favorable as we have a right to expect in any case where the principles of Hadley's quadrant, or the sextant, constitute the first object, and we find the latitude to be thus, viz:

The astronomer on the part of North Carolina makes the latitude to be thirty-five degrees, seventeen minutes, six seconds, and ninety-three thirds. And the astronomer on the part of Georgia makes the latitude thirty-five degrees, eighteen minutes, ten seconds, and twenty-two thirds.

	°	′	″	‴
North Carolina, - - - - -	35	17	6	93
Georgia, - - - - -	35	18	10	22

All which is respectfully submitted.

J. MEIGS,
J. CALDWELL.

To the gentlemen commissioners on the part of the States of North Carolina and Georgia.

GENTLEMEN: NEAR DOWTHET'S GAP OF THE BLUE RIDGE, *June* 24, 1807.

The circumstances attending our astronomical observation this day have not been so favorable as we wished; however, we had a glimpse of the sun at or very near his meridian altitude.

The result is as follows, viz:

Georgia gives the latitude to be thirty-five degrees, eleven minutes, one second north.

North Carolina gives the latitude thirty-five degrees, nine minutes, fifteen seconds, and twenty-one thirds, viz:

	°	′	″	‴
Georgia, - - - - -	35	11	1	0
North Carolina, - - - -	35	09	15	21

All which is respectfully submitted.

J. CALDWELL,
J. MEIGS.

To the gentlemen commissioners of the States of North Carolina and Georgia.

GENTLEMEN: NEAR DOWTHET'S GAP, *June* 26, 1807.

We had but a momentary view of the sun when on the meridian yesterday, as the result of which we state the latitude to be thus, viz:

Georgia makes it thirty-five degrees, six minutes, twenty seconds, and twenty-four thirds.

North Carolina makes it thirty-five degrees, seven minutes, twenty-one seconds, and eleven thirds.

	°	′	″	‴
Georgia, - - - - -	35	06	20	24
North Carolina, - - - -	35	07	21	11

All which is respectfully submitted.

J. MEIGS,
J. CALDWELL.

To the gentlemen commissioners of the States of North Carolina and Georgia.

DOWTHET'S GAP, *June* 28, 1807.

To the commissioners of North Carolina and Georgia, for ascertaining the boundary line between the two States.

The artists acting for them report:

That, by observation made this day which each pronounce to be exceedingly uncertain, on account of cloudy weather, the artist on the part of Georgia has found the latitude of this place to be thirty-five degrees, two minutes, fifty-seven seconds, and fifty-six thirds; and the artist, on the part of North Carolina, has found the latitude to be thirty-five degrees, four minutes, fifty-four seconds, and four-thirds.

	°	′	″	‴
Georgia, - - - - -	35	02	57	56
North Carolina, - - - -	35	04	54	04

All which is respectfully submitted.

J. MEIGS,
J. CALDWELL.

EXECUTIVE DEPARTMENT, GEORGIA,

SIR: MILLEDGEVILLE, *December* 28, 1808.

The Legislature of this State, at their last session, passed a resolution requesting me to write your excellency, and to urge the necessity of your appointing commissioners to meet those appointed last winter, on the part of this State, to ascertain the thirty-fifth degree of north latitude, and to mark the dividing line between the two States.

Permit me to request your excellency's attention to this business as early as possible.

I have the honor to be, sir, your excellency's most obedient servant,

JARED IRWIN.

His Excellency the GOVERNOR *of North Carolina.*

SIR: NORTH CAROLINA, RALEIGH, *March* 21, 1809.

I am sorry a temporary absence from this place has prevented my answering sooner your favor of the 28th of December last.

It would afford me real gratification to contribute to the friendly adjustment of those differences on the subject of boundary which have for some time unhappily subsisted between the two States.

As intimated by my predecessor, Governor Williams, in his letter of the 10th of July last, in answer to yours of the 17th of March, and 9th of June, 1808, your letters, with the resolutions of the State of Georgia, sent with the

first, were, by him, laid before our Legislature at their late session, who resolved to concur in the report of a committee thereon, of which I send you a copy, enclosed, as also copies of two acts passed at the session preceding upon the same subject. From them you will perceive that the Legislature of this State consider the subject of difference as solemnly adjusted. Indeed, it does not readily occur on what basis the adjustment is to rest if not upon that where it now stands.

The plighted faith of the two States to abide by the determination of commissioners, mutually chosen for the purpose of making the adjustment, and the adjustment of those commissioners actually made, I cannot, therefore, consistently with my sense of duty, make the appointments urged in your letter of December last.

I have the honor to be, with the highest consideration, your excellency's obedient servant,

DAVID STONE.

His Excellency the GOVERNOR *of the State of Georgia.*

EXECUTIVE DEPARTMENT, GEORGIA,

MILLEDGEVILLE, *March* 16, 1809.

SIR:

I wrote you on the 28th of December last, requesting your excellency to inform me whether you intended to send commissioners on the part of North Carolina, to meet those appointed on the part of this State, to ascertain the thirty-fifth degree of north latitude, and to mark the dividing line between the two States, to which I have not been favored with an answer. Permit me again to urge the necessity of having the line permanently fixed. The unhappy situation of the inhabitants of that tract of country, called Walton county, calls aloud for an adjustment of the existing difference between the two States relative to boundary.

I have the honor to be, sir, with great respect and esteem, your excellency's most obedient servant,

JARED IRWIN.

His Excellency the GOVERNOR *of North Carolina, Raleigh.*

SIR: STATE OF NORTH CAROLINA, RALEIGH, *April* 19, 1809.

Your excellency's letter of the 28th of December last was answered on the 21st of last month, and I regret very much it had not been in my power to pay earlier attention to the subject; presuming that my answer above-mentioned has been received, I shall at present beg leave to refer to that as an answer, also to your favor of the 16th of March,

And have the honor to be, with the highest consideration, your excellency's obedient servant,

DAVID STONE.

His Excellency the GOVERNOR *of Georgia.*

Whereas the States of Georgia and North Carolina, by their respective commissioners duly authorized for that purpose, did, on the 18th day of June, in the year of our Lord one thousand eight hundred and seven, at Buncombe court-house, enter into articles of conventional agreement, as follows:

ART. 1. It is mutually agreed and admitted, that the territories of the said States of Georgia and North Carolina, as far as they adjoin each other, are, and of right ought to be separated, and bounded by the thirty-fifth degree of north latitude, and, for the purpose of preventing in future all manner of dissensions concerning jurisdiction, the underwritten commissioners will proceed forthwith to ascertain the said thirty-fifth degree of north latitude, and to run and mark the line accordingly; which line, when ascertained and completed with joint concurrence, shall forever after be regarded as the line of separation and boundary between the two States.

ART. 2. The commissioners, on the part of Georgia, do not consider their powers competent to enter into any stipulations which would bind the Government of the said States to confirm entries or grants for land heretofore made or obtained under the authority of the State of North Carolina, which land, on the running of the line, may be found to be within the State of Georgia; but, impressed with the justice of a certain proportion of the said claims, and the peculiar circumstances which entitle them to consideration, the said commissioners promise and agree to recommend them in a special manner to the liberality of the Government, not doubting but that the Legislature thereof will, by law, provide for the confirmation and establishment of the said titles in a manner which will afford a satisfactory and adequate relief; and to this end the said commissioners will recommend the establishment of an impartial tribunal for the special purpose of inquiring into, and ascertaining the various descriptions of such claims, and of determining on each, according to their respective merits, and as reason and equity may require; which tribunal the said commissioners will also recommend to be composed of three persons, to be appointed and paid by each State; but they shall convene and hold their meetings in the State of Georgia, and their decisions shall be conclusive.

ART. 3. There having been great dissensions between the people resident in the neighboring counties of Buncombe and Walton, and the said dissensions having produced many riots, routs, affrays, assaults, batteries, trespasses, woundings, and imprisonments, as well on the one side as on the other, and it being of primary importance that peace and tranquillity should be restored, and all animosity and ill-will forever buried between the people who, from their local situation, will, in all probability, be constrained to continue in the vicinity of each other; and, as the several outrages committed on both sides proceeded more (as the undersigned are impressed) from a mistaken zeal to support the Government to which they thought themselves constitutionally bound, than from a wish to injure their neighbors or disturb the public peace, the undersigned agree to recommend, in the most earnest manner, to the Legislatures of their respective States to pass laws of amnesty, forgiveness, and oblivion for all such offences (under the degree of capital,) as may have been committed within the said counties of Buncombe and Walton, respectively, subsequent to the 10th day of December, 1803, and which shall have arisen from and had relation to the disputes which existed concerning the jurisdiction of the two States.

And whereas, the said commissioners, with like authority, did, on the 27th day of June, in the year aforesaid, at Dowthet's Gap, enter into articles in addition and supplementary to the convention agreed on between the commissioners of Georgia and North Carolina at Buncombe court-house, on the 18th day of June, in the year aforesaid, which articles are as follows:

The commissioners of the States of Georgia and North Carolina having discovered, by repeated astronomical observations made on the Blue ridge, and elsewhere, that the thirty-fifth degree of north latitude is not to be found

on any part of said ridge of mountains, east of the line established by the General Government as the temporary boundary between the white people and the Indians; and, having no authority to proceed over that boundary for the purpose of ascertaining the said thirty-fifth degree of north latitude, and of running and making the line accordingly; and being desirous that all causes of collision and irritation between the jurisdictions and people of the two States may be effectually and completely prevented, have agreed to the following articles in addition and supplementary to the convention agreed to at Buncombe court-house on the 18th day of the present month, viz:

ART. 1. The commissioners of Georgia, for and on the part of their State, acknowledge and admit, which acknowledgment and admission are founded on the aforesaid astronomical observations, that the State of Georgia hath no claim to the soil or jurisdiction of any part of the territory north or west of the ridge of mountains which divides the eastern from the western waters, commonly called the Blue ridge, and east or south of the present temporary boundary line between the white people and the Indians; and that they will consequently recommend to the Legislature of the State of Georgia to repeal, at their next ensuing session, the act to establish the county of Walton, and to abrogate and annul all executive and ministerial or other proceedings for the organization thereof.

ART. 2. The commissioners, on the part of the State of North Carolina, promise and agree to recommend to their Government, and particularly to the magistrates, sheriffs, and other officers, civil and military, in the county of Buncombe, to execute the laws concerning forfeitures and penalties; and in any other respect, where the State may be concerned, (under the degree of felony,) upon and towards the people who have adhered to the State of Georgia in the late dissensions concerning jurisdictions with mildness and clemency; and if the said officers can do it, consistently with their obligations of official duty, that they forbear to institute suits, and to distrain or execute for forfeitures and penalties incurred as aforesaid, between the 10th day of December, in the year 1803 and the date of this agreement, until the sense of the Legislature shall be had, and known thereon.

In order, therefore, that said conventional agreement and the articles additional and supplementary thereto, may be carried into full and complete effect,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said conventional agreement, and the articles in addition and supplementary thereto, and all and every article and clause thereof be, and the same are hereby, fully ratified and confirmed:

Read three times, and ratified in General Assembly, the 17th day of December, A. D. 1807.

JOSEPH RIDDICK, *S. S.*
JOSHUA G. WRIGHT, *S. H. C.*

STATE OF NORTH CAROLINA,
SECRETARY'S OFFICE, *March* 22, 1809.

This certifies that the foregoing is a true copy, taken from the original in this office.
Given under my hand at Raleigh, the date aforesaid,

W. M. WHITE, *Secretary.*

AN ACT to pardon certain offences committed in that part of Buncombe county formerly claimed by the State of Georgia.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all crimes and misdemeanors, the punishment whereof is not by law capital, which have been committed between the 10th day of December, in the year of our Lord, one thousand eight hundred and three, and the 27th of June last past, within that part of the county of Buncombe, which was formerly claimed by the State of Georgia, and called the county of Walton, be and the same are hereby pardoned, released, and put into total oblivion.

And be it further enacted, That this act shall be in force from and after the passage of an act by the Legislature of the State of Georgia, ratifying and confirming the conventions entered into by and between the commissioners on the part of that State, and the commissioners on the part of this State, on the 18th day of June and the 27th day of June, A. D. 1807.

Read three times, and ratified in General Assembly, the 18th day of December, A. D. 1807.

JOSEPH RIDDICK, *S. S.*
JOSHUA G. WRIGHT, *S. H. C.*

STATE OF NORTH CAROLINA,
SECRETARY'S OFFICE, *March* 22, 1809.

This certifies that the above is a true copy, taken from the original in this office.
Given under my hand at Raleigh, the date aforesaid,

W. M. WHITE, *Secretary.*

STATE OF NORTH CAROLINA. *In the Senate, December* 7, 1808.

Mr. SMITH delivered in the following report, to wit:

The Committee on the Governor's message, taking into consideration that part thereof respecting the boundary between this State and Georgia, report:

That they do not perceive the necessity or propriety of this State taking any further measures at present respecting a dispute which they consider settled, in a solemn convention signed on the 18th of June, 1807, at Buncombe court-house, by the commissioners of Georgia and North Carolina, duly authorized on the part of each State, and by certain articles entered into, agreed upon, and signed by said commissioners on the 27th of June, in the same year, at Dowthet's Gap.

Submitted,

BENJAMIN SMITH, *Ch.*

The foregoing report being read:
Resolved, That this House do concur therewith.

By order: J. RIDDICK, *S. S.*
M. STOKES, *Clerk.*

IN THE HOUSE OF COMMONS, *December* 8, 1808.

The foregoing report being read:
Resolved, That this House do concur therewith.

By order: JOSHUA G. WRIGHT, *S. H. C.*
P. HENDERSON, *Clerk H. C.*

STATE OF NORTH CAROLINA,
SECRETARY'S OFFICE, *March* 22, 1809.

This certifies that the aforegoing is a true copy, taken from the journals of the General Assembly of this State.

W. M. WHITE, *Secretary.*

11th CONGRESS.] No. 280. [2d SESSION.

BRIGADIER GENERAL JAMES WILKINSON.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 1, 1810.

Mr. BUTLER, from the committee to whom was referred the resolution of the 4th instant, directing an inquiry into the conduct of Brigadier General James Wilkinson, in relation to his having at any time, whilst in the service of the United States, corruptly received money from the Government of Spain, or its agents; or in relation to his having, during the time aforesaid, been an accomplice, or in any way concerned with the agents of any foreign Power, or with Aaron Burr, in a project against the dominions of the King of Spain, or to dismember these United States; and to inquire generally into the conduct of the said James Wilkinson, as Brigadier General of the army of the United States, made the following report:

That they have had under consideration the several subjects of inquiry, and have investigated them to the utmost of their power, since the time of their appointment, but from the limited period in which they have acted, and from the extensive and complicated nature of the subjects, they are under the necessity of stating, that they have not been able to make a thorough and conclusive investigation of the objects of their inquiry.

Such testimony, however, as they have been able to procure, they beg leave to submit as part of their report, and which may be referred to under the following heads and order:

In relation to the first object of inquiry, to wit: "The receipt of money by General Wilkinson from the Spanish Government or its agents," refer—

To the deposition of John Ballinger, - - - - - No. 5
Letter from Evan Jones, - - - - - - No. 6
Deposition of F. Langlois, dated the 29th of December, 1808, containing two original letters to himself from the Baron de Carondelet, dated the 28th of January and 28th of June, - - No. 7
General Wilkinson's letter to John Adair, dated August the 7th, 1795, - - - No. 13
Deposition of Dominique Bouligny, - - - - - - No. 8
Deposition of Thomas Power, - - - - - - No. 9
Deposition of William Miller, - - - - - - No. 11
Letter from Joseph Collins, - - - - - marked A
Thomas Portell's certified copy, in his own hand-writing, of the Baron de Carondelet's instructions to him, dated January 20, 1796, with translation thereof from the Spanish, - - No. 14
Correspondence between Thomas Power and Don Thomas Portell, - - Nos. 15, 16
Deposition of Thomas Power, - - - - - - No. 17
Deposition of Andrew Ellicott, - - - - - - No. 19
Thomas Power's letter to the Baron de Carondelet, - - - - No. 20
Thomas Power's letter to Governor Gayoso, - - - - - No. 21
Thomas Power's letter to Baron de Carondelet, - - - - - No. 22
Thomas Power's letter to Governor Gayoso, - - - - - No. 23
Elisha Winter's deposition, - - - - - marked W.
Deposition of James M. Bradford, - - - - - - No. 25
Deposition of Isaac Briggs, - - - - - marked I. B.

In relation to the second object of inquiry, to wit: "The connexion of General Wilkinson with the agents of Spain in a project to dismember the United States," refer—

To the deposition of Thomas Power, - - - - - No. 34
A certified copy of a letter from General James Wilkinson to Governor Gayoso, in the hand-writing of Governor Gayoso, dated September the 22d, 1796, - - - marked G Y.
General Wilkinson's secret instructions to Thomas Power, in the hand-writing of Philip Nolan, - No. 35
Thomas Power's letter to the Baron de Carondelet, - - - - No. 36
Baron de Carondelet's letter to Thomas Power, - - - - - No. 37
Baron de Carondelet's letter to Thomas Power, - - - - - No. 38
Thomas Power's letter to the Baron de Carondelet, - - - - No. 40
General Wilkinson's letter to Thomas Power, - - - - - No. 42
Thomas Power to Governor Gayoso, - - - - - No. 43
General Wilkinson's letter to Thomas Power, - - - - - No. 70
Baron de Carondelet's letter to Thomas Power, - - - - - No. 44
Daniel Clarke's deposition, - - - - - - No. 45

In relation to the third object of inquiry, to wit: "General Wilkinson's connexion with Aaron Burr," refer—

To the deposition of Daniel Clark, before referred to, - - - - - No. 45
General Wilkinson's letter to John Adair, - - - - - No. 78
Evidence of General Wilkinson, as communicated to Congress 23d November, 1807, page 486, of the President's message.
Evidence of General Wilkinson, President's message, - - - - page 539
Letter from General Wilkinson to Daniel Clark, June 9th, 1805, - - marked X.
President's message to Congress, - - - - - - page 468
Wilkinson's letter to Colonel McKee, President's message to Congress, - - - page 593
Mr. Tazewell's evidence, President's message to Congress, - - - - page 586
Letter in cipher from Burr to Wilkinson, dated 29th July, as deciphered by a member of the grand jury at Richmond, - - - - - - - page 471
General Jonathan Dayton's letters to Wilkinson, in cipher, President's message, - - page 558
Wilkinson's deposition, No. 81, as communicated to Congress, - - - - page 469
Extract of Wilkinson's letter to the President, not by Smith, dated 21st October, 1806, President's message, - - - - - - - - page 549

In relation to the fourth object of inquiry, to wit: "The conduct of General Wilkinson as Brigadier General of the army of the United States," refer—

To the deposition of William Simmons, Esq., - - - - - letter S.
Deposition of Captain George Peter, - - - - - letter P.
Deposition of Captain William E. Williams, - - - - - letter W.
Deposition of John Smith, - - - - - - letter H.
Letter from William Simmons, Esq., enclosing extracts, - - - A, B, C, D.
Letter from General Wilkinson to Daniel Clark, - - - - - No. 71.

The committee think proper also to submit the following papers, relating to tobacco, and other commercial transactions, in which General Wilkinson was concerned, from the month of ————, in the year 1788, to the month of ————, in the year 1790, to wit:

General Wilkinson's account current with Clark and Rees, in the hand-writing of Philip Noland, dated the 8th of August, 1788, - - - - - - - No. 27
Philip Noland's account of sales of tobacco, dated September the 21st, 1790, - - No. 29
Wilkinson's account current with Clark and Rees, dated May the 1st, 1789, contained in the account book, - - - - - - - - page 30
Wilkinson's letter to Clark and Rees, dated May the 20th, 1790, - - - No. 30
Wilkinson's letter to Clark and Rees, dated June the 20th, 1790, - - - No. 31
Wilkinson and Dunn's account current with Clark and Rees, dated August the 29th, 1789, and 5th of September, 1789, with Wilkinson's order and Noland's receipt for balance, - - No. 32
Philip Noland's declaration, dated September the 10th, 1790.
Wilkinson's accountable receipt, - - - - - - No. 4
Articles of agreement between Wilkinson and Dunn, and Daniel Clark, Senior.
Letter from General Wilkinson to Daniel Clark, relative to the Plain Tale, - - No. 2.

In making the last preceding statement, the committee beg leave to remark that, from an examination of the sentence of the military court of inquiry, ordered at the request of General Wilkinson, and of which Colonel Burbeck was president, it appears that the tobacco transactions of General Wilkinson, at New Orleans, in 1789, and 1790, constituted a material part of that inquiry; and that a copy of an account current was laid before the said court by General Wilkinson, and designated by No. —, and several letters accompanying said account, supposed by the court to be in the hand-writing of Philip Noland, the agent of General Wilkinson.

The committee conceiving that the papers, which had been collected by the said court, would aid them in their investigation, made application for those papers to the Secretary of War, but were unable to obtain them, they having been taken from the office by General Wilkinson, as appears from the deposition of John Smith, chief clerk in the War Office.

The committee then directed a subpœna to General Wilkinson, requiring him to send or produce all the papers which had been used or collected by the said court. In obedience to which, General Wilkinson sent to the committee a packet of papers, which did not contain either the account and letters referred to in the sentence of the court, or the defence of General Wilkinson; nor have the committee been able to procure them, consequently have not had it in their power to compare the accounts herewith exhibited with those which were laid before the military court of inquiry; for the further elucidation refer to

Walter Jones' deposition, - - - - - - marked W. J.
The committee also submit the deposition of Daniel W. Cox, authenticating the papers to which it specially refers, - - - - - marked D. W. C.

PAPERS RELATIVE TO THE FIRST POINT OF INQUIRY.

No. 5.

Deposition of John Ballinger.

Personally appeared before me, the undersigned, one of the justices of the peace for the parish of New Orleans, Mr. John Ballinger, now resident in Cape Girardeau, Territory of Louisiana, late a member of the Kentucky Legislature, who being duly sworn on the Holy Evangelists of Almighty God, did depose and say:

That, in the forepart of the winter of the year 1789, as well as he recollects, his brother Joseph Ballinger brought two mules loaded with money, from New Orleans to the State of Kentucky, for General James Wilkinson; that, from the fatigue of the journey and indisposition, his said brother was unable to finish his journey, and got this deponent to conduct the said mules and money to General Wilkinson, at Frankfort, where he arrived on the 26th day of December, in the year aforesaid. The said money was in leather bags, and very heavy loads; and this

deponent further declares, that the General expressed much satisfaction at the receipt of the money, having been under some apprehensions on account of the delay which had taken place on the journey; which said mules and money General Wilkinson receipted for, which receipt is among this deponent's papers; and further this deponent saith not.

JOHN BALLINGER.

Sworn and subscribed to at the city of New Orleans, this 12th day of January, 1809, before me.

SAM. W. EARLE, *J. P.*

No. 6.

Letter from Evan Jones to Daniel Clarke, Esq.

SIR: NEW ORLEANS, *February* 16, 1809.

In answer to your letter of yesterday, I have to say that I remember General Wilkinson's having stopped at my plantation in the fall of 1789, (as I think,) when he was on his way to Kentucky, accompanied by Philip Nolan. As I live on the west side of the Mississippi, and the General went up on the east, he stopped at some plantation nearly opposite mine, and came over and spent a day or two with me.

In the course of our conversation he told me that he had left a sum of money under the care of Nolan, whom he spoke of as a man of great strength; saying he could take $2,000 with one hand from off a mule or horse, and carry them with the utmost ease into a house. I do not remember whether the General mentioned to me the amount he was taking up with him; but, to the best of my remembrance, he said he had two mules or horses for the purpose of carrying his money. This is all I can recollect of the transaction.

I am, sir, your most obedient servant,

EVAN JONES.

DANIEL CLARKE, Esq.

No. 7.

F. Langlois' evidence.

Ce vingt-neuvième jour de Décembre, de l'an mil huit cent huit, par devant moi soussigné, un des juges de paix du comté d'Orléans, est personnellement comparû Monsieur François Langlois, citoyen des Etats Unis, et résidant à la Nouvelle Orléans, lequel étant duement assermenté sur la Sainte Bible, a déclaré et dit, que dans l'année mil sept cents quatre-vingt quatorze, il étoit lieutenant de milice au service de sa Majesté Catholique, commandant la galeotte la Flèche, alors en station à la N'elle Madrid, ayant sous ses ordres la chaloupe canonnière le Taureau, et le bateau le Prince des Asturies: que pendant quil étoit là, un nommé Mr. Owens arriva de la N'elle Orléans avec une somme d'argent qui lui avoit été confiée par le Baron de Carondelet pour être remise au General Wilkinson, qui étoit alors sur l'Ohio, ou dans les environs, et que le déclarant avoit des instructions du Baron de Carondelet de prendre des mesures de concert avec Mr. Thomas Portell, commandant de la N'elle Madrid, et le susdit Owens, afin que la somme dont ce dernier étoit chargée put arriver surement à sa destination; en conséquence de quoi le déposant fut d'avis, dans un conseil tenu à la N'elle Madrid par Portell, Owens, et lui, de prendre des habitants établis dans le poste pour conduire Owens, mais que cette opinion fut combattue par Portell et Owens, qui furent d'avis qu'il seroit plus économique, et par conséquent plus agréable, au Gouvernement Espagnol de prendre des matelots de la galeotte du déclarant; ce qu'il exécuta. Et le déposant déclare de plus que la somme six mil gourdes, qui avoit été apportée par Owens de la N'elle Orleans à la N'elle Madrid, et délivrée à Don Thomas Portell, commandant du fort, fut embarquée par Portell à bord de la galeotte du déclarant pour être escortée jusqu'a l'embouchure de l'Ohio, où il fournit à Owens un patron nommée Pepillo, et six de ses rameurs, et qu'il embarqua dans son canot la susdite somme de six mil piastres pour être remise au Général Wilkinson; et il déclare que la somme fut mise par lui-même dans trois petits barils; mais que craignant que l'équipage qu'il avoit destiné à Owens n'eut quelque mauvais dessein, il reprit l'argent dans sa galeotte, et le garda vingt-quatre heures en sa possession, et le remit une seconde fois aux pressantes solicitations de Owens qui partit avec. Que peu de temps après il apprit que Owens avoit été assassiné par son équipage, et que l'argent avoit été volé par eux. Et le déposant déclare de plus, qu'il arrêta et envoya à la N'elle Orleans pour être jugé, un des matelots (nommé Vexerano) qui composoit l'équipage de Owens, et qui étoit complice du meurtre de Owens, et du vol de l'argent; et le déposant déclare de plus que quoi qu'il fut convenu entre le Gouvernement Espagnol et Owens, afin de sauver les apparences, que Owens auroit l'air d'être propriétaire de l'argent, il sait que cette somme étoit envoyée par le Baron de Carondelet pour le compte, et pour être remise au General Wilkinson; et que sachant l'intérêt que le Gouvernement Espagnol avoit dans cette affaire, il donna un avis officiel au Baron de Carondelet de la part qu'il avoit prise dans cette affaire, et de l'avis qu'il avoit donné sur la manière de conduire l'argent sûrement à sa destination, et en réponse le Baron lui témoigna le regret qu'il avoit que son avis n'eut pas été suivi en tout. Et le déposant déclare de plus que Owens n'avoit pas d'autre argent à bord que les six mil piastres susmentionnée. En foi de quoi il a signé.

F. LANGLOIS.

D. BOULIGNY, *Juge de Paix.*

No. 7.

[TRANSLATION.]

On this 29th day of December, in the year 1808, personally appeared before me, the undersigned, one of the justices of the peace for the county of Orleans, Monsieur François Langlois, a citizen of the United States, and resident of New Orleans, who, being duly sworn on the Holy Bible, did depose and say: That, in the year 1794, he was a lieutenant of militia, in the service of His Catholic Majesty, and commanded the galliot the Fleche, then on station at New Madrid, having under his orders the gun-boat the Taureau, and bateau the Prince of Asturia; that, whilst there, a Mr. Owens arrived from New Orleans, with a sum of money entrusted to him by the Baron de Carondelet, to be delivered to General Wilkinson, somewhere on the Ohio; and this deponent had directions from the said Baron de Carondelet to take measures, in concert with Don Thomas Portell, the commandant of New Madrid, and the aforesaid Owens, to have the sum intrusted to the charge of this latter conveyed in safety to its destination; in consequence thereof, this deponent, at a council held at New Madrid, by Portell, Owens, and himself, recommended that resident citizens of that place should be employed to accompany Owens; but his opinion was

overruled by Portell and Owens, who thought it would be more economical, and, consequently, more agreeable to the Spanish Government, to have a boat's crew furnished from the galliot of this deponent, which he furnished; and further, he deposes that the sum of $6,000, which had been brought by Owens from New Orleans to New Madrid, and by him delivered to Don Thomas Portell, the commandant of the fort, was, by Portell, embarked on board the galliot of this deponent, to be conveyed to the mouth of the Ohio, at which place he furnished Owens with a patron named Pepello, and six of his oarsmen, and shipped in his canoe the beforementioned sum of $6,000, to be delivered to General Wilkinson; and he declares that the sum was packed by himself in three small barrels; but, being apprehensive of some bad design on the part of Owens's crew, he took back the money into his galliot, and retained it twenty-four hours in his possession; when, at Owens's pressing solicitations, he re-delivered it to him, who then departed with it; and some short time afterwards he learned that Owens had been murdered by his crew, and the money made away with by them; and, further, he, this deponent, declares that he afterwards arrested, and sent to New Orleans for trial, one Vexerano, one of Owens's crew, who was concerned in the murder of said Owens, and plunder of the money; he further deposes that, although it was agreed between the Spanish Government and Owens, to save appearances, that the money should appear to belong to said Owens, yet he knows it was sent by the Baron de Carondelet for the use of, and to be delivered to, General Wilkinson, and that, knowing the interest which the Spanish Government had in this transaction, he wrote an official account to the Baron de Carondelet, of the part he had taken in it, and the advice he had given respecting the conveyance of the money safely to its destination: and, in reply, the Baron regretted that his advice had not been followed in every particular; and the deponent further declares, that Owens had no other money than the $6,000 above mentioned.

In testimony of which he has signed.

F. LANGLOIS.

D. Bouligny, *J. P.*

Nouvelle Orleans, *Janvier* 28, 1795.

J'ai apprit, Monsieur, avec bien de la peine, par votre lettre du 13 de 9bre, la mort de Mr. Owens; ce malheur est un de ces événemens que l'on ne sçauroit prevoir, et que la providence dispose a son gré, sans que toute la prudence humaine puisse l'éviter; je voudrois, et j'espère encore, que ce malheureux Vexerano sera arrêté, car cette action est trop infame pour qu'il puisse trouver un asile.

Je compte que vous verrez Mr. Rousseau a la fin d'Avril, que vous vous incorporerez avec l'escadre, prenant le commandement d'une galère, avec laquelle vous descendrez ici à la fin de Juin; à moins que vous ne preferiez de rester encore avec la même commission dans ces parages; il paroit que vous vous y êtes bien porté, ce qui n'est pas peu de chose dans des endroits aussi fièvreux.

A présent que le fleuve sera haut, vous devez redoubler de soin pour ne laisser introduire personne, ni aucun papier par l'Ohio, tendant a troubler la province; on est étonné en Europe de la tranquillité qui y régne, et ceux que j'en ai écarté au commencement de la guerre, ou qui en sont sorti pour leurs affaires, écrivent présentement qu'ils voudroient être encore à la Louisiane, et louent les soins que nous avons pris pour en écarter les esprits turbulens; de sorte que ces mêmes gens qui vituperoient autrefois nos dispositions, sont ceux qui les exaltent actuellement, et nous exhortent a les continuer.

Je recommande a Mr. Portell de bien traiter les François, Royalistes, Hollandois, Allemands, &c., qui se présenteront, et dont je vais former un bel établissement dans le Ouachita; je vous fais la même recommandation, mais vous ne leur laisserez aucun papier, livres, ou manuscrits, ayant rapport aux affaires du têms.

J'ai l'honneur, avac la plus parfaite considération, monsieur,

Votre très humble, et très obéissant serviteur,

LE BARON DE CARONDELET.

Monsieur Langlois.

Nouvelle Orleans, *Juin* 28, 1795.

J'ai reçu, monsieur, vos lettres du 25 Fevrier, 14 Avril, et 15 Maï, par lesquelles vous me parlez de Mr. de Vilemont, comme d'un commissionné de la cour, ce qu'il vous aura sans doute fait entendre, mais il n'en étoit rien. Don Louis de Vilemont étoit porteur d'un passeport de la cour, qui lui permet de voyager pendant quatre ans, et rien de plus; mais quand même il se seroit trouvé chargé d'une commission, vous devez sçavoir qu'elle n'est valable qu'autant que comme commandant général de la province, j'aurois expédié mes ordres aux commandans particuliers de lui en permettre l'exercise, et qu'aucun commissionné ne peut agir sans m'avoir fait part auparavant de ses ordres. Puisque la chose est faite il n'y faut plus penser, mais vous voyez combien Don Louis Vilemont étoit peu fondé dans ses discussions avec vous.

J'ai été enchanté de la prise que vous avez fait du scélerat Vexerano, à qui on a fait ici le procés, et qui sera probablement perdu: on prétend qu'il y en a un autre refugié dans la province qui étoit du même complot.

Je viens de recevoir par Mr. Valé votre dernière lettre. Je tacherai d'arranger avec Mr. l'Intendant le défaut de formalité de vos feuilles, mais je crains bien que si Don Thomas Portell ne consent a les intervenu vous ne vous trouviez embarrassé; car au tribunal de *cuentas* de la Havane, on ne les passera pas sans intervention. Je ne comprends pas comment Mr. Portell ne vous a pas instruit à ce sujet.

J'ai l'honneur d'être, très parfaitement, monsieur,

Votre très humble et très obéissant serviteur,

LE BARON DE CARONDELET.

Monsieur Langlois.

No. 13.

General Wilkinson's letter to John Adair.

My Friend: August 7, 1795.

I have this morning (now I intended to say,) received your favor by Mr. McDowell. He has ate with me, but will return twenty miles this evening, which obliges me to rise from cool Madeira to drop you a hasty line; it will be disordered, of course, for hurry produces confusion.

I send that which is handed about here, (and to me by Judge Turner,) as the bottom of another memorable treaty. From the mouth of Kentucky to the mouth of Ohio, we have a near neighborhood with our old friends. Will it be a good one? or will mutual aggressions soon throw open the temple of Janus once more? The Governor here, I am told, scouts this important production of our Solomon; it is my business to keep my peace, which, to a man of mercury, whose heart and tongue are in unison, is no easy thing. If my very damned and unparal-

leled crosses and misfortunes did not uncash me, I would be with you in flour. But as I have honor of $6,590 received for me in New Orleans, $1,740 only have reached my hand; this, independent of poor Owens's loss. The whole of this last sum is not lost, but it is not within my control, and will not be for six or nine months. I am sorry for old McAffod, for I think he was an honest man; but I am more sorry for his son, and if I can serve him respecting the property left behind, and you think him honorable, he may, on your recommendation, receive a letter to my friend. This is *entre nous*, because I have refused many.

I know that an emotion of friendship induced you to give me the mare, and when I am outdone in that commerce, may "perdition catch me;" yet I love the brute I must confess; if she runs she must run your property, or she will certainly break a leg or thigh—you understand me. I send you $50 by Mr. McDowell. What was I to pay for her? We must not misunderstand one another; if I lend the nag to you, and any misfortune ensues, I shall not be pleased, nor will you be happy; but if she is essential to your pleasure or pastime, although no other man should have the honor to cross her, she is yours at what she cost me. I make a single reserve; if you can make a match, and let me in for a bet of £100 cash, I will divide the risk of her safety with you. Old Tony, it is currently said, will go to Philadelphia so soon as he finishes the dependencies of his treaty; this is *entre nous* also; if this should be true, you will hear from me; in the mean time pardon this scrawl, which I have not time to examine, and believe me to the bottom,

Your friend and obedient servant,

JAMES WILKINSON.

Colonel ADAIR.

No. 8.

Deposition of D. Bouligny.

Ce seizième jour du mois de Janvier, de l'année mil huit cent neuf, par devant moi soussigné, juge de paix de la ville de la Nouvelle Orleans, est personnellement comparu Monsieur Dominique Bouligny, cidevant adjutant major au regiment de la Louisiane, au service de sa M. C. et actuellement membre de la Législature du Territoire d'Orleans, qui étant duement assermenté sur la Sainte Bible, a déclaré et dit, que dans l'année 1795, autant qu'il s'en rappelle, il exercoit les fonctions d'adjutant major au regiment de la Louisiane, et qu'il fut chargé par le Gouverneur le Baron de Carondelet, de faire le procès d'un nommé Pepillo, qui étoit accusé d'avoir été un des auteurs de la mort de Monsieur Henry Owens, (qui avoit été assassiné dans la Belle rivière sur le territoire Americain,) et du vol d'une somme d'argent dont ce Monsieur Owens étoit porteur pour le General Wilkinson, et qui lui avoit été remise par le Gouvernement Espagnol. Et il a de plus déclaré qu'il étoit public et notoire parmi les employés du Gouvernement Espagnol, que le General Wilkinson étoit pensionné du Gouvernement Espagnol, et que la plupart des employés croyoient qu'il ny avoit aucune confiance a faire sur les promesses que fesoient le Général au Gouvernement, parce qu'ils ne pouvoient se persuader que son influence pût attirer le peuple des états de l'ouest à se séparer de la confédération Americaine. Juré par devant moi le jour et an que dessus, *le mot Americain rayé.*

D. BOULIGNY.

Juré et affirmé devant moi.

F. DUTILLET, *Juge de Paix.*

[TRANSLATION.]

On this 16th day of the month of January, in the year 1809, personally appeared before me, the undersigned, a justice of the peace for the city of New Orleans, Monsieur Dominique Bouligny, formerly adjutant major of the regiment of Louisiana, in the service of His Catholic Majesty, and now a member of the Legislature of the Territory of Orleans, who, being duly sworn on the Holy Bible, did depose and say, that, in the year 1795, as well as he can remember, he exercised the functions of adjutant major in the regiment of Louisiana, and was commissioned by the Governor the Baron de Carondelet to conduct the trial of one Pepillo, who was accused of having been one of the authors of the death of Mr. Henry Owens, who had been assassinated in the Ohio on the American territory, and of the robbery of a sum of money, of which this Mr. Owens was the bearer to General Wilkinson, and which had been delivered to him by the Spanish Government; and he further declared, that it was public and well known among the officers under the Spanish Government, that General Wilkinson was a pensioner of the Spanish Government, and that the major part of the people in office believe that there was no reliance to be placed on the promises which the General made to the Government, because they could not persuade themselves that his influence could not induce the people of the Western States to separate from the American confederation.

D. BOULIGNY.

Sworn to, and affirmed before me.

F. DUTILLET, *J. P.*

No. 9.

Mr. Power's deposition respecting the murder of Henry Owens.

Personally appeared before me, the undersigned, one of the justices of the peace in and for the city of Orleans, Mr. Thomas Power, who, being duly sworn, doth depose: that, in the year 1794, Mr. Henry Owens arrived at New Madrid from New Orleans, with a sum of money to be delivered to General Wilkinson, as the deponent understands and believes, from the Spanish Government; that he left New Madrid in the royal galliot Fleche, commanded by Francis Langlois, accompanied by a King's pirogue; the galliot destined to the mouth of the Ohio, from whence the deponent understood Owens was to proceed up the Ohio in the pirogue. And this deponent further saith that, some time after the departure of the said Owens, one of the crew of the pirogue, in which he had embarked at the mouth of the Ohio, returned to New Madrid, and gave information that Owens had been robbed and murdered by the rest of the crew, who had proceeded up the Ohio with their booty. And this deponent saith that, some time in the year 1795, this deponent being at New Madrid, Lieutenant Aaron Gregg, of the American army, arrived there, accompanied by a Mr. Charles Smith, and bearing a letter from Major Doyle, who then commanded at Fort Massac, to the commandant of New Madrid. The letter stated the following circumstances, which were confirmed both by Smith and Doyle to the deponent: that three of the murderers of Owens, after a variety of adventures, were confined, under General Wilkinson's orders, at Fort Washington; that, by his directions they were put in irons, and placed on board a flat, under the direction of Mr. C. Smith, to be conveyed to New Madrid; that a letter was given to him from Wilkinson to the commandant of Madrid, containing an order to pay $500 on the delivery of the prisoners; that Smith was proceeding with them, and attempting to pass Fort Massac by night, was stopped by Major Doyle, who commanded there, who would not permit them to be sent out of the territory of the United States to be tried for a crime committed in it. The letter, after stating these circumstances,

requested Captain Portell to send an interpreter to examine the prisoners, who spoke no English. Captain Portell requested the deponent to go on this service, which he undertook, and returned with Lieutenant Gregg and Mr. Smith; the latter having presented his order for the $500, the payment of which was refused, as the prisoners were not delivered. On this deponent's arrival he found three of the boat's crew who had gone up with Owens. On the first examination they confessed the fact of having murdered and robbed him; and they gave to the deponent a circumstantial detail of their adventures afterwards. A few days afterwards the deponent went to Louisville with Lieutenant Gregg and Mr. Smith, for the purpose of interpreting for the prisoners, who were there delivered to a justice of the peace, Captain Harrison, who transmitted them to another at Bairdstown, Captain Frye; but the men denying the fact before the justices, they were detained for further evidence. And this deponent saith, that he did not divulge to the justices the confessions made by the prisoners to him, because he knew it was the wish of the Spanish officers to have the men delivered to them rather than tried in the Territory of the United States; and that such wish arose from a fear of divulging the secret of Owens's mission on a public trial. And this deponent saith, that he left the prisoners at Bairdstown, and afterwards understood they had been sent to Frankfort, where they were afterwards discharged for want of evidence: and further this deponent saith not.

THOMAS POWER.

Sworn and subscribed before me, in New Orleans, the 18th March, 1809.

E. FITCH, *J. P.*

No. 11.

Miller's deposition about Collins.

Personally appeared before me, the undersigned, one of the justices of the peace for the city of New Orleans, Mr. William Miller, of the county of Rapides, in the Territory of Orleans, who, being duly sworn on the Holy Evangelists of Almighty God, did depose and say, that, some time shortly after the hurricane which happened in this country, in the month of August, of the year 1794, he chartered and fitted out, in company with Mr. Robert Cochran, of Natchez, a small vessel in the bayou St. John, near this city, in which they both sailed for Pensacola and New Providence, and at that time he formed an acquaintance with Mr. Joseph Collins, who, shortly before, arrived in this city with a Mr. Owens, from the Ohio. The said Collins was then occupied in fitting out a small vessel in the bayou St. John, in which was shipped a sum of money, as Collins informed the deponent, amounting to upwards of six thousand dollars, which he, said Collins, had received from the Spanish Government, for account of General Wilkinson; and he also informed this deponent, that a sum of nearly equal amount had been delivered to Mr. Owens, for the same purpose, with which he returned by way of the river; and this deponent further declares, that this step occasioned, at the time, much surprise, as it was contrary to law to ship cash, and subject to seizure and confiscation when discovered; and this deponent further declares, that the said Joseph Collins set sail a short time before him, with the aforesaid money on board his vessel, as said Collins informed this deponent; and he afterwards learned that he had arrived therewith, in safety, at the port of Charleston.

WM. MILLER.

Juré par devant moi ce jour onzième du mois de Mars, mil huit cent neuf.

DU COURNAUX, *Juge de Paix.*

(A.)

Letter from Joseph Collins to Daniel Clarke, respecting the receipt of the money from Don Gilberto Leonard.

DEAR SIR: PASCAGOULA, *March* 10, 1809.

I returned yesterday from Mobile and Pensacola, and found your letter of the 19th of February last, requesting me to send you the date I received the money from Don Gilberto Leonard, in New Orleans; therefore, have had recourse to my journal round the Florida point. I find that we left bayou St. John on the 22d of August, 1794, and must have received the $6,334 about the 19th or 20th of August, the same month.

I am your very humble servant,

JOSEPH COLLINS.

Mr. DANIEL CLARKE.

No. 14.

Thomas Portell's certified copy of Baron Carondelet's instructions to him.

NUEVA ORLEANS, 20 *de Enero*, 1796.

En la galera la Victoria, su patron, Bernardo Molina, se han enviado à Don Vincente Folch, nueve mil seiscientos quarenta pesos cuia cantidad sin hacer el menor uso de ella, tendra vm. à mi disposicion, para entregarla en el momento que le presenten una orden del General Americano Don Jayme Wilkinson. Dios guarde à vm. muchos años.

EL BARON DE CARONDELET.

Sr. DON TOMAS PORTELL.

NUEVA MADRID, 27 *de Junio*, 1796.

Certifico que la anterior es copia de su original à que me remito.

THOMAS PORTELL.

[TRANSLATION.]

NEW ORLEANS, *January* 20, 1796.

In the galley the Victoria, Bernardo Molina, patron, there have been sent to Don Vincent Folch, nine thousand six hundred and forty dollars, which sum, without making the least use of it, you will hold at my disposal, to deliver it at the moment that an order may be presented to you by the American General Don James Wilkinson. God preserve you many years.

THE BARON DE CARONDELET.

To Senor DON TOMAS PORTELL.

NEW MADRID, *June* 27, 1796.

I certify that the foregoing is a copy of its original, to which I refer.

THOMAS PORTELL.

No. 15.

T. Power to T. Portell.

NUEVA MADRID, 27 *de Junio*, 1796.

Haviendo recivido instrucciones verbales del Sr. Don Jayme Wilkinson, General Americano, de hacerme cargo del dinero, que, por una carta que recibió del secretario del gobierno Don Andrés de Lopés Armesto, con fecha: del siete ú ocho de Marzo ulto. de que fuí portador, tiene aviso de que está depositado en este puesto, y enterado por el oficio que vmd. ha recibido sobre este asunto del sr. Gober. Genl. de la provincia, de que me dará vmd. copia, que dicho dinero no se debe entregar sin orden expresa de dicho caballero Wilkinson, me veo precisado referir por menudo algunas particularidades, para allanar y remover la dificultad que presenta la falta de la orden por escrito de parte del citado Genl. Wilkinson. Aúnque esta relacion pueda parecer abuso de la confianza de que me han honrado el sr. Gober. Genl. de la provincia, el sr. Gober. de Natchez y particularmente el Genl. Wilkinson, estoy persuadido que la urgencia del caso que se ofrece me servira de disculpa y justificacion. Vmd. no ignora que estando el sor Don Manuel Gayoso de Lemos aquí en el mes de Setiembre del año po. po. me confió unos pliegos de la mayor importancia pa. el Genl. Wilkinson los que llevé à Cincinnati; y estúve de buelta con las respuestas en el mes de Noviembre: por orden del dicho sr. Don Manuel Gayoso, hize immediatamente otro viage en la Bella Rivera, y subí hasta Red Banks, en busca del caballero Sebastian quien víno con migo hasta la embocadura del Ohio, donde encontramos al sr. Gober. de Natchez. A fin de Deciembre fuí con este señor á Natchez y de allí pasé á la Nueva Orleans. El objeto principal de mi baxada á la capital, fue el hacerme cargo, por orden del Genl. Wilkinson, del dinero que vmd. en la actualidad tiene en deposito para él: lo que manifiestan las cartas que escrivió á los Srs. Gobernadores de esta provincia y de Natchez. Pero á mi llegada ya havia salido el dinero en una de las galeras de S. M. para este destino; lo que súpe del sr. Barón de Carondelet, el sr. Yntendente y Don Andrés de Armesto. Y repetidas veces traté sobre este asunto con los dos ultimos Srs. instando con fuerza sobre la necessidad de embiar azucar, cafe, y polvora á la Nueva Madrid, para componer una cargazon para llevar al Kentucky con el dinero de Wilkinson; ocultando de este modo la verdadera intencion del viage y dandole la apariencia de una especulacion comercial. Todo esto, ya lo havía representado Wilkinson, como indispensable pr. muchos motivos; particularmente para precaver una disgracia, semejante á la que ya havía ocurrido. Enfin el secretario me dixo que la barca en que subió el oficial Americano Don Aaron Gregg estaba destinada para este servicio; y que en quanto á la tripulacion, vmd: me permitiriá escoger entre los Criollos, vecinos de este Puesto, los que me parecíeran mas dignos de confianza. De modo que sali de la Nueva Orleáns con la certitud de que á mi buelta á este puesto hallariá todo dispuesto conforme á lo que acabo de referir. En llegando á Greenville, dì parte al Gen. Wilkinson de las providencias, que, no dudava, se havian tomado, de lo que ha resultado que ha quedado con la creencia, asi como yo, de que todas las disposiciones pa. desempeñar este servicio con felicidad, se habian executado. No puedo comunicar todos los motivos porque no me ha dado W. una orden por escrito; pero una de ellas era, que no sabiá la cantidad de dinero que vmd. tenía para entregar á su orden; los Srs. Gobernadores no haviendole escrito ni una palabra sobre el asunto; y solo el secretario le dice en su carta, que su dinero está depositado en el Nueva Madrid, sin expresar la cantidad. En las esquelas en cifra del Gen. W. para los Srs. Gobernadores, que van inclusas, les dice que me ha embiado á buscar el citado dinero, advertiendo á vmd. que la del numero 1 es pa. el sor. Gobernor Gen. de la provincia, y la de no. 3 pa. el Sr. Don Manuel Gayoso. Añadiré que el Gen. W. quando le representé que el presentarme sin orden suya por escrito, podria originar alguna dificultad, me autorizó, si lo exîgiera el caso de escribir una orden para que vmd: me entregára su dinero de èl, especificando la cantidad que hubiera, firmando en su nombre, y dandole á vmd. un recivo por lo expresado. No puedo omitir que el encargo del Gen. W. ha sido tan instante, tan urgente que se ha extendido hasta limitar mi buelta á mi destino al primero de Agosto: de loque le entero á vmd. para que procúre no dilatar este servicio. Los embarazos del Gen. W. creo que no los ignora el sr. Gober. Gen. ni tampoco puede ra ignorar que hai muchissimo tiempo que está esperando este dinero; cuyo atraso le ha causado mucho desabrimiento, enredandole en incomodidades grandes: y le puedo asegurar á vmd. confidentemente que quedará disgustadissimo con qualesquer dilacion en esta expedicion; lo que podrá acarrear un perjuicio grave. En quanto al mode de llevar el dinero es evidente que el llevarlo abiertamente seriá demasiado escandaloso; por no decir que seria demencia. El exito, funesto de la expedicion del desdichado Don Enrique Owens, nos debe servir de almenara para no perdernos sobre el mismo escollo, y para tomar otro rumbo menos peligroso. Quisiera meter un saco de mil pesos en un barril de café ó de azucar, de modo que, aúnque la diferencia dela gravedad respectiva de la plata á la del azucar ó café sea muy grande, la cantadid siendo tan corta, no se dexará facilmente conocer. Será tambien prudente llevar algunos barriles sin dinero, para poder venderlos antes de llegará Cincinnati, si se offreciere el caso, que se presente alguien que quiera comprar de estos efectos, porque no venderlos quando se pudiera hacer con ventaja, seria excitar sospechas, y para completar el disfraz, seria bueno llevar cierta cantidad de polvora y aguardiente de caña. Si estas disposiciones le parecieren á vmd. defectuosas, le suplico haga las alteraciones que sean de su agrado. Dios guarde á vmd. muchos años.

THOMAS POWER.

Sr. DON THOMAS PORTELL.

No. 15.

Translation of a letter from Thomas Power to Don Thomas Portell, commandant of New Madrid, dated June 27, 1796, at New Madrid.

Having received verbal instructions from Mr. James Wilkinson, the American General, to take charge of the money, which, by a letter he received from the Secretary of the Government, Don Andres Armesto, under date 7th or 8th March last, of which I was bearer, he has advice, is deposited in this post, and being informed by the official letter which you have received on this business from the Governor General of the province, of which you will be pleased to furnish me a copy, that said money is not to be delivered without an express order from the said Mr. Wilkinson, I find myself forced to relate circumstantially some particulars to smooth and remove the difficulty, which the want of a written order, on the part of the aforesaid General Wilkinson, presents. Although this relation may appear an abuse of the confidence with which the Governor General of the province and the Governor of Natchez, and particularly General Wilkinson, have honored me, I am persuaded that the urgency of the case which offers will serve me as an excuse and justification. You are not ignorant of the fact, that Don Manuel Gayoso de Lemos, being here in the month of September, of the year last past, intrusted to me some despatches of the greatest importance for General Wilkinson, which I carried to Cincinnati, and I returned with the answers in the month of November. By order of the said Don Manuel Gayoso, I made immediately another journey in the Ohio, and I ascended it to Red Banks, in search of Mr. Sebastian, who came with me to the mouth of the Ohio, where

we met with the Governor of Natchez. At the end of December I accompanied this gentleman to Natchez, and I went thence to New Orleans. The principal object of my going down was to take charge, by order of General Wilkinson, of the money which you have now in deposite for him, which is shown by the letters which he wrote to the Governors of this province and of Natchez; but, at my arrival, the money had been already sent off in one of his Majesty's galleys for this place, which I learned from the Baron de Carondelet, the Intendant, and Don Andres de Armesto. I repeatedly treated on this business with the two last of these persons, urging forcibly the necessity of sending sugar, coffee, and powder, to New Madrid, to form a cargo to take to Kentucky with Wilkinson's money, hiding by this means the true intention of the voyage, and giving it the appearance of a commercial speculation. All this Wilkinson had before represented as indispensable, for many reasons, particularly in order to avoid a misfortune similar to that which had already occurred. At last the Secretary told me that the barge in which Mr. Aaron Gregg, the American officer, was to go up, was destined for this service, and that as for the crew, he would permit me to choose among the Creoles, residents in this post, those who might appear to me most worthy of confidence; so that I left New Orleans, with the belief that, at my return to this post, I should find every thing disposed conformable to what I have just related. On arrival at Greenville, I informed General Wilkinson of the steps which I had no doubt had been taken, from whence has resulted that he, like myself, was impressed with the belief that all the measures for executing this service with success had been taken. I cannot communicate all the motives why Wilkinson has not given me an order in writing, but one of them was, that he did not know the sum of money which you had to deliver to his order, the Governors not having written a word to him on the subject, the Secretary only saying that his money was deposited in New Madrid, without expressing the sum. In the letters in cipher from General Wilkinson for the Governors, which are here enclosed, he tells them that he has sent me to bring the aforesaid money, informing you that the No. 1 is for the Governor General of the province, and the No. 2 for Don Manuel Gayoso. I will add that General Wilkinson, when I represented to him that on presenting myself without his order in writing, some difficulty might arise, authorized me, if the case required it, to write an order that you should deliver his money, specifying the sum there might be, signing it in his name, and giving you a receipt therefor. I cannot omit that the commission of General Wilkinson was so sudden, so urgent, that it was extended even to limiting my return to my destination by the first of August, of which I advise you that you may endeavor not to delay the service. I believe that the Governor General is not ignorant of the embarrassments of General Wilkinson, nor can he be ignorant that, for a long time past, he has been expecting this money, the delay of which has been the cause of much trouble to him, involving him in great difficulties; and I can assure you confidently, that he will be very much disgusted with any delays in the expedition, which might be productive of serious injury. As for the mode of carrying the money, it is evident, that to take it openly would be too scandalous a thing, if I were not to say that it would be madness. The unhappy result of the expedition of the unfortunate Henry Owens ought to serve us as a beacon, in order not to lose ourselves on the same rock, and to make us take another course less dangerous. I would wish to put a bag of one thousand dollars in a barrel of coffee or sugar, so that, although the difference of the respective gravity between silver, sugar, and coffee, be very great, the quantity being so small it will not be easily known. It will likewise be prudent to carry some barrels without money, in order to sell them before arriving at Cincinnati, if it should so happen that any one should offer to buy these goods; because, not to sell them, when it might be done to advantage, would excite suspicion; and to complete the disguise, it would be well to take a certain quantity of powder and rum. If these dispositions should appear defective, I beg you to make such changes as may be to your mind. God preserve you many years.

THOMAS POWER.

To Don Thomas Portell.

No. 16.

Thomas Portell to Thomas Power.

Nueva Madrid, 27 *de Junio*, 1796.

Bien examinado el contenido de su papel de vm. con fecha de oy, digo que me conformo en un todo à quantas reflexiones me pone vm. à la vista, y aunque al primer golpe de ojo paresca que devo esperar la desicion del Sr. Gobernador General, segun lo que me siñe en su oficio de 20 de Enero del corriente año, y de que incluio à vm. la copia que me pide, las circunstancias que vm. expone son tales que nada me dexan que hacer mas que decir à vm. me remita una nota del numero de libras de café, azucar, barriles, en que colocar la polvora, y aguardiente de caña que necesitaria vm. para su expedicion; pues luego que la reciva lo aprontarè segun vm. lo desea, adbertido que de los efectos me firmarà vm. conocimiento de haverlos recivido, y del dinero un recivo como apoderado del General Wilkinson.

Para que la bercha estè pronta y segun vm. la necesita, he pasado oficio al teniente Coronel Don Vincente Folch, para que la remita con la brevedad posible, pues como nada me adbirtieron de lo que vm. me dice sobre ella, me la pidio para un asunto de servicio Don Francisca Langlois, y cargada de mais la llevò al fuerte de San Fernando, la que no han debuelto aunque la solicite, creido que pudiera ofrecerse aqui, haviendome contextado Don Vincente Folch que si no tenia orden para retenerla no havia para que remitirmela.

Quedan en mi poder las dos esquelas en cifra, que en primera ocasion segura remitiré con la distincion que vm. me hace: la del No. 1, al Sr. Gobernador General y la del No. 2, al Sr. Gobernador de Natchez.

En quanto à la colocacion del dinero y arreglo de barriles, luego que estos esten prontos entre vm. y yò se podrà hacer todo sin que se dé conocimiento á otro alguno.

Dios guarde à vm. muchos años.

TOMAS PORTELL.

Sr. Don Tomas Power.

Translation of a letter from Don Thomas Portell to Mr. Thomas Power, dated

New Madrid, *June* 27, 1796.

Having well considered the contents of your letter of this day, I mention that I agree in every thing to the whole of the reflections you place before me, and, although at first sight it appears that I ought to await the decision of the Governor General, as he prescribes to me in his official letter of the 20th January of the present year, and of which I enclose you a copy, which you request of me, the circumstances which you expose are such, that they leave me nothing more to do than to tell you to forward me a memorandum of the number of pounds of coffee, sugar, barrels in which to fill the powder and rum, you desire for your expedition; because, so soon as I receive it, I will get it ready as you desire, informing you that for the merchandise you must sign me an acknowledgment of having received it, and for the money, a receipt as the attorney of General Wilkinson.

In order that the barge may be ready, and as you may want it, I have written an official letter to the Lieutenant Colonel Don Vincente Folch, that he may send it as soon as possible; because, as nothing was said to me of what you have now mentioned respecting it, Mr. Francis Langlois asked it of me, for an affair of service, and took it loaded with corn to the fort of San Fernando, and it has not been returned, although I have required it, thinking it might be wanted here; Don Vincente Folch having answered me, that if I had not orders to keep it, there were none to return it.

The two letters in cipher remain in my hands, which I shall forward by the first safe opportunity, with the distinction you point out, No. 1, to the Governor General, and No. 2, to the Governor of Natchez.

As for packing the money, and arranging the barrels, as soon as they are ready, between you and myself all this may be done without any one else acquiring a knowledge of it. God preserve you many years.

THOMAS PORTELL.

To Don Thomas Power.

No. 17.

Mr. Power's deposition respecting the payment of $9,640 to General Wilkinson.

Personally appeared before me, the undersigned, one of the justices of the peace in and for the city of New Orleans, Mr. Thomas Power, who, being duly sworn, saith: That some time in the month of June, in the year of our Lord, 1796, he arrived at New Madrid, after having had several conferences with General Wilkinson, by order of the Baron de Carondelet, on the subject of a proposed separation of the Western country from the United States, under the protection, and by the aid, of Spain; that he was sent to New Madrid by General Wilkinson, for the purpose of taking charge of a sum of money, which he had brought notice to the General was lying there for him, from the Baron de Carondelet; that, on his first demanding the same in the name of General Wilkinson, Captain Portell, the commandant, refused to deliver it without a written order; and that, as he had none, he was obliged to write a letter to Captain Portell, entering into all the details which were necessary to show him, that he, this deponent, was acquainted with the object of sending the said money; that the said Portell wrote him an answer, agreeing to deliver him the sum of money in question for General Wilkinson, and, at the same time, sent him a copy of the order from the Baron de Carondelet, which accompanied the delivery of the money to him, Portell; that the said letter and answer are dated the 27th June, 1796, and the said order from the Baron de Carondelet is dated the 20th January, in the same year, and are the documents which have been laid before Congress by John Randolph and Daniel Clarke, Esquires. And this deponent saith that, by virtue of the arrangement made by the said letters, he received from Don Thomas Portell the sum of $9,640, which he packed up in barrels of sugar and coffee, and was proceeding up the Ohio with the same, when he was stopped and searched by Lieutenant Steele; that, in consequence of this interruption, he landed his cargo at Louisville, and went on horseback to Cincinnati, where he met General Wilkinson, and informed him of the circumstances that had occurred, on which the General directed him to deliver the dollars to Philip Nolan, which the deponent did; that the said Nolan conveyed the barrels of sugar and coffee, in which the dollars were packed, to Frankfort, where the deponent saw them opened, in the store of Mr. Montgomery Brown; that the sum of $9,000 was given by General Wilkinson's direction to Philip Nolan, and the remainder, $640, was retained by the deponent, with the General's consent, for the purpose of paying expenses, but which he gave directions to secure for him from the Spanish Government, in the settlement of his account. And this deponent further saith, that he sold the sugar and the coffee, in which the dollars were packed, to Mr. Abijah Hunt, of Cincinnati. And this deponent further saith, that when he afterwards saw General Wilkinson, and informed him that he had delivered the money agreeably to his orders, he said it was well. And further this deponent saith not.

THOMAS POWER.

Sworn and subscribed before me, in New Orleans, the 18th March, 1809.

E. FITCH, *Justice of the Peace.*

Interrogatories for A. Ellicott.

General Washington.

1. Were General Washington's instructions to you to scrutinize my conduct, written or verbal?
2. In speaking of certain citizens of the United States, connecting themselves improperly with the Spanish Government, did General Washington state to you the grounds and nature of his suspicions, and the objects which such persons might have or had in view in such associations with the Spanish Government?
3. Do you recollect what other names besides General Wilkinson's were mentioned on that occasion, by General Washington?
4. Did you feel yourself bound by that engagement to act as a spy on General Wilkinson's conduct; and in what manner did you fulfil it? Did you ever report General Wilkinson for any illegal act, or any illicit connexion?
5. Did General Washington, by word or manner, express to you any serious apprehension of dangerous consequences to the Union, from the disaffection mentioned to you?
6. When and where did you become acquainted with Philip Nolan?
7. What was his general character, and did he not render you services on your route down the Mississippi, to Natchez, as a commissioner of limits?
8. Was he not zealously attached to the United States, and do you not think he would have supported the interest of the United States at every hazard of life and property, against any power whatever?
9. Did you ever converse with him respecting General Wilkinson's connexion and intercourse with the Spanish Government of Louisiana? State every thing concerning the same: whether the said Nolan did not explain to your satisfaction the nature of that intercourse to be commercial, and whether you have not expressed this circumstance to others?
10. Did not the said Nolan inform you that General Wilkinson had been playing a deceptive game with the Spaniards? and do you not know that a deceptive policy and fictitious appearances were necessary with the Spanish Government, to protect Nolan's political or commercial enterprises in Louisiana?
11. Did he ever communicate to you any plan he had projected, to save the district of Natchez, if it had been attacked by the Baron of Carondelet, by seizing that officer when on a reconnoitring party, and bearing him off to the people of the district?
12. Do you know Thomas Power, and what has been your opinion of his character?
13. Did he ever inform you that General Wilkinson held any illegal connexion with the Spanish Government?
14. Did he ever, by letter, attempt to prejudice you against General Wilkinson, and what was the effect?

15. From whom did you receive the minute information of Power's mission to the States of Kentucky and Tennessee, and the objects of that mission, and that he was instructed by the Baron of Carondelet not to return without seeing General Wilkinson?

16. Was Power apprised of your knowledge of his mission to Kentucky and Tennessee, and that he was to see General Wilkinson?

17. Have you not declared that you considered Thomas Power the enemy of General Wilkinson, and that he would leave nothing undone, to his injury, which art, duplicity, and intrigue, could effect?

18. Did you not also declare, in 1800, that you knew Power was not the friend of General Wilkinson, and that he was a man of duplicity?

19. Did you communicate to the Government all the particulars you had learned, respecting Power's mission to Kentucky and Tennessee, in June, 1797; and under what date was your communication made?

20. Did you understand the interview Power was ordered to seek with General Wilkinson was for any sinister purpose, or relative to the execution of the treaty of friendship, limits, and navigation?

21. Who were those confidential persons in Kentucky and Tennessee, to whom you exposed the objects of Power's mission, and what the particulars of those expositions?

22. Did you ever hear Power speak of General Wilkinson's tobacco concerns at New Orleans, or say that the Spanish Government was indebted to him on that score?

23. To whom was the letter of Gayoso, which fell into your hands in November, 1798, addressed; and by whom was it delivered to you, and what were the particular contents of it?

24. What other names besides General Wilkinson's were mentioned in that letter of Gayoso, and for what reasons do you presume it to be in the hands of D. Clarke and T. Power?

25. What effect did this letter of Gayoso then produce on your mind relative to the character and conduct of General Wilkinson?

26. Are you certain that it was Gayoso's letter that you saw? and did you not see another letter about the time that Gayoso's fell into your hands, which appeared to be designed to injure General Wilkinson?

27. How did your conversation respecting General Wilkinson commence with Mr. Portell? was it at your instance or at his, and for what purpose?

28. Who were the other gentlemen named by Captain Portell to have received money from the Government of Spain, by the same boat which carried money to General Wilkinson, and who were considered pensioners of that Government?

29. Did you understand how Captain Portell came to discover that the money sent to General Wilkinson was not on account of any commercial transaction?

30. Did you communicate the particulars of this information to the Government, and at what time, and in what manner? if not, through what motives did you withhold it from the Government?

31. Wherefore were you so particular in noting the precise sum of money which Portell informed you he had transmitted to General Wilkinson?

32. What impression did this information make on your mind respecting General Wilkinson? did it, at that time, affect your confidence in him?

33. Is not that Portell the same who gave up a military post to Bowles and a party of Indians, through treachery or cowardice? and has he not been dishonored for his conduct by the Spanish Government?

HUTCHINS.

34. Did not Daniel Clarke, Jun., of New Orleans, intercept a private letter from the late Colonel Anthony Hutchins to his agent in London, and furnish you a copy of the same?

35. Was not the said letter under seal, and was not the seal broken? Did not the said Clarke transmit the said letter, or a copy of it, to his uncle, Colonel Daniel Clarke, of the Mississippi Territory, and did he not afterwards publish the same, with a view to injure the writer?

36. Have you not declared that the interception of Colonel Hutchins's letter was to satisfy your "inquiries which were intended to serve your country," and had you no other motive?

37. Had not Hutchins represented you to be in the Spanish interest, and did not you desire to employ the intercepted letter to counteract his representations?

38. Were you not intimate with Hutchins when you first reached Natchez? Had you not afterwards a bitter animosity against him, and did not you report him to the Government as a British pensioner, and an enemy to the United States?

General questions.

39. Have you not declared, in New Orleans, that almost all of your own, and General Wilkinson's enemies, were becoming Spaniards?

40. Have you not declared a large proportion of the inhabitants of the Mississippi Territory to be a set of the most abandoned, malicious, deceitful, plundering, horse-thieving, rascals on the continent?

41. What was your opinion of General Wilkinson, as he descended the Mississippi, and before he reached Loftus Heights, the site of Fort Adams, in 1798?

42. What was your opinion of his official conduct, and his attachment to his country, after his arrival at Loftus Heights?

43. What were your ideas of his merits in the year 1800? and did not you express pleasure on seeing him restored at that time to the command of our armies?

44. Did not you confide to General Wilkinson, without reserve, your plans and movements, and give him information of high importance, public and personal, whilst engaged on the line of demarcation?

45. Did not you consider General Wilkinson's presence in command, at our Southern frontier in the Mississippi, necessary to the public service, in the years 1799 and 1800, and have you not expressed this sentiment?

46. From your correspondence with General Wilkinson, and observations on his conduct, did you not consider him attached to the interests of his country, and faithful to the trust reposed in him?

47. As far as your own knowledge and observation have extended, have you not considered General Wilkinson, as a military man, patriotic, zealous, active, and faithful in the discharge of his high duties?

48. Do you know, or have you heard of any specific act of General Wilkinson's, calculated to injure his country, or its Government?

49. Has any person, since the conspiracy of Colonel Burr was exposed, applied to you for information respecting General Wilkinson's intercourse or connexion with the Spanish Government? Be pleased to state what passed on these occasions.

50. Has no person applied to you, since Mr. Daniel Clarke's information to the House of Representatives criminating General Wilkinson, for such information as you might possess on the subject, and who was the person or persons?

51. Be pleased to state how it happened that you furnished Daniel Clarke a copy of your letter to General Wilkinson for publication, without the General's letter which produced it; and is your letter, as published, a faithful copy of that you wrote the General, and of that you transmitted to Mr. Clarke?

52. Did you expect that the publication of this letter would serve Mr. Clarke, or injure General Wilkinson?

53. From whom did you receive the information, to which you refer, in October, 1797?

54. At what time did Mr. Power advise you he had carried a sum of money and despatches to General Wilkinson up the Ohio?

JAMES WILKINSON.

J. YEATES,
ANDREW ELLICOTT.

No. 19.

A. Ellicott's deposition.

PENNSYLVANIA, BOROUGH OF LANCASTER, *ss.*

Before me, Jasper Yeates, one of the associate judges of the supreme court of the commonwealth of Pennsylvania, came Andrew Ellicott, of the borough of Lancaster, and, being duly affirmed according to law, saith: That, before he, this affirmant, left the city of Philadelphia, in the year 1796, as commissioner on behalf of the United States to carry into effect the Spanish treaty, President Washington communicated confidentially to this affirmant that suspicions had been signified to him of certain citizens of the United States improperly connecting themselves with the Spanish Government, among whom General Wilkinson was mentioned, and requested this affirmant to pay attention to that subject, but in as private a manner as possible, to prevent the increase of suspicions, perhaps ill-founded.

On this affirmant's arrival at Cincinnati, he was informed that General Wilkinson had had several interviews (some of them private) with a Spanish agent or spy, known by the name of Thomas Power, who, it was asserted, had taken a considerable sum of money into the State of Kentucky. This information appeared, at that time, to merit so little attention, that this affirmant made no communication of it to Government.

Immediately on the arrival of this affirmant at Natchez, he heard the common report in that district, from Green Hutchins and others, of General Wilkinson's being in Spanish pay, but those reports made no impression on the mind of this affirmant: the doubts and suspicions of Colonel Bruin and the late Daniel Clarke had some influence, but never so much as to be the subject of a communication.

About the latter end of May, or beginning of June, 1797, this affirmant was made acquainted with an intended and private mission of the before-mentioned Thomas Power to the States of Kentucky and Tennessee, to induce a separation from the Union; and that he was instructed by the Governor General, the Baron de Carondelet, not to return without having an interview with General Wilkinson. Mr. Power left Natchez, for the purpose above mentioned, on the 5th of June, 1797, which this affirmant believes is the date of his communication to the Department of State on that subject. The information respecting the mission of Mr. Power this affirmant suspects was had from some person employed about the office of the Baron de Carondelet.

In October, 1797, this affirmant received, and probably from the source before mentioned, the outlines of a plan for dismembering the United States, in which the name of General Wilkinson is mentioned as one of the principals. This affirmant was likewise informed that the correspondence between General Wilkinson and the officers of His Catholic Majesty was carried on by cipher, and deciphered by the aid of a pocket dictionary. This circumstance, the affirmant apprehends, is mentioned in his communication in cipher to the Department of State, on that subject, bearing date the 14th day of November, 1797.

In the beginning of November, 1798, a confidential letter of Governor Gayoso's fell into the hands of this affirmant. In that letter, General Wilkinson and several others are mentioned as having been in the pay and interest of Spain. The interesting parts of that letter were reduced by this affirmant to cipher, and accompanied his despatches of the 8th of the month above mentioned, to the Department of State.

About the 16th of October, 1799, Captain Portell, of the royal armies of Spain, who then commanded at Apalachy, informed this affirmant, that at New Madrid, in the year 1796, he put on board a boat, under the direction of Mr. Thomas Power, nine thousand six hundred and forty dollars, for the use of General Wilkinson. This affirmant questioned him whether this money was not on account of some mercantile transaction; he declared it was not. This affirmant entered the nine thousand six hundred and forty dollars on a paper, (now in the possession of this affirmant,) and handed it to Captain Portell, who told this affirmant it was correct.

The witness, being cross-examined by General Wilkinson, saith, on his affirmation, that the instructions of President Washington, before mentioned, to him, were verbal and not written.

To the second interrogatory he answers in the negative.

To the third interrogatory he answers, that the names of Mr. Sebastian and Mr. Brown (not Senator Brown) were also mentioned, on that occasion, by the President to him; and that he was required to examine into the conduct of La Chaise, Volney, and Collet, if he should happen to fall in with them, or either of them.

To the fourth interrogatory he answers in the negative; and that he made no other reports than, as before stated, from the information given to him.

To the fifth interrogatory he answers in the negative, according to the best of his recollection.

To the sixth interrogatory he answers, that he became acquainted with Philip Nolan about the beginning of January, 1797, at the confluence of the rivers Mississippi and Ohio.

To the seventh interrogatory he answers, that Nolan's general character was good, as far as he knew, and that he rendered essential services during the mission.

To the eighth interrogatory he answers in the affirmative.

To the ninth interrogatory he answers that he is strongly inclined to believe that Nolan mentioned to him that the intercourse and connexion of General Wilkinson with the Spanish Government was commercial; and that this made considerable impression on his mind; but he cannot recollect whether or not he has expressed this circumstance to others.

To the tenth interrogatory he answers in the negative, so far as respects General Wilkinson; but that Nolan told him that a deceptive policy and fictitious appearances were necessary, on his part, to protect his enterprises in Louisiana.

To the eleventh interrogatory he answers in the affirmative; and that he made a communication on that subject to the Department of State.

To the twelfth interrogatory he answers, that he knows Thomas Power, and that his general character is bad, so far as he knows, and verily believes.

To the thirteenth interrogatory he answers in the affirmative; and that Power told him when Lieutenant Steel took possession of his boat on the Ohio, that he had despatches and money on board for General Wilkinson, but that the witness paid so little regard thereto, that he did not deem it worthy of communication.

To the fourteenth interrogatory he answers in the negative; and that communications from him would have produced no effect whatever.

To the fifteenth interrogatory he answers, that he does not know from whom he received information of Power's mission; but if he be allowed to express his suspicions, he suspects it was forwarded by Daniel Clarke, who, however, never conversed with him on that head.

To the sixteenth interrogatory he answers in the negative.

To the seventeenth interrogatory he answers in the affirmative.

To the eighteenth interrogatory he answers, that he cannot particularly recollect, but thinks it highly probable.

To the nineteenth interrogatory he answers in the negative; that he neither had time nor deemed it material. The date of the communication was June 5, 1797.

To the twentieth interrogatory he answers in the negative.

To the twenty-first interrogatory he answers that, among others, he exposed the objects of Power's mission to Colonel Rankin, of Kentucky, and Colonel Henly, the agent of the board of war in Tennessee.

To the twenty-second interrogatory he answers in the negative.

To the twenty-third interrogatory he answers, that Gayoso's letter was addressed to Thomas Power, but cannot tell who delivered it to him; that the same was intercepted by means used by the witness, but he declines being more particular as to those means, as his answers may tend to criminate himself. He communicated the particular contents to the Department of State confidentially, and has no objection to the injunction of secrecy being taken off.

To the twenty-fourth interrogatory he answers, by referring to his communication; and that he presumes the letter to be in the hands of Power, from being addressed to him; and, from the connexion between Clarke and Power, the latter may have handed it to the former.

To the twenty-fifth interrogatory he answers that this letter produced more effect on his mind than all his previous information; but that whatever plan had been in contemplation it had been abandoned.

To the twenty-sixth interrogatory he answers, that he is certain it was Gayoso's letter, and saw no other.

To the twenty-seventh interrogatory he answers, that the conversation with Portell arose at the instance of witness.

To the twenty-eighth interrogatory he answers that Portell, among others, named Lackasang, Sebastian, and Brown, (not the Senator) as pensioners of the Spanish Government.

To the twenty-ninth and thirtieth interrogatories he answers in the negative; and he did not communicate the particulars to the Government, in consequence of a letter which he received from Timothy Pickering, the then Secretary of State, directing him not to forward it.

To the thirty-first interrogatory he answers, that he was particular in noting the precise sum of money transmitted to the General, because the precise sum had been mentioned to him.

To the thirty-second interrogatory he answers, that the information somewhat affected his confidence in General Wilkinson.

To the thirty-third interrogatory he answers, that this same Portell gave up a military post to Bowles: whether he was dishonored by the Spanish Government he knows not.

To the thirty-fourth interrogatory he answers, that he knows nothing of the intercepting the letter in question; but it was laid before him at the house of Daniel Clarke, where he lodged, either by Major Minor, Nolan, or Clarke.

To the thirty-fifth interrogatory he answers, that the seal of the letter was broken: as to the rest he knows not.

To the thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth interrogatories, he answers, severally, in the affirmative.

To the forty-first interrogatory he answers, that he did much business with General Wilkinson of a public nature, and as far as he saw or observed him, his conduct was that of a good citizen of the Union, a soldier, and a gentleman; and, in answer to the forty-second interrogatory, and also to the forty-third, he said his opinion of him continued favorable as above.

To the forty-fourth interrogatory, and also to the forty-fifth, forty-sixth, and forty-seventh, he answers in the affirmative.

To the forty-eighth interrogatory he answers in the negative, further than he has above declared.

To the forty-ninth and fiftieth interrogatories he answers, that no person applied to him for information on the subjects before mentioned, unless Mr. Daniel W. Coxe, of Philadelphia, who called on him in the month of January last, and told him the affair between General Wilkinson and Clarke was becoming very serious, and asked him if he was willing to take a trip to Washington, to which the witness answered in the negative: He inquired where Isaac Wayne, Esq., the son of General Wayne, lodged, and was told. The interview did not last above fifteen minutes; the room being full of company at the time.

To the fifty-first interrogatory he answers, that he can give no reason for his sending to Mr. Clarke the copy of his letter to General Wilkinson, without a copy of the letter from the General which produced it; that Mr. Clarke was informed, in the first instance, that it was not intended for publication, but, in a subsequent letter, he was told that it might be used before the court of inquiry if it could throw any light on the transactions: he had no intent to injure General Wilkinson thereby, in answer to the fifty-second interrogatory.

The fifty-third interrogatory is answered before, and as to the last, he saith, that it was at the time they were operating on the line in that country, and after General Wilkinson had come into that country.

ANDREW ELLICOTT.

The foregoing deposition, contained in eight pages, and subscribed by Andrew Ellicott and myself, together with the interrogatories therein referred to, was duly taken on the 22d May, 1808, before me,

J. YEATES.

Mr. Power's deposition respecting his correspondence with Gayoso, Carondelet, and Don Andres Armesto.

Personally appeared before me, the undersigned, one of the justices of the peace in and for the city of New Orleans, Mr. Thomas Power, who being duly sworn, doth depose: that the several papers hereunto annexed are the original draughts of letters written to the several persons whose addresses are thereto respectively annexed, and that copies of them were sent at, or immediately after, the times of their respective dates, to the persons to whom they were addressed, and that the facts contained in them are true.

To Governor Carondelet a letter, dated at New Madrid, June 27, 1796.

To Governor Gayoso a letter, dated at New Madrid, June 27, 1796.

To Governor Carondelet a letter, dated New Madrid, January 3, 1797.
To Governor Gayoso a letter, dated New Madrid, January 3, 1797.
To Governor Carondelet a letter, dated Natchez, June 4, 1797.
To Don Andres Armesto, Secretary of the Government of Louisiana, a letter, dated Natchez, June 4, 1797.
To Governor Gayoso a letter, dated at New Orleans, December 5, 1797.

And this deponent further states, that the last mentioned letter, written by him to Governor Gayoso, was his report concerning the mission on which he had been sent by the Baron de Carondelet to General Wilkinson and others, as stated in the Baron's letter to him, the deponent, dated May 26, 1797, which report was made to Governor Gayoso, as successor in the Government of Louisiana, to the Baron de Carondelet, who was appointed to, and departed for, the Government of Quito, in the absence of the deponent, whilst employed on the before-mentioned mission.

THOMAS POWER.

Sworn and subscribed before me, in New Orleans, March 18, 1809,

E. FITCH, *Justice of the Peace.*

No. 20.

MONSIEUR: NOUVELLE MADRID, 21 *Juin*, 1796.

Je me suis rendu à ce poste hier après-midi. Comme ce n'est pas le moment à présent d'entrer dans les détails rélatifs à mon voyage avec le sieur S., ni de vous communiquer les observations sur les sujets auxquels vous m'avez si fortement recommandé de porter mon attention, je me bornerai simplement à vous faire le récit de la situation où je me trouve par rapport à la commission que m'a donnée ——— de me charger de l'argent que vous avez fait passer au commandant de ce poste, pour lui être envoyé.

Je suis arrivé a Cincinnati le 19 de Mai; ——— se trouvait alors à Greenville. Pour ne pas faire naître des soupçons, j'ai cru qu'il était prudent de ne point partir pour le quartier général sans avoir préalablement obtenu permission d'y aller du Général Wilkinson qui y commandait; cette permission ne m'est parvenue que le 31. Le 2 de Juin je m'y suis rendu, et j'ai remis à ——— les dépêches dont le sieur S. s' était chargé, et qu'il lui a été impossible de lui faire tenir d'une autre manière sans les exposer à tomber entre les mains de ses ennemis. Je lui ai répété les conversations que j'avais eues avec le M. l'Intendant et M. Don Andres au sujet de l'argent dont il est à présent question, et des moyens dont nous nous étions avisés pour le lui faire passer sans courir des risques, qui étaient que sous prétexte de faire un voyage de commerce, je devais remonter l'Ohio jusqu'à la chûte ou Cincinnati, avec une cargaison de sucre, café, poudre, &c. le tout en barils, chacun desquels devaient contenir une certaine quantité de piastres. Ces précautions lui ont paru si sages, qu'il m' a détenu le moins qu'il a pu, sans donner de l'ombrage, et m' a expédié avec des ordres verbals de recevoir du commandant de la Nouvelle Madrid l'argent qui était déposé entre ses mains pour lui, et de lui en donner un reçu. Lorsque je lui ai suggéré qu'il serait peut être necessaire que je présentasse au dit commandant un ordre de sa part, il m' a observé que ne sachant pas combien de piastres le dit commandant avait reçu pour être livrées à son ordre, il lui était impossible de spécifier la somme que je devais recevoir, ajoutant qu'il était surpris que M. Don Andrés ne lui eut pas marqué dans sa lettre (qui était la seule de toutes celles qu'il avait reçues dans laquelle il était fait mention de cet argent,) qu'elle était la somme qui avait été envoyée à la Nouvelle Madrid. "D'ailleurs," m'a-t-il dit, "je me trouve dans une position si critique, et suis environné de tant d'ennemis, que vous donner un ordre par écrit, ce serait m'exposer à me perdre infailliblement, et à faire manquer un projet auquel nous travaillons depuis tant d'années." Il m' a même autorisé, puisqu'il n'osoit me donner l'ordre par écrit, que je lui demandais, et que le commandant ne l'aurait pas compris s'il me l'eut donné en chiffre, d'écrire moi-même un ordre en son nom, et de le présenter au commandant, s'il arrivait qu'il fit des difficultés.

Hier, comme j'ai déja eu l'honneur de vous le dire, je me suis rendu ici, et ce matin j'ai fait application a Mons. le Commandant pour l'argent de ———; pour toute réponse, il m' a fait voir votre lettre officielle en date du 20 Janvier, 1796, dans laquelle vous lui donnez ordre de ne livrer les 9640 piastres qu'a celui qui se présenterait avec un ordre du dit ——— à cet effet. Alors je lui ai fait part de ce qui s'était passé entre ——— et moi; et pour lui donner une satisfaction complette, et le convaincre que j'avais la confiance de ——— et son ordre pour recevoir l'argent en question, j'ai cru qu'il était indispensablement de mon devoir d'entrer vis-à-vis de lui dans certains détails que dans toute autre circonstance je ne me serai pas permis. Je présume que Mons. Portell vous communiquera tout ce qui a eu lieu entre nous, avec une copie de la lettre que j'ai cru ne pas pouvoir me dispenser de lui écrire. J'espére, monsieur, que vous ne laisserez pas que d'approuver la conduite que j'ai tenue dans cette circonstance épineuse et embarrassante; et je vous prie d'être persuadé qu'elle a été réglée uniquement par le zèle actif qui m'anime pour le service du Roi, lequel, j'ose me flatter, m'attirera de plus en plus votre confiance.

La délicatesse me défend de vous tracer le tableau de la position de ———; l'exposé que je pourrais vous en faire en même temps qu'il vous affligerait vous convaincrait de la necessité des démarches que j'ai faites, ainsi que de la pureté et du désintéressement de mes intentions. J'ai remis Mons. Don Thomas Portell pour qu'il vous le fasse parvenir un billet de ———; il m'a prié de vous marquer que la multiplicité de ses occupations ne lui permettait en ce moment de s'étendre davantage, mais qu'il vous écrira à mon retour d'une manière plus detaillée. J'ai également mis entre les mains de Mons. le Commandant un billet dans le même genre de ——— pour Mons. le Gouverneur de Natchez. Les motifs qui m'ont guidé dans toute cette affaire, qui sont le désir de ne pas perdre du tems á voler au sécours de ———, et la conviction dont je suis pénétré, que par ce moyen j'entre complettement dans vos vues, ne me permettent de vous écrire avec toute l'étendue que je m'étais proposée; mais je ne négligerai pas de le faire avant mon départ pour Cincinnati.

J'ai l'honneur d'être, monsieur, avec le plus profond respect, et le dévouement le plus parfait, votre très humble et très obéissant serviteur.

Al Sr. BARON DE CARONDELET, *Caballero de la Religion de St. Juan, Marèscal de Campo de los Exercitos de S. M., Gobernor Général, Vice-patrono de la Provincia de la Louisiana y Florida Occidental, è Inspector de sus tropas, Nueva Orleans.*

[TRANSLATION.]

No. 20.

SIR: NEW MADRID, *June* 21, 1796.

I arrived at this post yesterday afternoon. As this is not a proper time to enter into the details of my journey with Mr. S., nor to communicate to you the observations on the subject to which you have so strongly

recommended to me to apply my attention, I shall confine myself simply to relate to you the situation in which I am with respect to the commission which ——— gave me, to take charge of the money which you sent to the commandant of this post to be sent to him.

I arrived at Cincinnati the 19th of May. ——— was then at Greenville. Not to give rise to any suspicions, I thought it was prudent not to set out for head-quarters without having previously obtained permission to go there from General Wilkinson, who commanded there. This permission did not arrive until the 31st. The 2d of June I went there, and delivered to ——— the despatches of which Mr. S. had taken charge, and which he had found it impossible to send in any other manner, without exposing them to the risk of falling into the hands of his enemies. I repeated to him the conversation I had with the Intendant and Don Andres on the subject of the money in question, and of the means we had devised to send it him without running the risk, which were, that under pretext of making a commercial voyage, I should ascend the Ohio to the falls, or Cincinnati, with a cargo of sugar, coffee, powder, &c. all in barrels, each one of which should contain a certain quantity of dollars. These precautions appeared to him so wise, that he detained me as short a time as possible, without giving umbrage, and sent me off with verbal orders to receive from the commandant at New Madrid the money which was placed in his hands for him, and to give him a receipt for it. When I suggested to him that it would be necessary, perhaps, that I should present to the said commandant an order from him, he observed to me that, not knowing how many dollars the said commandant had received, to be delivered to his order, it was impossible for him to specify the sum which I ought to receive; adding that he was surprised that Don Andres had not designated in his letter (which was the only one of those which he had received in which the money was mentioned) what was the sum that had been sent to New Madrid; "besides," he added, "I find myself in so critical a position, and surrounded by so many enemies, that to give you an order in writing would be exposing myself to infallible ruin, and to the failure of a project which we have labored at so many years." He authorized me even, since he could not give me the order in writing, which I asked from him, and the commandant would not have understood it if he had given me one in cipher, to write an order myself in his name, and to present it to the commandant if it should happen that he made any difficulty. Yesterday, as I have already had the honor to inform you, I came here, and this morning I applied to the commandant for ———'s money. The only answer he gave was, to show me your official letter, dated the 20th January, 1796, in which you order him to deliver the $9,640 only to the person who should present an order from the said ——— to that effect; then I communicated to him what had passed between ——— and me, and to give him complete satisfaction, and convince him that I had the confidence of ———, and his order to receive the money in question, I thought it my indispensable duty to enter with him into certain details which, under any other circumstances, I should not have permitted myself to do. I presume that Mr. Portell will communicate to you all that took place between us, together with a copy of the letter which I thought I could not avoid writing to him. I hope, sir, that you will approve of the conduct which I have pursued in these difficult and embarrassing circumstances, and I beg you to be persuaded that it has been regulated solely by the active zeal which animates me for the service of the King, and which I dare flatter myself will more and more secure to me your confidence. Delicacy prevents my tracing to you the picture of the position of ———; the detail which I could make, at the same time that it would afflict you, would convince you of the necessity of the steps which I have taken, as well as the purity and disinterestedness of my intentions. I have delivered to Don T. Portell to be forwarded to you a note from ———. He begged me to inform you that the multiplicity of his occupations did not permit him at this moment to enlarge, but that he would write to you more in detail at my return. I have also put into the hands of the commandant a note of the same nature from ——— for the Governor of Natchez. The motives which have guided me in all this affair, which are the desire of not losing any time in flying to the relief of ———, and the perfect conviction I have that, in doing so, I enter completely into your views, do not permit me to write to you to the extent which I had proposed; but I will not neglect to do it before my departure for Cincinnati.

I have the honor to be, sir, with the most profound respect and the most perfect devotion, your most obedient servant, &c.

To the Baron de Carondelet, *Knight of the order of St. John, Mareschal de Camp of the armies of H. M., Governor General, Vice Patron of the Province of Louisiana and West Florida, and Inspector of the troops.*

No. 21.

Sir: New Madrid, *June* 27, 1796.

I arrived at this place yesterday afternoon. My return has been delayed nearly one month beyond the time I had calculated upon. Mr. S. and I parted at Cincinnati, the 19th of last month; he was then not perfectly in health, and a good deal worsted by his journey, which, owing to the uncommon severity of the weather, had been attended with more fatigue than we expected to encounter. At some future, and not distant period, I will do myself the honor of laying before you some of the particulars of our travels, and the reflections that occasionally pressed themselves on our minds. The situation into which I am thrown, by a concurrence of circumstances, originating in a want of foresight, is far from being pleasant. Indulge me with a few minutes patience, and I will acquaint you with it. S———, at Cincinnati, gave me charges of the letters he had received for ———; who was at that time at Greenville. The vigilance and activity of his enemies made it unsafe to trust them to any ordinary conveyance; I therefore resolved to carry them myself; but not to attract the eye of suspicion, and even to remove the shadow of it, I judged it necessary to remain at Cincinnati until I obtained permission from General Wilkinson to visit head-quarters, where he commanded. Having obtained it, I proceeded thither without delay, and arrived there the second of June, and delivered the letters. ——— asked me what arrangements had been made to have the money forwarded to him. I informed him that I had agreed with Don Andres, who appeared to have the management of that business, that I should proceed up the Ohio with the barge in which Lieutenant A. Gregg returned to Massac, with a cargo of sugar, coffee, &c. in barrels, and that, to elude the grasp even of conjecture, the money should be put by small quantities into the barrels; that I was to have the selection of the boat's crew, from among the Creoles and Canadians, living at this place, or on board the King's galleys; and that I understood the sugar and coffee had been sent up with the dollars. Pleased with these precautions, which to him appeared well calculated to lull suspicion, blind the inquisitive, avert danger, and ensure success, he gave me verbal orders to take charge of the money, proceed with all possible despatch to New Madrid, and return speedily to Cincinnati. The reason for his not giving me an order by writing is obvious: it might fall into the hands of his enemies, an event that was within the scope of possible contingencies, and which would inevitably have involved him, with perhaps some of his friends, in destruction, and, in one moment, have blasted a scheme, in the prosecution of which he had devoted his talents, labor, and time, and have crowned the best founded hopes with the bitterness of disappointment. This he thought was putting too much at stake; and to have given me an order in ciphers would undoubt-

edly have been useless, for it would have been unintelligible to the commandant. To obviate, as much as possible these difficulties, he authorized me, if necessary, to write an order myself, and sign his name. I cannot omit another cogent reason which would not allow ——— to give me such an order, was, that he knew not what sum of money had been sent for him to New Madrid, and could not, therefore, specify what I was to receive. He informed me, that neither you nor the Baron had mentioned in your letters a syllable about said money; and that Don Andres alone writes him, that the money had been conveyed to New Madrid, without specifying the sum. This he was not a little surprised at. I left Greenville on the 9th, and proceeded to this place. This morning I acquainted the commandant with my commission; on this he showed me a letter from the Governor of the province, ordering him to deliver the money only to the person who should present him an order from ———; assuring me, at the same time, that neither coffee nor sugar had been sent for the purpose already mentioned. I expostulated in vain with him. Mortified and shocked with the thoughts of what ——— would suffer by any further delay in this business, which, by a hostile combination of events, has been protracted so long, I thought it my duty to lay before the commandant certain circumstances, which the exigence of the case alone can warrant. This, however, had the desired effect, by prevailing upon him to accede to my proposals. Enclosed you will receive a copy of what I have written to him. My conduct on this occasion I hope will meet with your approbation. I can with confidence assert, that it has been dictated solely by my zeal for the service of the King, my attachment to ———, and a desire to serve him. As soon as the barge arrives from St. Fernando, and every thing got in readiness, I will proceed up the river without any loss of time. ——— expects me by the first of August. I assured him so positively that my absence should not extend beyond that period, that if he is disappointed he will be tormented with the most painful anxiety. I am informed that you have been appointed Governor of the province; permit me to congratulate you on the event, and assure you that I rank amongst the foremost who sincerely rejoice at it. Not to detain the boat that is going to St. Fernando, I am obliged to close this, and defer writing to you more at length to a more leisure hour.

I have the honor to be, sir, with respect and consideration, yours, &c.

Al Sr. Don Manuel Gayoso de Lemos, *brigadier delos Rs. exercitos y Gobernador de la plaza y distrito de Natchez.*

No. 22.

Monsieur: Nouvelle Madrid, *Janvier* 3, 1797.

Je suis arrivé en ce poste le premier du mois passé. Je comptais vous annoncer cette nouvelle en personne, mais les événemens les plus contrarians m'en ont empêché, et ne me permettent pas encore de partir pour la Nouvelle Orleans pour vous rendre compte de ma mission, de laquelle je me suis acquitté avec succés en dépit de l'opposition de Wayne. Je me serais déja rendu à la capitale si j'avais été moi-même porteur des lettres de ——— que j'ai reçues il y a quelques jours par Mr. Nolan. Les gazettes, que j'ai l'honneur de vous faire passer avec celle-ci, vous apprendront le motif par lequel ——— n'a pas osé m'en charger. Vous y verrez aussi la manière dont j'ai été traité par les ordres du Général Wayne. Il y a certains détails qu'il aurait été imprudent de mettre sous les yeux du public, mais que je vous communiquerai quand j'aurai l'honneur de voir votre excellence. Dans les instructions qui ont accompagné les lettres de ——— il me donne l'ordre le plus pressant de me rendre sans délai à la Nouvelle Orleans, et dela à Philadelphie, où ma présence est indispensable. En conséquence, j'ai fait application à Mons. le Commandant de Lassus pour la berge dans laquelle j'ai fait mon dernier voyage, laquelle il a laissé à ma disposition; et je serais parti le 22 Décembre, si une gelée la plus forte que l'on ait eprouvée en ce pays, ne fut survenue, ce qui a glacé le Mississippi à la distance de plusieurs toises de son bord. La rivière est encore dans le même état, et charie une quantité si prodigieuse de glaçons, que entreprendre de la déscendre dans quelque espèce d'embarcation que ce soit, hormis un petit canot, serait s'exposer à un naufrage inévitable. Aussitôt que le froid rigoureux qu'il fait en ce moment aura cessé, et que le fleuve sera assez débarrassé de glaçons pour qu'on puisse le naviguer, vous pouvez être persuadé que je ne rétarderai pas mon départ d'un instant. Si je ne vous fais point tenir les lettres de ——— c'est pour ne pas me départir de ses ordres, il m'a enjoint de la manière la plus urgente et la plus expresse, de ne m'en dessaisir que pour vous les livrer en personne. J'ose me flatter que lorsque je vous aurai fait part des motifs de ma conduite dans toute cette affaire si singulièrement épineuse et délicate, vous ne me refuserez pas votre approbation: au moins, je ne balancerai pas de vous assurer hardiment que mes intentions la méritent.

Je crois qu'il est essentiel de ne pas vous laisser ignorer que les soupçons dont je vous ai fait part sur le compte du Général Colot n'étoient que trop bien fondées. "Il est envoyé par Monsieur Adet pour remplir la mission *manquée* par le sieur Egron." La personne de qui je tiens ceci avait refusé de l' accepte. Vous dire que c'est en ce moment serait trop risquer. Lorsque je vous l'aurais nommé, vous ne douterez point de ce que j'avance. Cette même personne m'a promis qu' à mon retour à Philadelphie, elle me communiquera certains détails très intéressans pour cette province. Comme j'espère me rendre en ville presqu' aussitôt que ce courier, je ne me permettrai pas d' abuser plus long tems de votre patience, et d'envahir votre tems précieux.

J'ai l'honneur d'être, avec dévouement et respect, le très humble et très obéissant serviteur de votre excellence.

Le Baron de Carondelet.

[translation.]

No. 22.

Sir: New Madrid, *January* 3, 1797.

I arrived at this post the first of last month. I intended to announce to you this visit in person, but the most contrariant events have prevented me, and do not yet permit me to set out for New Orleans, to render you an account of my mission, in which I have succeeded in spite of the opposition of Wayne. I should have already returned to the capital, if I had myself been the bearer of the letters of ———, which I have received some days since by Mr. Nolan. The gazettes, which I have the honor to send you with this, will inform you of the motives which prevented ——— from putting them under my care. You will see there, also, the manner in which I have been treated by the orders of General Wayne. There are certain details which it would be imprudent to exhibit to the eyes of the public, but which I will communicate when I have the honor of seeing your excellency.

In the instructions which accompany the letters of ——, he gives me the most pressing orders to go without delay to New Orleans, and from thence to Philadelphia, where my presence is indispensable. In consequence

thereof, I have made an application to the Commandant Lassus for the barge in which I made my last voyage, which he has put at my disposition; and I should have set out the 22d of December if a frost had not happened, the hardest ever known in this country, which froze the Mississippi the distance of several toises from its banks. The river is still in the same State, and carries down so great a quantity of cakes of ice that, to undertake to descend it in any kind of vessel, except a little boat, would be exposing one's self to inevitable shipwreck. As soon as the rigorous cold, which yet prevails, shall have ceased, and the river shall be cleared of ice, so that it may be navigated, you may be persuaded that I shall not delay my departure an instant. If I do not send the letters of ———, it is because I do not wish to go beyond his orders. He enjoined me, in the most express and urgent manner, not to part with them until I could deliver them to you in person. I dare flatter myself, that when I shall have imparted to you the motives of my conduct in all this business, which is so very difficult and delicate, you will not refuse me your approbation; at least I do not hesitate to assure you that my intentions merit it.

I believe it is essential that you should know that the suspicions which I communicated to you, on the subject of General Collot, were but too well founded. He is sent by "Mr. Adet to fulfil the mission in which Mr. Egron failed." The person from whom I have this refused to accept it. To tell you who it is, at this time, would be risking too much. When I shall have named him, you will not doubt of what I advance. This same person has promised me that, at my return from Philadelphia, he would communicate certain details, very interesting for this province. As I hope to be in town almost as soon as this courier, I will no longer abuse your patience, and take up your precious time.

I have the honor to be, with devotion and respect, your most obedient servant.

BARON DE CARONDELET.

No 23.

SIR: NEW MADRID, *January* 3, 1797.

I arrived at this place on the first of last month, and have been detained here by a concurrence of unlucky circumstances. ——— had ordered me to stay here until Nolan should arrive with his letters. Mr. Nolan did not arrive before the 17th or 18th of December. I was ready to set off on the 22d, when the severest frost ever known in this country suddenly froze the river for a great distance from its banks. It still continues frozen, and such vast quantities of ice float down the part that is not frozen, that, to attempt to go down it in any thing but a small canoe, would be rushing into the jaws of death. I enclose you two newspapers, by which you will learn the manner in which I have been treated in the United States, and why ——— did not venture to trust me with any papers. I am happy, however, to acquaint you, that I delivered my charge in safety. I do not transmit you ———'s letters, not to depart from his orders, which are, not to let them out my hands upon any consideration, but to deliver them personally to you; and, besides, I expect to be with you almost as soon as the bearer of this. After I shall have explained to you, at Natchez, the motives of my conduct through the whole of this delicate and difficult business, I flatter myself it will meet with your approbation.

I have the honor to be, with respect, your excellency's most obedient and most humble servant,

His Excellency Governor GAYOSO.

W.

Deposition of Elisha Winters.

I, the undersigned, certify and declare, that I was an inhabitant of Kentucky in the years 1788, '89, and '90; that General Wilkinson was then engaged in commerce between Kentucky and New Orleans; that the general made a small shipment of tobacco, in the spring of 1791, not more than two boats, under the care of Captain Wilson, one of which sunk on the Ohio, and two or three hogsheads of tobacco landed on the bank; the other boat landed in New Orleans a few days before I arrived in that part, and if there were any more arrivals (the property of the general) it was unknown to me. I further state that, in the year 1791, I became a citizen of New Orleans, and that the general might have made a shipment to that part in 1792, but it was not probable, otherwise I should have had some knowledge of it. But this is improbable, because in the year 1790 I was in New Orleans. The residence of Governor Miro was then about two leagues from the city; a message came to me that the governor wished to see me at his house the next day. Accordingly I waited on his excellency. He made strict inquiry concerning the general, and whether there were any tobacco coming or not, or whether the general was coming himself. I answered that I knew nothing of the general's coming, nor of any tobacco on its way. He then said that the general had treated him very ill, and if he could not have complied with his contract, he ought to have sent a man in a canoe with information. He then repeated it again, with great warmth, saying, I will not write him, but you must tell him, from me, that he has behaved very improperly, and my disappointment is very great. This was expressed with much passion.

Governor Miro took his departure from New Orleans in the year of 1792. To my knowledge there was no tobacco received for the King's use, after the arrival of the Baron Carondelet. A proclamation was issued, before the departure of Governor Miro, that no more tobacco would be received in the King's stores for his Majesty's use.

I, the undersigned, further state, that, about the year 1796, I was on a visit at New Madrid, and, at the house of the commandant, heard him make some observations which I could not understand, and applied to the interpreter for an explanation; he answered that the commandant had in his chamber a Spanish lady going to General Wilkinson. This raised my curiosity. I made further inquiry, and found it to be a chest of dollars (as much as four or five men could handle) from the Spanish Government to General Wilkinson. This I thought strange indeed. On being fully satisfied, in a very short time after, I took my departure for the falls of Ohio. After having been about four or five days on my voyage, I met a certain Mr. Power (an old acquaintance) descending the Ohio, who informed me that he was from head-quarters, on his way to New Madrid, for a cargo of groceries. This convinced me that what I had learned at New Madrid was true, and that he was on his way to gallant the Spanish lady to head-quarters. I then determined to make all possible despatch to the falls in order to give information of the approach of so valuable a creature. Accordingly, on my arrival at the falls, I immediately gave information to General Wayne that I had discovered, at New Madrid, a royal chest on its way to the army of the United States, and that this chest, together with the despatches that accompanied it, would be important, and that if he would send to me in Lexington a confidential person, I would communicate to him the particulars. Accordingly, in a very short time, I was visited by a Major Swann, to whom I communicated the whole affair, and assured the major that if immediate and proper steps were taken to meet Mr. Power, on the Ohio, an important discovery would be made. The major immediately returned; and, as I have been informed, a certain Lieutenant Steel was

despatched on this business, and met the aforesaid Power on the Ohio, but did not search his boat, and permitted him to proceed on his voyage. I afterwards saw my letter of information to General Wayne, in the War Office in the city of Philadelphia, in the hands of Mr. McHenry, then Secretary of War.

The deponent further states that he was led to make particular inquiry of the Spanish interpreter at New Madrid, as aforesaid, from the circumstance of seeing a *post*, which appeared rough and newly made, apparently supporting the upper floor of the room in which the commandant then was.

ELISHA WINTERS.

WASHINGTON COUNTY, *ss.*

On this 16th April, 1810, before the subscriber, a justice of the peace for said county, appeared Elisha Winters, and made oath, in due form of law, that the above and foregoing facts are true to the best of his belief and recollection.

Sworn before

DANIEL RAPINE.

No. 25.

Bradford's affidavit.

Sometime between the 10th and 20th days of January, 1807, in conversation with General Wilkinson on the subject of publications in the Western World, I expressed a belief that some of the charges there brought against him (the general) were true; and remarked that they were generally credited in Kentucky. I noticed the immense sums of money he expended, as tending to impress a belief that he had some other resource than his pay and emoluments as commander-in-chief of the army. I informed him that I had heard it very confidently asserted that the money he paid to Mr. John McDonough for sugars, when the Americans took possession of this country, was received from the Marquis de Cassa Calvo. The general declared the report false, and raised to ruin him; that he had received the money from Lieutenant Taylor for extra services. Shortly after this conversation with General Wilkinson, I had one on the same subject with Governor Claiborne. He told me that when he first heard of the purchase of sugars by the general, he was inclined to believe that he had come by the money, with which he made the purchase, corruptly; but that he had an explanation of the affair with General Wilkinson, who had removed every suspicion from his mind, and added, that the general received the money from Lieutenant Taylor, then military agent, for extra services in running lines.

Since writing the above I have shown it to Governor Claiborne, who agrees to the facts stated with this correction: that, instead of saying he "was inclined to believe that he had come by the money, with which he made the purchase, corruptly," he "believed all was not right." And that instead of saying, "the general received the money from Lieutenant Taylor, then military agent, for extra services in running lines," he said, "the general received the money from Lieutenant Taylor for drafts on the United States;" and he "had heard that the drafts were for extra services in running lines and making Indian treaties;" that he held these conversations frequently, and recollects one on this subject with the undersigned in the winter of 1807.

JAMES M. BRADFORD.

Sworn and subscribed to, at the city of New Orleans, this 17th day of March, 1809, before me,

SAMUEL D. EARLE,

Justice of the peace in and for the parish of the city of New Orleans.

I. B.

Deposition of Isaac Briggs, April 14, 1810.

WASHINGTON CITY, 13*th of the* 4*th month*, 1810.

Shortly after I arrived in the Mississippi Territory as surveyor of the public lands of the United States, in the autumn of the year 1803, William C. C. Claiborne, then Governor of the said Territory, told me that Daniel Clarke had some time before made to him a proposition to put himself (Claiborne) at the head of all the force he could raise, march to New Orleans, and take forcible possession of that city. That $100,000 would be at his (Claiborne's) disposal; and that General Wilkinson, with all the power in his command, would co-operate in the enterprise; and that soon afterwards, Richard Reynold Keen showed him (Claiborne) a written but anonymous paper, which he believed to be in the hand-writing of General Wilkinson, and which contained an assurance that the general would co-operate in such an enterprise. This information the said Governor Claiborne repeated, and Hose Browse Trist, since deceased, confirmed to Robert Williams, late Governor of the Mississippi Territory and myself, in the city of New Orleans, in the second month of the year 1804.

About the beginning of the tenth month, in the year 1806, at the town of Washington, in the Mississippi Territory, I told General James Wilkinson I had been informed that he had received, previously to his leaving New Orleans in 1804, from the officers of the Spanish Government, about ten thousand dollars of a late Mexican coinage, in Campeachy bags. He replied it was fact; he had received about that sum, in the manner stated, and from the Spanish officers, but that it was due to him on account of former mercantile contracts with the Spanish Government.

Having never taken any notes or memorandums, the above statement is from memory.

ISAAC BRIGGS.

WASHINGTON COUNTY, *ss:*

On this 13th of April, 1810, before the subscriber, a justice of the peace for said county, appeared Isaac Briggs, and affirmed that the facts stated in the foregoing instrument of writing are just and true, to the best of his belief.

Affirmed before DANIEL RAPINE.

PAPERS RELATIVE TO THE SECOND POINT OF INQUIRY.

No. 34.

Mr. Power's narrative and deposition respecting his mission in 1795.

In the year 1795 Governor Gayoso ascended the river Mississippi, commanding the King's galleys and troops, destined to erect and garrison the fort of San Fernando de las Barancas, (Chickasaw Bluffs,) where he remained, I believe, about two months, or perhaps longer; and after having, by his presence, given spirit and activity to the works, proceeded to New Madrid. Immediately on his arrival, which was in the beginning of September, 1795, he informed Captain Don Thomas Portell, the commandant, that he had despatches of the greatest importance to forward to Kentucky, and desired him to procure a person on whom he could depend to take charge of them. Portell spoke to me on the subject. As travelling was then my ruling passion, I proposed, without hesitation, to undertake the journey. It may not be improper here to observe, that I had already been sent by said Portell to Kentucky on two occasions; the first, at the beginning of 1794, to keep an eye on the movements and progress of what is generally known by the name of Genet's expedition against Louisiana, headed by Clarke and La Chaise; and the second, to accompany the Spaniards that had murdered Mr. Henry Owens, the bearer of General Wilkinson's $6,000, concerning which I have given my affidavit under this date. As I had acquitted myself of my commissions much to his satisfaction, he had recommended me strongly to the Governor.

Without loss of time a pirogue, hands, and provisions were got ready; and I set off from New Madrid on the 6th of September, and reached the Red Banks on the sixth day. Here I was detained by a bilious fever until the 24th, on which day I set off by land and arrived at Cincinnati on the 3d of October, having delayed one day at Lexington. The day after my arrival I delivered my despatches to General Wilkinson, agreeably to my orders. When I left New Madrid, I was only half in the secret of the object of my mission; but the general disclosed the whole plot to me, which was a separation of the Western from the Eastern States, such as appears in Judge Sebastian's trial. After some days' stay at Cincinnati I proceeded up the Ohio as far as Gallipolis, in obedience to General Wilkinson's orders, which I had been instructed by Gayoso implicitly to follow. I returned to Cincinnati on the 8th of November, and left that place on the 14th with Wilkinson's answers, having occasionally dined with the general, and having had several nocturnal conferences with him in Fort Washington.

In his letter in cipher to Gayoso, September 22, 1796, he refers him to what I should verbally communicate to him, which was as follows: That I must immediately return to Red Banks, where I should meet the following gentlemen, or at least two of them, viz: Messrs. Benjamin Sebastian, Henry Innes, John Murray, and George Nicholas, whom I was to convey to the mouth of the Ohio, there to have an interview with Gayoso. I have already mentioned that the plan of separation was such as appears in Sebastian's trial; on which subject Wilkinson directed me to lay the following observations before Carondelet and Gayoso. However, before I proceed any further, it will not be improper to state that Wilkinson received a letter some time after from Gayoso expressive of much discontent and reproach for having imprudently communicated to me the whole extent of their plots. This I had from Wilkinson himself. [Here follow the observations.] In this I am confident that I am perfectly correct, as I committed them to paper at the time, and which I will literally copy: "The various channels through which the Western country is to receive foreign commodities. Which the most advantageous? 1st. by the river St. Lawrence and the lakes; 2d. By New York, Hudson, or North river, Mohawk river, and by Oswego into the lake; 3d. By Baltimore, up the Susquehannah, a portage to ———, that empties into the Allegany, down into the Ohio; 4th. By ———, up the Potomac, portage to Cheete river into the Monongahela, and down the Ohio; 5th. By New Orleans and the Mississippi, &c. An intelligent person ought to be sent to these different places, and obtain every possible information on the spot concerning the difficulty or facility attending their navigation, &c., and, by comparing them, see which merits the preference. It might, perhaps, also be the means of artificially giving the advantage to the Mississippi in case it does not possess it naturally. The free navigation of the Mississippi injurious to the future population of Louisiana; because numbers who would have emigrated to it for the sake of enjoying the privileges of Spanish subjects, and from which foreigners were excluded, would now possess those advantages without moving to it.

"To ascend the Ohio with a cargo, the profits on which must be a perquisite for the person entrusted with it. By these means the following advantages will be obtained: The money that it may be judged proper to introduce into the country will be kept out of sight, even of the crew, and the real object of the expedition kept secret. It may draw the confidence of the people, and point out the channel through which they must receive foreign commodities. The cargo ought to consist of gunpowder, sugar, coffee, brandy, wine, segars, &c. The mouth of the Ohio must be formidably fortified, and works erected of sufficient strength to arrest the progress of an army during a whole campaign, and thus gain one year. Kentuckians must be employed in raising these fortifications. This will help to do away all national distinctions and prejudices, and to conciliate and fraternise the two nations. The cannons wanted may be cast in Kentucky. A bank must be established in Kentucky, with a capital of one million of dollars; the directors to be chosen among the most distinguished and leading characters in the country. We shall thus secure a majority in the councils and assemblies of State. The Fort of San Fernando must not, upon any consideration, be given up; for this would lessen the power and importance of Spain, and the Americans would immediately take possession of it. As the seeds of an approaching rupture are already cast, it is proper that all the necessary preparations should be made in the province, by building forts on the frontiers, increasing the number of Spanish agents in Kentucky, and depositing funds in the country, to be enabled to face contingencies. General Clarke and his adherents, who are in the pay of the French republic, must be bought into the service of Spain. The French may hereafter be prevailed upon to take produce of Kentucky and the Western country, for the use of their colonies. It is absolutely necessary that military magazines should be formed at New Madrid, well provided with arms, ammunition, and other military stores. A watchful eye must be kept upon Daniel Clarke, Sen., and his nephew Daniel Clarke, Minor, Beauregard, Du Forêt, Morales, and their friends. They must never be trusted in any thing that relates to Wilkinson and ————.

"Pounds of sugar mean hard dollars; Campbell, Carondelet; McCullough, Gayoso; Marietta, New Orleans; Post Vincennes, Philadelphia; store, fortification; Monongahela, mouth of the Ohio; words, war; silence, peace; cash, Spain; corn, France; pork, England; whiskey, United States; pounds of coffee, arms; segars, men; bread, ammunition."

Immediately on my return to New Madrid, a large pirogue was purchased, and every thing provided that could contribute to the accommodation of the gentlemen; and I again set off for Red Banks towards the beginning of December. On my arrival at that place, I there found Mr. B. Sebastian, who had taken passage in a flat boat, bound to New Madrid. On my inquiring for the other gentlemen, he told me that, as Murray had for some time

past been in a habitual state of inebriation, it was not judged proper that he should be of the party; that Mr. H. Innis could not leave his home, owing to some family concerns, or to indisposition, I do not recollect which; and that the absence of Lawyer Nicholas would excite a degree of suspicion that might defeat the object they had in view; but said that he was fully authorized to treat with the Governor in their name. We accordingly proceeded to the mouth of the Ohio, he in the flat, myself in the periogue. We arrived in a short time on the Mississippi. There we found Gayoso encamped, opposite the mouth of the Ohio, where he had amused himself in building a small triangular stockade fort, with the view of impressing the public with the idea that he had no other object in contemplation. Here the bad weather detained us a few days; during which time we had the visit of Julian Poydras and Mr. Bernoudi, Jun., who were descending in a flat to New Orleans. We arrived at New Madrid, I think, on Christmas day, and remained there but a short time, and continued our route to Natchez; Sebastian, with the Governor, in his galliot, and myself with Mr. Vanden Bemden in a king's barge. After an ordinary passage we arrived at Natchez, where we were hospitably entertained in the Government house. I stayed there but a short time; then proceeded to New Orleans, leaving Sebastian at the Governor's. They both reached New Orleans together a few days after me.

Mr. Sebastian and myself left New Orleans, if I recollect right, in March, or the beginning of April, having taken passage for Philadelphia in the brig Gayoso, Captain Jared Arnold, where we arrived after nineteen days' passage. We remained but a few days in Philadelphia, and proceeded to Shippensburgh in the stage. Here we put our baggage in a wagon, and, for numerous reasons, unnecessary to expose, continued our journey to Red Stone on foot. At Red Stone we embarked in a flat, bound to Cincinnati, where we arrived on the 17th or 18th of May. The next day after our arrival Sebastian took passage in a flat for Louisville. I remained at Cincinnati. On the 20th I wrote to General Wilkinson, who then had the command of the army, owing to General Wayne's absence, soliciting permission to travel by the line of forts to Greenville, and pursue my route from thence to the Illinois, by Post Vincennes. The following is a copy of his answer:

[DUPLICATE.]

SIR: HEAD-QUARTERS, GREENVILLE, *May* 25, 1796.

The day before yesterday I had the honor to receive a letter from you, under date of the 20th instant, in which you request leave to visit this place, and to proceed by St. Vincennes and the Illinois to New Madrid. Permit me, sir, to observe, that this precaution was unnecessary, at a time when the United States of America are happily at peace with all the world. In this enviable situation the officers of the American army have no concealments to make, and, therefore, our camps and our forts are free to the ingress and egress of all persons who deport themselves with propriety. I beg you, sir, to believe that, upon an unpleasant occasion, to which you are pleased to refer, my conduct was directed more by the delicacy of my own situation than any sense of your demerit. Neither my sympathies nor my antipathies have ever gained such an ascendant over my reason as to incline me to condemn, upon hearsay, or to adopt the prejudices of any man. I thank you, sir, for the trouble you have given yourself in bringing forward the segars committed to your care by my very worthy friends, Governor Gayoso and Don Andres.

And have the honor to be, with due consideration, sir, your most obedient servant,

JAMES WILKINSON.

MR. THOMAS POWER.

Having obtained the general's permission to go to Greenville, Major Mills, Adjutant General, procured me a horse from the quartermaster to carry me to Greenville. There I stayed five or six days, quartered on Captain Prior and Lieutenant Charles Hyde. As soon as I had received the general's instructions, and answers to my despatches, I returned to Cincinnati; for my journey to the Illinois by Vincennes was a devise to avoid curiosity. I lost no time at Cincinnati, but proceeded with all possible haste to New Madrid, where I took charge of Wilkinson's 9,640 dollars. For the details of the rest of this expedition I refer to my deposition (No. 17) taken before Mr. Eliphalet Fitch.

THOMAS POWER.

NEW ORLEANS, *March* 18, 1809.

Personally appeared Thomas Power, and did solemnly swear that the preceding narrative is just and true.

E. FITCH, *Justice of the Peace.*

G. Y.

General Wilkinson's letter to Governor Gayoso.

FORT WASHINGTON, 7 *bre.* 22, 1796.

Ill health and many pressing engagements must be my apology for a short letter. I must refer you to my letter to the Baron for several particulars, and for a detail of my perils and abuses. I must beg leave to refer you to our friend Power, whom I find of youthful enterprise and fidelity; he certainly deserves well of the court, and I do not doubt that he will be rewarded.

What a political crisis is the present! and how deeply interesting in its probable results, in all its tendencies, and thereby must hope it may not be carried into execution. If it is, an entire reform in the police and the military establishments of Louisiana will be found immediately indispensable to the security of the Mexican provinces. I beg you to write me fully on this question, in cipher, by Power, whose presence in Philadelphia is necessary, as well to clear his own character, attacked by Wayne, as to support the fact of the outrage recently offered to the Spanish crown, in his person, and to bring me either the person or the deposition of a man now under your command, who had been suborned by Wayne to bear false witness against me, and afterwards, for fear he should recant, bribed him to leave Kentucky. Power will give you the perfect of this infamous transaction; and I conjure you, by all the ties of friendship and of policy, to assist him on this occasion. If Spain does not resent the outrage offered to Power, in the face of all Kentucky, my letter to the Baron will explain the motives which carry me to Philadelphia; from thence I will again write to you. Power will explain to you circumstances which justify the belief of the great treachery that has been practised with respect to the money lately sent to me. For the love of God, my friend, enjoin great secrecy and caution in all our concerns; never suffer my name to be written nor spo-

ken. The suspicion of Washington is wide awake. Beware of Bradford, the Fort Pitt refugee; he seeks to make peace; there are spies every where. We have a report here that you are appointed Governor of Louisiana; may God grant it, as I presume the Baron will be promoted.

I am ever your affectionate friend, W.

NATCHEZ, 6 *de Febrero*, 1797.

Es copia de una carta en ciphra que he recivido del General Wilkinson.

MANUEL GAYOSO DE LEMOS.

En un papilito a parte dice lo siguiente.

This will be delivered to you by Noland, whom you know is a child of my own raising, true to his profession, and firm in his attachments to Spain. I consider him a powerful instrument in our hands, should occasion offer. I will answer for his conduct; I am deeply interested in whatsoever concerns him, and I confidently recommend him to your warmest protection.

I am, evidently, your affectionate

WILKINSON.

Es copia: MANUEL GAYOSO DE LEMOS.

No. 35.

Instructions from General Wilkinson to Thomas Power, in the hand-writing of P. Nolan.

To proceed to Galliopolis to make application and propositions to the leading characters there, to induce them to remove to New Madrid with all the French of that settlement; to urge this point in such measure as to attract the attention of the public officers there, whose report to the Executive will immediately follow, and will account for his frequent missions to that place. To return as rapidly as possible, to load with flour, and proceed without a moment's delay to New Orleans. In the route, to see Newman, and to enter on the subject of his desertion; to inform him of the facts which have transpired, and the opinions prevalent; to urge his return, as the request of all his friends; to assure him of safety, and of such reward as he may demand; also, that being pardoned for the imputed offence, no further process can lay against him for the same; that the oath which he was suborned to take, being made while in duress, is in itself a nullity, and cannot be offered in crimination of him. It will be necessary that he should take down his examination, founded upon the interrogations furnished him, and if they prove material to the crimination of Wayne, and his associates, then he must embark N———n under a fictitious name at New Orleans for Philadelphia; and, having arrived there, must lodge him in some retired place, and call upon me, under cover of night, for further advice; you will hear of me at ———. If N———n cannot be prevailed upon to return under dispositions favorable to my views, then let his declaration, on oath, be circumstantially taken to all the points enumerated in the interrogatories, in the presence of Dr. Howers, Colonel Bruin, Daniel Clarke, or any three or four of the most notorious, and of the most respectable Americans of the Natchez district; let these gentlemen certify to two copies and to the original, and let them be transmitted to me through different channels. P. to take charge of the original. Mr. P. must take with him credentials from the Government of Louisiana, acquitting him of any political connexion or agency injurious or hostile to the interests of the United States. He must carry to Philadelphia testimonials of his family and character, addressed to as many of the native respectable merchants of that city as possible; these may be readily procured from New Orleans and the Havana.

It is indispensable that P. should meet me in Philadelphia; for the rest, let him rely on my friendship and address. To collect from Bradford every information respecting the Pittsburg insurrection, which may be employed, should it be found necessary, to disgrace certain persons; to bear no paper about him which carries my name upon it.

Employ the $640, avec le cargaison, to pay expenses, and lay in a cargo of best flour, pour la ville, where it will help to reimburse. In making your settlement, take care to secure me the $640 advanced, and bring them with you. I have urged peremptorily the necessity of your presence at the metropolis. Bring me N———n, if, upon examination, you find his presence of more consequence than his deposition, when taken as directed. I believe he was caused to desert by Ohara; probe him to that point. You are to bring me papers, but my name is not to be written or spoken. You must do the needful below, to expose and detect past treachery or indiscretion, and to prevent either in future. I have referred particularly on this head. I shall expect you impatiently. Should I continue where I am, I shall wish you near me; if I cross the water, you are to accompany; bring every credential of family and fortune, to repulse the insinuations of ———. Trust something to my address, and put faith in my honor and affections to the grave.

No. 36.

Thomas Power to Baron de Carondelet.

NATCHEZ, *Mayo* 9, 1797.

Inclusos recibira V. S. los documentos relativos á mi ultima expedicion reservada hecha por orden de V. S. en el Ohio; de la que ya le tengo dada una relacion, tanto verbal como por escrito. Los reparos que siguen, serviran para su elucidacion.

Salí del Nuevo Madrid con diez remeros y un patron. Los viveres que suministraron á dicha tripulacion eran,

Bizcocho por un mes.

Carne por idem.

Aguardiente por 15 dias.

Para disfrazar, en lo posible, el verdadero objeto de la expedicion, habiamos enganchado á la gente baxo las mismas condiciones que se acostumbran en los viages de comercio, de modo que las raciones mensuales señaladas por el rey, á cada marinero, no duraron ni aun quinze dias.

El motivo por que he consentido a la tripulacion dos filetes extraordinarios al dia, á contar del dia que salimos de Red Banks, hasta llegar á la cascada del Ohio, era para animarlos á remar con fuerza, para que no volviese á cogerme el teniente Steel, que creia me estaba persiguiendo; pues si hubiesse caido otra vez en sus manos, estaba perdido.

En quanto á los 150 ps. del caballo que compré para hacer el viage de Frankfort y Cincinnati, y los gastos que resultaron de este viage, V. S. no puede ignorar que eran indispensables, por el motivo doble de llevar mi quexa contra Steel por haber ofrecido un insulto tan grave á nuestra bandera, y para darle aviso de mi llegada al General Americano Don Jayme Wilkinson, para que tomase las correspondientes providencias.

Tengo que añadir que el motivo que me ha combidado deshacerme de las mercancias que recibi de I. & A. Hunt en cambio del café, azucar, &c., era para acreditar la opinion que yo mismo habia pretextado, de que habia venido para comprar caballos, para llevarlos á Natchez afin de desempeorar la raza de los de este distrito.

A mas de esto, como la occurrencia de Steel habia dispertado los rezelos, movido las aprehensiones, y llamado la atencion de los habitantes del pays del Oueste; todos tenian los ojos dirigidos sobre mi, de modo que me vi precisado hacer alguna cosa que les gustase—para que me serviesse como de salvo conducto para salir de esos parages; lo que mediante esto, felizmente logré.

La yegua de que hace mencion en el estado No. 4, á mi llegada en el Nuevo Madrid, se extravió en el monte, en donde se murió de sed; los frios excesivos habiendo helado totalmente las aguas. El caballo entero se lo entregué á mi baxada, al Sr. Don Manuel Gayoso de Lemos; pero me lo ha vuelto, poco ha, y lo estoi cuidando hasta que se sirva V. S. disponer de él.

De la cantidad de 9,640 ps. que debia entregar á Don Jayme Wilkinson, solamente le he entregado nueve mil, habiendome queda con los 640 para precaver al mal exito que me estaba amenezando, como tambien para proveer lo preciso para la tripulacion durante el viage.

Los siguientes son los documentos que van inclusos:

No. 1. Cuenta de venta de los efectos cargados, &c.
No. 2. Id. de los gastos para la tripulacion.
No. 3. Cuenta y razon de los 640 pesos.
No. 4. Estado que manifiesta en que se han empleado las mercancias, &c.
No. 5. Id. que manifiesta mis alcances, &c.
No. 6. Factura de I. & A. Hunt.

Los que van acompañados de la obligacion de Don N. Welsh por 105 pesos, y de los dos recivos de William Boyd, el uno por 466⅔ ps. importe del caballo, el otro de 200 ps. importe de la yegua. El balance que resulta en mi favor, segun los estados No. 3 y 4, como asi mismo el importe de mi sueldo mensual por 14 meses suplico se sirva V. S. disponga se me remita, ó se entrégue á Don Felipe Nolan, á quien se lo tengo prevenido.

Don J. Wilkinson en las instrucciones que me ha dado, me prescribe que presente á V. S. la cuenta de los gastos, á que se han aplicado los 640 ps. (y asi lo he hecho en el estado No. 3) para que le sea reembolsada la dicha cantidad. Dice la instruccion: "In making your settlement take care to secure me the $640 advanced, and bring them with you."

Aun que me haya encargado llevarse los en los E. U. soy de parecer que nadie mejor que Don Felipe Nolan, se los puede remitir, que V. S. ha resuelto que me quede en esta provincia.

Permita me V. S. ahora asegurarle, que en todo he procurado con el mas obrar con la honradez y entereza que corresponden a un hombre de bien, como asi mismo con el zelo y fidelidad que exige el servicio del rey, y con la vigilancia y la actividad, que pedia la empresa ardua en que me hallaba empeñado. Nada merezco, y nada mas espero, por haber satisfecho á las obligaciones de un buen vasallo de S. M. sino que se sirva V. S. proporcionarme las ocasiones de desplegar la disposicion que me siento de sacrificarme á la prosperidad de mi patria, y la gloria de mi Soberano.

Dios guarde V. S. muchos años.

THOMAS POWER.

No. 37.

Baron de Carondelet to Thomas Power.

NUEVA ORLEANS, 28 *de Mayo*, 1797.

Quedan en mi poder los seis documentos relativos a la quenta de la ultima expedicion que hizo vm. en el Ohio, y me incluye en oficio de 9 del corriente, y son los que siguen.

No. 1. Cuenta de venta de los efectos cargados en el Nueva Madrid.
No. 2. Otra de los gastos para la tripulacion.
No. 3. Cuenta y razon de los 640 ps.
No. 4. Estado que manifiesta en que se han empleado las mercancias, &c.
No. 5. Estado que manifiesta sus alcances de vm. y.
No. 6. Factura original de I. & A. Hunt.

A quenta de ello se entregaran a vm. mil ps. para que pueda facilitar su viage en la nueva comision, que fio a su cuidado.

Es menester ver como vm. puede deshacerse del caballo con la menor pérdida posible asi como recoger la deuda de Nicolas Welsh, ó hacerla recoger, a cuyo fin incluyo à vm. su obligacion: como igualmente el producto de las mercancias que por la suma de 343 ps. entregó vm. á Don Pedro Derbigny, á fin de poder dar parte á la corte sin estos que incommodan, y parecen negociaciones, quando no son mas que efecto de la necesidad, y apuro que producen estas comisiones en parages donde no hay recursos, teniendo que engañar la vigilancia de las espias.

Conforme fuese vm. evacuando estos puntos, cumplida su comision actual me dará aviso.

Dios guarde à vm. muchos años.

EL BARON DE CARONDELET.

DON TOMAS POWER.

No. 36.

[TRANSLATION.]

Letter from Thomas Power to the Baron de Carondelet, dated

NEW ORLEANS, *May* 9, 1797.

Enclosed your excellency will receive the documents relative to my last confidential expedition, made by your excellency's order in the Ohio, of which I have already given you a narrative as well verbal as in writing. The remarks which follow will serve for its elucidation.

I left New Madrid with ten oarsmen and a patron; the provisions which were delivered to the crew, were—

Biscuits for a month, meat for a month, rum for fifteen days.

To disguise, as far as possible, the true object of the expedition, we had hired the people, under the same conditions as are common in commercial voyages, so that the monthly rations allowed by the King did not even last

fifteen days. The reason why I issued to the crew two extraordinary allowances of liquor daily, counting from the day we left Red Bank until our arrival at the falls of Ohio, was to encourage them to row with vigor, that Lieutenant Steel, whom I thought in pursuit of me, might not again take me, because, had I fallen into his hands a second time, I was lost. As respects the one hundred and fifty dollars, for the horse which I bought to make the journey from Frankfort to Cincinnati, and the expenses which accrued on this journey, they were indispensable for a double motive: to carry my complaint against Steel, for having offered so great an insult to our flag, and to give advice of my arrival to the American general, Mr. James Wilkinson, that he might take the necessary measures. I have to add, that the motive which has induced me to dispose of the merchandise which I received of I. and A. Hunt, in exchange for the coffee and sugar, was to give credit to the opinion which I myself had raised, that I had come to purchase horses to take to Natchez, in order to better the breed in that district. Besides this, as the occurrence with Steel had awakened suspicions, excited apprehensions, and attracted the attention of the inhabitants of the Western country, all had their eyes directed on me, so that I found myself obliged to do something which should please them, that it might serve me as a safe conduct to quit those parts, which, by this means, I happily effected. The mare, of which the statement No. 1 makes mention, was lost on my arrival at New Madrid, in the woods, where she died of thirst, the excessive frosts having entirely frozen up the waters. The stud horse I delivered on going down to Don Manuel Gayoso de Lemos, but he returned him to me a short time since, and I have him carefully kept until your excellency is pleased to make some disposition respecting him. Of the sum of $9,640, which I was to deliver to Mr. James Wilkinson, I have only delivered him nine thousand, having retained the $640 to avoid the unfortunate result with which I was threatened, and likewise to provide what was necessary for the crew during the voyage. The following are the documents which are enclosed:

No. 1. The account sale of the merchandise laden, &c.
No. 2. Account of the expenses for the crew.
No. 3. Account and expenditure of the $640.
No. 4. Statement which shows in what manner the merchandise has been made use of.
No. 5. Statement which shows what is due to me.
No. 6. Invoice of I. and A. Hunt.

All which are accompanied with the obligation of Mr. N. Welch for $105, and the two receipts of Mr. Boyd, the one for $466⅔ for the value of a horse, the other for $200, for the value of a mare. The balance which appears in my favor, according to the statements Nos. 3 and 4, as well as the account of my monthly pay for fourteen months, I beg your excellency will be pleased to direct that it should be remitted to me, or delivered to Mr. Philip Nolan, to whom I have given advice on the subject.

Mr. James Wilkinson, in the instructions which he has given me, directs that I should present to your excellency the account of the expenses to which the $640 have been applied, (and I have done so in the statement No. 3,) that he may be reimbursed said amount. The instruction says, "in making your settlement take care to secure me the six hundred and forty dollars advanced, and bring them with you." Although he charged me to take them to him to the United States, I am of opinion that no one is better suited to remit them than Mr. Philip Nolan, as your excellency has now resolved that I should remain in this province; your excellency will please to suffer me to assure you that, in every particular, I have acted with prudence, with honor, and the disinterestedness of an honest man, as well as with the zeal and fidelity which the King's service requires, and with the vigilance and activity which the arduous enterprise I was engaged in demanded. I deserve nothing, and expect nothing, for having fulfilled the obligations of a good subject to His Majesty, unless your excellency will be pleased to procure me opportunities of displaying the inclination I feel of sacrificing myself for the prosperity of my country and glory of my sovereign.

God preserve your excellency many years.

THOMAS POWER.

No. 37.

Answer to the foregoing.

New Orleans, *May* 28, 1797.

There remain in my hands six documents relative to the account of the last expedition which you made in the Ohio, and which you enclosed me in your official letter of the 9th instant, and they are as follows:

No. 1. Account sales of the effects laden at New Madrid.
No. 2. Another of the expenses of the crew.
No. 3. Account of the expenditure of the $640.
No. 4. Statement which shows how the merchandise has been employed.
No. 5. Statement which shows the balances due to you; and
No. 6. Original invoice of I. and A. Hunt.

On account of it there will be delivered to you $1,000, that you may make preparations for your journey, in the new commission which I entrust to your care.

It is necessary to see how you can get rid of the horse, with the least possible loss, as well as to recover the debt of Nicholas Welsh, or have it recovered, for which purpose I enclose you his obligation; and likewise the proceeds of the merchandise, which, to the amount of $353, you delivered to Don Pedro Derbigny, in order to give an account to the court without these balances, which caused trouble; and appear speculations, when they are no more than the effect of necessity, and the difficulty which these commissions cause, in places where there are no resources, when you have to deceive the vigilance of spies.

As you finish these matters, and as soon as your present commission is fulfilled, you will give me advice.

God preserve you many years.

THE BARON DE CARONDELET.

To Mr. Thomas Power.

We, whose names are hereunto subscribed, do severally swear and declare, that we were well acquainted with the hand-writing of the Baron de Carondelet, late Governor General of the province of Louisiana, and that we have no doubt that the letters hereunto annexed, dated severally the 23d of April, 1797, and 26th of May, 1797, are in the proper hand-writing of the said Baron de Carondelet, as also the signature to the same. And we

do also declare in like manner, that we are acquainted with the hand-writing of Don Andres Armesto, late Secretary of the Government, and that the letter hereunto annexed, dated 28th May, 1797, is in the hand-writing of the said Don Andres, and the signature thereto affixed is in the proper hand-writing of the said Baron de Carondelet.

PIERRE PEDESCLAUX, *Not. Pub.*
STEPHEN DE QUINONES, *N. P.*
NARCISSUS BROUTIN, *N. P.*
J. J. BLACHE,
G. DUBUYS.

Signed in my presence, by Pierre Pedesclaux, Stephen de Quinones, Narcissus Broutin, J. J. Blache, and G. Dubuys, and duly sworn bofore me, this 17th March, 1809.

ELIPHALET FITCH,
Notary public and Justice of the Peace.

No. 38.

NOUVELLE ORLEANS, 26 *Mai*, 1797.

J'a reçu, monsieur, vos lettres du 5, 7, 12, 13 et 16 de Mai, et j'y réponds en deux mots en remplissant vos désirs, puisque je vous confie une commission de la plus grande conséquence, qui ne vous compromet en aucune façon, pourvu bien entendu que vous ne portiez aucuns papiers qui en fasse mention, et qu'elle vous procure de l'argent dont vous me dites avoir grand besoin; enfin elle vous rend independant et me procure l'occasion de vous recommander au ministre d' état; personne n'en sera instruit, pas même l'Intendant, il n'y aura que Don Andres et moi qui en sçauront le vrai motif.

Le Général Wilkinson ayant prévenu le commandant de la Nouvelle Madrid, qu'il prépare un détachement de l'armée qu'il a à ses ordres pour prendre possession des forts de Nachez et Nogales, en conformité de l'article 2 du traité d'amitié, limites, et navigation, conclu avec l'Espagne, espérant qu'il sera fidellement observé, et lui ayant paru à propos de passer cet avis, "in order to prevent any misapprehension of the motives which direct this movement of their troops, &c." il est tout naturel que je lui réponde que s'étant suscité en premier lieu quelques doutes sur la façon dont les dits postes devoient se retirer de la part de l'Espagne, c'est à dire s'ils devoient être remis avec leurs fortifications et édifices comme l'entendent les Etats Unis, ou simplement evacués, rasés, et abandonnés, comme je le comprends, évitans de cette façon de nous compromettre avec les nations qui nous ont cédées les terreins des Escors, de Nogales, et de la Confédération, sous la condition expresse que nous y batirions des forts pour empecher que leurs terres ne fussent envahis, j'avois résolus d'attendre la décision á cet égard de notre cour, ou de son ministre plenipotentiare auprès des dits états, ainsi que la leur; mais qu' instruit peu de tems après que le ministre susmentionné avoit informé le President qu'une expedition Angloise étant sorti de Montréal, dans l'intention d'attaquer les Illinois avoit inverné sur les lacs, et devoit traverser le territoire des Etas Unis pour se porter contre la Haute Louisiane, demandant qu'en vertu du dernier traité les dits Etats s' opposassent par des moyens efficaces à cette violation de leur territoire, j'avois déterminé de garder les forts de Natchez et Nogales pour mettre en sureté la Basse Louisiane jusqu' à ce que les mesures les plus efficaces de la part des Etats la missent à l' abris de ce danger, et qu'un corps de troupes suffisant, commandé par un officier d'un grade supérieur, se présenta pour prendre possession de Natchez, y maintenir le bon ordre, et contenir les vols et les vexations des nations sauvages, conformément à l'article 5 du traité cité par le dit général; qu'en conséquence je suis prêt a évacuer les postes de Natchez et de Nogales a l' arrivée du détachement, qu'il annonce par sa lettre, daté du Fort Washington, toute et quante fois le Congrès sera convenu avec le ministre plénipotentiare de Sa Majesté de la façon dont la dite évacuation doit avoir lieu; mais qu'en attendant cette décision je le prie de faire suspendre la marche du dit détachement dont la présence ne pourroit manquer de troubler la tranquillité de la province, et peut-être la bonne intelligence que je désire maintenir entre les sujets des deux puissances. Vous serez porteur de cette lettre, et si vous croyez pouvoir prevenir la descente du détachement Americain, vous en remettrez le double au commandant, en l'engageant à attendre de nouveaux ordres de son général.

Le second objet de votre commission, que personne ne doit pénétrer, et que pour cette raison vous devrez retenir dans votre mémoire, est de sonder et examiner les dispositions du peuple des Etats de l'Ouest dont on écrit que les milices ont reçu l'ordre d'être prêtes à marcher au premier avis; et au cas que cela soit vrai, vous en ferez part au commandant de la Nouvelle Madrid par la première occasion que vous trouverez; mais afin de ne pas vous rendre suspect, vous vous contenterez de mettre la date de votre lettre en bas et ne traiterez que de choses indifférentes. S'il se fait des préparatifs hostiles, vous mettrez avant votre signature une barre, comme celle dont use les framaçons, et que vous voirez au bas de cette lettre; le nombre des points audessus indiquera celui des mille hommes, et celui audessous celui des cent dont doit être composée la dite expedition; vous designerez celui des pièces d'artillerie par un nombre de points placé dans votre parafe, selon votre usage, dont les points de la gauche signifieront des dixaines, et ceux de la droite des unités. Cette lettre me sera envoiée sur le champ par le commandant de la Nouvelle Madrid d'après les ordres que je lui fais passer; vous pouvez même le lui marquer dans la votre en disant simplement qu'il convient que je sois informé sans délai de votre arrivée sur l'Ohio, et qu'il m' adresse votre lettre par un exprès. Dans votre route vous ferez adroitement entendre aux personnes avec qui vous aurez occasion de parler que la remise des postes que les Espagnols occupent sur le Mississippi, aux troupes des Etas Unis, est directement opposée aux intérêts de ceux de l'ouest, qui devant un jour se separer des Etats Atlantiques, se trouveroient sans aucune communication avec la Basse Louisiane, d'où ils doivent s'attendre à recevoir de puissans secours en artillerie, armes, munitions, et argent, soit publiquement soit secrètement, toute et quante fois les Etats de l'Ouest se decideront à une séparation, qui doit assurer leur prosperité et leur independance; que pour cette même raison le Congrès se décide à tout risquer pour enlever ces postes à l'Espagne; et que ce seroit se forger des fers que d'appuie sa prétention en lui fournissant des milices et des moyens, qu'il ne peut trouver que dans les Etats de l'Ouest. Ces mêmes raisons répandues dans les papiers publics pourroient faire la plus forte impression sur le peuple, et le porter à secouer le joug des Etats Atlantiques; mais tout au moins si nous parvenons a le dissuader de prendre part dans cette expédition, je doute que les Etats Unis nous fassent la loi, avec les seules troupes qu'ils ont sur pied.

Si une centaine de mille piastres répandues dans le Kentuckée pouvoit le soulever, je suis bien sure que le ministre, dans les circonstances actuelles les sacrifieroit avec plaisir, et vous pouvez sans trop vous hazarder les promettre à ceux qui jouissent de la confiance du peuple, avec une autre somme égale pour l'armée, en cas de necessité, et vingt pièces de campagne.

Vous vous rendrez sans danger, comme porteur d'une dépêche pour le général, jusqu' à l'armée, dont vous examinerez avec soin la force, la discipline, les dispositions, et vous tacherez de découvrir avec votre pénétration naturelle, les dispositions du général; je doute qu' une personne de son caractère préfére par vanité l' avantage de commander l'armeé des Etats Atlantiques à celui d'être le fondateur, le libérateur, enfin le Washington des Etats

de l'Ouest; son role est aussi brillant que facile; tous les yeux sont attachés sur lui; il posséde la confiance de ses concitoyens, et des volontaires du Kentuckée; au moindre mouvement le peuple le nommera le général de la Nouvelle République; sa reputation lui formera une armée, et l'Espagne, ainsi que la France, lui fourniront les moyens de la soudoier. En s'emparant du fort Massack, nous lui envoieront sur le champ des armes et de l'artillerie, et l'Espagne, se réduisant à la possession des forts de Natchez et de Nogales, jusqu' à la confédération, cédera aux Etats de l'Ouest toute la rive orientale jusqu' à l'Ohio, ce qui formera une république très étendue et très puissante, liée par sa situation et par son intérêt avec l'Espagne, qui, d'accord avec elle, forcera les sauvages à en faire partie, et à se confondre avec le tems avec ses citoyens. Le peuple est mécontent des nouvelles taxes, l'Espagne et la France sont outrées des liaisons des Etats Unis avec l'Angleterre; l'armée est foible, et devouée à Wilkinson; les menaces du Congrès me mettent à même de sécourir sur le champ et sans déguisement les Etats de l'Ouest; l'argent ne me manquera pas pour lors, car je dépêcherai sur le champ ma frégate à Vera Cruz pour en chercher, ainsi que des munitions; il ne faut par conséquent qu'un instant de fermeté et de résolution, pour rendre les peuples de l'ouest parfaitement heureux. S'ils laissent échapper cet instant, et que nous soions forcés à remettre les postes, le Kentuckae et le Tanesis, cernés par les dits postes, et sans communication avec la Basse Louisiane, resteront à jamais sous l'oppression des Etats Atlantiques.

Si vous représentez avec force ces raisons à Wilkinson, Sebastien, La Cassagne, &c., si vous répandez ces notions dans le peuple, en gagnant par des promesses, qui seront realisées fidellement, les meilleurs écrivains, comme Brackenridge et autres, vous pourrez causer la commotion la plus glorieuse et la plus heureuse, vous vous couvrirez de gloire, et vous devez vous attendre à la fortune la plus brillante; si, au contraire, vous échouez dans cette commission, je n'en aurai pas moins l'occasion de vous faire obtenir du ministre quelque traitement, qui vous rendra independant de la haine et de la jalousie.

Il faut que vous partiez sans délai, et par terre, vous dirigeant droit à Cumberland, tant pour éviter le fort Massack, comme pour tâcher de couper le détachement Americain, et l'engager à attendre la réponse ou de nouaveaux ordres du Général Wilkinson; car s'il arrive aux Natchez, il y a tout à croire qu'on en viendra aux mains, n'étant pas d'humeur de souffrir des insultes. L'Intendant envoie l'ordre de vous compter mille piastres.

Si vous pouvez engager le commissaire, Don Andrés Ellicott, à descendre à la capitale, je ferai sa connoissance avec le plus grand plaisir, et en lui montrant sans détour la copie des ordres que j'ai envoié à M. de Gayoso, depuis son arrivée à Natchez, il voira que ma conduite vis-à-vis des Etats Unis est franche, fondée sur la prudence et la bonne foi, et sans aucune idée de rompre, ni manquer aux articles du traité; qu' enfin le louche qu'il trouve dans la conduite du Gouverneur de Natchez ne provient que des changemens que de son chef il a fait à mes dispositions. Enfin, vous pouvez assurer Don Andrés Ellicott que je suis persuadé, que dans un mois ou deux toutes les difficultés seront arrangés par le Congrès et par le ministre plénipotentiaire de S. M. Don Carlos Marténez Yrujo, et que par conséquent il feroit très mal de se retirer; il peut, au contraire, descendre commodément dans ma chaloupe avec Mr. Guillemard qui désire passer ici un mois ou deux, en attendant la réponse du Congrès. Mr. Ferrusola a également l'ordre de venir en ville.

Je marque à Mr. Gayoso que vous êtes porteur de la réponse de la lettre qu'a écrit le Général Wilkinson au commandant de la Nouvelle Madrid, et que j'ai disposé qu'on vous compte mille piastres à compte de votre dernier voyage, et de celui que vous allez faire. Cela suffit. Le champ qui vous est ouvert est assez brillant, mais il faut autant de prudence que de capacité pour sa réussite.

J'ai 'honneur d'être, avec la plus parfaite considération,

Monsieur, votre très humble et très obéissant serviteur,

LE BARON DE CARONDELET.

M. Thomas Power.

Nueva Orleans, 28 *de Mayo*, 1797.

Segun la instruccion que tengo dado á vmd. luego que reciba del Sr. Brigadier Don Manuel Gayoso, los auxilios que le mando dar à vmd. para su comision, se pondrà en viage por tierra, para entregar al General Don Jayme Wilkinson, la respuesta de la carta, que derigiò al comandante de Nueva Madrid, acerca de tomar posesion con un destacamiento de tropas, de los Fuertes de Nogales y Natchez. Por si aun encontrare vmd. el destacamiento que no hubiere pasado de Masac, lleva vmd. simple copia, de la misma carta, para que se la entregue, y obre en consequencia, debiendo vmd. continuar su viage hasta el Fuerte Washington, ò al quartel general en que se hallaré el comandante en xefe, Don Jayme Wilkinson, cuya contestacion esperará vmd. y se regresará con ella immediatamente por agua, y con la mayor prontitud. Dios nuestro Señor guarde a vmd. muchos años.

EL BARON DE CARONDELET.

Sr. Don Thomas Power.

No. 38.

[TRANSLATION.]

New Orleans, *May* 26, 1797.

I have received, sir, your letters of the 5th, of the 7th, 12th, 13th, and 10th of May, and I briefly answer them in fulfilling your wishes, because I intrust to you a commission of the greatest consequence, which does not compromit you in any manner, it being, however, well understood that you carry with you no paper which may make mention of it, as it procures you a sum of money, which you state to me you are in great need of; in fine, it renders you independent, and procures me the opportunity of recommending you to the Minister of State. No one will be informed of it, not even the Intendant; there will be none but Don Andres and myself who will be acquainted with the true motive.

General Wilkinson having informed the commandant of New Madrid that he is getting ready a detachment of the army, which he has at his orders, to take possession of the forts of Natchez and Walnut Hills, in conformity to the second article of the treaty of friendship, limits, and navigation, concluded with Spain, hoping that it will be faithfully observed; and it having appeared proper in him to give this advice, in order to prevent any misapprehension of the motives which direct this movement of their troops, &c., it is very natural that I should answer him that, in the first place, some doubts have arisen respecting the manner in which the posts are to be withdrawn on the part of Spain; that is to say, if they ought to be delivered with their fortifications and edifices, as the United States understand it, or simply evacuated, razed, and abandoned, as I comprehend it, avoiding in this way to compromit us with the nations who have ceded to us the territories of the Bluffs, Walnut Hills, and Confederation, under the express condition that we should build forts there, to prevent their lands being taken from them. I had resolved, in regard to this point, to await the decision of the court, or the minister plenipotentiary near the United States, as well as theirs; but being informed shortly afterwards that the above mentioned minister had informed the

President that an English expedition had left Montreal with the intention of attacking the Illinois, had wintered on the lakes, and was to traverse the territory of the United States, in order to attack Upper Louisiana, and had demanded that, in virtue of the last treaty, the said States should oppose, by efficacious means, this violation of their Territory. I then determined to retain the forts of Natchez and Walnut Hills, to place Lower Louisiana in safety, until the most efficacious measures, on the part of the United States, should put it in safety from this danger, and until a sufficient corps of troops, commanded by an officer of superior rank, should present himself to take possession of Natchez, maintain good order there, and restrain the robberies and difficulties with the Indians, conformable to the fifth article of the treaty cited by the said general; that, in consequence, I am ready to evacuate the posts of Natchez and Walnut Hills, on the arrival of the detachment which he announces by his letter, dated from Fort Washington, as soon as ever the Congress shall have agreed with the minister plenipotentiary of His Majesty on the way in which the said evacuation is to take place; but until this decision is made, I request he will suspend the march of the said detachment, whose presence could not fail to disturb the tranquillity of the province, and perhaps the good intelligence which I wish to maintain between the subjects of the two powers. You will be the bearer of this letter, and if you believe you can prevent the American detachment from descending the river, you will deliver a duplicate of it to the commandant, requesting him to wait new orders from his general.

The second object of your commission, which no one must penetrate, and which for this reason you must retain in your memory, is to sound and examine the dispositions of the people of the Western States, whose militia it is reported to me has received orders to be ready to march on the first advice; and in case that should be true, you will inform the commandant of New Madrid of it by the first opportunity you find. But in order not to render yourself suspected, you will content yourself with putting the date of your letter at bottom, and will only treat of indifferent subjects. If hostile preparations are making, you will put before your signature a stroke (une barre) like that which freemasons use, and which you see at the bottom of this letter; the number of dots above will designate that of a thousand men, and that below the hundreds, of which this expedition is to be composed; you will point out the number of pieces of artillery, by a number of points placed in your flourish (parafe) according to your custom, the points on the left signifying tens, and those on the right units. This letter will be immediately sent me by the commandant of New Madrid, in consequence of the orders I shall give him. You may even mention it to him in yours, saying simply that it is proper that I should be informed, without delay, of your arrival on the Ohio, and that he should send me your letter by express. On your journey you will give to understand adroitly to those persons to whom you will have an opportunity of speaking, that the delivery of the posts, which the Spaniards occupy on the Mississippi, to the troops of the United States, is directly opposed to the interests of those of the West, who, as they must one day separate from the Atlantic States, would find themselves without any communication from Lower Louisiana, from whence they ought to expect to receive powerful succors in artillery, arms, ammunition, and money, either publicly or secretly, as soon as ever the Western States shall determine on a separation, which must ensure their prosperity and their independence; that for this same reason Congress is resolved on risking every thing to take these posts from Spain; and that it would be forging fetters for themselves to furnish it with militia and means which it can only find in the Western States. These same reasons, diffused abroad by means of the public papers, might make the strongest impression on the people, and induce them to throw off the yoke of the Atlantic States; but at the very least, if we are able to dissuade them from taking part in this expedition, I doubt whether the States could give law to us with such troops alone as they have now on foot.

If a hundred thousand dollars distributed in Kentucky, could cause it to rise in insurrection, I am very certain that the minister, in the present circumstances, would sacrifice them with pleasure, and you may, without exposing yourself too much, promise them to those who enjoy the confidence of the people, with an other equal sum to arm them, in case of necessity, and twenty pieces of field artillery.

You will arrive without danger, as bearer of a despatch for the general, where the army may be, whose force, discipline, and dispositions, you will examine with care; and you will endeavor to discover, with your natural penetration, the general's dispositions. I doubt that a person of his character would prefer, through vanity, the advantage of commanding the army of the Atlantic States, to that of being the founder, the liberator, in fine, the Washington of the Western States; his part is as brilliant as it is easy; all eyes are drawn towards him; he possesses the confidence of his fellow-citizens, and of the Kentucky volunteers; at the slightest movement, the people will name him the general of the new republic; his reputation will raise an army for him, and Spain, as well as France, will furnish him the means of paying it. On taking Fort Massac, we will send him instantly arms and artillery, and Spain, limiting herself to the possession of the forts of Natchez and Walnut Hills, as far as Fort Confederation, will cede to the Western States all the Eastern bank to the Ohio, which will form a very extensive and powerful republic, connected by its situation, and by its interest with Spain, which, in concert with it, will force the savages to become a party to it, and to confound themselves in time with its citizens. The public is discontented with the new taxes; Spain and France are enraged at the connexions of the United States with England; the army is weak, and devoted to Wilkinson; the threats of Congress authorize me to succor on the spot, and openly, the Western States; money will not then be wanting to me; for I shall send, without delay, a ship to Vera Cruz in search of it, as well as of ammunition; nothing more will consequently be required but an instant of firmness and resolution to make the people of the West perfectly happy. If they suffer this instant to escape them, and that we should be forced to deliver up the posts, Kentucky and Tennessee, surrounded by the said posts, and without communication with Lower Louisiana, will ever remain under the oppression of the Atlantic States.

If you represent forcibly these reasons to Wilkinson, Sebastian, La Cassagne, &c., and if you diffuse these notions among the people, gaining by promises, which shall be faithfully realized, the best writers, as Brackenridge and others, you will be able to effect the most fortunate and the most glorious commotion; you will cover yourself with glory, and you may expect the most brilliant fortune; if, on the contrary, you should fail in this commission, it will not deprive me of the opportunity of obtaining for you, from the minister, an appointment, which will render you independent of hatred and jealousy.

You must set off, without delay, and by land, going straight to Cumberland, as well to avoid Fort Massac, as to endeavor to fall in with the American detachment, and persuade it to wait the answer, or new orders from General Wilkinson; for, if it arrives at Natchez, there is every reason to believe that we may come to blows, not being of a humor to put up with insults. The intendant sends an order to pay you one thousand dollars.

If you could persuade the commissioner, Mr. Andrew Ellicott, to descend to the capital, I should, with the greatest pleasure, form an acquaintance with him; and by showing him, without disguise, the copy of the orders which I have sent to Mr. Gayoso, since his arrival at Natchez, he will perceive that my conduct towards the United States is frank, founded on prudence and good faith, and void of the idea of breaking or failing in the articles of the treaty; that, in fine, the unaccountable part of the conduct of the Governor of Natchez only proceeds from the alterations which he has made, of his own accord, in my arrangements. Lastly, you may assure Mr. Andrew Ellicott that I am persuaded that, in a month or two, all the difficulties will be settled by Congress, and by the minister plenipotentiary of His Majesty, Don Carlos Martinez de Yrujo, and that consequently he would do

very ill to withdraw; on the contrary, he may come down conveniently in my barge with Mr. Guillemard, who is desirous of spending a month or two here, whilst we are waiting the answer of Congress. Mr. Ferrezola has also orders to come to town.

I informed Mr. Gayoso that you are the bearer of the answer to the letter which General Wilkinson has written to the commandant of New Madrid, and that I have given directions to pay you a thousand dollars on account of your last journey, and that you are about to undertake. This suffices. The field which is opened is brilliant enough, but as much prudence as capacity is required, in order to succeed.

I have the honor to be, with the greatest consideration, sir, your very humble and very obedient servant,

LE BARON DE CARONDELET.

Mr. Thomas Power.

No. 40.

Natchez, *Juin* 4, 1797.

J'ai reçu hier la lettre du 26 Mai, que vous m'avez fait l'honneur de m'écrire; à laquelle les préparatifs de mon voyage ne me permettent de répondre que très succinctement. J'ai reçu de Mons. Gayoso la dépêche du Gen. W. et sa copie, afin de m'en servir selon que les circonstances pourront le demander. Quant au second objet de mon expédition, qui en est le plus intéressant, comme rien ne peut cadrer plus complettement avec mes inclinations, vous pouvez compter que je m'en acquitterai avec toute la fidélité et tout le zèle que vous me connaissez, et avec cette intelligence qui doit résulter d'une connaissance parfaite du local et des personnages avec qui nous avons à faire. Pour éviter la possibilité d'une méprise dans les communications que je serai dans le cas de faire au commandant de la N. M. je vais expliquer ce que je prétends vous faire comprendre par ma signature à celle-ci. Cette barre—·.·.·.·.·.— avec les points avant la signature signifie quatre mille six cent hommes. Dans le parage . . . | . . . . . les points à gauche de la petite raie sont des dixaines, ceux de la droite des unités, de sorte qu'ils indiquent trente-cinq pièces d'artillerie. La date mise en bas de ma lettre signifiera simplement que les milices sont sur pied, et prêtes à marcher.

Les reflexions que contient votre lettre sont parfaitement de nature à faire la sensation la plus forte dans le Kentucky, tant sur le peuple que sur le Gen. W. et d'autres caractères distingués: et je ne manquerai pas de les leur exposer sous le point de vue le plus frappant; et je les appuierai de celles que pourront me suggérer l'étude que j'ai faite de leurs intérêts, et l'ardeur avec laquelle je désire de voir leur scission. Cependant je mettrai de la sagesse et de la prudence dans mes démarches, pour ne pas me compromettre; et il faudra toutes les précautions imaginables de mon coté de ne rien laisser échapper qui puisse jetter du jour sur mon dessein; car toutes les fois qu'ils me voient entrer dans leur territoire, leur méfiance et leur jalousie leur font soupçonner que j'ai quelqu' objet secret en vue. Je dirai à W. que la difficulté et le danger de porter l'argent par terre ne vous ont pas permis de lui envoyer les 640 piastres. L'ambition et la politique de ce général me sont un garant certain qu'il appuiera nos plans (qui ont toujours été les siens) de toute son influence; et nous pouvons faire fonds sur Nicholas, Sebastian, Innis, Murray, Clarke, et, en un mot, sur tous ceux qui devaient composer l'armée de Clarke. Les principaux du pays tiennent à nous par l'ambition et l'intérêt; et une gallomanie forcenée, et un amour pour le changement, nous répondent de l'appui du peuple, qui donnera tête baissée dans votre projet. Si j'en croyais mes pressentimens, notre succès est immanquable. Il y a tant de motifs puissans qui devraient porter les Etats de l'Ouest a cette démarche, qu'il nous serait permis de croire qu'ils ont perdu la tête s'ils reculent: Quant à moi, je n'épargnerai ni peines, ni travail, pour faire réussir cette révolution importante; et j'ai à vous prier de daigner agréer l'expression de ma plus vive réconnaissance tant de m'avoir lancé dans une carrière aussi brillante et glorieuse, que de m'avoir soustrait à la haine et à la jalousie. J'ai vu Ellicott; je lui ai fait part de ce que vous m'avez communiqué à son sujet, et il en a été très satisfait. Il a parlé de vous dans les termes les plus flatteurs, et m'a prié de vous présenter ses respects, et de vous assurer que de quelque manière que les affaires se terminent, il n'abandonnera pas la province sans avoir eu le plaisir de vous voir. Les milles piastres m'ont été comptées, et je n'attends qu' un cheval pour partir. Ne cessez de compter sur mon zèle, ma vigilance, et mon courage.

J'ai l'honneur d'être, avec le plus profond respect, et la réconnaissance la mieux sentie,

Monsieur, &c.

—·.·.·.·.·.— THOS. POWER.

. . . | . . . . .

Mr. Le Baron de Carondelet.

No. 40.

[translation.]

Natchez, *June* 4, 1797.

I received yesterday the letter of the 26th of May, which you have done me the honor to write me, and which the preparations for my journey do not permit me to answer but very briefly. I have received of Mr. Gayoso, the despatch of General Wilkinson, together with the copy, in order to make use of it as circumstances may require. With respect to the second object of my expedition which is the most interesting, as nothing can coincide better with my inclination, you may depend that I will acquit myself of it with all the fidelity and zeal which you know me to possess, and with that good understanding, resulting from a perfect knowledge of the place and personages with whom we are concerned. To avoid the possibility of a mistake in the communication which I shall have to make to the commander of New Madrid, I will explain what I mean to give you to understand by my signature. This bar with the dots —·.·.·.·.·.— before the signature, signifies 4,600 men. . . . | . . . . . In the flourish, the dots to the left of the small stroke are tens, and those of the right are units; so that they mean thirty-five pieces of artillery. The date at the bottom of my letter will simply signify that the militia are on foot, and ready to march. The remarks which your letter contains, are well adapted to cause the strongest sensations in Kentucky, as much on the people as on General Wilkinson, and other distinguished characters; and I will not fail to represent them, in that point of view which is the most striking, and I will strengthen them with those, which the study I have made of their interests, and the ardor with which I desire to see their decision, may suggest. However, I will use wisdom and prudence in my measures, not to compromise myself, and all imaginable precautions will be necessary, on my part, in order not to let slip any thing which may give light to my design; for, whenever they see me enter their territory, their mistrust and their jealousy causes them to suspect that I have some secret object in view. I will tell Wilkinson that the difficulty and the danger of carrying money by land have prevented you from sending him the 640 piastres. The ambition and politics of this general are a certain warrant to me that he will support our plans (which have always been his) with all his influence; and we may rely upon Nicholas, Sebastian,

Innis, Murray, and Clarke; in a word, on all those who are attached to Wilkinson; and also those who were to compose the army of Clarke. The principal characters of the place are united to us by ambition and interest; and an excessive Gallicism, and a love of change, answer for the support of the people, who will willingly submit to your project. If I give credit to my presentiment, our success is infallible. There are so many powerful motives which should lead the Western States to take this step, that we should be permitted to believe that they had lost their senses if they flinch. As to myself I will spare neither pains nor labor for the success of this important revolution. And I have to request of you, that you will deign to accept of my most sincere acknowledgment, as well for having launched me out in a career so glorious and so brilliant, as for protecting me from jealousy and hatred. I have seen Ellicott. I told him what you communicated to me about him, and he was very well satisfied with it. He spoke of you in the most flattering terms, and requested me to present you his best respects, and to assure you that, however affairs may turn out, he will not leave the province without seeing you. The 1,000 piasters have been delivered to me, and I only wait a horse to set off. Do not cease to trust in my zeal, vigilance, and courage.

I have the honor to be, with most profound respect,
and most sincere acknowledgment, sir, &c.

THOMAS POWER.

Monsieur LE BARON DE CARONDELET.

. . . | . . . . .

No. 42.

From General Wilkinson to Mr. Power.

SIR: HEAD-QUARTERS, DETROIT, *September* 5, 1797.

I have the last moment received your letter of the day, which occasions me much surprise.

At our first interview, the night before last, I expressed to you the necessity of your speedy return, by the shortest route, to the Baron de Carondelet, with my answer to the letter which you bore me from him. You offered no objection to this proposition, except the incapacity of your horses for the journey, which I immediately agreed to remove by furnishing others.

You, at the same time, complained to me of violence and outrage, which you had experienced on your journey to this place, being at one time stopped, and at another time, pursued, seized, and examined, in every particular of person, baggage, and papers. It seems a little singular that you should incline to retrace a route in which you had suffered such abuse, when a secure and convenient one is proposed to you.

As no man can more highly appreciate the rights of treaties and of individuals than myself, and as I am well apprised of the obligations subsisting between the United States and His Catholic Majesty, I am among the last men on earth who would wantonly or capriciously question the compacted rights of the two sovereignties, their citizens, or subjects.

But as you have approached me in a public character, and on national business, which requires my speedy answer to the letter of the Governor of Louisiana, whose messenger you are, I cannot consider you so far a free agent as to elect the time or route for your return; but that you stand bound by motives of political import, as well to Spain as to the United States, to consummate the objects of your mission with all possible promptitude; and, of consequence, that all objects of a private or personal nature must yield to the obligations of public duty.

I, therefore, sir, cannot recede from my purpose, and will hope you may be prepared to take your departure early to-morrow morning, in the company of Captain Shaumburgh, who will be instructed to attend you to New Madrid, and who will receive and forward any letter you may wish to send to the falls of Ohio, from the most convenient point of your route.

With due consideration, I am, sir, your most obedient servant,

JAMES WILKINSON.

Mr. THOMAS POWER.

No. 43.

El dia 3 del mes de Junio proximo pasado recibí ta carta del Sr. Baron de Carondelet, con fecha: de 28 del mes anterior acompañado de la instruccion anunciada en ella, de que incluyo copias No. 1. y No. 2. En execucion de las ordenes é intencion que su premera se ha servido prevenirme en ellas, hize las prevenciones correspondients para el viage, y me puse marsha el 8 del mismo mes. Por haber perdido mis caballos el dia que salí del bayou Pierre, y por otros incidentes imprevistos é inevitables tardé en llegar a Nashville, capital de Cumberland, hasta el 5 de Julio, donde tuve que permanecer algunos dias, tanto para desempeñar con acierto mi comision reservada, y examinar con cuidado las disposiciones de sus habitantes en lo tocante á las desavenencias que entonces existian entre los E. U. y nosotros, y averiguar definitivamente el partido que intentan tomer en la actual crisis, como para allanar los impedimientos que me estaban suscitando, precaver, las dudas, y evitar los riesgos que no dexarian de resultar de las voces esparcidas en el publico, por lo respectivo al verdadero objeto de mi viage: me detuvo el magistrado, J Gordon, algunos dias.

Habiendome desenredado y vencido estos embarazos, proseguí mi viage para Louisville, donde me aboqué con Don Benjamin Sebastian, á quien, como previene la citada instruccion, communiqué el motivo aparente, como asi mismo la causa verdadera di mi mision. Adémas de las proposiciones expresadas en mis instruccions, para no perder el fruto de mi viage, me ví en la precision de añadir las seguientes, pues sin la primera adverti que ni el ni los demas sujetos interados é interesados en este asunto importante, no huvieran hecho los movimientos indispensables para su felix exito. En primero lugar he pactado, que siempre que alguno de los que favoreceren ó fomentaren el proyecto del Sr. Baron, viniera por este motivo á perder su empleo, reciberá del Rey una indemnizacion comensurada con los emolumentos de que gozaba.

2°. Que la linea divisoria septentrional, entre el territorio de S. M. y el de los Estados Nuevos del Oueste, ha de empezar á la embocadura del rio Yazou, y extenderse en tal direccion hacia el Tombecbé que el ultimo puesto, fuerte, ó establecimiento Español sobre dho rio quede seis millas dentro del territorio de S. M.

3°. Que el puesto de San Fernando de las Barrancas, con todo el terreno concedido á la España por la nacion Chicacha en el tratado hecho con ella por el Sr. Don M. G. de Lemos, ha de quedar en posesion de S. M.

4°. Que el Rey no ha de mezclarse, ni directa ni indirectamente, en la formacion del Gobierno ó de las leyes que ellos tuvieren por conveniente establecer.

Conseguiente á estos objetos, resolvimos que el los participaria á los Señrs. Nicholas, Innis, Todd, y otras personas de su confianza, practicas y zelozas del adelantaminento, prosperidad, é independencia del Kentucky, y rehu-

sando absolutamente se hablar sobre el asunto con Murray y Brackenridge, porque de ambos desconfiaba; pues el primero está entregado crapulosamente á bebidas, y la mala fé y perfidia del otro son notorias; para tener con ellos conferencias, dirigidas á verificar los deseos del Baron, y concertar las operaciones á este fin. Mientras yo continuaria mi viage hasta Detroit, en donde estaba el General Wilkinson; tanto para entregarle la carta del Señor Baron, como para ocultar el objeto principal de mi mision, y evitar lo que se estaba tramando contra mí en Louisville, cuyos habitantes estaban muy alborotados con mí llegada en el pays, y me estaban amenazando abiertamente. Quedamos tambien en que á mi regreso pasaria por Greenville, Cincinnati, Newport, Georgetown, Lexington, Frankfort, &c., para ver los Sñres ya citados, y enterarme de las resultas de sus conferencias, y que él (Sebastian) con otro deputado, me acompañaria hasta la Nueva Orleans. Sin embargo de que Don B. Sebastian está persuadido que por ahora todos los medios y conatos para estimular los habitantes de los Estados del Oueste á separarse de la federacion serán infructuosos, con todo no dexará de hacer todos sus esfuerzos para conseguir lo que con tanta ansia deseamos todos.

Volviendo pues á mi viage, salí de Louisville el dia ——— de Julio, para ponerme con la brevedad posible en Detroit, y el dia seguiente me aconteció lo que manifiestan los documentos No. ———. Nota, que 16 de Julio escribí al Captain Don Isaac Guyon, encaminandole la copia de la carta del Sñr. Baron de Carondelet al General Don James Wilkinson; incluyo copia de la mia al dho. Captain Guyon, No. ———. No se ofreció novedad alguna en el curso de mí viage, y llegué en la vecinidad de Detroit el 16 de Agosto. Noticioso de que el General Wilk . . . . . habia salido para Michilimakinak, no entré en el puesto hasta el 24, dia en que le estaban esperando; pero no regresó sino el 3 ó el 4 de Setiembre. Antes de su llegada, luego que súpó que yo estaba allí, me mandó quedar arrestado en el quartel de los oficiales. El dia 6 me entregó su respuesta á la carta del Sñr. Gobernador obligandome contra jus gentium a regresar al Nuevo Madrid por el Wabash baxo una guardia, mandada por el Capitan Don Bartolomé Shaumburgh; como lo evidencia no solamente mi correspondencia con él, sobre el asunto, la que está copiada en No. ———, y No. ———, sinó tambien la declaracion adjunta de Shaumburgh, No. ———. A mí llegada al puesto Vincennes despaché un proprio a Louisville, con una carta para Don Benjamin Sebastian, cuya copia va inclusa No. ———, dandole aviso de lo que me habia sucedido, enterandole de los motivos que no me dexaban cumplir con la palabra que le habia dado. El 10 de Octubre llegamos en el Nuevo Madrid sin otra particularidad alguna. Parmanecí en ese puesto 15 dias, aguardando á Mr. Sebastian. Por fin, viendo que no venia, y no recibiendo noticia alguna de él, me puse en deriva el 24 de Octubre; pero por motivo de las aguas baxas, los malos tiempos, y vientos del sud, no me restituí á esta capital antes del 30 del mes proximo pasado. El Captain Shaumburg, por orden del General Wilkinson, y por cuenta de los Estados Unidos, hizo todos los gastos de nuestro viage desde Detroit hasta el Nuevo Madrid. Pero volvamos al objeto de mí mision.

El General Wilkinson me recibió con bastante frialdad. En la primera conferencia que tuve con el, prorumpió con decirme amargamente, " somos perdidos, vmd. y yo, sin poder sacar provecho alguno de mí viage," y seguidamente me preguntó si le habia traido 640 pesos; añadio, " que el executivo le habia dado orden al Gobernador del Territorio del Nord Oueste para que me prendiese y me embiase á Philadelphia; que no me quedaba otro recurso para escaparme, que el dexarme conducir immediamente baxo una guardia al Fuerte Massac, y de allí al Nuevo Madrid." Y habiendole enterado de las proposiciones del Sñr. Baron, proseguió diciendome, que era un proyecto chimerico, que era imposible executar; que los habitantes de los Estados del Oueste, habiendo logrado por el tratado todo lo que deseaban, no querian formar otros enlaces politicos ó de comercio; y que ya no tenian motivo de separarse de los intereses de los otros Estados de la Union, aunque la Francia y la España los hagan las proposiciones las mas ventajosas; que la fermentacion que reynaba en el pueblo hace 4 años ya esta asosegada; que las depredaciones y las vexaciones que padecia el comercio de los Americanos de parte de los corsarios Franceses les habia infundido un odio implacable contra su nacion; que algunos del Kentucky le habian propuesto levantar 3,000 hombres, para invadir la Louisiana en caso que se declarase la guerra entre los Estados Unidos y la España. Esta no tenia otro rumbo que seguir en las circunstancias actuales, que dar cumplido efecto al tratado, el que ha trastornado todos sus planes, é inutilizado, el trabajo de mas de diez años, &c. &c. En quanto á el, dixo que habia hecho pedazos sus cifras, y toda su correspondencia con nuestro gobierno, y que su deber y su honra no le permitian continuarla; que con todo, el Sñr. Gobernador no debe tener rezelos de que el abùse de la confianza que ha hecho de él; enfin que en entregando la España á los Estados Unidos el territorio de Natchez, &c., puede que le nombren Gobernador de ello, y que entonces no le faltarán ocasiones para tomar medidas mas eficaces para efectuar sus proyectos politicos. Se quexa mucho de que el secreto de sus relaciones con nuestro gobierno se ha divulgado, por falta de prudencia y recato de nuestra parte; que súpo en el mes de Setiembre del año prox. pas. por uno de sus oficiales, que la España no tenia intencion de entregar los puestos; pues dicho official vió en el puesto Vincennes una carta, escrita por un oficial Español de los Ilinois, y derigida á un vecino del puesto, en que se lo dice; que M. Audrain tiene una correspondencia con Don Z. Trudeau (ó lo hace créer) y que este le comunica asuntos reservados de gobierno, de suerte que Audrain suele hacer correr noticia que á todo riesgo podran causar un rompimiento, en las fronteras de otro; que el M. Trudeau se ha comportado con muchissima imprudencia, habiendo enviado emisarios entre los Indios en el territorio de los Estados Unidos, combidando les a establecerse en el de la España, diciendoles, que su padre, el Español, estaba en guerra con los Ingleses, y que en breve la haria á los Americanos, &c. &c.

Por lo que toca á las disposiciones de los habitantes de Kentucky, el parecer de Mr. Sebastian discrepa mucho del del General Wilkinson. Dice, que aunque se declare la guerra entra la España y los Estados Unidos, no tendremos nada que temer de los Kentuckianos; y no ha omitido insinuar que seria uno de los medios los mas eficaces de empujarles á tomar un partido violento contra los Estados del Este. Sin embargo de las repetidas representaciones, que de palabra y por escrito que he hecho á V. S. y al Señor Baron de Carondelet, sobre esto asunto, recapitularé en pocas palabras las resultas de mis muchas observaciones, hechas con la atencion la mas escrupulosa.

Una gran porcion de los notables de Kentucky, Cumberland, y Northwest Territory, han sido motores de la expedicion de Genet y Clarke contra esta provincia, por conseguiente, enemigos de los que lo son de los Franceses; mas de la mitad de los demas son los, que toman el mayor interes en que los Estados del Oueste se enlacen mas intimamente con nosotros; y muchos de los que quedan, como no tiene gran ansia de hacer conquistas sobre la España, y si solo conservan los limites, y los privilegios señalados por el tratado, haran lo que cabe en ellos, para que no lleguen las cosas á hostilidades. La plebe se dexa gobernar implicitamente ó por los unos ó los otros de los referidos, de suerte, que attendidas estas circumstancias, podemos deponer todo rezelo en esta parte. Pero otras causas mas graves se oponen á que se declaren independientes de los Estados del Este. Me contentaré con exponer la mas importante:—Mientras estaran haciendo un tratado con el Gobierno de la Louisiana, que seguridad tendrán de que el gabinete de Madrid no esté haciendo al mismo tiempo otro muy opuesto á lo que habran pactado aquí? la experiencia los ha enseñado, desgraciadamente, que esto no es una mera conjetura. Solo tres motivos les podran impeler á romper la confederacion con los otros Estados, que son:

1°. La guerra con la republica de Francia.

2°. La prohibicion de navigar el Mississippi, y de establecerse en los dominios del Rey.

3º. El no poder pagar en plata lo que les toca de los derechos generales (28,000 pesos) ó ver que el Gobierno intente cobrarlo por fuerza.

Estos son los exes sobre que gira su politica. Me queda aun que decir algo de la fuerza militar de los Estados Unidos. Su exercito ascende á cerca de 3,000 hombres; consiste de 4 regimientos de infanteria, 1 regimiento doble de artilleria, y dos companias de caballeria; en cada regimento hay 8 companias, cada compania se compone de 65 hombres, inclusos un Capitan, Teniente, y un Alferez, pero no hay ni una que este completa. Se debe observar, que las dos de caballeria ascenden á 180 hombres, pero solo hay unos 60 de montados. Cada regimiento tiene un Coronel, y dos Sergentos Mayores. El primero regimiento, mandado por el Coronel Hamtramk, se halla en Fort Wayne, y los demas fuertos hacia Fort Washington; el segundo, mandado por el Coronel Strong, está en guarnicion en Detroit, Michilimakinac, Niagara, Presque Isle, Oswego, &c., el tercero, mandado por el Coronel Gathers, guarnece los Fuertes de Massac, las Barrancas, &c., una ó dos companias quedando en Georgia; el 4to. mandado por el Coronel Butler, está en el Tenesse; los artilleros estan repartidos en los fuertes, aunque la mayor parte no sale de Stony Point, en los Estados del Este; la caballeria esta parte en el Tenesse, parte en Detroit, y los demas en Fort Washington. Por lo respectivo á sus fuertes, como es un asunto de ninguna importancia para nostros, no quiero molestar á su Señoria con una descripcion enfadosa de ellos. Se observa en el exercito una disciplina muy rigorosa; los soldados son casí todos mozos de 16 a 26 años; executan algunas evoluciones militares con bastante precision. En quanto á los oficiales, desde el primer hasta el ultimo (exceptuando muy pocos) carecen de todas las calidades que deben adornar un buen militar, menos la braveza, y estan sumergidos en la ignorancia, y los vicios los mas vergonzosos.

La influencia del General Wilkinson en el Kentucky ha llegado á ser muy corta; y en el exercito, por querer reformar muchas abusos y establecer algunas innovaciones, pierde de dia en dia mucho de ella. Espero de lo que va dicho sobre el asunto di mí mision, que V. S. quedarà convencido, que si no ha tenido una salida mas feliz y ventajosa, no debe de ningunmodo atribuirle á indiscrecion ó otro defecto mio, pues es patente que ha dimanado de causas que ninguna penetracion humana podia alcanzar, y que ninguna prudencia podia precaver; y si he carecido de inteligencia y capacidad que pedia el desempeño de mí comision, no será atrevimiento en mí, el decir, que la prontitud y el zelo, el sigilo y fidelidad, que en otros ocasiones aun de mas entidad he manifestado en el servicio de S. M. no me han abandonado en esta. Dios guarde a V. S. mos. años, 5 de Deciembre, 1797.

P. D. Incluyo, con los otros documentos, la cuenta de los gastos del viage, No. 11. La de los 640, que pide con tanta instancia el General Wilkinson, y que me ha encargado de recebir por su cuenta, la remití al Señor Baron de Carondelet en el mes de Mayo del presente año, No. 3, acompañado de otros documentos, los que recibió, como consta por su oficio de 28 del mismo mes y año, de que tambien incluyo copia, No. 12.

Don MANUEL GAYOSO LEMOS.

No. 43.

[TRANSLATION.]

On the 3d of June last I received the Baron de Carondelet's letter, dated 28th of the preceding month, accompanied by the instructions there announced, of which I enclose copies, Nos. 1 and 2. In consequence of the orders and intention which His Excellency has deemed proper to advise me of in them, I took the necessary steps for the journey, and set out on the 8th of the same month. Having lost my horses the day I set out from bayou Pierre, and by other unforeseen and unavoidable accidents, my arrival at Nashville (capital of Cumberland) was retarded until the 5th of July, where I was compelled to remain some days, as well to execute with exactness my private instructions, carefully to examine the dispositions of its inhabitants, with respect to the difference then existing between the United States and us, and to ascertain, definitively, the part which they intend to take in the present crisis, as also to lessen the difficulties which were rising, to provide against doubts, and avoid the dangers which would not fail to result from the rumors spread among the public as to the true object of my journey. The magistrate, Mr. J. Gordon, detained me some days.

Having done away, and overcome these difficulties, I pursued my journey to Louisville, where I had an interview with Mr. Benjamin Sebastian, to whom, as the above letter mentions, I communicated the apparent motive, and likewise the true cause of my mission. Besides, the propositions expressed in my instructions, not to lose the fruit of my journey, I found myself compelled to add the following, since, without the first, I perceived that neither he nor the other persons interested in this important undertaking, would have taken the necessary measures for the happy issue of it. In the first place, I have agreed, that whenever one of those who favored the fomentation of the projects of the Baron should, by this means, lose his office, he shall receive from the King an indemnification, with the emoluments which he enjoyed.

2d. That the boundary line on the north, between the territory of His Majesty, and that of the new States of the east, must begin at the mouth of the river Yazoo, and extend in that direction as far as the Tombigbee; that the last strong post or Spanish settlement on said river be six miles within His Majesty's territories.

3d. That the place called St. Fernando de las Barrancas, with all the land granted to Spain by the Chicacha nation, in the treaty made with her by Mr. M. G. de Lemos, must remain in His Majesty's possession.

4th. That the King is not to interfere, neither directly or indirectly, in the formation of the government or laws which they may think proper to establish.

Consequent to these objects, we resolved that he should make them known to Messrs. Nicholas, Innis, Todd, and other persons in whom he confided, who were zealous for the improvement, prosperity, and independence of Kentucky, &c., absolutely refusing to speak to Murray or Brackenridge on the subject, as he mistrusted both. The first is given to drink, infidelity, and perfidy; the other is notorious to hold conferences with them, directed towards verifying the desires of the Baron, and concert measures to that effect. In the mean time I should continue my journey to Detroit, where General Wilkinson was, as well to deliver him the Baron's letter, as to conceal the object of my mission, and avoid what was plotting against me at Louisville, whose inhabitants were very mutinous at my arrival in the country, and were openly threatening me. We agreed also, that, on my return, I should pass through Greenville, Cincinnati, Newport, Georgetown, Lexington, Frankfort, &c., to see the gentlemen above mentioned, and inform myself thoroughly of the result of their conferences, and that he, (Sebastian,) with another appointed person, should accompany me as far as New Orleans. Notwithstanding, Don B. Sebastian is persuaded that, for the present, all the means and endeavors used to stimulate the inhabitants in the Eastern States to separate themselves from the confederation will be useless, still he will not fail to exert his utmost to obtain what we so anxiously desire.

To return to my journey. I sat out from Louisville the —— of July, to arrive at Detroit as soon as possible, and the following day I met with the accident manifested in the documents No. ——. Note, that on the 16th of July, I wrote to Captain Isaac Guyon, forwarding him the copy of the Baron de Carondelet's letter to General James

Wilkinson; I enclosed a copy of mine to said Captain Guyon, No. ——. Nothing new presented itself in the course of my journey, and I arrived in the neighborhood of Detroit on the 16th of August. I was informed that General Wilkinson had set out for Michilimakinac, in consequence of which I did not enter the post until the 24th, which was the day they expected him; but he did not return before the 3d or 4th of September. Before he arrived, as soon as he knew that I was there, he ordered me to remain arrested in the quarters of the officers. On the 6th he delivered me his answer to the Governor's letter, obliging me (*contra jus gentium*) to return to New Madrid, by Wabash, under a guard, commanded by Captain Bartholomew Shaumburg, as is proved, not only by my correspondence with him on the subject, which is copied in No. ——, No. ——, and No. ——, but also by the annexed declaration of Shamburg, No. ——. On my arrival at Post Vincennes, I despatched an express to Louisville, with a letter for Benjamin Sebastian, a copy of which goes enclosed, No. ——, advising him of what had occurred, and informing him minutely of the motives which prevented me from complying with my promise given him. On the 10th of October, we arrived at New Madrid, without any particular occurrence. I remained in that place fifteen days, waiting for Mr. Sebastian. Finally, seeing that he did not come, and not hearing from him, I departed on the 24th of October, but by low tides, bad weather, and winds from the southward, I did not arrive at this capital before the 30th of last month. Captain Shaumburg, by order of General Wilkinson, and on account of the United States, defrayed all the expenses of our voyage from Detroit to New Madrid. But let us return to the object of my mission.

General Wilkinson received me very coolly. During the first conference I had with him, he told me very bitterly, "we are both lost, without being able to derive any advantage from your journey," and asked me afterwards if I had brought him the $640; he added, that the Executive had given orders to the Governor of the Northwest Territory to take and send me to Philadelphia; that there was no other resource for me to escape, but by permitting myself to be conducted immediately under a guard to Fort Massac, and from there to New Madrid. Having informed him of the proposals of the Baron, he proceeded to tell me that it was a chimerical project, which it was impossible to execute; that the inhabitants of the Western States, having obtained by treaty all they desired, would not wish to form any other political or commercial alliances, and that they had no motive for separating themselves from the interests of the other States of the Union, even if France and Spain should make them the most advantageous offers; that the fermentation which existed four years back is now appeased; that the depredations and vexations which American commerce suffered from the French privateers had inspired them with an implacable hatred for their nation; that some of the Kentuckians had proposed to him to raise three thousand men to invade Louisiana, in case war should be declared between the United States and Spain; that the latter had no other course to pursue, under the present circumstances, but to comply fully with the treaty, which had overturned all his plans, &c., and rendered useless the labors of more than ten years; that as to him, he said he had destroyed his ciphers, and torn all his correspondence with our Government, and that his duty and his honor did not permit him to continue it; that, with all, the Governor ought not to be apprehensive of his abusing the confidence which he had placed in him; finally, that Spain, by delivering up to the United States the Territory of Natchez, &c., might perhaps name him Governor of it, and that then he would not want opportunities to take more effectual measures to comply with his political projects. He complains very much that the secret of his connexion with our Government had been divulged, for want of prudence on our part; that he knew in September, of the last year, by means of one of his officers, that Spain had no intention to give up the posts, since the above-mentioned officer saw a letter at Post Vincennes, written by a Spanish officer, of the Illinois, and directed to an inhabitant of that place, in which he tells him, that Mr. Audrain has a correspondence with Z. Trudeau, (or makes it to be believed,) and that he communicates to him private affairs of the Government, so that Audrain is accustomed to spread news that, at all events, may cause a rupture in the frontiers; that Mr. Trudeau has conducted himself with a great deal of imprudence, having sent emissaries among the Indians, in the territory of the United States, inviting them to come and establish themselves in that of Spain, telling them that his father, the Spaniard, was at war with the English, and that he would soon make it with the Americans, &c. &c.

With respect to the dispositions of the people of Kentucky, the opinion of Mr. Sebastian differs very much from that of General Wilkinson. He says, that even if war is declared between Spain and the United States, we will have nothing to fear from the Kentuckians; and he has not omitted to insinuate that it would be the most efficacious mode to spur them on to take a violent part against the Eastern States. Without considering the many representations, which, verbally and in writing, I have made to your excellency, and to the Baron de Carondelet, on this subject, I will recapitulate, in a few words, the result of my many observations, made with the most scrupulous attention.

A great portion of the principal characters in Kentucky, Cumberland, and the Northwest Territory, have been instigators of the expedition of Genet and Clarke against this province, consequently they are enemies of those who are of the French; more than one-half of the rest are those who take the greatest interest in a more intimate union of the Western States with us; and many of those who remain, as they are not very desirous of gaining conquests over Spain, but only to preserve the limits and privileges marked in the treaty, will do what they can, in order to avoid hostilities. The people permit themselves to be implicitly governed by one of the parties mentioned, so that, considering these circumstances, we may labor under no apprehensions on this account. But other more weighty reasons oppose to their declaring themselves independent of the Eastern States. I will content myself with relating the principal one: Whilst they will be making a treaty with the Government of Louisiana, what certainty will they have that the cabinet of New Madrid is not making a treaty at the same time, very different from what they may have agreed to here? Experience has taught them, to their misfortune, that this is not a mere conjecture. Three motives alone would be able to impel them to break the confederation with the other States, viz:

1st. War with the republic of France.

2d. A prohibition to navigate the Mississippi, and to establish themselves in the dominions of the King.

3d. Their incapacity to pay in cash their share of the common duties, ($28,000,) or to see the Government intent on recovering it by force.

These are the axes upon which their policy turns. It now remains for me to say something of the military forces of the United States. Their army amounts to near 3,000 men; they consist of four regiments of infantry, one double regiment of artillery, and two companies of cavalry. In each regiment there are eight companies; each company is composed of sixty-five men, including a captain, a lieutenant, and an ensign; but there is not one complete. It must be observed, that the two companies of cavalry amount to one hundred and eighty men; but there are only sixty mounted. Each regiment has a colonel, and two sergeant majors. The first regiment, commanded by Colonel Hamtramk, is at Fort Wayne, and the other forts towards Fort Washington; the second, commanded by Colonel Strong, is encamped at Detroit, Michilimakinac, Niagara, Presque Isle, Oswego, &c.; the third, commanded by Colonel Gaithers, fortifies the forts of Massac, Barrancas, &c., one or two companies remaining in Georgia; the fourth, by Colonel Butler, is in Tennessee; the artillery men are divided among the forts,

although the greatest part does not go from Stony Point, in the Eastern States; the cavalry is divided between Tennessee, Detroit, and Fort Washington. With regard to their forts, as it is a subject of little importance to us, I do not wish to trouble your excellency with a tedious description of them. There is a strict discipline observed in the army; the soldiers are almost all youths, from sixteen to twenty-six years of age; they go through some military evolutions with sufficient precision. With respect to the officers, from the lowest to the highest, (excepting very few,) they are deficient of those qualities which adorn a good soldier, except fierceness, and are overwhelmed in ignorance, and in the most base vices.

The influence of General Wilkinson in Kentucky has become very limited; and in the army, by wishing to establish some innovations, lessens it from day to day. I hope, from what is said on the subject of my mission, that you will be convinced, that if it has not had a more happy issue, it ought not to be attributed in any manner to indiscretion, or other deficiency on my part, since it is evident that it sprung from a cause which no human penetration could foresee, and no prudence prevent; and if I have been deficient in the intelligence and capacity which the discharge of my commission required, it will not be boldness in me to say, that the promptitude and zeal, silence and fidelity, which, on more important occasions, I have manifested in the service of His Majesty, have not been of any avail on the present. God preserve you many years.

DECEMBER 5, 1797.

P. S. I enclose you, with the other documents, the account of the expense of the journey, No. 11; that of the six hundred and forty dollars, which General Wilkinson so anxiously solicits, and which he has charged me to receive on his account, I remitted to the Baron de Carondelet in the month of May, of this year. No. 3, with the other documents, those which I received, as stated in his official letter of the 28th of the same month and year, of which I also enclose a copy, No. 12.

Mr. MANUEL GAYOSO DE LEMOS.

No. 70.

General Wilkinson to Thomas Power.

[DUPLICATE.]

SIR: HEAD-QUARTERS, GREENVILLE, *May* 25, 1796.

The day before yesterday I had the honor to receive a letter from you, under date of the 20th instant, in which you request leave to visit this place, and to proceed by St. Vincennes and the Illinois, to New Madrid. Permit me, sir, to observe, that this precaution was unnecessary, at a time when the United States of America are happily at peace with all the world. In this enviable situation, the officers of the American army have no concealments to make, and, therefore, our camps and our forts are free to the ingress and egress of all persons who deport themselves with propriety. I beg you, sir, to believe, that, upon an unpleasant occasion, to which you are pleased to refer, my conduct was directed more by the delicacy of my own situation than any sense of your demerit. Neither my sympathies, nor my antipathies, have ever gained such an ascendant over my reason, as to incline me to condemn upon hearsay, or to adopt the prejudices of any man. I thank you, sir, for the trouble you have given yourself, in bringing forward the segars committed to your charge by my very worthy friends, Governor Gayoso and Don Andres; and I have the honor to be,

With due consideration, sir, your most obedient servant,

JAMES WILKINSON.

Mr. THOMAS POWER.

No. 44.

NOUVELLE ORLEANS, 23 *Avril*, 1797.

J'ai reçu, monsieur, la lettre que vous m'avez fait l'honneur de m'écrire, et à laquelle je n'ai pu répondre plutot en ayant été empeché par un surcroît d'occupations que m'a donné la nouvelle que j'ai reçu de notre envoyé auprès des Etats Unis, que les Anglois vont attaquer les Illinois: ceci m'oblige à changer de nouveau les dispositions que j'avois prises pour commencer la démarcation des limites; car, si l'expédition est assez conséquente pour s'emparer de St. Louis, qui, comme vous ne l'ignorez pas, n'a qu'un très mauvais fort, propre uniquement à en imposer à des sauvages, il ne nous reste rien jusqu'à Nogales, pour arrêter l'ennemi, et couvrir la Basse Louisiane; en conséquence j'ai ordonné à M. de Gayoso de faire sçavoir à M. Elicot, et au commandant du détachement Americain, que je me trouve forcé de mettre Nogales en état de défense, et d'y transporter toute la troupe et l'artillerie existans à Natchez, où je ne laisserai que cinquante hommes, commandés par Don Manuel Lanzos, M. de Gayoso devant passer également à Nogales, avec Ms. Guillemard et Perchet, pour hâter les travaux. Enfin, je vais faire monter une compagnie de grenadiers en sus audit Nogales. Comme il convient qu'il y ait aux Natchez une personne intelligente, qui veille, et soit instruite, des démarches du commisaire et de l'officier commandant, j'ai disposé que vous serviriez d'interprète et secrétaire à M. Lanzos, qui ne manque pas de finesse; et que Vidal accompagne M. de Gayoso à Nogales, ou passe aux Illinois avec de l'argent et des dépêches que j'y envois. Vous me rendrez compte exactement de tout ce qui se passera digne d'être mandé, et tacherez de vous insinuer dans la confiance du commandant Américain, que vous ferez en sorte de mettre en opposition avec Elicot; quand il devroit en couter quelques cent piastres en present au Roy, que cela ne vous arrête, et je vous promets qu'ils seront satisfaits; par ce moyen nous reduirions Elicot à l'impuissance d'agir par lui même, et nous serions tranquilles de ce coté.

L'envoyé de S. M. a intimé au Ministre des Affaires Etrangères, que l'expédition Angloise ne pouvant parvenir à St. Louis d'Illinois, qu'en violant le territoire Américain, il espéroit que les Etats Unis s'opposeroient à son passage, et observeroient exactement le dernier traité conclu avec l'Espagne. S'il arrive le contraire, je ne doute pas qu'il sera annulé. On attend à la Havane douze mille hommes de troupes Epagnoles. La reception que vous avez reçu de M. Gayoso n'a rien qui m'étonne, mais je suis absolument du même avis que vous sur les suites qu'elle aura. Il est impossible que les habitans sensés des Natchez puissent se décider à une démarche, qui, en insultant une puissance jalouse de son pouvoir, les exposeroit à une ruine certaine, et à être desavoués par les Etats Unis, qui n'entreprendroient certainement pas une guerre contre l'Espagne et contre la France, pour soutenir une démarche faite contre les loix de l'équité et le droit des nations. Je crois la chose si peu possible, que je retire, comme je vous l'ai dit, les troupes, et n'y laisse qu'un détachement, pour y maintenir le bon ordre, et être à l'abris d'une insulte des sauvages. Quant à M. Elicot, dont la conduite à mon égard est des plus irregulière, il pourroit très bien être rappellé, ou tout au moins restraint à la seule commission des limites, car j'en ai écrit fortement à l'envoyé de S. M. et au Prince de la Paix.

Il paroit que le principe de la mésintelligence entre M. Gayoso et Elicot, d'après ce que m'en a dit M. Nolan, provient de ce que des sauvages Chactaws ayant bu avec excès, ont cherché dispute aux gens de la suite du dernier, qui s'est figuré que le Gouverneur les avoit enivré, pour les porter à faire main basse sur lui et sur ses gens; au point que Nolan a été obligé, pour le rassurer, de passer deux nuits dans son camp. Qu'elle petitesse dans un homme qui s'arroge le titre de représentant d'une nation!

C'est moi qui ai ordonné, qu'on laissa le détachement Américain s'établir auprès de M. Elicot, et j'ai désapprouvé, dès le premier instant, l'opposition qu'on y avoit mis. Si M. Elicot m'eut fait sçavoir d'office son entrée dans ma province, comme cela est d'usage, et se fut adressé à moi pour les motifs de plainte qu'il croioit avoir, j'aurois agis avec franchise à son égard, et rien de tout cela ne seroit arrivé, hors la suspension de l'évacuation des postes qui dépend de moi, ne me croyant pas autorisé à les remettre avec leurs fortifications et édifices, comme l'exigent le Général Wayne et Don Andrés Elicot.

J'ai trouvé étrange qu'on ait laissé arborer le pavillon Américain devant la porte d'Elicot. Mais je suis censé l'ignorer, et je n'ai pas crus devoir aigrir davantage les esprits en le faisant oter.

Je viens d'écrire à W. en remettant ma lettre à M. Nolan, garçon charmant, et dont je fais le plus grand cas. Il m'a dit qu'il avoit une occasion sûre pour la lui faire passer. Il y avoit très long tems que je ne lui avois écrit, faute d'occasions et crainte de le compromettre.

Portez vous bien; donnez moi de vos nouvelles, et disposez de celui, qui a l'honneur d'être, avec la plus parfaite considération,

Monsieur, votre très humble et très obéissant serviteur,

LE BARON DE CARONDELET.

P. S. L'envoyé de S. M. aux Etats Unis a fait passer aux Illinois l'ingénieur François, M. Finiels, pour le fortifier, si on en a le tems; mais il y aura trouvé Vandenbenden occupé au même objet. Connoissez vous le premier?

No. 44.

[TRANSLATION.]

SIR: NEW ORLEANS, *April* 23, 1797.

I have received the letter you honored me with, which I have not been enabled to answer sooner on account of a multiplicity of occupations. In consequence of the news which I have received from our envoy towards the United States, that the English are going to attack the Illinois, I am compelled to change anew the arrangements I had taken to begin the delineation of the limits; because, if the expedition is of sufficient consequence to take possession of St. Louis, which, as you know very well, has but a very bad fort, only calculated to silence the savages, we have nothing remaining as far as Nogales that could stop the enemy, and protect Lower Louisiana; in consequence of which, I have ordered Mr. Gayoso to make known to Mr. Ellicott, and to the commander of the American detachment, that I find myself compelled to put Nogales in a state of defence, and to forward there all the troops and artillery existing at Natchez, where I shall leave but fifty men, commanded by Don Manuel Lanzos, Mr. Gayoso being compelled to go with Messrs. Guillemard and Perchet to Nogales to hasten the preparations. Finally, I am going moreover to send up to Nogales a company of grenadiers. As it is requisite that at Natchez there should be an intelligent person who should watch, and be informed of, the steps taken by the commissary and commanding officer, I have ordained that you should serve Mr. Lanzos as secretary and interpreter, who is not deficient in finesse; and that Vidal shall accompany Mr. Gayoso to Nogales, or to the Illinois, with money and despatches which I send there. You must send me an exact information of all that passes worthy mentioning, and endeavor to insinuate yourself into the confidence of the American commander, whom you must endeavor to make opposed to Ellicott; even if it should cost you some hundred dollars in presents to the King, let that be no obstacle, and I assure you that they will be satisfied; by these means we will reduce Ellicott to be unable to act by himself, and we would be safe on that quarter.

The envoy of His Majesty has intimated to the Minister of Foreign Affairs that the English expedition could not arrive at St. Louis de Illinois without violating the American territory, and that he expected that the United States would be opposed to their passage, and observe exactly the last treaty concluded with Spain. If the contrary happens, I doubt not but it will be annulled. At the Havana are expected twelve thousand Spanish troops. The reception you met with from Mr. Gayoso does not astonish me; but I am exactly of your opinion relative to the consequences which will follow. It is impossible that the wise inhabitants of Natchez can agree to a step which, by insulting a Power jealous of its power, would expose them to certain ruin, and to be disavowed by the United States, who assuredly will not undertake a war against Spain and France to maintain a step taken against the law of equity, and of the rights of nations. I believe it so very improbable, that I cause to retire, as I told you, the troops, and I only leave a detachment to maintain good order, and to repel the insults of the savages. As to Mr. Ellicott, whose conduct towards me has been very unbecoming, can be very easily recalled, or at least restricted to the only commission of the limits, because I have strongly written to the envoy of His Majesty and to the Prince of Peace.

It appears that the beginning of this misunderstanding between Mr. Gayoso and Mr. Ellicott, as Mr. Nolan told me, proceeds from the following cause: that some Choctaw savage having drank to excess, got in dispute with some of the servants of the latter gentleman, who thought that the Governor had made them inebriated to cause them to put him and his people to the sword; so much so that Nolan has been compelled to remain two nights in his camp to tranquillize him. What lowness in a man who boasts of the title of the representant of a nation! It was I who ordered that the American detachment might remain near Mr. Ellicott, and I disapproved from the first moment the opposition which was made. If Mr. Ellicott had officially informed me of his entering my province, as it is customary, and had addressed himself to me on account of motives of complaint which he thought just, I should have acted with frankness towards him, and nothing of that kind would have happened, except the suspension of the evacuation of those posts which depend on me, not thinking myself authorized to deliver them up with their fortifications and edifices, as General Wayne and Don Andres Ellicott exacted.

I have thought it very strange that the American flag should be permitted to be hoisted before the door of Ellicott. I could not help observing it, although I do not wish to sour them by commanding them to be taken away.

I have just written to W. and sent my letter to Mr. Nolan, a fine young man, and of whom I think highly. He told me he had a secure conveyance to forward it to him. It had been a long time since I wrote him, not having an opportunity, and fearing to compromise.

Farewell; let me hear from you, and command him who has the honor to be, with the greatest consideration, sir, your very humble and obedient servant,

THE BARON DE CARONDELET.

P. S. The envoy of His Majesty towards the United States has sent to the Illinois the French engineer, Mr. Finiels, to fortify it if there is time; but he will have found there Vandenbenden occupied at the same thing. Do you know the former?

No. 45.

Deposition of Daniel Clarke.

WASHINGTON CITY, *January* 11, 1808.

In obedience to the direction of the House of Representatives, expressed in the resolution of Friday last, I submit the following statement:

I arrived from Europe at New Orleans in December, 1786, having been invited to the country by an uncle of considerable wealth and influence, who had been long resident in that city. Shortly after my arrival I was employed in the office of the Secretary of the Government. This office was the depository of all State papers. In 1787 General Wilkinson made his first visit to New Orleans, and was introduced by my uncle to the Governor, and other officers of the Spanish Government.

In the succeeding year, 1788, much sensation was excited by the report of his having entered into some arrangements with the Government of Louisiana to separate the Western country from the United States; and this report acquired great credit upon his second visit to New Orleans in 1789. About this time I saw a letter from the general to a person in New Orleans, giving an account of Colonel Connelly's mission to him from the British Government in Canada, and of proposals made to him, on the part of that Government, and mentioning his determination of adhering to his connexion with the Spaniards.

My intimacy with the officers of the Spanish Government, and my access to official information, disclosed to me shortly afterwards some of the plans the general had proposed to the Government for effecting the contemplated separation. The general project was, the severance of the Western country from the United States, and the establishment of a separate Government, in the alliance and under the protection of Spain. In effecting this, Spain was to furnish money and arms; and the minds of the Western people were to be seduced and brought over to the project, by liberal advantages resulting from it, to be held out by Spain. The trade of the Mississippi was to be rendered free, the port of New Orleans to be opened to them, and a free commerce allowed in the productions of the new Government with Spain, and her West India islands.

I remember about the same time to have seen a list of names of citizens of the Western country, which was in the hand-writing of the general, who were recommended for pensions, and the sums were stated proper to be paid to each, and I then distinctly understood that he and others were actually pensioners of the Spanish Government.

I had no personal knowledge of money being paid to General Wilkinson, or to any agent for him on account of his pension, previously to the year 1793 or 1794. In one of these years, and in which I cannot be certain until I can consult my books, a Mr. La Cassagne, who I understood was postmaster at the falls of Ohio, came to New Orleans, and, as one of the association with General Wilkinson in the project of dismemberment, received a sum of money, four thousand dollars of which, or thereabout, were embarked by a special permission, free of duty, on board a vessel which had been consigned to me, and which sailed for Philadelphia; in which vessel a Mr. La Cassagne went passenger. At and prior to this period, I had various opportunities of seeing the projects submitted to the Spanish Government, and of learning many of the details from the agents employed to carry them into execution.

In 1794, two gentlemen, of the names of Owens and Collins, friends and agents of General Wilkinson, came to New Orleans. To the first was intrusted, as I was particularly informed by the officers of the Spanish Government, the sum of six thousand dollars, to be delivered to General Wilkinson on account of his own pension, and that of others. On his way, in returning to Kentucky, Owens was murdered by his boat's crew, and the money, it was understood, was made away with by them. This occurrence occasioned a considerable noise in Kentucky, and contributed, with Mr. Power's visits at a subsequent period, to awaken the suspicion of General Wayne, who took measures to intercept the correspondence of General Wilkinson with the Spanish Government, which were not attended with success.

Collins, the co-agent with Owens, first attempted to fit out a small vessel in the port of New Orleans, in order to proceed to some port in the Atlantic States; but she was destroyed by the hurricane of the month of August, 1794. He then fitted out a small vessel in the bayou St. John, and shipped in her at least eleven thousand dollars, which he took round to Charleston.

This shipment was made under such peculiar circumstances that it became known to many, and the destination of it was afterwards fully disclosed to me by the officers of the Spanish Government, by Collins, and by General Wilkinson himself, who complained that Collins, instead of sending him the money on his arrival, had employed it in some wild speculations to the West Indies, by which he had lost a considerable sum, and that, in consequence of the mismanagement of his agents, he had derived but little advantage from the money paid on his account by the Spanish Government.

Mr. Power was a Spanish subject, resident in Louisiana, and the object of his visits to the Western country became known to me in 1796, when he embarked on board the brig Gayoso, at New Orleans, for Philadelphia, in company with Judge Sebastian, in which vessel, as she had been consigned to myself, I saw embarked, under a special permission, four thousand dollars or thereabout, which I was informed were for Sebastian's own account, as one of those concerned in the scheme of dismemberment of the Western country.

Mr. Power, as he afterwards informed me, on his tour through the Western country, saw General Wilkinson at Greenville, and was the bearer of a letter to him from the Secretary of the Government of Louisiana, dated 7th or 8th of March, 1796, advising that a sum of money had been sent to Don Thomas Portell, commandant of New Madrid, to be delivered to his order. This money Mr. Power delivered to Mr. Nolan by Wilkinson's directions. What concerned Mr. Nolan's agency in this business I learned from himself, when he afterwards visited New Orleans.

In 1797, Power was intrusted with another mission to Kentucky, and had directions to propose certain plans to effect the separation of the Western country from the United States. These plans were proposed and rejected, as he often solemnly assured me, through the means of a Mr. George Nicholas, to whom, among others, they were communicated, who spurned the idea of receiving foreign money. Power then proceeded to Detroit to see General Wilkinson, and was sent back by him under guard to New Madrid, from whence he returned to New Orleans. Power's secret instructions were known to me afterwards, and I am enabled to state that the plan then contemplated entirely failed.

At the periods spoken of, and for some time afterwards, I was resident in the Spanish territory, subject to the Spanish laws, and without any expectation of becoming a citizen of the United States. My obligations were then to conceal, and not to communicate to the Government of the United States the projects and enterprises which I have mentioned of General Wilkinson and the Spanish Government.

In the month of October of 1798, I visited General Wilkinson, by his particular request, at his camp at Loftus Heights, where he had shortly before arrived. The general had heard of remarks made by me, on the subject of his pension, which had rendered him uneasy, and he was desirous of making some arrangements with me on the subject. I passed three days and nights in the general's tent. The chief subjects of our conversation were the

views and enterprises of the Spanish Government in relation to the United States, and speculations as to the result of political affairs. In the course of our conversation, he stated that there was still a balance of ten thousand dollars due him by the Spanish Government, for which he would gladly take in exchange Governor Gayoso's plantation near Natchez, who might reimburse himself from the treasury at New Orleans. I asked the general whether this sum was due on the old business of the pension; he replied that it was, and intimated a wish that I should propose to Governor Gayoso a transfer of his plantation for the sum of money due him from the Spanish treasury. The whole affair had always been odious to me, and I declined any agency in it. I acknowledged to him that I had often spoken freely and publicly of his Spanish pension, but told him I had communicated nothing to his Government on the subject. I advised him to drop his Spanish connexion. He justified it heretofore from the peculiar situation of Kentucky; the disadvantages that country labored under at the period when he formed his connexion with the Spaniards; the doubtful and distracted state of the Union at that time, which he represented as bound together by nothing better than a rope of sand; and he assured me solemnly that he had terminated his connexions with the Spanish Government, and that they never should be renewed. I gave the general to understand that, as the affair stood, I should not in future say any thing about it. From that period until the present, I have heard one report only of the former connexion being renewed, and that was in 1804, shortly after the general's departure from New Orleans. I had been absent for two or three months, and returned to the city not long after General Wilkinson sailed from it. I was informed by the late mayor, that reports had reached the ears of the Governor, of a sum of ten thousand dollars having been received by the general of the Spanish Government, while he was one of the commissioners for taking possession of Louisiana. He wished me to inquire into the truth of them, which I agreed to do, on condition that I might be permitted to communicate the suspicion to the general, if the fact alleged against him could not be verified. This was assented to. I made the inquiry, and satisfied myself, by an inspection of the treasury book for 1804, that the ten thousand dollars had not been paid. I then communicated the circumstance to a friend of the general, Mr. Evan Jones, with a request that he would inform him of it. The report was revived at the last session of Congress, by a letter from Colonel Ferdinand Claiborne, of Natchez, to the delegate of the Mississippi Territory. A member of the House informed me that the money in question was acknowledged by General Smith to have been received at the time mentioned, but that it was in payment for tobacco. I knew that no tobacco had been delivered, and waited on General Smith for information as to the receipt of the money, who disavowed all knowledge of it, and I took the opportunity of assuring him, and as many others as mentioned the subject, that I believed it to be false, and gave them my reasons for the opinion.

This summary necessarily omits many details tending to corroborate and illustrate the facts and opinions I have stated. No allusion has been had to the public explanations of the transactions referred to, made by General Wilkinson and his friends. So far as they are resolved into commercial enterprises and speculations, I had the best opportunity of being acquainted with them, as I was, during the time referred to, the agent of the house who were consignees of the general at New Orleans, and who had an interest in his shipments, and whose books are in my possession.

DANIEL CLARKE.

DISTRICT OF COLUMBIA, *to wit:* JANUARY 11, 1808.

Personally appeared before me, William Cranch, chief judge of the circuit court of the District of Columbia, Daniel Clarke, Esquire, who, being solemnly sworn on the Holy Evangelists of Almighty God, doth depose and say that the foregoing statements made by him, under the order of the House of Representatives, so far as regards matters of his own knowledge is true; and so far as regards the matters whereof he was informed by others, he believes to be true.

Sworn to before me.

W. CRANCH.

PAPERS RELATIVE TO THE THIRD POINT OF INQUIRY.

No. 45.

[The deposition of Daniel Clarke, before referred to, see page 111.]

No. 78.

General Wilkinson to General Adair.

RAPIDS OF OHIO, *May* 28, 1805,
Eleven o'clock, A. M.

MY DEAR SIR:

I did not answer your letter by Taylor, but I did better; I procured him a pension of twenty dollars per month. I was to have introduced my friend Burr to you, but in this I failed by accident. He understands your merits, and *reckons* on you. Prepare to visit me, and I will tell you all. We must have a peep at the unknown world beyond me. I shall want a pair of strong carriage horses, at about one hundred and twenty dollars each, young and sound, substantial, but not flashy. I am in health, and, in spite of the neglect of friends, and the shameful omissions of attorneys, have this day given sir ——— a damper. Perdition overtake the Jew scoundrel; he had nearly destroyed me by a decree of which I have had no intimation, although it is almost seven years old. Enough for the present.

Thine ever.

JAMES WILKINSON.

General ADAIR.

P. S. I sail in an hour. Write me private.

[See evidence of General Wilkinson, as communicated to Congress, 23d November, 1807, page 539, of the President's message.]

[See evidence of General Wilkinson, President's message, page 539.]

X.

General Wilkinson's introduction of Colonel Burr to Daniel Clarke.

MY DEAR SIR: MASSAC, *June* 9, 1805.

This will be delivered to you by Colonel Burr, whose worth you know well how to estimate. If the persecutions of a great and honorable man can give title to generous attentions, he has claims to all your civilities, and all your services. You cannot oblige me more than by such conduct, and I pledge my life to you it will not be misapplied. To him I refer you for many things improper to letter, and which he will not say to any other. I shall be at St. Louis in two weeks, and, if you were there, we could open a mine, a commercial one at least. Let me hear from you. Farewell. Do well, and believe me always your friend.

JAMES WILKINSON.

DANIEL CLARKE, Esq.

PAPERS RELATIVE TO THE FOURTH POINT OF INQUIRY.

S.

Deposition of William Simmons, Esq.

GENTLEMEN: DEPARTMENT OF WAR, ACCOUNTANT'S OFFICE, *April* 13, 1810.

At the time I attended your honorable committee, in conformity to your summons of the 9th instant, when I was requested to detail any and every information that I possessed in relation to the conduct of Brigadier General James Wilkinson, in answer to the points expressed in the resolution from the House of Representatives, I will now proceed to give such testimony as has come to my own knowledge, and such corroborating information received from others, in my official capacity, on the investigation of the subject which, from the relative comparison, I have every reason to believe are also facts, viz:

In answer to the first part of the inquiry, relative to the Spanish agency, I know nothing about it. In relation to any concern that he might have had in the Burr business, the only information that has come to my knowledge, is in the disbursement of public moneys, drawn from the public agents at New Orleans, in the year 1807, for the freight of vessels chartered by him to transport prisoners and witnesses from New Orleans to the seat of Government, and sundry advances to witnesses, fees to lawyers, &c., said to be incurred by the conspiracy of Aaron Burr; which disbursements, as well as others to a considerable amount, paid by warrants immediately from this Department, drawn by the former Secretary of War, for sundry objects of the like nature, and for which there was no specific appropriation to which I could charge these expenditures; I was, therefore, unable to credit the agents, or enter the account to any head of expenditure, until the 29th of November, 1809, when the present Secretary of War, to enable me to enter the account, directed that, as the disbursements had been made by virtue of orders from the Department of War, in the years 1806 and 1807, that they were chargeable to the contingent fund of the War Department, there being no other head of expenditure to which they could be properly charged; I have accordingly entered the account, and can give no other information on this subject.

In answer to your inquiry to "state the amount of money received by General Wilkinson in the year 1804, from Josiah Taylor, assistant military agent at New Orleans for public service," I reply that the only money he appears to have received from Taylor, at any time, on public account, is a sum of three thousand dollars, received on the 24th April, 1804.

In answer to your inquiry relative to extra rations claimed by General Wilkinson, and how allowed, I reply that, in January, 1809, an account was presented to me, admitted by Henry Dearborn, Secretary of War, for extra rations claimed by General Wilkinson, as commanding officer at Natchitoches and New Orleans, from the 13th of September, 1806 to the 24th of May, 1807, at thirty-six rations per day, including a charge for quarters, stabling, &c., amounting to $2,033 16; which claim I rejected and refused to allow; first, because I considered that any allowance to General Wilkinson, other that what was fixed by the act of the 16th of March, 1802, was inadmissible, and that Colonel Cushing and Colonel Freeman, as commanding officers, having drawn extra rations at the same posts for the same time, and that no two officers could be entitled to extra rations at the same time for the same post. General Wilkinson, however, appealed from my decision to the accounting officers of the Treasury, to whom I stated my objections fully in a letter to the Comptroller, under date of the 10th of January, 1809, who, on the 11th of January 1809, returned me the account, and the opinion of the Attorney General, with directions to pass the amount to the credit of General Wilkinson on the books of my office; which I have accordingly done: On the 8th of June, 1809, General Wilkinson presented another account to Lieutenant S. Knight, district paymaster at New Orleans, and obtained payment from him for thirty-six rations per day, from 13th of March to the 30th of September, 1809, amounting to $1,454 40. This payment was made by Lieutenant Knight, on the authority of a letter from Henry Dearborn, Secretary of War, under date of the 4th of January, 1809, and exhibited to me for a credit to the paymaster, and a charge against the United States, which I have refused to admit, being paid contrary to law; and that General Wilkinson's account already stands charged with considerable sums of public money unaccounted for. This account I have reported to the Treasury, with my objections in a letter to the Comptroller, under date of the 16th of March, 1810, requiring a final decision at the Treasury, which has not yet been done. After the allowance had been made to General Wilkinson for extra rations for the period, and at the time for which they had been received by Colonel Cushing and Colonel Freeman, I called upon these gentlemen to refund for the period allowed to the general. They have both refused, contending that they were the only persons entitled to extra rations as commanding officers at these posts. I have, however, directed the paymaster to put them under stoppages, till the amount is refunded. Colonel Cushing, in his letter to me, under date of the 19th of June, 1809, after stating that he was the commanding officer entitled to the extra rations, a circumstance, he says, well known to the general, and every officer and soldier at the post, he then observes: "But I am assured by the general, that the subsistence allowed to him by the President was intended as a partial reimbursement for some 6 or $7000 which he had expended in the affair of Burr; and if this assurance be correct, it is impossible that my right to double rations at Natchitoches, and to triple rations at New Orleans, can, in any shape whatever, be affected by his allowance."

In answer to your inquiry relative to the charge against him for the freight of flour and apples from Baltimore to Charleston, thence by a public vessel to the Havana, &c., I observe that, on the examination of the accounts

exhibited against the United States, by the assistant military agent at Charleston, it appears that, in February, 1809, a payment was made upon the order of General James Wilkinson for the freight and charges of the schooner Wolf, from Baltimore to Charleston, amounting to $1,099, in full for the passages of General Wilkinson, Major Saunders, Major Robinson, Captain Williams, and Consul Anderson, and twenty-five non-commissioned officers, musicians, and privates, and waiters with their baggage, including fifty barrels of flour, and twelve barrels of apples for General Wilkinson, from Baltimore to Charleston, where, I have been informed, they embarked on board the brig Hornet for the Havana, on their way to New Orleans; and conceiving that the payment for the passage of General Wilkinson and Consul Anderson, and the freight of the flour and apples was an improper charge against the United States, I did accordingly charge the amount for these objects, being $425, to the personal account of General Wilkinson.

In answer to your inquiry of the amount of moneys paid by Captain Moses Hooke, as military agent at Pittsburg, to General Wilkinson, or upon his order, and for what purpose. On reference to the accounts of Moses Hooke, as assistant military agent, he has paid to sundry persons for a boat, and fitting her up, to transport the general and family to New Orleans, - - - - - $199 65

Paid to the general on account, for which he gave his receipt on the 14th of May, 1805, to be accountable to the Accountant of the War Department, for - - - 700 00

Paid to John Dickey, Samuel Thompson, John Frush, John Phillips, and James Cook, for wagoning from Washington city, Baltimore, and Philadelphia, to Pittsburg, on the order of General Wilkinson, under date of the 14th of May, 1805, amounting to - - 262 96

The whole amounting to - - - $1,162 61

All of which I have charged to the personal account of General Wilkinson, because the two first sums were for his own personal account, and Captain Peter was furnished with money to defray all proper transport of baggage to Pittsburg, in May, 1805.

It may here not be improper to observe, that Moses Hooke's account, as quarter-master general to the expedition to the Sabine, appointed by General Wilkinson, stands charged, on the books of my office, to warrants on the treasurer, with the sum of $16,883 12, being the amount of sundry bills drawn by him on the Secretary of War, in October and November, 1806, and January, 1807. No such appointment as quarter-master general is authorized by law, neither is there any particular appropriation, or head of expenditure to which such payments are chargeable. I have repeatedly called upon Captain Hooke to produce vouchers for the expenditure of the above sum, which he has never done. In a conversation with him, not long since, he observed, that a considerable sum of money had been drawn out of his hands by General Wilkinson, on account of secret services, and for which he only had the general's receipt. Captain Hooke is now out of service, and his account has been reported to the Treasury for a suit. It may also be proper to observe, that if General Wilkinson has received money from Mr. Hooke for secret services, that his account already stands charged on the books of my office, with a further sum of $2,500, received on the 10th of January, 1807, from Abraham D. Abrahams, the military agent at New Orleans, for the like purpose; and that, on the 10th of January, 1809, he obtained a certificate from the President of the United States for a warrant upon the Treasury, and received payment for the sum of $1,196; expressed as being for so much disbursed by him for objects in relation to the contingent expenses of intercourse between the United States and foreign nations. Why this amount was not directed to be passed to the credit of secret service money, charged to him on my books, I am at a loss to say.

In answer to your inquiry relative to the purchase of horses from Frederick Sandhagen, I observed, on the examination of the accounts of Abraham D. Abrahams, military agent at New Orleans, that in May, 1809, General Wilkinson directed to be purchased, and approved for payment to Frederick Sandhagen, the sum of $800, for five horses purchased from him, one of which is stated to be for the light artillery. This created some surprise, that more horses should be purchased at New Orleans, in addition to the artillery horses that were sent down the river with the light artillery, when hay was at seventy dollars per ton, and oats at one dollar per bushel. The charge for the horses was, therefore, suspended till Captain Peter arrived, who was inquired of respecting the horses purchased. He then stated that the five horses purchased from Sandhagen were part of eleven horses purchased by Major Morrison, of Kentucky, for General Wilkinson; that the general had ordered him, (Captain Peter,) when he was about to descend the Ohio, to stop in the river to take on board his boats the horses purchased for the general by Major Morrison. He accordingly received eleven horses; and that, by so doing, he was detained several days with three or four hundred men at a considerable expense to the United States; that, finally, they were taken on board the public boats, and, until their arrival at New Orleans, were supported out of the public forage, of which there was a deal laid in for the use of the horses belonging to the light artillery; that, upon reaching New Orleans, the horses were delivered up as the private property of the general; that the five sold to the United States were charged at an extravagant high price; and that Frederick Sandhagen was formerly an old hack driver in this city, and was, at the time of selling the horses, a servant to General Wilkinson, and not likely to be owner of horses.

I also found that the eleven horses, before any part had been sold to the United States, had been kept and shod at the public expense. All of which I communicated to Mr. Eustis, the Secretary of War, who immediately wrote on to New Orleans, and ordered all the horses sold that could be done without. There was accordingly upwards of twenty sold, and only four retained for the use of the army.

In answer to your inquiry relative to the manner of his drawing public moneys from the paymasters and agents; and if any was for objects unauthorized and improper, I observe, that he has generally drawn what he was legally entitled to by anticipation; and that he has been frequently in the habit, and does draw money from the paymasters and public agents, which are unauthorized by law. I have consequently been compelled to charge all such disbursements to his personal account; thereby considerably increasing the balance standing to his debit on the books of this office, which I have repeatedly urged him to account for, as may be seen by my letters of the 20th February, 23d March, and 16th November, 1808, copies of which have already been before the House of Representatives.

WM. SIMMONS.

WASHINGTON CITY, *District of Columbia, sct:*

Personally appeared before me, the subscriber, an assistant judge of the circuit court for the district, William Simmons, who subscribed the above statement, and made oath on the Holy Evangelists of Almighty God, that

what is contained therein, as far as is represented therein to be of his own knowledge, is true, and that which is stated to be from information of others and from documents, he believes to be true.

Given under my hand this 13th April, 1810.

B. THRUSTON.

P.

Captain Peter's deposition.

Captain George Peter, of Georgetown, appeared before the committee in the Capitol, on Thursday, the 12th of April, 1810, and made, on oath, the following statement:

Interrogatory 1st. What do you know relative to General Wilkinson's having directed and effected the payment of a sum of money, by Captain Moses Hooke, military agent for the United States, for the transportation of private property from Baltimore to Pittsburg, in the year 1805?

Answer. General Wilkinson, in April or May, 1805, directed me to pay to one or two wagoners, the transportation of property from Baltimore to Pittsburg. I informed the general that, as agent to the detachment, I had paid all the wagoners employed by me for the command. He then gave an order to Captain Moses Hooke, agent at Pittsburg, to pay the amount of the wagoners' claim, the general first paying the transportation of a few articles brought on in the same wagons for himself. I know that the goods thus transported and paid for by the said Captain Hooke, agreeable to the order of General Wilkinson, was private property, and no way appertaining to the public service. The amount may be ascertained by reference to the books of the accounting office. This payment was made to a man by the name of Frush. On our arrival at Massac, Captain McClelland was furnished with a tent, by the order of General Wilkinson, for storing the aforesaid merchandise. The said merchandise was also transported from Massac to St. Louis, in public boats, which occasioned the expense of an additional boat for the transportation of the public property.

Interrogatory 2d. What do you know relative to General Wilkinson's detaining the troops at Louisville, in the winter of 1809, for the purpose of receiving a quantity of horses belonging to General Wilkinson?

Answer. A detachment consisting of six companies, embarked on board of about twenty Kentucky boats, arrived at Louisville in the morning of the 27th of February, and continued there till the evening of the 28th, waiting the arrival of Major Morrison with General Wilkinson's horses, about nine or ten in number. This delay was by the order of General Wilkinson. These horses were the private property of General Wilkinson, and were fed and taken care of at public expense till our arrival at New Orleans, which was the latter part of March; also, that a public boat was provided for the accommodation of said horses, at an expense of not less than one hundred dollars. On our arrival at New Orleans the said horses were delivered to the order of Colonel Parker. About the month of May, of the same year, four of the same horses were purchased by Abraham D. Abrahams, military agent at New Orleans, for the use of the United States; that three of them were very indifferent.

DISTRICT OF COLUMBIA, *Washington county:* GEORGETOWN, *April* 28, 1810.

Came Captain George Peter before me, a justice of peace for the county aforesaid, and made oath on the Holy Evangelists of Almighty God to the truth of the foregoing statement.

Sworn to before THOMAS CORCORAN.

W.

Deposition of Captain Williams.

I left the port of Baltimore on the 24th of January, 1809, on board the schooner Wolf, in company with General Wilkinson; fifty barrels of flour having been put on board belonging to the general. On our arrival at Charleston, flour was taken from the schooner, and put on board the United States' brig Hornet, in which vessel we sailed for the Havana. Of the flour taken to the Havana, a few barrels were presented to the General of Marine, an officer of the Spanish Government, by General Wilkinson.

Question. What do you believe was the quantity of flour put on board the brig Hornet at Charleston, and taken to the Havana?

Answer. I do not know that all the flour shipped at Baltimore was taken to the Havana, but believe that more than one-half did arrive there: a few barrels may have been got rid of at Charleston.

WM. E. WILLIAMS, *Captain fifth infantry.*

WASHINGTON COUNTY, *ss:*

On this 24th April, 1810, before the subscriber, a justice of the peace for said county, appeared Wm. E. Williams, and made oath in due form, that the facts stated in the within writing are true to the best of his knowledge.

Sworn before and subscribed.

DANIEL RAPINE.

H.

Deposition of John Smith.

Personally appeared before the committee, John Smith, chief clerk in the Department of War, and, on oath, made the following statement:

That, in the summer of the year 1808, sometime after the determination of the military court of inquiry called for the investigation of the conduct of General Wilkinson, the papers relating to that trial were in the War Office, lying on the Secretary's table. In a few weeks after the papers were in that office, General Wilkinson came there, and after transacting some business, and as he was apparently about to leave the office, took up the said papers from the table, observing, at the time, that they belonged to him, or that they were promised to him; on which he took the papers out of the office; since which time I have not seen the said papers in the office, or heard of their being there.

Interrogatory 1st. Did you object to General Wilkinson's taking off the papers?

Answer. I do not recollect making any objection, as the transaction was sudden, and the general represented that they belonged to him, or had been promised to him, I do not remember which expression.

Interrogatory 2d. Did you inform the Secretary of War of the transaction?
Answer. I believe I did; and that he made no reply, to my recollection.

WASHINGTON COUNTY, *District of Columbia, ss:*

Personally appeared before me, one of the justices of the peace for the said county, John Smith, chief clerk in the Department of War, and made solemn oath on the Holy Evangelists of Almighty God, that the within and foregoing statement and answers to the foregoing interrogatories are true, to the best of his recollection and belief. Sworn, this 17th April, 1810, before

WILLIAM THORNTON.

Letter from the Accountant of the Department of War.

SIR: DEPARTMENT OF WAR, ACCOUNTANT'S OFFICE, *April* 19, 1810.

Agreeably to the request contained in your letter of yesterday, I have the honor to enclose you copies of the following accounts required by the committee appointed to inquire into the conduct of Brigadier General James Wilkinson, viz:

A. Copy of the account, payment of which was ordered by General Wilkinson, for freight of flour, &c. from Baltimore to Charleston.

B. Copies of accounts for cartage of baggage by Frush and others, to Pittsburg, in 1805.

C. Copy of the account of Frederick Sandhagen for horses sold the United States, and of General Wilkinson's order for payment.

D. Copy of vouchers Nos. 19, 23, and 24, for payments made by Lieutenant George Peter for expenses attending the march of a detachment of troops from Baltimore, Washington city, and Carlisle to Pittsburg, in 1805.

In reply to your request that I would furnish copies of any other documents or papers in my office, which I might think would aid in the inquiry, I beg leave to suggest that as the accounts of General Wilkinson, in relation to this Department, are of considerable extent, it would be impracticable to furnish copies of the whole, within any reasonable period, if they were required; this, however, it is presumable, is not necessary. Any particular part, or any vouchers in relation to any particular circumstance, which the committee may require, shall be furnished without delay.

I am, very respectfully, sir, your most obedient servant,

WM. SIMMONS, *Accountant Department of War.*

The Hon. WM. EUSTIS, *Secretary of War.*

A.

Copy of the account, payment of which was ordered by General Wilkinson, for freight of flour, &c. from Baltimore to Charleston.

No. 12.

The United States to Levin Jones, DR.

Feb. 28, 1809. For freight of the schooner Wolf, from Baltimore to Charleston, employed for the transportation of General James Wilkinson, Major Saunders, Major Robinson, Captain Williams, Consul Anderson, 25 non-commissioned officers, musicians, and privates, with their baggage, &c. &c. &c.	$1,000
For three days' demurrage at Norfolk, at $30 per day,	90
For three days' detention, pilot at Norfolk, at $3 per day,	9
	$1,099

NOTE.

General Wilkinson's baggage, including 50 barrels of flour, and 12 barrels apples,	$375
Major Saunders, Major Robinson, Captain Williams, and Consul Anderson, at $50 each,	200
Twenty-five non-commissioned officers, musicians, privates, and waiters, at $17 each,	425
	$1,000

Received at Charleston, February 28, 1809, of Lieutenant Samuel Champlain, assistant military agent for South Carolina, one thousand and ninety-nine dollars in full of the above account, having signed triplicates of same tenor and date.

$1,099. LEVIN JONES.

The within account is correct and just, and I hereby direct Lieutenant Samuel Champlain, assistant military agent for South Carolina, to discharge the same.

JAMES WILKINSON.

DEPARTMENT OF WAR, ACCOUNTANT'S OFFICE, *April* 19, 1810.

I certify that this paper contains a true copy of voucher No. 12, for payments made by Samuel Champlain, and charged in his account to the United States.

WM. SIMMONS, *Accountant Department of War.*

B.

COPIES OF ACCOUNTS FOR CARTAGE OF BAGGAGE BY FRUSH AND OTHERS, TO PITTSBURG, IN 1805.

PITTSBURG, *May* 14, 1805.

No. 7.

Abstract of disbursements made for the transportation of General James Wilkinson's baggage and stores, from Washington city, Baltimore, and Philadelphia, to Pittsburg.

1805. April 27.	This sum paid James Dickey, per voucher No. 1,	$72 12
–	This sum paid Samuel Thompson, per voucher No. 2,	85 44
May 7.	This sum paid John Frush, per voucher No. 3,	31 50
6.	This sum paid John Phillips, per voucher No. 4,	58 50
11.	This sum paid James Cook, per voucher No. 5,	15 40
		$262 96

The assistant military agent will discharge the above, and place to account of public transport for military service.

JAMES WILKINSON.

DEPARTMENT OF WAR, ACCOUNTANT'S OFFICE, *April* 19, 1810.

I certify that the above is a true copy of voucher No. 7, accompanied with the copies of the subordinate vouchers Nos. 1, 2, 3, 4 and 5, for payment made by Captain Moses Hooke, assistant military agent, at Pittsburg, and charged by him to the United States.

WM. SIMMONS, *Acct. Dep. War.*

No. 1.

The United States to James Dickey, DR.

To transporting sundry packages (General Wilkinson's baggage) from Washington city to Pittsburg, weighing 1,202 pounds, at six dollars per hundred weight,	$72 12

$72 12.

Received, Pittsburg, April 27th, 1805, of Lieutenant Moses Hooke, seventy-two dollars and twelve cents in full of the above account. Signed duplicates.

JAMES DICKEY.

No. 2.

The United States to Samuel Thompson, DR.

To transporting sundry packages (General Wilkinson's baggage) from Washington city to Pittsburg, weighing 1,351 pounds, at six dollars per hundred pounds,	$81 6
To ditto, one box, No. 17, not included in invoice, weight seventy-three pounds, at $6,	4 38
	$85 44

$85 44.

Received, Pittsburg, April 27, 1805, of Lieutenant Moses Hooke, eighty-five dollars and forty-four cents in full of the above account. Signed duplicates.

JOSEPH + RYAN, for
SAMUEL THOMPSON.

Witness: N. PINKNEY.

No. 3.

The United States to John Frush, DR.

To transporting seven hundred pounds of General Wilkinson's baggage, from Baltimore to Pittsburg, at four dollars and fifty cents,	$31 50

Received, Pittsburg, May 7, 1805, of Captain Moses Hooke, thirty-one dollars and fifty cents in full of the above account. Signed duplicates.

JOHN FRUSH.

No. 4.

The United States to John Phillips, DR.

1805. May 6. To transporting sundry packages from Baltimore to Pittsburg (General Wilkinson's baggage) weighing one thousand three hundred pounds, at four dollars and fifty cents per hundred pounds,	$58 50

Received, Pittsburg, May 6, 1805, of Captain Moses Hooke, fifty-eight dollars and fifty cents in full of the above account. Signed duplicates.

JOHN PHILLIPS.

No. 5.

The United States to James Cook, DR.

To transporting from Philadelphia to Pittsburg, one cask (General Wilkinson's baggage) weighing two hundred and eighty net, at five dollars and fifty cents,	$15 40

Received, Pittsburg, May 11, 1805, of Captain Moses Hooke, fifteen dollars and forty cents in full of the above account. Signed duplicates.

DEPARTMENT OF WAR, ACCOUNTANT'S OFFICE, *April* 19, 1810.

I certify that the above, and foregoing, contains copies of subordinate vouchers Nos. 1, 2, 3, 4 and 5, to voucher No. 7, (a copy of which is hereunto annexed,) for payments made by Captain Moses Hooke, assistant military agent at Pittsburg, and charged by him to the United States.

WM. SIMMONS, *Acct. Dep. War.*

C.

Copy of the account of Frederick Sandhagen, for horses sold the United States, and of General Wilkinson's order for payment.

No. 6.

The United States to Frederick Sandhagen, DR.

1809. May 13.	For one sorrel horse with a star, six years old, 16 hands high, - - -	$165
	One brown bay do. five years old, 15½ hands high, - - - -	150
	One bright bay do. six years old, 15 hands high, - - - -	135
	One do. do. seven years old, 15½ hands high, left hind foot white, - - -	150
		$600

Approved for payment, JAMES WILKINSON.

Received of Abraham D. Abrahams, military agent, the above sum of six hundred dollars, for which I have signed duplicate receipts.

F. SANDHAGEN.

Witness: P. RIVERY.

The following endorsement is on the account, of which the foregoing is a copy.

" Received the within number of horses.

J. GIBSON, *Lieut. and Brigade Quartermaster.*"

DEPARTMENT OF STATE, ACCOUNTANT'S OFFICE, *April* 19, 1819.

I certify that the within is a copy of voucher No. 6, for payment made by Abraham D. Abrahams, military agent at New Orleans, and charged in his account to the United States.

WM. SIMMONS, *Acct. Dep. War.*

No. 13.

The United States to Frederick Sandhagen, DR.

To one bay horse, five years old, 15 hands high, black tail and mane, for use of light infantry, - $200

Received, New Orleans, 29th May, 1809, of Abraham D. Abrahams, military agent, two hundred dollars in full of the above. Signed duplicates.

F. SANDHAGEN.

Witness: P. RIVERY.

DEPARTMENT OF WAR, ACCOUNTANT'S OFFICE, *April* 19, 1810.

I certify that the above is a copy of voucher No. 13, for payment made by Abraham D. Abrahams, military agent at New Orleans, and charged in his account to the United States.

W. SIMMONS, *Acct. Dep. War.*

D.

Copy of vouchers Nos. 19, 23, *and* 24, *for payments made by Lieutenant George Peter, for expenses attending the march of a detachment of troops from Baltimore, Washington city, and Carlisle, to Pittsburg, in* 1805.

No. 19.

BEDFORD, *April* 29, 1805.

Received of Lieutenant George Peter, the sum of sixty dollars, in full, for transporting the baggage of Lieutenant Gates and detachment, to this place.

NICHOLAS SPONSOR, his × mark.

Witness: SAMUEL GATES.

No. 23.

PITTSBURG, *May* 5, 1805.

Received of Lieutenant George Peter, the sum of one hundred and thirty-five dollars, in full, for transporting the baggage of the detachment under command of Captain McClellan, from Baltimore to Pittsburg.

JOHN FRUSH.

No. 24.

PITTSBURG, *May* 5, 1805.

Received of Leutenant George Peter, the sum of one hundred and eighty-four dollars, in full, for transporting baggage of the detachment of troops under command of Captain McClellan.

HORATIO TRUNDLE, his × mark.

Witness: N. PINKNEY, *Lt.*

DEPARTMENT OF WAR, ACCOUNTANT'S OFFICE, *April* 19, 1810.

I certify that the within are copies of vouchers Nos. 19, 23, and 24, for payments made by Lieutenant George Peter, charged in his account against the United States, for expenses attending the march of a detachment of troops from Baltimore, Washington city, and Carlisle, to Pittsburg.

W. SIMMONS, *Acct. Dep. War.*

No. 71.

It is a fact, that our fool has written to his contemptible fabricator, that you had declared if you had children, you would teach them to curse the United States as soon as they were able to lisp, and he gave the mayor and Gurly for authors. Cette bête is at present up to the chin in folly and vanity; he cannot be supported much longer; for Burr or no Burr, we shall have a revolt, if he is not removed speedily. The moment Bonaparte compromises with Great Britain will be the signal for a general rising of French and Spaniards, and if the Americans do not join, they will not oppose. Take care! suspicion is abroad; but you have a friend worth having. You will see Livingston's philippic to W**********; it is replete with falsehoods, and is laughed at here by every body. So much for the establishment of an impure character.

Yours, R. R.

Workman and Kerr have been discovered in an intrigue to corrupt the army, and to plunder the bank. It is said Lieutenant W. A. Murry has detected them.

D. C. Esq.

No. 27.

PAPERS RELATING TO THE TOBACCO TRANSACTION.

Sales of 165 *hhds. tobacco*, 28 *casks butter*, 22 *casks lard, and* 159 *hams, received by Major Dunn, and disposed of for account of James Wilkinson, Esq., Kentucky.*

Date.	To whom sold.	Hhds. tobacco.	Casks.		Hams.	Weight.	Price.	Paper.	Silver.
			Butter.	Lard.					
1788	To Government,	137	-	-	-	118,466	25 ms.		$10,887 4
	His Excellency,	-	1	-	-	109			
	His Excellency,	-	-	1	6	78			
	Mr. Navarro,	-	1	-	-	65			
	Mr. Navarro,	-	-	1	6	77			
	Contadore,	-	1	-	-	51			
	Contadore,	-	-	1	6	78			
	Clarke & Rees—Auditor,	-	1	-	-	77	2	$19 2	
	Clarke & Rees—Auditor,	-	-	1	3	31	1½	7 6	
	Clarke & Rees—Piernas,	-	-	1	-	78	1½	14 5	
	Clarke & Rees—Piernas,	-	-	-	6	60	2	15 0	
	Don Andres Armesto,	-	1	-	-	74			
	Don Andres Armesto,	-	-	1	6	64			
	Cash,	-	1	-	-	21	2½	6 4	
	Mr. Morales,	-	-	2	-	116	1½	21 6	
	Jacob Cowperthwaite,	-	-	1	-	78	1½	14 5	
	Jacob Cowperthwaite,	-	-	-	3	25	2½	7 4	
	Mr. Morales,	-	-	-	5	45	2	11 2	
	Mr. Guerin,	-	1	-	-	52	2½	16 2	
	Mr. Brion,	-	1	-	6	58			
	Mrs. Duforest,	-	-	-	6				
	Clarke & Rees,	-	1	-	-	72	2	19 2	
	Clarke & Rees,	-	-	209	-	209	1½	39 1	
	Clarke & Rees,	-	-	-	6	50	2	12 4	
	James Jones,	-	1	-	-	77			
	James Jones,	-	-	1	6	76			
	Cash,	-	1	-	-	64	2½	20 0	
	Cash,	-	-	1	-	32	1½	6 0	
	Clarke & Rees—Treasurer,	-	1	-	-	76	2	19 0	
	Clarke & Rees—Treasurer,	-	-	-	6	43	2	10 6	
	Cash,	-	-	-	5	56	2	14 0	
	John Machey,	-	-	-	3	18	2	4 4	
	Mr. Morales,	-	-	2	-	144	1½	27 3	
	Clarke & Rees—Marcos,	-	1	-	-	67	2	16 6	
	Clarke & Rees—Marcos,	-	-	1	-	57	1½	10 5	
	Clarke & Rees—Villavaso,	-	1	-	-	50	2	12 4	
	Clarke & Rees—Villavaso,	-	-	1	-	30	1½	5 5	
	Clarke & Rees—Mr. Maxent,	-	1	-	-	78	2	19 4	
	Clarke & Rees—Mr. Maxent,	-	-	1	-	80	1½	15 0	
	Mr. Dow,	-	1	-	-	76			
	Mr. Dow,	-	-	-	6	60			
	Cash,	-	-	1	-	56	1½	10 4	
	Clarke & Rees—Perdomo,	-	-	-	3	30	2	7 4	
	Cash,	-	-	-	2	14	2½	4 3	
	Cash,	-	-	-	4	17	2½	5 4	
	Cash,	-	-	-	1	8	2	2 0	
	Cash,	-	-	-	2	17	2½	5 4	
	Cash,	-	-	-	1	8	2	2 0	
	Cash,	-	1	-	-	73	20 sous.	14 4	
	Cash,	-	-	-	2	20	1½	3 6	

SALES, &c.—Continued.

Date.	To whom sold.	Hhds. tobacco.	Casks. Butter.	Casks. Lard.	Hams.	Weight.	Price.	Paper.	Silver.
	Cash,		1			67	2	16 6	
	Mr. Pontalba,		1			69	2	17 2	
	M. La Villebeuvre,		1			60	2	15 0	
	Joseph Tarel,				7	82	1½	15 3	
	Mr. Jourdain,			1		39	1½	7 2	
	Joseph Farel,				12	100	1½	18 6	
	Mr. Conway,		1			68			
	Mr. Conway,			1	6	54			
	Joseph Farel,				5	36	1½	66	
	Mr. Ballenger,				10	80			
	Howard and others, who returned to Kentucky,				10	94			
	Batiste,		1			60	1½	11 2	
	Cash,			1		64	1½	12 0	
	Mr. Jones, three flats,					-	-	39 4	
	Cash, 160 lbs. tobacco,					-	-	9 4	
	On hand,		5		Rotten, 9				
								$612 0	$10,887 4
	612 paper dollars, at 152 per cent.,					-	-	-	402 5
									$11,290 1
	Charges, viz:								
	Paid for two blocks for the press,					4	4		
	Five men for one day's work at ditto,					4	4		
	Mr. Mattain, for two days' work of a negro,					1	4		
	Jean Jeanas, per receipt,					10	0		
	Six ells Osnaburgs, intended to make carrots,					3	0		
	Pardomo, fees on discharging,					28	4		
	Elienne, for one day's work of three negroes,					2	2		
	Don Andres, for hire of his negro John,					3	4		
	James Jones, for two demijohns rum,					30	0		
	Cartage of provisions and tobacco,					4	4		
	Hire of Prince and Lancaster, from June 13 to July 25,					84	0		
	Storage, at 15 ps. p. per month,					20	0		
	Proportion of making the press,					17	4		
	Leolleau & Faler, for nine fathoms rope,					2	5		
	Hire of Jesse twenty-five days, at six bells,					18	6		
	For one-half coil 3½ inch rope, for the flats and press,					28	0		
	For rice for Messrs. Gaillard & Poussell's negroes,					15	0		
	Mather & Srother, for taffia,					60	0		
	Mrs. Gaillard's negroes, for working on Sunday,					1	0		
	Emerson & Frank, per receipt,					-	-	61 0	
	Mrs. Gaillard, for hire of negroes,					20	0		
	Jean Rasque, per receipt,					7	4		
	Jourdain, amount of his account,					321	6		
	Duty on tobacco, &c.					586	6		
	Fees at the Intendant's office,					15	0		
	Commission on 11,290 ps. at 5 per cent.					-	-	564 4	
						1,290	1	625 4	
	Deduct for taffia on hand,					30	0		
						1,260	1		
	1,260 1 ps. at 152 per cent.					-	-	829 0	
									1,454 4
	Net proceeds,					-	-	-	$9,835 5

No. 27—Continued.

James Wilkinson, Esq., in account current with Clarke & Rees.

1787.	Dr.		
	To balance of account of this date,		$ 4 0
Aug. 27,	To cash lent him, per note,		3,000 0
1788.			
April 17,	To cash paid William and Richard Thomas, per receipt,		90 0
May 15,	To cash paid Joshua Barbie, per receipt,		100 0
	To cash paid James Ferguson, per his order,	$52 4	
July 12,	To cash paid his bill, in favor of L. T. Beauregard,		1,626 6
July 14,	To cash paid his bill, in favor of Spoartsman,		861 0
	To cash paid his bill, in favor of Ballenger,		360 0
July 29,	To cash paid Major Dunn, per account,	281 2	3,839 0
Aug. 8,	To Captain William McFaden, on account of Major Dunn, for three passages in the schooner Navaro,		180 0
		$333 6	
	$333 6 exchange, at 152 per cent.		219 0
	To cash paid Major Dunn, in full,		355 7
			$10,185 5

ACCOUNT—Continued.

1788.	Cr.			
July 29,	By net proceeds of sales made for his account, - - - -			$9,835 5
	By a negro man named Jesse, - - - - - -			350 0
				$10,185 5

N. B. There is a quantity of tobacco on hand, in bulk, weight unknown. Also, seven hogsheads full, which have not been weighed, for which we hold ourselves accountable, conformable to the sales we shall make thereof. We also hold ourselves accountable for one hogshead of tobacco which was received among Mr. Christopher Thompson's tobacco, weight 913 pounds, when the King shall be pleased to pay for the same.

Errors excepted. CLARKE & REES.

New Orleans, *August* 8, 1788.

By virtue of the powers in me vested by James Wilkinson, Esq., I do hereby acknowledge and declare that I have examined the above account, and that I have received from Messrs. Clarke & Rees, of New Orleans, merchants, the several articles and payments in the said account, balanced as it stands, this 8th day of August, 1788.

ISAAC B. DUNN.

No. 29.

Sales of 342 hhds. tobacco, shipped by James Wilkinson, (in the purchase of which the sum of £729, a balance due Daniel Clarke, Esq. for his half of the proceeds of the bateau Speedwell, was invested, and in proportion thereto said Clarke is interested,) consigned to Philip Nolan, New Orleans.

Sold to Government 226,649 lbs. net, at $80 per 1,000, - - -	-	-	$18,131 7
Charges.			
Paid for picking, in hard money, - - - -	$149 0		
Lost, to procure this money, 11 per cent. - - - -	16 3		
		$165 3	
Paid the pickers in paper money, - - - -	88 0		
Lost, to procure this money, 6 per cent. - - - -	5 2		
		93 2	
Sundry expenses, to be explained by P. N. - - - -	105 0		
Lost, to procure this money, - - - - -	10 4		
		115 4	
Mr. Ballinger's board thirty days, at one dollar, - - -	30 0		
Lost, to procure this money, - - - - -	4		
		30 4	
Mr. Nolan's allowance from the 27th July until the 25th September, sixty days, at $2½ per day, - - - - - -	150 0		
Lost, to procure this money, 10 per cent. - - - -	15 0		
		165 0	
Cooperage, per account, - - - - -	-	541 4	
		1,111 1	
Proportion of expense to be deducted, - - -	-	329 5	
			781 4
			17,350 3
Deducted from the invoice, - - - -	-	-	1,500 0
			$15,850 3

Errors and omissions excepted.

PHILIP NOLAN.

New Orleans, *September* 21, 1790.

[See Wilkinson's account current with Clarke and Rees, dated May the 1st, 1789, contained in the account book, page 30.]

No. 30.

Lexington, Kentucky, *May* 20, 1790.

Gentlemen:

I lament that I should be obliged to address you at this late day, but the causes producing the delay have been insuperable.

This will be handed to you by my agent, Mr. Philip Nolan, who carries with him, and will exhibit to you for final settlement, the account of the unfortunate adventure by the Speedwell, he being specially authorized by me for that purpose. Amidst the embarrassments which result to me from this fatal expedition, it is with pleasure I reflect that whilst I am obliged to abide a dead loss on the sales, without remedy or consolation, you must feel yourselves indemnified by the advance you had upon the merchandise originally furnished from your store to the adventure, and for which you received cash. The proceeds of this adventure are vested in tobacco at a very low price, which will, I hope, get to a good market.

You will observe that I have consigned this cargo to Mr. Nolan, and authorized him to act for me in the storage, inspection, &c., because the quantity now shipped will overrun the claims of the owners of the Speedwell nearly two-thirds, and I have determined to make no discrimination in the cargo, for fear of accidents to the boats, which might be assigned to the account of the Speedwell, or lest I should subject myself to imputations of partiality to my private interest, and be charged with selecting the best tobacco. No difficulty can offer in the settlement; because, when the costs and charges, and the net profits of the whole cargo are ascertained, the proportion due to the owners of the Speedwell can be readily established. This is the principle of settlement which I have directed my agent to take for his guidance, and to which I shall invariably adhere.

I am sorry to inform you that one of our flats, after being loaded with 40 hhds., sprung a leak, and, in spite of our endeavors, sunk; the tobacco is wet, but I believe we shall be able to save the greatest part of it, though it will involve the inevitable detention of this tobacco until my next shipment, when it will go down on the same principles of the present cargo, of which it is indeed a part.

I have directed Mr. Nolan to require the original vouchers, on which the accounts rendered by you last year are founded, many of them being absolutely necessary to my own indemnity against the persons collaterally interested or connected in them.

I have the honor to be, gentlemen, your most obedient servant,

JAMES WILKINSON.

Messrs. CLARKE & REES, *Merchants, New Orleans.*

No. 31.

GENTLEMEN: LOUISVILLE, *June* 20, 1790.

Your surprise at hearing from me at this late date cannot exceed the mortification and regret I feel from the delay. My boats unfortunately grounded in Kentucky river, and were left by the flood. Mr. Nolan will give you the details, and will explain to you the personal hardships and risks I have been exposed to for three weeks past.

Events have justified the propriety of my making no distinction in the tobacco shipped at this time, or allotting any separate portion for the account of the Speedwell, as three of the fleet which sailed are still aground in Kentucky river, with 118 hhds. on board. The tobacco Mr. Nolan now takes down can be appropriated on the same equitable principles, and the same just scale of proportion set forth in my letter of the 20th of May. The drowned tobacco is, by this time, completely recovered, I expect, at a loss of 12 or 15,000 pounds. I shall ship it, and it will go down with the three boats which are aground, so soon as the flood offers, which I expect must take place in the course of the month.

The stoppage of the boats has been attended with some additional expense, which was unavoidable, in the measures necessary to get them out of Kentucky river, and secure the tobacco.

With due respect, I am, gentlemen, your most obedient servant,

JAMES WILKINSON.

Messrs. CLARKE & REES.

No. 32.

Messrs. Wilkinson and Dunn, their account current with Clarke and Rees.

1788.	Dr.		Paper.	Exchange.	Silver.
	To their half adventure to Kentucky, in company, per bateau Speedwell,				4,087 07
					4,087 07
1789.	To balance brought down,				1,087 07
May 6,	To cash paid Moses and John Moore, an error discovered to their prejudice, in account with you after we had adjusted accounts with Captain Dunn, and paid him the balance,				43 07
	To cash paid General Wilkinson's order, favor of G. I. A. Elholm,				129 04
	To twenty-eight pounds of bacon supplied Mr. Ballinger, at 2½,		8 06	120	7 02
June 4,	To cash paid Joseph Ballinger,	100 00			
	To cash paid Joseph Ballinger,	8 00			
					108 00
July 20,	To cash paid P. Nolan,				6 00
	To cash paid P. Nolan in paper,		121 07	127	96 00
July 21,	To cash paid your order, favor of R. McGillier,				150 00
July 25,	To cash paid Greenberry Dorsey,	267 06½			
	To cash paid Philip Nolan,	377 04			
July 31,	To cash paid Mr. Minor, amount of your note,	92 07			
	To cash paid A. White and Shoemaker,	29 06			
			767 07½	130	590 06
Aug. 2,	To cash paid Hipps Taylor,	12 06			
Aug. 12,	To cash for four ells of silk,	12 00			
			24 06	125	19 06
	To our assumption to Mather and Strother for a horse for Mr. Ballinger,				100 00
	To sundries supplied Mr. Ballinger at Natchez, on his way to Kentucky, viz:				
	1 saddle,	40 00			
	¾ yard of blue cloth,	6 00			
	1 pair stockings,	3 00			
			49 00	150	32 06
	To cash you received for three flats,				14 00
	To your order, favor of Colonel Ellzey, £14 Virginia currency,				46 04
	To cash you received from the Governor of Virginia, £1,014 15 10, Virginia currency, dollars at 6 shillings,				3,382 03
	To so much you received from the State of Virginia,	£1,256 3 6			
	Deduct 20 per cent.	251 4 8			
		£1,004 18 10			3,349 04½
	Balance due W. and Dunn,				12,464 07½
				Hard dolls	21,632 05

ACCOUNT—Continued.

1788.	Dr.	Paper.	Exchange.	Silver.
Sept. 2,	To cash paid G. M.	.	.	3,000 00
Sept. 3,	To cash paid Philip Nolan for Mr. Duncan, per your order,	.	.	6,800 00
Sept. 4,	To cash paid John H. Craig, per Nolan's order,	.	.	471 03
	To cash paid Philip Nolan's order, favor of John Picket,	.	.	1,101 07
	To cash paid Philip Nolan's order, favor of William Pauling,	.	.	789 04
	To cash paid Philip Nolan, per receipt,	.	.	300 00
Sept. 5,	To cash paid Philip Nolan in full,	.	.	48 05½
			Dolls.	12,511 03½

Errors excepted.

JAMES WILKINSON.

New Orleans, *Sept.* 5, 1789.

1788.	Cr.			
	By cash received from the Governor,	.	.	3,000 00
	Balance due on this account,	.	.	1,087 07
				4,087 07
Dec. 31, 1789.	By net proceeds of sales of 5 casks of butter, 1 hhd. of tobacco, and 30,732 pounds of tobacco, loose, left by Mr. Dunn,	1,479 04	160	924 06
May 17,	By net proceeds of sales of 38 casks of lard, per Captain Dunn,	.	.	78 04
June 13,	By cash returned by Mr. Ballinger,	.	.	1,650 00
Aug. 15,	By net proceeds of sales of 27 casks of butter, per Captain Dunn,	.	.	162 04
	By so much charged you, in an account rendered May 1, for Mr. Nolan's expenses through the Creek nation,	.	.	99 02
	By cash paid Captain Hoops, £280 Virginia currency,	.	.	933 02½
	By first of adventures, &c. with charges,	.	.	13,991 00
	By adventures from Kentucky, in company, for your half gain,	.	.	3,355 02½
	By amount of Philip Nolan's account,	.	.	374 00
	By Daniel Clarke, for deputy surveyor's fees paid in Richmond,	.	.	32 00
	By Daniel Clarke, paid for advice in suit against Foster Webb,	.	.	32 00
			Hard dolls	21,632 05

Errors and omissions excepted.

WILKINSON & DUNN.

New Orleans, *August* 29, 1789.

	By balance brought down,	.	.	12,464 07½
	By a note returned, which was charged you in favor of Colonel Ellzey, for £14 Virginia currency,	.	.	46 04
			Dolls.	12,511 03½

J. Wilkinson's order on D. Clarke, Sen.

Dear Sir: September 4, 1789.

Will you be so good as to answer to Mr. Nolan the balance in your hands, for your friend.

J. WILKINSON.

To Daniel Clarke, Esq.

Receipt.

New Orleans, *September* 5, 1789.

Received of Messrs. Clarke and Rees $48 5½rs., the balance due James Wilkinson, as stated in Messrs. Clarke and Rees's account current. For James Wilkinson,

PHIL. NOLAN.

No. 33.

Philip Nolan's Declaration.

New Orleans, *September* 10, 1790.

I, Philip Nolan, agent for James Wilkinson, Esq., being applied to by Daniel Clarke, Jun., attorney of Clarke & Rees, to investigate an account settled the 5th September, 1789, between Clarke & Rees, merchants of this place, and the aforesaid James Wilkinson, Esq., do declare that there is an error in said account, amounting to four hundred and seventy-three silver dollars two rials, to the prejudice of Clarke & Rees, occasioned by their giving him credit twice in their account for the aforesaid sum of four hundred and seventy-three silver dollars two rials, being my expenses on my journey from hence to Kentucky, in the year 1788.

PHILIP NOLAN.

No. 4.

James Wilkinson's accountable receipt for our part of the cargo, per Speedwell's proceeds, and for a debt due by Craig and Johnson, for £318 13*s.* 7*d.*

I do hereby acknowledge that I have not accounted with Daniel Clarke for his half of the adventure of merchandise, shipped per the bateau Speedwell, Jean Massey, patroon, from New Orleans to the falls of the Ohio, consigned to Wilkinson and Dunn; and that I will invest, and ship the proceeds of the said adventure, which still remains in our hands, in good and merchantable tobacco, to him in the month of December next.

I also acknowledge that I have a debt due to the said Clarke from Craig and Johnston, for three hundred and eighteen pounds, thirteen shillings, and seven pence, Virginia currency, under my direction; and that I will, or my heirs, in case of my death, ship tobacco to him to the amount thereof, as soon as I, or they, shall recover the same; and when these several obligations into which I now enter are fulfilled by me or my heirs, that the articles of wri-

ting, declaratory of a connexion with the said Clarke, by Wilkinson and Dunn, bearing date the 7th of August, 1788, shall be void, and of no effect; and, also, that the power of attorney which I have had from said Clarke shall be cancelled, and of no effect from this day.

As witness my hand, at New Orleans, this 18th day of September, in the year of our Lord one thousand seven hundred and eighty-nine.

JAMES WILKINSON.

No. 3.

Articles of agreement between Wilkinson and Dunn and Daniel Clarke, Sen.

To all persons to whom these presents shall come, GREETING:

Know ye, that James Wilkinson and Isaac B. Dunn, of the district of Kentucky, now in the State of Virginia, Esquires, of the one part, and Daniel Clarke, of the town of New Orleans, on the Mississippi, merchant, of the other part, do hereby consent and mutually agree to carry on a commerce between the said district of Kentucky and the town of New Orleans aforesaid; that is to say:

That the said James Wilkinson and Isaac B. Dunn shall purchase in the district of Kentucky, or any other of the settlements on the waters of the Ohio, within the State of Virginia aforesaid, to wit: tobacco, flour, butter, tallow, hogs-lard, beef, pork, bacon, and bacon-hams, on the joint account and risk of the said James Wilkinson, Isaac B. Dunn, and Daniel Clarke, and the same to be sent down in good order (dangers of the river excepted) to the town of New Orleans, addressed to the aforesaid Daniel Clarke, to be by him converted into cash, for the common benefit of the said James Wilkinson, Isaac B. Dunn, and Daniel Clarke, in the particular ratio hereafter written.

And likewise, that the said Daniel Clarke shall purchase and send to the falls of Ohio, on account and risk of the aforesaid James Wilkinson, Isaac B. Dunn, and Daniel Clarke, addressed to the said James Wilkinson and Isaac B. Dunn, such European and West India commodities as shall jointly be deemed necessary for the use and consumption of the aforesaid settlements on the Ohio, to be by them converted into cash, or such articles of produce as are herein named, for the joint benefit of the said James Wilkinson, Isaac B. Dunn, and Daniel Clarke, in the particular ratio hereafter mentioned.

Now, be it remembered, and it is hereby declared and made known, that the said parties are to be interested in the said commerce, in the following proportions, viz:

James Wilkinson to have and enjoy one-fourth part of the profits which shall appear to arise from the said trade, to be carried on agreeably to the letter and spirit of the contract, from Kentucky to this place, and from this place to Kentucky, and also to sustain one-fourth part of any loss that may happen to the parties in the said trade.

In like manner shall Isaac B. Dunn share and enjoy one-fourth part of the profits which shall arise from the aforesaid commerce, and in like proportion bear any loss that may happen to the parties in the course of the said connexion.

And likewise, that the said Daniel Clarke shall have and enjoy of the profits which shall arise from the said trade, one-half, or equal moiety of the whole, and bear in like proportion any loss that may be sustained by the parties in the course of their said connexion.

Further, it is agreed by the contracting parties, that this connexion shall take place on the 1st day of December next, and continue until dissolved by mutual consent of the said parties, or by prohibition of this Government: *Provided, always*, That no tobacco which shall be sent down by James Wilkinson, Esq., antecedeht to the 1st day of December next, shall be considered, in any wise, a property falling within the present connexion.

And whereas Daniel Clarke is now preparing to make a shipment of merchandise to the aforesaid falls of Ohio: Be it known, that the merchandise is for account and risk of the aforesaid James Wilkinson, Isaac B. Dunn, and Daniel Clarke, in the proportions aforesaid.

Lastly, be it remembered, that the said James Wilkinson and Isaac B. Dunn shall not charge commissions for what they buy or sell, at any part of the settlements of Kentucky, or on the waters of the Ohio, for account of the parties in this concern; nor shall the said Daniel Clarke charge any commission for all or any business he shall transact at New Orleans for account of said concern.

In witness whereof, the parties have hereunto interchangeably set their hands and seals, at New Orleans, this 7th day of August, 1788.

For James Wilkinson and self,

ISAAC B. DUNN. [L. S.]

DANIEL CLARKE. [L. S.]

Signed, sealed, and delivered, in presence of

A. HOOPS,

PHILIP NOLAN.

No. 2.

Wilkinson to Clarke.

DEAR SIR: RICHMOND, *October* 27, 1807.

A friend having proposed a publication relative to scenes of eighteen or twenty years' standing, I furnished him your extract from the memoir you transmitted Mr. Pickering in 1796–'7. Being a public document, I could see no impropriety in this, and I hope you may concur in the same opinion, seeing that it was an interesting paper to me, assailed as I am by the worst, the merest demons that ever infested the earth. So soon as I have adjusted a single point here, I shall be with you, and am,

With respect and esteem, yours,

JAMES WILKINSON.

The Hon. D. CLARKE.

DEPOSITIONS OF DANIEL W. COXE AND WALTER JONES.

Deposition of Walter Jones, Esquire.

The deposition of Walter Jones, Jun., who officiated as judge advocate and recorder to the military court of inquiry, instituted in the month of January, 1808, for the investigation of certain charges against Brigadier General

James Wilkinson; which deposition is taken before the committee of the House of Representatives appointed to inquire into the conduct of General Wilkinson.

The deponent, in answer to sundry inquiries of the committee, in relation to the evidence and documents produced before the court of inquiry, and filed among the records of its proceedings, the manner in which they were disposed of, and whether the papers, lately returned by General Wilkinson, do in fact constitute the whole of those properly belonging to the records of that court, deposes and swears as follows:

On the 16th February, 1808, after several meetings of the court of inquiry, and fruitless attempts to bring forward the evidence relied on to support the charge against General Wilkinson, he came before the court, and made his petition that the affidavit of Mr. Daniel Clarke, which had been laid on the table of the House of Representatives, and a certified copy of which had, with other papers, been transmitted by the President of the United States to the judge advocate, might be received by the court "at its intrinsic value," or, "for as much as it was worth;" he, General Wilkinson, waiving all objections as to form, and to the legal competency of the affidavit to be read in evidence, but reserving to himself the advantage of all objections on the score of credibility, and taking upon himself to discredit or to contradict the evidence of Mr. Clarke. The certified copy of the affidavit was accordingly read and filed as evidence; the judge advocate admitting, as a matter of course, that the accused was free to urge every objection, and to produce all competent evidence affecting the credit of the witness. The judge advocate, at the same time filed, *de bene esse*, certified copies of the documents laid on the table of the House of Representatives, by Mr. Randolph, which were reserved upon file for further proof.

At the subsequent sittings of the court, General Wilkinson produced and examined several witnesses in his defence. According to my recollection, and the minutes I have preserved of the course of those examinations, he undertook to discredit the evidence of Mr. Clarke upon three grounds:

1st. By imputing to the witness a particular motive for malice against the person accused, arising out of his, Mr. Clarke's, alleged connexion with Burr's conspiracy, and the vindictive passions of those conspirators, supposed to be directed against General Wilkinson on account of his active agency in their final suppression. To this point he produced the following witnesses, viz: Lieutenant William A. Murray, Lieutenant Robert T. Spence, John Graham, and Benjamin H. Latrobe, whose examinations were severally taken down in writing and filed.

2dly. By undertaking to prove prior declarations of Mr. Clarke, upon the subject-matter of his affidavit, inconsistent with the statement contained in it. To this point he produced the following witnesses, viz: Robert Wright, Governor of Maryland, General Samuel Smith, of the Senate, Willis Alston, of the House of Representatives, James Lowry Donaldson, of Baltimore, and Dr. Walter Jones, of the House of Representatives, whose examinations were severally taken down in writing and filed. To this point, he also produced the deposition of Colonel William Lowry, of Baltimore, and a memoir from the Secretary of State's office, entitled "History of the Trade of Louisiana," which is an exhibit referred to in Mr. John Graham's examination.

3dly. By attempting to disprove a circumstance mentioned in Mr. Clarke's affidavit, viz: his spending three days and nights in General Wilkinson's tent at Loftus Heights, in October, 1798; for that purpose the deposition of Dr. J. F. Carmichael was produced and filed.

General Wilkinson also took the deposition of Mr. Daniel W. Coxe, of Philadelphia, for the purpose of proving some circumstance to the disadvantage of Mr. Clarke. I have but an indistinct impression left upon my mind of the particulars sworn to by Mr. Cox, except that, after negativing the interrogatories of General Wilkinson, suggesting any thing to the disadvantage of Mr. Clarke, the witness proceeds voluntarily to disclose all the circumstances within his knowledge, corroborative of Mr. Clarke's evidence, or of the integrity of his motives.

The last witness produced by General Wilkinson, and the last evidence of any kind brought forward by him, prior to his delivering in his defence in writing, was Mr. Oliver Pollock, by whom he undertook to prove the innocence of his Spanish transactions and connexion, from circumstances within the personal knowledge of the witness; his examination was also taken down in writing and filed.

On the part of the prosecution, the following additional evidence was produced and filed, viz:

The deposition of Andrew Ellicott, who was required to state the whole of his knowledge and information relative to any transactions or connexion between General Wilkinson and the Spanish Government of Louisiana, or any of the officers or agents of that Government.

Also, the deposition of Robert Goodloe Harper, to corroborate Mr. Clarke's evidence, by proving prior conversations between them, in which the evidence relied upon by General Wilkinson, to fix upon Mr. Clarke inconsistent and contradictory declarations, was attempted to be rebutted or explained.

This, according to the best of my recollection, refreshed by the rough minutes, and loose papers relative to the proceedings of the court yet in my possession, was the whole of the evidence before the court when General Wilkinson rose to deliver his defence.

The court of inquiry had stood adjourned for some considerable time, when it met in June, 1808, for the purpose of bringing the case to a conclusion. During that month I was particularly, and almost constantly engaged in attending to my professional duties at the circuit court of this district then in session. I did, with some difficulty, contrive to attend the court of inquiry for the two days taken up by General Wilkinson, in delivering his defence, which was commenced on Friday, the 24th, and concluded on Saturday, the 25th June, 1808. In the course of reading his defence, he produced a great number of papers, referred to as exhibits, consisting of documents and affidavits which had never before been submitted to the court. Captain Fenwick, of the marines, sat by with these papers, arranged in regular order, and handed them over as they were called for in the progress of the defence. Every exhibit so referred to, and called for, was successively handed over to me as judge advocate and recorder, and carefully filed among the records of the court. I kept a rough minute, or numerical list of the new papers and documents quoted and produced by General Wilkinson upon that occasion, by reference to which I find that he produced fifty-five new exhibits, many of them comprising sundry enclosures not particularly noted. This list, or a fair copy, I am ready to produce to the committee, if required. The instant that the defence was concluded, I collected together, in the best order I could, all the papers belonging to the records of the court, and left them, with the three members, for their examination, in order to the making up, and forming their opinion in private. It was agreed between us that, while they were engaged in this investigation, my presence might be dispensed with until the members should have definitively made up their decision. In the morning of the 28th of June, I was called upon to meet the court of inquiry, and found that the definitive opinion of the court was ready drawn up in writing; it was then signed by the members in my presence; and together with all the papers, delivered up to me for the purpose of making up a record of the proceedings in due form, and transmitting the whole to the War Department. The court, at the same time, communicated to me their request that, in making up the record, I should prefix to their opinion a methodical statement or summary of all the evidence in the case, as well oral as documentary. The completion of the duties thus remaining to be executed by me as judge advocate, would, under the pressure of other business, then upon my hands, have required from ten days to a fortnight. General Wilkinson was, as I understood, very urgent to have his fate finally decided and promulgated prior to the then ensuing anni-

versary of independence; and I received either a note or a verbal message (I cannot now say with certainty which) from the Secretary of War, requesting me immediately to transmit the opinion of the court, and all the requisite evidence and documents to be returned to me as soon as the President of the United States should have considered them. I immediately set about making the best arrangement, in my power, of the papers; distributing them into several bundles in such order as might enable the President to go through the examination of them with the least labor, and to the best advantage; for easily understanding the relation of each to the points of the case, each bundle having a label, on which its general contents were noted in my hand-writing. I recollect that General Wilkinson's defence constituted one of the bundles, and the new exhibits referred to in it another. On the same, or the next day, after the court had delivered their opinion, the papers were sent, in the state I have described, to the War Department, accompanied by a letter from me to the Secretary, stating to him the informal condition in which the record was transmitted, according to his request, and the necessity of having the papers returned to me, as soon as the President should have done with them, for the purpose of completing the record. It is proper to mention that, upon looking over the loose papers and minutes, relative to the proceedings of the court of inquiry, yet in my possession, I find that, from some cause which I cannot now with certainty account for, but, it is probable, from casual inadvertence, I omitted sending one original document, properly belonging to the evidence in the case, and which I now produce to the committee, and that is the memoir entitled "History of the Trade of Louisiana," referred to in Mr. John Graham's examination.

I heard nothing further on the subject till I saw, in the National Intelligencer, of the 4th July, 1808, the opinion of the court of inquiry, approved by the President of the United States. My professional engagements continued to occupy me, without intermission, for a considerable time afterwards; and when I did find myself at leisure to undertake the completion of the record, I learned that Colonel Burbeck, the president of the court, whose signature was necessary, in addition to my own, in order to authenticate the record, had been, in the mean time, detached to some distant post. As the President of the United States had already acted upon the case, and there was no immediate necessity for a more complete record, I thought it as well to postpone the matter in expectation of Colonel Burbeck's return in some reasonable time. It was not till some time late in September, or early in October last, soon after my return from the country, that I heard of Colonel Burbeck's being in town, and it immediately occurred to me that it was a good opportunity to finish my long postponed task. For that pu[illegible]ose I requested one of the clerks in the War Department, with whom I accidentally met, to send me the papers. After some time, and upon further application, I was informed they were missing, but it was some time before it could be distinctly understood what had become of them. It was sometime during this winter that I was informed that it was certainly ascertained General Wilkinson had taken possession of them. I do, with the utmost certainty, aver that, until the information came to me in the time and manner I have just described, I had all along remained in the most assured security that the papers were safely deposited, and carefully preserved in the War Office, ready for me to act upon, whensoever the proper opportunity should occur for making up the record in due form; and that I had never the least suspicion or knowledge of the fact that they were in the custody of General Wilkinson, nor of any circumstance that could render the supposition of such a fact in the least degree probable. I do recollect that, on the day I transmitted the papers to the War Department, General Wilkinson requested that, when they came again into my possession, he might have the loan of his defence, in order to correct or retouch the language, preparatory to a publication of it; that, I informed him, was an indulgence I had always thought it reasonable to allow persons in his situation, reserving to myself, however, the privilege of seeing that no material statement contained in the defence should be substantially varied. I do further recollect that he expressed a desire to have a full copy of the whole record and documents, which I informed him he would, as I conceived, be entitled to request from the War Department.

I have, at the request of the committee, looked over (without making, however, any particular examination of their respective contents) the bundle of papers said to have been returned by General Wilkinson, as all the documents in his possession, relative to the court of inquiry, and I am not enabled to say, either from my own recollection, or from any written memoranda in my possession, that there is now any deficit among those papers which constituted the evidence of witnesses, and the documentary evidence produced and filed prior to the time of General Wilkinson's delivering in his defence. Of the other papers transmitted by me to the War Department, together with those last mentioned, and as a parcel of the same proceeding, there are missing the whole of General Wilkinson's written defence, and all those 55 exhibits, produced for the first time, in the course of delivering that defence, except that I perceive in the bundle certain papers which I believe to be four of those exhibits, viz: the affidavits of Silas Dinsmore, Dr. G. E. Pendegrast and Captain John Bowyer, and certain extracts from the correspondence of the Louisiana commissioners with the Secretary of State. I perceive in the bundle, one paper, viz: John Brown's affidavit, of which I have no recollection, nor any written memorandum; it may, however, have been among those upon the file of the court, and may have been overlooked or forgotten.

The circumstances attending the original production of the papers now missing, and the transient manner in which they passed through my hands, must satisfactorily account for the imperfect answer I am obliged to make to the inquiries of the committee into the contents of a certain part of them; it was for the purpose of accounting for this, that I have dwelt so minutely upon certain points that might otherwise appear to be frivolous.

As to the account current between General Wilkinson and Governor Miro, mentioned in the opinion of the court, the following is all that I can at present recollect concerning it, either from my own memory or any written memorandum in my possession.

It was emphatically commented on by General Wilkinson, as having been fortunately preserved though the many casualties and hazards to which his papers had been exposed, and by which many of them had been destroyed, and as furnishing demonstrative evidence of the innocence of his transactions with the Spanish Governor. It was introduced from among a number of letters and papers stated to be either in the hand-writing of, or to have been transmitted by, General Wilkinson's deceased agent, Philip Nolan, and it was stated to be an account current signed by an agent of Governor Miro, and rendered to Philip Nolan, and by him transmitted to General Wilkinson; it was handed round among the members of the court, and when it came to me to be filed, I ran my eye hastily over it. I cannot recollect, with any precision, either the date, the items, the gross amount, or the balance; nor can I recollect the name or quality of the Spanish agent by whom it was signed and rendered; it was either enclosed in a letter from Philip Nolan to General Wilkinson, or tied up with letters, or other papers of Nolan, so that the account, together with a certain number of those papers, formed one exhibit. I do not find, upon recurrence to my list, that the account is specifically mentioned in it; but I feel morally certain in my own mind, that it was comprised in one of two exhibits mentioned and described in that list, as follows: "No. 6. Papers of Nolan." "No. 9. Nolan's letters." And further this deponent saith not.

W. JONES, Jun.

WASHINGTON COUNTY, *ss.*

On this 1st day of May, 1810, before the subscriber, a justice of the peace for said county, appeared Walter Jones, Jr. and made oath in due form, that the foregoing facts, as stated, are true to the best of his knowledge.

DANL. RAPINE.

D. W. C.

Personally appeared before me, Daniel Rapine, Daniel Wm. Coxe, of the city of Philadelphia, merchant, who, being duly sworn according to law, doth declare and say, that the following documents and papers,

No. 2. A letter from James Wilkinson to Daniel Clarke, dated 27th October, 1807;

No. 3. An agreement between James Wilkinson and Daniel Clarke, dated 7th August, 1788, in Philip Nolan's hand-writing;

No. 4. James Wilkinson's accountable receipt to Daniel Clarke, dated September 18th, 1789;

No. 5. An affidavit of John Ballinger, dated January 12th, 1789;

No. 6. A letter from Evan Jones to Daniel Clarke, dated February 16th, 1809;

No. 7. An affidavit of F. Langlois, dated the 29th December, 1808, containing two original letters to himself from the Baron de Carondelet, dated 28th January and 28th June, 1795;

No. 8. An affidavit from Dominique Bouligny, dated January 16th, 1809;

No. 9. An affidivit of Thomas Power, dated March 18th, 1809;

No. 11. An affidivit of William Miller, dated March 11th, 1809;

No. 13. James Wilkinson's letter to Colonel John Adair, dated August 7th, 1795;

No. 14. Thomas Portell's certified copy, in his own hand-writing, of the Baron de Carondelet's instructions to him, dated January 20th, 1796, with translation thereof, from the Spanish;

No. 15. Thomas Power's letter to Don Thomas Portell, in Spanish, in the hand-writing of Power, dated June 27th, 1796, with a translation thereof;

No. 16. Thomas Portell's letter to Thomas Power, in Spanish, in the hand-writing of Portell, dated 27th June, 1896, with a translation thereof;

No. 17. Thomas Power's affidavit, dated March 18th, 1809;

No. 20. Thomas Power's draught, in his own hand-writing, of his letter, dated 27th June, 1796, in the French language, to the Baron de Carondelet, with a translation thereof;

No. 21. Thomas Power's draught of his letter in English, in his own hand-writing, and dated 27th June, 1796, to Governor Gayoso;

No. 22. Thomas Power' draught of his letter, in French, in his own hand-writing, and dated 3d January, 1797, to the Baron de Carondelet, with a translation thereof;

No. 23. Thomas Power's draught of his letter in English, dated January 3, 1797, to Governor Gayoso. Accompanying these last four numbers, and Nos. 40 and 43, is Thomas Power's affidavit, dated March 18, 1809, in relation thereto;

No. 25. James M. Bradford's affidavit, dated March 17, 1809;

No. 27. James Wilkinson's account current (in Philip Nolan's hand-writing) with Clarke & Rees, dated August 8, 1788;

No. 28. James Wilkinson's account current with Clarke & Rees, dated May 1, 1789. N. B. This is contained in account book, page 30;

No. 29. Philip Nolan's account of sales of tobacco, in his own hand-writing, dated September 21, 1790;

No. 30. James Wilkinson's letter to Clarke & Rees, dated May 20, 1790;

No. 31. James Wilkinson's letter to Clarke & Rees, dated June 20, 1790;

No. 32. Wilkinson & Dunn's account current with Clarke & Rees, dated August 29, 1789, and September 5, 1789, with James Wilkinson's order and Philip Nolan's receipt for balance;

No. 33. Philip Nolan's declaration, dated September 10, 1790;

No. 34. Thomas Power's affidavit, dated March 18, 1809;

No. 35. Secret instructions from James Wilkinson to Thomas Power, in P. Nolan's hand-writing;

No. 36. Thomas Power's letter in Spanish, dated May 9, 1797, in his own hand-writing, to the Baron de Carondelet, with translation;

No. 37. Baron de Carondelet's letter in Spanish, to Thomas Power, dated May 28, 1797, with translation thereof;

No. 38 Baron de Carondelet's letter to Thomas Power, in French, dated May 26, 1797, with postscript of May 28, and translation;

No. 40. Thomas Power's draught of his letter in French, in his own hand-writing, to Baron de Carondelet, dated June 4, 1797, with translation thereof;

No. 42. James Wilkinson's letter to Thomas Power, dated September 5, 1797;

No. 43. Thomas Power's draught of his letter, in his own hand-writing in Spanish, to Governor Gayoso, dated December 5, 1797, with a translation thereof;

No. 44. Baron de Carondelet's letter in French, to Thomas Power, dated April 23, 1797, with translation thereof;

No. 70. James Wilkinson's letter to Thomas Power, dated Greenville, May 25, 1796;

No. 71. A letter in James Wilkinson's hand-writing, though without his signature, to Daniel Clarke;

X. A letter from James Wilkinson to Daniel Clarke, dated June 9, 1805, introducing Colonel Burr;

No. 78. James Wilkinson's letter to General John Adair, dated May 28, 1805, alluding to Colonel Burr;

G. Y. A certified copy of a letter from James Wilkinson to Governor Gayoso, in the hand-writing of Gayoso, and dated September 22, 1796;

A. A letter from Joseph Collins to Daniel Clarke, dated March 10, 1809;

have been delivered by this deponent to the committee of the House of Representatives of the United States, appointed to inquire into the conduct of Brigadier General James Wilkinson, by a resolution of the 4th of April instant, and that the said papers are genuine, to the best of his knowledge and belief, and in the hand-writing of the persons therein respectively designated.

DAN. WM. COXE.

WASHINGTON COUNTY, DISTRICT OF COLUMBIA, *ss:*

On this 30th April, 1810, before the subscriber, a justice of the peace for said county, appeared Daniel William Coxe, and made oath, in due form, that the facts stated above are true to the best of his knowledge.

DANL. RAPINE.

11th Congress.] No. 281. [3d Session.

APPROVAL OF PENNSYLVANIA OF THE MEASURES OF THE FEDERAL GOVERNMENT ON FOREIGN AFFAIRS.

COMMUNICATED TO THE SENATE, DECEMBER 10, 1810.

In the General Assembly of the Commonwealth of Pennsylvania.

Whereas the Legislature of Pennsylvania, at their last session, made so explicit an avowal of their sentiments respecting the foreign relations of the United States, gave so firm a pledge of support to the General Government, that uncommon events alone could have rendered correspondent declarations, by their successors, useful or necessary; but the conduct of Great Britain, and the insolence of her minister plenipotentiary has produced a crisis that has excited public feeling and anxiety to such an unexampled height, that the General Assembly of this Commonwealth cannot hesitate to renew the solemn expression of devotion to their country, and of resentment against the Governments under whose order the rights, dignity, and honor of the United States have been violated and insulted. Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, That they unequivocally approve the pacific and liberal measures which the administration of the United States has so zealously pursued, for obtaining an adjustment of the existing differences between this country and the Governments of Great Britain and France.

Resolved, That whilst, with sincere pleasure they thus bear testimony to the upright and honorable conduct of their own Government, they view the refusal on the part of France to accommodate the differences between the two nations, as a flagrant disregard of our national rights; and they cannot hesitate to pronounce the violation, on the part of Great Britain, of a solemn and reciprocal engagement, and her subsequent failure to clothe her minister with adequate powers to adjust with our Government the disputes that had arisen prior to that event, as well as those thereby produced, to be such a manifestation of determined hostility, as must arouse the spirit, and nerve the arm of every American to resent the insults, and to resist the outrages thus wantonly heaped upon an unoffending nation.

Resolved, That when, in the opinion of our national councils, an appeal to the patriotism and force of the American people becomes necessary, the General Assembly of this Commonwealth pledge themselves to co-operate with the General Government to sustain the rights, honor, and reputation, and to avenge the wrongs and insults of their country.

Resolved, That the Governor of this Commonwealth be requested to transmit a copy of these resolutions to the President of the United States, and a copy to each of the Senators and Representatives from Pennsylvania, in the Congress of the United States.

JOHN WEBER,
Speaker of the House of Representatives.
P. C. LANE,
Speaker of the Senate.

Approved, the 19th day of March, 1810.

SIMON SNYDER.

11th Congress.] No. 282. [3d Session.

PROVISION FOR MAKING THE ROADS DESIGNATED BY THE TREATY OF BROWNSTOWN, AND DISPOSING OF THE LANDS ACQUIRED BY SAID TREATY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 7, 1811.

Mr. Morrow, from the Committee on the Public Lands, having been instructed to consider and report on the expediency of laying out and making the roads designated, and a provision for the disposal of the lands acquired by the treaty of Brownstown, made the following report:

The roads contemplated by the said treaty have, for their object, the opening a communication by land between the Territory of Michigan and the adjacent settlements in the State of Ohio, and generally with the other parts of the United States; a view of the geographical position of Michigan Territory, situated as it is, bordering for a considerable extent on the British province of Upper Canada, bounded on the east, north, and west by water, and on the south by an extensive tract of country to which the Indian title remains unextinguished, convinces the committee of the utility and necessity of the proposed roads. They would subserve the convenience of the citizens in their ordinary intercourse, of the Government in the transportation of the public mail, and especially, in an emergency, would be necessary for military operations. The distance from the rapids of the Miami of the Lakes to the western boundary of the Connecticut Reserve is about thirty-five miles; and from the Lower Sandusky, in a southwardly direction, to the Indian boundary line is about seventy miles, proper allowance for windings in the roads, so as that they may be made on good ground; the aggregate length of road, proposed to be made, may be estimated at one hundred and twenty miles, and the expense may be computed at four thousand dollars. Unless funds are provided by the United States for laying out, and making these roads, it is not probable that the object will be accomplished for many years to come; for, however great the advantage, and immediate the necessity of these roads to the inhabitants of Michigan, they are destitute of the means, and the proposed roads are without the limits of her territorial jurisdiction.

The State of Ohio, with limited public resources, and multiplied demands for extensive improvements on the roads within and for connecting her settlements, it is not to be expected that she will afford the funds for making roads without the limits of her settlements. The committee are also of opinion that it would be proper to make provision for the disposal of the lands acquired by the aforesaid treaty; the public lands, when they become private property, will be improved, and accommodation made for travellers on the road. The committee respectfully submit the following resolution:

Resolved, That provision ought to be made, by law, for laying out and making the roads designated by the treaty of Brownstown, and that provision be made for the disposal of the public lands acquired by the said treaty.

[NOTE.—See further report, No. 298.]

11th CONGRESS.] No. 283. [3d SESSION.

ADMISSION OF THE MISSISSIPPI TERRITORY INTO THE UNION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 9, 1811.

Mr. POINDEXTER made the following report:

The committee, to whom was referred a resolution of the House of Representatives to inquire into the expediency of admitting the Mississippi Territory into the Union, as a separate and independent State, have had the subject referred to them under consideration, and beg leave, respectfully, to submit the following report:

That there has existed, within the Territory aforesaid, a temporary Government similar to that prescribed by the ordinance for the Territory northwest of the river Ohio, since the seventh day of April, one thousand seven hundred and ninety-eight; and, although the wisdom of Congress has been displayed in various modifications of that ordinance, it has never ceased to contain principles incompatible with the rights of freemen. The Executive, who is frequently a total stranger to the local circumstances of the country, possesses an unlimited veto on all laws passed by the representative branch of the Legislature. In addition to which, he is clothed with the odious authority to prorogue and dissolve the General Assembly, and thereby prostrate all power within the Territory to regulate its local and municipal concerns; these high prerogatives emanating from, and fit only to belong to Kings and despots, may be exercised at the discretion of the Governor, who is not even required to assign a reason on which the act is founded. The only security which the people, over whom this form of government is established, have, against the frequent and wanton abuse of these powers, is to be found in the mild and conciliatory disposition uniformly manifested by the General Government towards its Territories; but experience has shown that officers, situated at a remote distance from the tribunal to which they are responsible, too frequently "feel power, and forget right," and, by eluding the vigilance of rigid investigation, are enabled to practice acts of oppression with impunity. Your committee forbear to enter into an examination of the various objections which might be urged against the present system of Territorial Governments. It is sufficiently obvious, that, in many respects, they are hostile to the free constitution which guaranties the liberties of every American citizen. Your committee, therefore, consider it an act, both of strict justice and sound policy, to emancipate every Territory of the United States from the trammels of that probationary vassalage, whenever the number of inhabitants within the boundaries of the Territory shall fairly entitle them to a Representative in the Congress of the United States. Your committee have used the best means in their power to ascertain the number of souls within the Mississippi Territory. The official returns of the census have not yet been made to the Department of State, agreeably to the act of the last session, directing a census or enumeration of the inhabitants of the United States; consequently it became necessary and proper to seek, through other channels, the requisite information on that subject. It appears to your committee, from the best evidence which they have been enabled to collect, and on which they confidently rely, that there are in the southern and eastern counties of the Territory about the number of thirty-five thousand souls, and that the county of Madison, situated on the northern extremity of the Territory, near the great bend of the Tennessee river, contains a population of about ten thousand souls; it also appears to your committee that the emigration from the old States to this section of the Union will, in a very short time, constitute the number of inhabitants required by the articles of cession and agreement between the United States and Georgia, to vest in them the unqualified right to become a member of the Union. Connected with those considerations, the length of time which it will necessarily require to form a constitution, and put the same in operation, affords a strong pledge that, anterior to the final admission of the aforesaid Territory into the Union, the number of its inhabitants will amount to at least sixty thousand.

Your committee are of opinion that where no constitutional difficulty occurs, the formation of new States on the southern extremity of the Union ought not to be delayed. It is a remarkable fact, in the annals of this country, that, on the river Mississippi, which is acknowledged by all to be of the first importance, both in reference to its commercial advantages, and the vast extent of fertile territory through which it flows, there does not exist a solitary State Government. To unite every portion of the American family, by the indissoluble cord of affection, and to perpetuate the integrity of the Union, are objects paramount to all others which can be presented to the view of the National Legislature. These results cannot be secured but by an equal distribution of rights and privileges through every section of our extensive country. Let each enjoy civil, political, and religious liberty, subject to the control of independent local authorities, while the fostering hand of the Federal Government shall protect them in these enjoyments from domestic feuds and external violence. Your committee, with the foregoing impressions, do not hesitate to recommend the following resolution:

Resolved, That it is expedient to admit the Mississippi Territory into the Union, as a separate and independent State, on an equal footing with the original States; and that provision ought to be made, by law, to authorize the people of said Territory to elect a convention to form a constitution, to be submitted to Congress for their approbation.

[NOTE.—See report, No. 301.]

11th Congress.] No. 284. [3d Session.

LIST OF PATENTEES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 14, 1811.

Sir: Department of State, *January* 1, 1811.

In pursuance of the resolution of the House of Representatives of the United States, dated the 7th ultimo, I have the honor of transmitting a list of the names of persons who have invented any new or useful art, machine, or composition of matter, or any improvement thereon, and to whom patents have been issued for the same from this office, with the dates and general objects of such patents; and also the residence of the patentees, as far as they could be ascertained.

I have the honor to be, sir, with the greatest respect, your obedient servant, &c.

R. SMITH.

To the Hon. the Speaker *of the House of Representatives of the United States.*

Inventions.	When issued.	Names of patentees.	Residence.
	1805.		
Machine for cutting nails, brads, &c.,	May 1	Increase Kimball,	New Hampshire.
Improvement in the grist mill,	2	Joseph Copes,	Georgetown, Delaware.
A close fire-place,	3	Horatio G. Spafford,	Hudson, New York.
Machine for raising water from a running stream,	3	Frederick Lippart,	P. O. Keetztown, Penn.
In andirons,	4	John Stickney,	Baltimore.
An iron wheel for transporting carriages,	4	Robert Crane, Jun.,	Woodbury, Litchfield county, Connecticut.
A felloe mill,	4	Samuel Church,	Amherst, Hampshire co. Mas.
A metallic hone,	4	John Houston,	Williamsburg, Virginia.
A cross-cramp for four wheel carriages,	4	Simeon Glover,	Newtown, Fairfield co. Conn.
A washing and scouring machine,	4	Abraham Higham,	Hudson, New York.
Machine for raising and removing earth,	4	Joseph Platt,	Albany, New York.
In the physiognotrace,	4	Daniel Atherton,	Richmond, Virginia.
Machine for raising and removing earth,	4	Joseph Platt,	Albany, New York.
A beaming machine,	6	Allen Hill,	Hinsdale, Berkshire co. Mass.
Machine for removing earth, &c.	6	Jacob Welsh,	Boston.
Bleeding with and breeding leeches,	7	John Kunitz,	Philadelphia.
Machine for sawing shingles,	8	Isaac Baker,	Amherst, Northampton, Mas.
In glazing and polishing linens,	9	William Smith,	New York.
In making sod oil for leather,	10	George Poyzer,	Philadelphia.
Machine for shelling and hulling clover-seed,	10	Michael Zorger,	P. O. York, Pennsylvania.
Method of making moulds for casting iron screws, &c.,	10	Ebenezer Lester,	Herkimer town and co. N. Y.
In manufacturing tin ware,	10	Barnabas Langdon,	St. Albans, Vermont.
In the sluice to convey the water to horizontal wheels; and in the manner of forming the wheels of cast iron,	10	James Humiston Jun.,	Wallingford, N. Haven, Con.
On Anderson's patent condensing tub,	17	Henry Witmer,	Lancaster, Pennsylvania.
In the bark mill,	21	Thomas W. Pryor,	Philadelphia.
Apparatus for making tiles, bricks, &c.	22	William Hodgson,	Richmond, Virginia.
In the smut-fanning mill,	24	Thomas Pierce,	Fishkill, Dutchess co. N. Y.
Mode of making posts of clay for fencing,	27	William Cooley,	Bolton, Tolland co. Conn.
Machine for raising or projecting fluids,	27	Daniel Tomlinson,	Brookfield, Tolland co. Conn.
Method of boiling applicable to distilling, brewing, &c.,	27	Benj. Eggleston, Jun.,	Princetown, Albany, N. Y.
In the mode of setting boilers of every description,	June 1	Ebenezer Jenks,	Portland, district of Maine.
In planing by machinery,	1	John Bennock,	Boston.
Planing machine for sawing bellows boards, &c.	1	John Hinman,	New Haven, Connecticut.
Method of separating, preparing, and collecting the sulphate of potash into sal polychrestum, &c.,	15	Alexander McNitt,	Geneva, Ontario, New York.
Improvement in mills and machinery,	25	Lewis Valcourt,	Louisville, Kentucky.
Machine for ginning, carding, and spinning cotton,	Aug. 8	John McBride,	Nashville, Tennessee.
Machine for grinding, sawing, or rasping dye woods,	13	John Mathews,	Philadelphia.
Machine for casting types,	28	William Wing,	Hartford, Connecticut.
In springs for wheel carriages,	29	William Wing and Henry Salisbury,	Hartford, Connecticut.
In tub mills,	Sept. 25	Charles McLean and Solomon Loomis,	Hartford, Connecticut.
A clay pipe for conduits,	Oct. 1	Samuel Bartlett,	Hartford, Connecticut.
In making shingles,	9	Asahel A. Kelsey,	Hartford, Connecticut.
Manufacturing old junk or old rigging into oakum,	9	Daniel French,	Middletown, Connecticut.
In casting ship bolts,	28	Joseph Share,	Baltimore.
In rafts,	Nov. 4	William Deane,	Pittsburg, Pennsylvania.
In cattle mills,	4	La Paype, (ainé)	Baltimore.
Machine for raising water,	7	Seraphim Bellij,	Baltimore.
Machine for splitting skins,	9	William Lillie,	West Chester, New York.
In making salt,	13	John Gilman Taylor.	

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1805.		
Machine for shearing woollen or other cloths by water, &c.,	Nov. 22	Friend B. Kellog,	Marlborough, Berks. co. Mas.
A distilling apparatus,	27	Abraham Heistand,	Yorktown, Pennsylvania.
Machine for preparing and hackling tow for paper or linen,	Dec. 7	James Tatterson,	Southampton, L. Island, N.Y.
Machine for washing, rinsing, and wringing clothes,	17	William Johnson Fulsom and John Hayden,	Hallowell, Kennebec county, district of Maine.
Rheumatic pill,	18	George Barber Dexter,	Boston.
A kiln for drying grain,	20	William Poole,	Wilmington, Delaware.
In kilns for drying grain,	20	James Abraham,	Middlesex, New Jersey.
Machine for reaping grain,	28	Samuel Adams.	
	1806.		
A rowing machine,	Jan. 13	Ebenezer Bryant,	New London, Connecticut.
A balance pendulum lock,	22	Samuel Goodwin and Richard Gains,	Baltimore and Georgetown, District of Columbia.
Machine for making batts or frames for wool hats,	24	Richard Gookins,	New Hampshire, Mass.
Machine for copying charts, landscapes, &c.,	Feb. 5	Cephas Thompson,	Bristol, Rhode Island.
A loom for weaving chip,	8	Philip Bennet,	Rochester, Ply. co. Mass.
A spring pump for raising water,	13	William Finn,	Baths, Baltimore.
Machine for picking oakum,	14	Michael Morrison,	Newburyport, Massachusetts.
Machine for making dough,	14	George Richards,	Stonington, New London co. Connecticut.
In bridges,	14	Theodore Burr.	
A planing machine,	19	Joseph Hawkins,	Philadelphia.
Improvement in gun carriages,	19	Samuel Hawkins,	New York.
Machine for raising mud,	21	John Eveleth.	
Medicine called the essence of tansy,	28	Israel Newton,	Norwich, Windsor co. Vt.
Machine for making brick,	March 1	John F. Gould.	
In suspenders,	5	Richard Howell.	
In evaporation,	5	Thomas Arnold.	
In stoves,	7	Samuel Dickey,	Oxford, Chester co. Penn.
In tilt hammers,	8	John F. Gould.	
A joining and planing machine,	8	Joseph S. Mott,	Alburg, St. Albans, Franklin county, Vermont.
A balance pendulum lock,	17	Richard Gaines,	Georgetown, District Colum.
A hoisting machine,	19	William Purden,	Baltimore.
In a caboose,	21	George Youle,	New York.
For dressing flax,	21	Elisha Mack.	
Preparing and welding cast steel to iron or other steel for tools,	22	Daniel Pettibone,	Roxbury, Norfolk, Conn.
A fulling mill and washing machine,	26	John Kennion,	Dutchess county, New York.
Carding machine to form batts for wool hats,	31	Abner Guild,	Dedham, Norfolk co. Mass.
Machine for splitting skins or neats' leather,	31	Stephen Payn.	
In diving machines,	April 1	Richard Tripe,	Dover, New Hampshire.
In cider and bark mills,	5	Isaac Quintard,	Stanfield, Fairfield co. Conn.
In propelling boats,	17	John Heavin,	Montgomery county, Va.
Machine for cutting straw,	17	John Heavin,	Montgomery county, Va.
In saw mills,	25	Joseph Quinby,	Boston.
In water wheels for mills,	May 1	Ephraim Hubbel,	Middlebury, Vermont.
In reducing calcareous matters into lime,	2	Charles Varlé.	
In the steelyard,	19	John Edwards,	New York.
In scale beams and balances,	19	John Edwards,	New York.
A caboose stove, apparatus for cooking and distilling, &c.	21	George Youle,	New York.
In windmills,	22	John Cooper,	Philadelphia.
In boxes for carriage wheels,	23	James Gridley,	Boston.
Machine for shearing cloth,	25	Beriah Swift,	Washington, Duchess co. N.Y.
In the churn,	26	Abner Wing,	Do. do.
A washing machine,	29	Reuben Buck.	
In boxes for carriage wheels,	30	Levi Brown,	Berkshire, Massachusetts.
Extracting salt from sea water,	June 12	Standfast Smith,	Suffolk, Dorchester, Mass.
In facilitating the process of extracting salt from sea water,	13	Standfast Smith,	Suffolk, Dorchester, Mass.
In facilitating the process of extracting salt from sea water,	13	Standfast Smith,	Suffolk, Dorchester, Mass.
In filtering impure water, wine, &c.	24	Solom. McCombs, Jos. Smith, & Ben. D. Galpin	Baltimore.
In making pantiles,	July 3	William Harwood,	Richmond, Virginia.
A perpendicular boring machine,	7	Roger Selden.	
Machine for facilitating the spinning of rope yarn, &c.	14	Nathaniel Cutting,	Washington city.
In making boots and shoes, &c.	16	John Bedford,	Philadelphia.
A swing cradle,	17	Zachariah Mills,	Hartford, Connecticut.
Anti-streamboat,	17	William Wadsworth,	Hartford, Connecticut.
A cover for buildings, called artificial slate or tile,	Aug. 7	Thomas Woodsend.	
Apparatus for improving the quality of cables, &c.	14	Nathaniel Cutting,	Washington city.
Improvement whereby a beautiful yellow paint may be prepared,	Sept. 2	The Baron Alexis Carrendeffez,	New York.
Machine for raising vessels out of water to repair them,	Oct. 9	John Titus Morgan,	New York.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1806.		
Apparatus for the sublimation of sulphur,	Oct. 9	George Barber Dexter,	Boston.
Mixture to render all kinds of woollen cloth water proof,	21	Jas. Pountrey Wightman,	Boston.
In screens for freeing grain from dirt, seeds, &c.	28	William Tullock,	Lantern Mills, Orange C. H. Virginia.
In suspenders,	Nov. 6	Jonas Dawson,	Philadelphia.
A perpetual oven,	Dec. 4	James Deneale,	Dumfries, Virginia.
	1807.		
A composition for covering and flooring houses,	Feb. 3	Louis De Niroth,	Baltimore.
A traverse sleigh,	4	Levi Rogers,	Berwick, Massachusetts.
Machine for winding cotton,	5	David Brown, Jun.	Warren, Bristol co. R. I.
Machine for grinding, sawing, and rasping dye woods,	6	John Matthews,	Philadelphia.
A paper trimmer,	7	Parke Shee,	Philadelphia.
Accommodating bolted truss for ruptures,	7	John Beath,	Boston.
In the auger,	7	William Hale,	Champlain, Clinton co. N. Y.
Machine for cutting brads,	10	Jonathan Ellis.	
Mode of making the bottoms of shoes and boots of metallic substance,	10	Samuel Milliken,	Lexington, Massachusetts.
A water-tight swivel screw adapted to steam engines, stills, &c.	10	Abel W. Hardenbrook	New York.
In making boots and shoes,	11	William Montgomery,	Philadelphia.
The Egyptian lock,	11	Abr'm Ogier Stansbury	New York.
Making charcoal from peats,	11	Charles Fales,	Worcester, Massachusetts.
A hemp and flax machine,	11	Richard Button,	Cassenovia, New York.
Method of making moulds for casting trundle heads of any kind of metal, &c.	12	Ebenezer Lester,	Little Falls, Herkimer county, New York.
A fire place with a flat funnel,	19	Abraham Fisher.	
A tilting wagon,	17	Abraham Hobart,	Braintree, Norfolk co. Mass.
For carding fur and wool for hats,	21	Arnold Buffum.	
In the grist mill,	22	Ezekiel Hale,	Haverhill, Essex co. Mass.
Machine for cutting and heading nails at one operation,	22	Jesse Reed,	Boston.
Machine for working a trip hammer with a perpendicular handle,	25	Joel Fox, Jun.	Middlesex, Massachusetts.
In making butter,	27	Bornt G. Burtis and Gersham Burtis,	New York.
A washing machine,	28	Richard R. Elliot,	Watertown, Mid'sex co. Mass.
Mode of making salt,	April 1	Timothy Green,	New York.
A pendulum screen,	1	Lewis Dupré,	Charleston, South Carolina.
A double forcing pump,	1	Charles Colver,	Champlain, Essex co. N. Y.
In the caboose stove for cooking, &c.	1	George Youle,	New York.
In ploughs,	1	David Peacock,	Burlington, New Jersey.
Machine for dressing shingles and staves,	1	Jeremiah McIlvaine,	Chester, Delaware co. Penn.
Machine for cutting nails,	1	Elisha Bigelow,	Baltimore.
Machine for propelling boats, &c. by oars, &c.	7	James A. Pearce,	Louisville, falls of Ohio.
Machine for raising stumps, &c. from the ground,	15	Alexander Craig,	New Hampshire.
In the application of bark for hats, caps, &c.	17	Sylvester G. Whipple,	Hallowell, Kennebeck co. Ms.
In making fire brick,	17	Ebenezer Jenks,	Canaan, Litchfield co. Conn.
In main springs for carriages,	18	Jonathan Mix,	New Haven, Connecticut.
In the construction of bridges,	18	Thomas Pope,	New York.
In the steel yard,	23	Barnabas Langdon,	St. Albans, Vermont.
In an apparatus for, and mode of distilling,	23	Abraham Weaver,	Adams county, Pennsylvania.
In the splinter bar and swingle trees of carriages, to disengage the horses from suddenly,	23	Henry Dunlap,	Georgetown, Columbia.
Applicable to fire places and stoves,	23	Allan Pollock,	Boston.
In heating rooms, &c.	24	Allan Pollock,	Boston.
A washing machine,	25	Simon Willard, Jun.	Hudson city, New York.
A washing, scouring, and churning machine,	25	Thomas Beatty.	
In making ropes of any size, and lines, &c.	May 5	John Sellers and Andrew Bartle,	Alexandria.
A gunner's quadrant,	6	Charles Hammond,	Concord, Middlesex co. Mas.
Machine for breaking and grinding bark, &c.	7	Cornelius Tobey,	Hudson, New York.
Machine for making paper,	8	Charles Kinsey,	Essex, New Jersey.
Machine for shearing cloth,	8	Russell Dorr,	Kinderhook, New York.
In rigging vessels of every denomination,	9	Stephen Sayre,	Bordentown, New Jersey.
In hanging curtains or blinds in coaches, &c.	9	Peter Harvey,	Philadelphia.
In shingling the roofs of houses, &c.	11	Thomas Young,	Philadelphia.
In lasts for boots and shoes,	20	William Young,	Philadelphia.
In the fire engine,	20	Jacob Smith, Jun.	New York.
Mechanical spring buckle,	20	John Green,	New York.
In mills,	21	Christian Hamaker,	Lancaster.
A washing machine,	June 6	Josiah Cleaveland,	Franklin county, Penn.
A mortising machine,	8	Simeon Glover and David Parmelee,	Newtown, Connecticut.
In galvanism for salivating, &c.	9	William Phœbus,	New York.
In stills,	20	Stephen Steward,	Walpole, New Hampshire.
In cotton gins,	22	Obadiah Crawford.	
In machines for shearing cloth,	23	Enoch Burt,	Princeton, New Jersey.
In saw mills,	23	Jacob Spofford,	Ipswich, Massachusetts.
In churns,	23	Reuben Buck,	Baltimore.
In the axle and box of carriages,	26	Cyrenus Beach,	Newark, New Jersey.

LIST OF PATENTS—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1807.		
In the filtering pot,	July 1	Michael Freytag,	Philadelphia.
In piano fortes, &c. &c.	2	Ralph Shaw,	Boston.
Manufacturing wrought nails and brads,	8	Jordan Dodge,	Rutland, Vermont.
In condensers in distillation,	9	Thomas O'Connor,	New York.
Machine for making pills,	10	Webster Lewis.	
Machine for making wrought nails, &c.	11	Jonathan Nichols,	Rhode Island.
Mode of heating water in boilers of steam engines, by the rays of the sun,	11	Matthew Longwell,	Gettysburgh, Adams' county, Pennsylvania.
In making Italian pastes, Maccaroni, Vermicelli, &c.	13	John B. Sartori,	Philadelphia.
Machine for cutting straw,	18	Josiah Cleaveland,	Franklin county, Penn.
Machine for cutting straw,	20	Benjamin Connor,	Portsmouth, New Hampshire.
Washing-machine,	24	Ebenezer Jones,	Alfred, Berkshire co., Mass.
Apparatus for, and mode of, cleaning windows,	24	Thomas Bruff,	Washington city.
In preparing a vermifuge,	Aug. 11	Joseph Lehman,	Philadelphia.
In washing machines,	Oct. 1	Martin Lee & Timothy Barber,	Oneida county, New York.
A churning machine,	3	Buel Cutler,	Washington, Dutchess county, New York.
In stills,	3	Edward Richardson,	Fredericktown.
Moulds for casting copper sheathing nails, &c.	6	Thomas McIlwham,	Princeton, N. Jersey.
In preparing green coloring matter or paint,	12	Baron Alexis De Cardeffez,	New York.
Mode of preparing leather for straps of suspenders, &c.	14	Orange Webb,	New York.
Machine for planking hats, and making cloth without yarn,	19	Jos. Pitkin & Timothy Kimball,	Hartford, Connecticut.
In the cheese press,	26	Jesse Arnold,	Pawlings, Dutchess county, New York.
Manufacturing sheet iron into funnel for stove pipes, &c.	Nov. 4	Richard Wheatly and James Beaumont,	Boston.
In manufacturing iron,	12	James Butland,	Philadelphia.
A plough harrow,	18	Seth Vinton,	Willington, Connecticut.
Manufacturing thimbles for the sails of ships, &c.	20	Isaiah Jennings,	New York.
A gauge setting machine for saw mills,	27	Anson Blake,	Lincoln, Kentucky.
In thrashing machines,	30	Benjamin B. Bernard,	Virginia.
For cutting and heading nails,	30	Simon Willard,	Hudson, New York.
For thrashing and cleaning grain,	30	Simon Willard, Jun.	Hudson, New York.
In the water wheel,	Dec. 1	Simon Willard, Jun.	Hudson, New York.
An improved still,	13	William Thornton,	City of Washington.
Machine for heading nails,	15	Samuel Rogers,	Plymouth, Massachusetts.
A churning machine,	15	John Scripture,	Alford, Berkshire, Mass.
Manufacturing hoop and sheet iron,	24	Jeremiah H. Pierson,	Ramapo Works, Rockland, New York.
In the rolling and slitting mills,	24	Isaac Pierson,	New York.
	1808.		
In making and refining sugar,	Jan. 8	Antoine Boucherie,	Philadelphia.
Machine to facilitate the making of boots and shoes,	9	Eli Barnum,	Massachusetts.
Machine for manufacturing flour and meal,	22	Oliver Evans,	Philadelphia.
Nail cutting machine,	28	Jonathan Hicks,	Hadley, Hampshire co., Mass.
In fire places or open stoves,	Feb. 1	John F. Gould,	Newburyport, Mass.
In the fanning mill for grain, &c.	9	Samuel Dodge,	Cleveland, Trumbull county, Ohio.
Machine for splitting leather and skins,	24	William Bent,	Boston.
In the plough,	24	Hezekiah Harris,	Bullitt, Kentucky.
In the common suction pump,	Mar. 4	Daniel Watson,	Plymouth, Mass.
In propelling boats,	4	Philemon Heaton, M. B. Boyes, and Philemon Heaton, Jun.	
Machine for manufacturing cordage, and improving its quality, &c.	4	Robert Fulton & Nathaniel Cutting,	N. C. Washington, R. F. New York.
Machine for making combs,	5	Phineas Pratt,	Saybrook, Connecticut.
In churns,	8	Simeon Hays,	Poultney, Steuben county, New York.
A forcing pump with double action, applied to engines, &c.	9	Eleazer Cady, Jun.	Chatham, Col. co., N. Y.
A revolving churn,	10	Nicholas King,	Washington city.
In the churn,	11	Stephen Stackhouse,	Casanovia, Madison co. N. Y.
In chimneys,	13	Giles Gridley,	Newburyport, Mass.
In fire places,	14	Giles Gridley,	Newburyport, Mass.
A washing machine,	15	William Wadsworth,	Hartford, Connecticut.
Machine for propelling boats, &c.	15	William Wadsworth,	Hartford, Connecticut.
Machine for grinding bark and dye woods,	18	Obadiah Pease & Asher Donalds,	Norfolk, Connecticut,
In the cider and cheese press,	21	Ebenezer Benedict,	New Marlborough, Berk. co., Mass.
For distilling or boiling water,	21	Eli Barnum and Benjamin Brooks,	New Marlborough, Berk. co., Mass.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1808.		
A wheel to run under water,	Mar. 21	John Johnson,	Indiana Territory, Knox. co.
In churns,	22	Wm. W. Townsend,	Sandy Hill, New York.
A fanning mill for grain or clover seed, &c.	23	Oliver Barrett, Jun.	Sandy Hill, New York.
A lever for turning wheels, for rowing boats, &c.	25	Roswell Hopkins,	Hopkinton, St. Lawrence co., N. Y.
Machine for trimming straw plat for bonnets,	30	Eleazer Smith,	Franklin, Norfolk co., Mass.
Mode of applying power, and causing motion to machinery by the pendulum,	31	Jedediah Tallman,	Albany, New York.
An economical furnace or stove,	April 6	Joseph Poudrell,	New York.
Cross cut saw machine,	11	Thomas Cohoon,	Cazenovia, New York.
In lessening the friction in axletrees of carriages, &c.	12	Robert Kilborn,	Gt. Barrington, Berks. co., Mass.
In cheese presses, &c.	12	Ephraim Warner,	Waterbury, New Haven co., Conn.
Machine for breaking and swingling hemp and flax, &c.	13	Thomas Cohoon,	Cazenovia, New York.
In the screw press,	14	Thomas Cohoon,	Cazenovia, New York.
In faucets for drawing liquor from casks	14	Ira Ives,	Bristol, Hartford co., Conn.
Machine for smoothing and polishing paper, and other substances,	18	Wm. Coolidge,	Boston.
Mode of striping alum dressed leather for shoe binding, &c.	20	Samuel Frothingham and George Harris,	Middletown, Middlesex co., Conn.
A cylindric ruling machine,	21	John Fairbanks,	Boston.
In the churn,	22	Daniel Pierpont,	New Haven, Connecticut.
In the spinning wheel,	23	Timothy Cruttenden,	Poultney, Rutland co. Vt.
In manufacturing hats, cloths, &c. from a fleece, or sheet taken from a carding engine, without bowing,	23	Roswell Pitkin,	East Hartford, Connecticut.
In the churn,	25	Aaron Reed,	Columbia county, New York.
In carriages for field artillery,	25	David Cobb.	Boston.
In the churn,	25	Nehemiah Howe,	Windham, Connecticut.
In preparing and making twisted whalebone whips,	25	Joseph Reeve,	Newburgh, Orange county, New York.
Mode of impelling boats, water, or land carriages,	25	Benjamin Taylor,	New York.
Machine for making rivets,	25	Josiah Jennings,	New York.
For making oakum,	26	Daniel Rider,	New York.
A washing machine,	26	Leonard Kennedy,	Hartford, Connecticut.
Machine for shearing woollen and other cloths,	26	Ebenezer Stowell,	Worcester, Wor. co., Mass.
The anglet, for taking and laying down angles,	29	Benjamin Dearborn,	Boston.
A washing machine,	May 14	Elam King,	Johnstown, Montgomery co. New York.
In making pearlash in kettles, without the use of ovens,	14	Reuben Ainsworth.	
The life buoy, or seaman's friend,	14	William Flower,	Philadelphia.
A friction roller door hinge,	16	John Bailey, Jun.	Plymouth county, Mass.
In the construction of pumps,	16	William Rhodes,	New York.
A floating dry dock, for cleansing the bottoms of vessels,	16	William Rhodes,	New York.
In the churn,	18	Simeon B. Willard,	Bloomfield, Ontario co. N.Y.
In pressing machines,	21	Robert Pierpoint Cunningham,	Pomfret, Connecticut.
In the application of the whip saw,	June 1	Sam'l Barber and Nehemiah U.Tompkins,	New York.
In the double lever press, for tobacco, &c.	3	Caleb Johnson,	New Glasgow, Virginia.
Machine for rasping dye woods,	3	Jesse Reed,	Boston.
In carriage springs,	3	Enoch Ives and Jerry Hill,	New Haven, Connecticut.
Apparatus for propelling boats across rivers by the force of the current,	3	Samuel Stilwell and Daniel T. Wandall,	New York.
In washing machines,	4	Martin Lee,	New York.
Machine for washing, churning, and getting out clover seed, &c.	13	Robert Patten,	Columbia, Lancas'r co. Penn.
Machine to cut and head nails,	14	Joseph Jelleff,	Butternuts, Otsego co. N. Y.
In the chain bridge,	17	James Finley,	Fayette county, Penn.
Thoroughbrace springs, for carriages,	17	Jonathan Mix,	New Haven, Connecticut.
In stoves, &c. for heating rooms,	17	Allen Pollock,	Boston.
In the cider and cheese press,	18	Ebenezer Benedict,	New Marlborough, Mass.
A perpendicular washing machine,	20	Ebenezer Jones,	Alfred, Berkshire co. Mass.
Machine for sawing stone, wood, &c.	–	Ebenezer Jones,	Alfred, Berkshire co. Mass.
For shearing cloth,	21	Simson Stewart, Ebenezer Hovey, and James Henderson,	Pittstown, Ontario co. N. Y.
A hydrant, for drawing water from aqueducts,	22	David Burt,	Schenectady, New York.
In the rectification of spirits,	23	Osborn Parsons,	Hudson city, New York.
In lighting the binnacle of ships,	24	Winslow Lewis,	Boston.
In making conduit pipes, &c. from clay, &c.	24	Robert Ramsey,	Hanover, New Hampshire.
An illuminator, for lighting stair cases, &c.	24	John Henry Ross,	Baltimore, Maryland.
Folding or spiral springs, for carriages, &c.	27	James Armour, Jun.	Baltimore.
Machine for slitting boards, plank, &c.	29	Ezekiel Olds,	Brookfield, Worc'ter, co.Ms.
A washing machine,	July 1	Asahel E. Paine,	Delhi, Delaware co. N. Y.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1808.		
In the churn,	July 7	Dyer Cleveland,	Sheffield, Massachusetts.
A pressing and boring machine,	9	Robert Ramsey,	Hanover, New Hampshire.
In tanning,	9	Samuel Parker,	Billerica, Middlesex co. Ms.
In currying and finishing leather,	9	Samuel Parker,	Billerica, Middlesex co. Ms.
The universal vitriolic test, for making all kinds of bank or other bills,	11	Abel Brewster,	Hartford, Connecticut.
A washing machine,	11	Enos Trescott,	N. Marlboro', Berks. co. Ms.
A washing machine,	11	Theron Henry,	Bloomfield, Ontario co. N. Y.
A washing machine,	11	Thomas Osgood,	Charlestown, Mid'sex co. Ms.
A washing machine,	11	Ebenezer Lister,	Killingworth, Mid'sex co. Ct.
A washing machine,	11	Dudley Loomis and Ira Millington,	Springfield, Otsego co. N. Y.
In the churn,	11	Dyer Cleveland,	Sheffield, Massachusetts.
In churns,	12	Erastus Townsend,	Canaan, Columbia co. N. Y.
Machine for splitting skins,	12	Isaac Cobb,	Walpole, New Hampshire.
Machine for cleaning rice,	12	Jonathan Lucas, Jun.	Charleston, South Carolina.
In distilling,	13	Eli Barnum and Benjamin Brooks,	N. Marlboro', Berks. co. Ms.
In funnels, for filling vessels with fluids,	13	Philip Apple,	Philadelphia.
In the wind mill,	18	Uzziel Geer,	Norwich, Connecticut.
In rolling tub mills,	19	Samuel Bartlett,	East Windsor, Connecticut.
For shaving and splitting leather,	29	Martin Tullar,	Royalton, Vermont.
In churns,	Aug. 2	John Bolton,	Philadelphia.
Machine for cutting straw,	2	Elihu Hotchkiss,	Brattleboro', Wind'm co. Vt.
In the spinning wheel,	6	Obadiah Seely.	
Machine for making wheels of all sorts,	6	Jacob Coon,	Granville, New York.
Machine for hulling and cleaning rice, and for many other purposes,	8	John Thos. Ricketts,	Cameron, Fairfax co. Va.
For elevating water at mills, &c.	12	William Smith,	Gloucester county, N. J.
Improvement in chain bridges, invented by James Finley,	16	John Templeman,	Allegany county, Maryland.
In carriage springs,	26	Joshua Cone,	Reading, Connecticut.
Machine for raising water,	26	William Barker.	Wilkesbarre, Pennsylvania.
A washing machine,	30	Stephen W. Dana,	Rutland, Vermont.
In wheel carriages,	30	Stephen W. Dana,	Rutland, Vermont.
A washing and churning machine,	31	Stephen Winchester,	Newtown, Connecticut.
Machine for pressing straw or chip hats, &c.	31	Samuel Prince,	New York.
An elastic chair,	31	Samuel Gragg,	Boston.
A geometrical interest table,	Sept. 7	Gershom Cobb,	Boston.
A washing and churning machine,	7	Garry Bishop,	Cazenovia, Madison co. N.Y.
A rocking churn,	8	Dan Parmele,	Dutchess county, New York.
Machine for heading nails,	16	Asaph Chandler and Silas Shepard,	Taunton, Bristol co. Mass.
A fanning and winnowing mill,	19	Benjamin Atwell,	Burlington, Otsego co. N. Y.
A pump bellows, for furnaces and forges,	20	Isaiah Jennings,	New York.
A ratchet wheel,	21	Marcus B. Parmelee,	Newtown, Connecticut.
In making brick,	21	Asa Frost,	Cazenovia, Madison co. N.Y.
Machine for grinding bark, for tanning, &c.	22	Paul Pilsbury,	Newbury, Massachusetts.
In the tailor's bench,	Oct. 3	William Burtis,	New Brunswick, N. J.
In lightning rods,	3	Elisha Calender,	Boston.
Machine for making balls and shot by pressure,	5	Thomas Bruff,	Washington city.
In military knapsacks,	7	John P. Lherbette,	Washington city.
In churns,	24	Samuel Moon, Jun.	Downington, Chester co. Pen.
In ovens,	27	John West,	Stafford county, Virginia.
A black pigment, or mineral black, for printing ink, or painting in oil or water,	28	Jacob Cist,	Wilkesbarre, Pennsylvania.
A rarefying air stove, for warming rooms, &c.	28	Daniel Pettebone,	Roxbury, Norfolk co. Mass.
In looms, for weaving of every kind,	Nov. 4	Charles Cooper,	Lebanon, Dauphin co. Penn.
Machine for separating grain and seeds from straw, &c.	9	Randall Wallis,	Baltimore.
Machine for scrubbing or scouring floors of houses, &c.	17	Simon B. Willard,	Bloomfield, Ontario co. N. Y.
In refining lamp oil,	17	Eli Fourestier,	Philadelphia.
In stills and rotary steam engines,	21	Stedman Adams.	
In boots and shoes,	21	Samuel Chamberlain,	Boston.
In McComb's horizontal reacting water wheel,	23	Joel Farnham,	Oswego, Tioga county, N. Y.
In ploughs,	25	Rich'd B. Chenoweth,	Baltimore.
A rolling wheel on an inclined shaft,	30	Stephen Mirick,	Madison county, New York.
A churn and washing machine,	Dec. 5	John Devotie,	Vernon, Oneida co. N. Y.
A mill for breaking plaster of Paris, &c.	8	William Brown,	Baltimore.
In grist mills,	8	Rufus W. Adams,	Marlboro', Windham co. Vt.
An elastic trace and brace, by connected springs,	10	Benjamin Giddins,	Baltimore.
Machine for rolling and plating iron, and cutting nails,	10	Stephen Couch and Asa Towne,	Boston.
In the churn,	10	Luther Jones,	Canton, Hartford co. Conn.
In still tubs,	12	Isaac Bennitt,	Newtown, do.
Machine for dressing shingles,	13	Robert Nicholson and Thomas Nicholson,	Bairdstown, Kentucky.
An alarm bell for fire engines,	19	James P. Parke,	Philadelphia.
In the cheese press,	19	Levi Martin,	Granville, New York.
A double boiler for distilling,	19	Anos Gunn,	New Haven, Connecticut.
In casting pipes or tubes,	26	Willard Badger,	Boston.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1808.		
Mode of suspending or hanging pleasure carriages, &c.	Dec. 26	Joseph Henderson,	Gilford, Connecticut.
In the cheese press,	27	Hezekiah Dickerman,	G. Barr'gton, Berks. co. Mas.
In distillation,	28	John Dimond,	Philadelphia.
A geer press for pressing cheese, &c.	28	Hazen Erwin,	Boston.
The vegetable pulmonic detergent,	31	George Rogers,	Northampton, Massachusetts.
	1809.		
For cleaning clover seeds,	Jan. 6	William Sampson and Cyrus Curtis,	New Haven, Vermont.
A pneumatic forcing pump,	6	Pliny Upham,	Brookfield, Massachusetts.
Machine for manufacturing dip candles,	6	William Miller,	New York.
Machine for dipping candles,	6	Samuel Stansbury,	New York,
In pumps,	6	Abraham Horn,	Easton, Northampton co. Pa.
Machine for making window sashes,	7	Joel Farnham,	Oswego, Tioga co. N. Y.
Machine for splitting hides and shaving leather,	7	Seth Boyden,	Foxborough, Norfolk, Mass.
In hair combs,	10	Moses Moss,	Farmington, Hartford co. Con.
A washing and wringing machine,	12	Septimus Tucker,	Dublin, Philadelphia co. Pen.
A composition for the bottoms of vessels,	14	Jonathan Pratt,	Middletown, Connecticut.
In carriages,	14	William Ross,	New York.
In fastening to window shutters, &c.	14	James Blanchard,	New York.
In the clay conduit,	15	Samuel Bartlett,	Hartford, Connecticut.
In steamboats and boilers, &c.	16	William Thornton,	Washington city.
Machine for heating liquids,	16	Samuel Bolton,	Philadelphia.
Machine for dressing flax and hemp,	18	Richard S. Chappel,	Pawlet, Rutland co. N. Y.
Machine for pounding rice, &c.	19	Alex. Duncan Moore,	New Hanover, N. Carolina.
A distilling apparatus,	30	Antoine Boucherie,	Philadelphia.
For discoloring linseed oil, imparting to it a drying quality, and converting it into an uncolored varnish,	30	Nicholas Simon Parmantier,	Philadelphia.
Improvement in making gin cordial, called Holland's gin,	31	Antoine Boucherie,	Philadelphia.
Machine for sawing timber in a circular form,	Feb. 4	James Linsey,	Casenovia, Madison co. N.Y.
Improvement in steamboats,	11	Robert Fulton,	New York.
For cleansing lye, and melting potash,	11	Jonathan Jones,	Fabias, Onondago, N. Y.
A washing machine,	11	Eli F. Hill,	Fabias, Onondago, N. Y.
A flax and hemp machine,	11	Eli F. Hill,	Fabias, Onondago, N. Y.
An overshot strap or chain wheel to go by water,	13	Richard Berrian,	New York.
Machine for propelling boats, &c. by horses,	14	Moses Crafts,	Troy, New York.
A thrashing and winnowing machine,	15	Lawrence Hock,	Frederick county, Maryland.
Mode of making paper from Alga or sea weed,	15	Samuel Green,	New London, Connecticut.
Machine for paring, quartering, and coring apples,	16	Willard Badger,	Boston.
In the mode of teaching to read,	16	Hugh Chard,	Courtlandtown, Washington county, New York.
In bellows for forges,	16	Henry Dotterer,	Philadelphia.
A washing machine,	16	Aziel Blodget,	Amherst, Hampshire co. Mas.
For thrashing and other purposes,	17	Robert Patten,	Columbia, Pennsylvania.
In constructing of mills, and the means of communicating a rotary motion by an augur, spindle, and spur wheel, with cylindrical teeth,	18	Sam. Mans & Jer. Black	Pennsylvania.
In mills by a wheel of a new construction,	22	Ephraim Rew,	Canandaigua, New York.
In stoves,	22	James Fales,	Newport, Rhode Island.
In curing tobacco,	25	John Robinson,	Charlotte, Virginia.
In navigating rivers and shoal waters,	24	Michael Williams,	Albany, New York.
Application of the pendulum to mills, &c.	March 1	Isaac Cobb,	Walpole, New Hampshire.
In making Bene oil,	1	William Few,	New York.
Machine for extracting hair, and cutting fur from peltry,	1	Ephraim Cutter,	Brattleboro', Windham co. Vt.
In making bow strings for hatters,	1	Daniel Nichols,	New Milford, Connecticut.
A churn,	2	Ira Willington,	Warren, Herkimer co. N. Y.
In scows and boats,	2	Elihu Sherman,	Lansingburgh, Rensselaer co. New York.
Machine for getting out clover seed,	3	Samuel Condon,	New Hartford, Litchfield co. Connecticut.
Machine for thrashing grain, and breaking and dressing flax, &c.	3	Samuel Condon,	Ditto.
In ovens,	3	John Barnitt,	Upper Providence, Montgomery co. Pennsylvania.
A washing machine,	11	Joseph Yarwood,	New Brunswick, N. Jersey.
A cement intended as a substitute for slates, tiles, &c. for covering houses,	13	Charles Morneweck,	Baltimore.
Machine for planting Indian corn, &c. in rows,	18	John Beecher,	Lycoming co. Pennsylvania.
Machine to facilitate the coloring and finishing of silk stuffs, &c.	22	Abner Stearns,	W. Cambridge, Middlesex county, Massachusetts.
In washing machines,	23	Levi Anderson,	Bristol, Bucks county, Penn.
A washing machine,	23	William Buckman,	Ann Arundel co. Maryland.
A case or curb to be used to prevent incavation in sinking wells and boring into loose ground,	April 13	Job Cowperthwaite, Sr.	
Horizontal wheel for cutting and heading nails,	15	Jesse Reed,	Kingston, Massachusetts.
In making salt,	17	Benjamin Wheeler,	Boston.
A washing machine,	17	Garry Bishop,	Madison county, New York.
In the hand saw,	17	Isaiah Jennings,	New York.
A churning machine,	21	Ezra G. Jones,	Otsego, New York.
In harness,	21	Benjamin Mirick,	Rutland county, New York.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1809.		
Machine for heading cut nails,	April 21	Samuel Wilmot, Jun.	New Haven, Connecticut.
A washing and wringing machine,	24	Lemuel Bachelor,	Vernon, Oneida county, N.Y.
A geometrical interest table,	24	Gersham Cobb,	Boston.
Improvement in currying and finishing leather of all kinds, &c.	26	Samuel Parker.	
Machine for laying out window sashes,	27	David Worthington,	Hartford, Connecticut.
A tide water or river wheel,	May 1	William Stubbs,	Chillicothe.
In weaving straw with silk or thread,	5	Mary Kies,	Killingly, Windham co. Con.
Machine for splitting leather and skins, &c.	8	John Woodcock,	Worcester, Massachusetts.
A balance spring catch lever,	8	Levi Kendall,	New York.
In churns,	9	Hezekiah Dickerman,	G. Barrington, Berkshire co. Massachusetts.
In wooden combs,	9	Nathaniel Jones,	Southington, Hartford co. Ct.
In churns,	10	George Votee,	Berling, Hartford co. Conn.
A cheese press,	13	Phineas Allen,	Burlington, Otsego co. N. Y.
In compounding a blue color as a substitute for indigo,	15	Samuel De Riemer,	Poughkeepsie, New York.
A washing machine,	15	Orin Chatfield,	Burlington, Otsego co. N. Y.
A washing machine,	21	Nicholas Van Zandt,	City of Washington.
Machine for cutting straw,	25	Roger Haskell,	Burlington, Otsego co. N. Y.
A washing and churning machine,	June 7	Gardener Osgood,	Madison county, New York.
Machine for dividing and boring hubs, &c.	7	James B. Cleveland,	Bergen county, New Jersey.
A washing machine,	8	Martin Lee,	Burlington, Otsego co. N. Y.
Medicine to prevent or cure the effects of the bite of a mad dog,	9	Elizabeth Stoy, executrix of Wm. Stoy,	Lebanon, Dauphin co. Penn.
For pounding the husk off rice,	9	Jacob Reed,	Charleston, South Carolina.
A sea table,	9	Wm. H. Richardson,	Baltimore.
A uniform turning lathe,	10	Amos Hagget,	Middlesex co. Massachusetts.
A churn,	13	John McCoord,	Washington, Dutchess co. N. York.
A washing machine,	13	Isaiah Jennings,	New York.
Mill for grinding painters' colors, &c.	13	John J. Wells,	Hartford, Connecticut.
In the telegraph,	14	William Shultz,	Baltimore.
Machine for carding wool,	14	Daniel Smith,	Philadelphia.
Mode of boring boxes for axletrees of carriages, &c.	14	Aaron Broad,	Salisbury, Litchfield co. Conn.
For roving flax and hemp for spinning, &c.	16	George Brown,	Schaghticoke, Rens. co. N. Y.
Machine for moving ground in rivers, creeks, &c.	16	William Shultz,	Baltimore.
A water table for doors, &c.	17	Nathaniel Briggs,	Brattlebo', Windham co. Vt.
In shutters for windows,	17	Truman Bartholomew,	New York.
A water back and tewel for smiths,	24	Oliver Ames,	Plymouth, Massachusetts.
A washing machine,	24	Thomas Pierce,	Fishkill, New York.
A worm boiler,	24	James Truman,	Philadelphia.
A mechanical pump,	24	William Shultz,	Baltimore.
Machine to lay cables, and spin ropes of any size,	24	William Shultz,	Baltimore.
In the churn,	24	Luther Thomson,	Sturbridge, Worcester co. Massachusetts.
On the time and striking parts of a clock,	24	Ira Ives,	Bristol, Stratford co. Conn.
In chimneys,	26	Lewis Lecesne,	Philadelphia.
Machine for polishing and graining morocco leather,	26	Jacob Perkins,	Boston.
Mode of making combs with hoofs of cattle,	26	Robert Gedney,	New York.
Machine for cutting straw,	26	Jacob Canfield,	Morristown, New Jersey.
Machine for cutting nails,	27	Luther Bissel,	Hartwick, Otsego co. N. Y.
A washing machine and press,	27	Amos Hosford and Ezekiel Kelsey,	Berlin, Hartford co. Conn.
Machine to facilitate the dying of silk goods, and frame to finish them,	27	William Barrett.	
For shearing cloth,	27	David Dewey,	Poultney, Rutland co. Vt.
Machine for cutting dyers' wood,	27	Ephraim Hubbel,	Middlebury, Addison co. Vt.
For raising mud from rivers, &c.	27	John Newman,	Providence, Rhode Island.
For securing a button in a lathe, &c.	27	Geo. W. Robinson,	Providence, Rhode Island.
In pumps,	28	Jacob Canfield,	Morristown, New Jersey.
A trigonometer or trigon, for ascertaining the sides of angles, &c.	28	William Chamberlin.	
A hemp and flax spinning machine,	28	Nathaniel Foster,	Flamingsbury, Kentucky.
A washing machine,	30	Timothy Freeman,	Madison county, New York.
Machine called the wheat rubber,	July 1	James Deneale,	Dumfries, Prince William co. Virginia.
The rapid jack, for ascending rapids,	3	Augustus Sacket,	New York.
A spiral float wheel mill,	5	Fitch Ives,	Lisle, Broome county, N. Y.
For manufacturing light hats,	6	Henry Lainhart, Jun.	Baltimore.
In hair combs,	6	Timothy Stanley,	Southington, Hartford co. Con.
Machine for tempering clay,	6	John Mathews,	Baltimore.
Mode of distilling spirits from corn stalks, &c.	6	Burgiss Allison,	Philadelphia.
A revolutionary astronomical time keeper, &c.	7	Theodore Newell,	Sheffield, Berks. co. Mass.
An over balanced pendulum lock,	7	Samuel Goodwin,	Baltimore.
A twisting or bobbing machine for weaving the wire work of papermakers' moulds, &c.	7	Phares Bernard,	Whitestown, Oneida co. N. Y.
A pipe or grate boiler and heater,	7	Samuel Bolton,	Philadelphia.
A turning lathe,	10	William Ross,	Chester co. Pennsylvania.
A spiral truss,	13	Philip A. de Savignhac,	New York.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1809.		
In pruning shears,	July 13	Simeon Jocelin,	New Haven, Connecticut.
Machine for riving and shaving shingles, &c.	15	Jacob Balcomb,	Reading, Steuben co. N. Y.
In manufacturing shot,	17	John William Jope,	Philadelphia.
A cheese press,	18	Benjamin Atwell,	Burlington, Otsego co. N. Y.
A planting plough,	18	Frederick Woodward,	New Lisbon, Otsego co. N.Y.
Machine for cutting screws of wood,	19	Abel Stowell,	Worcester, Massachusetts.
A balance wheel uniform working pump,	25	James Josslyn,	Hanover, Plymouth co. Mass.
A stump lifting machine,	27	David Stone,	Clearmont, New Hampshire.
In the caboose,	27	George Youle,	New York.
In the wood saw,	31	James Hamilton,	Brookfield, Worc'r co. Mass.
A double podded centre screw auger,	31	Ezra L'Hommedieu,	Saybrook, Middlesex co. Con.
In hot pressing all kinds of paper, &c.	31	Francis Bailey,	Salisbury P. O. Philadelphia & Lancaster turnpike road.
Improvement in the hydraulic ram,	Aug. 3	Joseph Cerneau and Stephen S. Hallet,	New York.
A churn,	10	Thomas Nicholson,	Nelson county, Kentucky.
Machine for planing boards,	11	Christian Ritter,	Beaver, Northumb'd co. Pa.
A washing machine,	12	Shubael Kimball,	Rhinebeck, Dutchess co. N.Y.
A churn,	15	Benjamin U. Lapish,	Durham, Stafford, co. N. H.
A truss for the prevention and cure of ruptures,	17	Joseph Cerneau,	New York.
A wheel to operate by wind or water,	18	William L. Bakewell,	New Haven, Connecticut.
A flax dressing machine,	23	Jonathan Barlow,	Granville, Massachusetts.
The barbal alkahest, or magic lotion,	24	John Hopkins,	Philadelphia.
A horizontal mill,	25	Israel Kelsey,	Hartford, Connecticut.
Machine for paring and coring apples,	25	Stephen Cruttenden,	Gilford, New Haven co. Con.
A nail machine,	Sept. 1	Joseph Elgar, Sen. and John Elgar,	Yorktown, Pennsylvania.
In ameliorating spirits and wines, &c.	-	William Thornton,	Washington city.
A mode of imitating natural mineral waters, &c.	7	Joseph Hawkins,	Baltimore.
Machine for making horse shoes,	Oct. 11	Stephen Decatur and William Tatham.	
A churning machine,	11	Nathaniel Harrington,	Whitestown, Oneida co. N.Y.
In cotton twisting frames, denominated the Delaware spinner,	11	Jacob Alricks,	Wilmington, Delaware.
Improvement in the steam engine for boats, mills, &c.	12	Daniel French,	New York.
In the striking part of a clock,	12	Lemuel J. Kilborn,	Pennsylvania.
Machine to press cheese, cider, oil, tobacco, &c.	12	Israel Nichols,	Otsego county, New York.
Machine for furrowing two or three furrows at a time, and dropping corn, &c.	12	Martin Nichols and Israel Nichols,	Otsego county, New York.
In casting wheels for clocks, &c.	13	Lemuel J. Kilborn,	Pennsylvania.
The bureau dressing table,	13	Nathaniel Perry,	Boston.
A washing machine,	14	Rozel Philips,	Otsego county, New York.
A trip hammer,	14	John Smith,	Otsego county, New York.
A churning machine,	14	Benjamin Atwell and Israel Nichols,	Otsego county, New York.
A mould for running cart boxes,	17	Samuel Smith, 2d,	Amherst, Hampshire co. Mass.
In melting metals, &c.	17	Joseph Walworth,	New York.
Machine for manufacturing bricks, tiles, &c.	17	John F. Gould,	Newburyport, Massachusetts.
Machine for striping leather,	26	David Ridgway.	
For splitting shingles,	31	Joseph Coppinger,	Baltimore.
A planing machine,	31	Joseph Coppinger,	Baltimore.
For thrashing and cleaning grain,	31	Joseph Coppinger,	Baltimore.
A washing machine,	Nov. 3	Robert Robinson,	Leesburgh, Virginia.
Machine for binding and securing cotton, hay, &c.	7	David P. Simmons & Condy Raguet, administrators of Jas. Simmons,	Philadelphia.
A horizontal water wheel,	20	David Parmelee,	Reading, Fairfield co. Conn.
A churn,	20	Enoch Burt,	Princeton, New Jersey.
Machine for manufacturing spoons,	20	Isaiah Bisbee,	Bath, Lincoln co. Mass.
Improvement in Wm. Bent's machine for splitting hides and skins,	20	William Brown,	Philadelphia.
Machine for cleaning rice,	21	Roswell King,	Darien, Glyn co. Georgia.
Mode of distilling with cast iron stills,	21	Joseph Coppinger,	Beaufort, South Carolina.
In casting iron, brass, and composition nails,	22	Joseph Walworth,	New York.
Mode of preserving animal and vegetable substances,	23	Joseph Coppinger,	Beaufort, South Carolina.
In the application of heat to fluids,	22	Sam. Applegate, Thos. Howard, and Peregrine H. Wharton,	Philadelphia.
A metallic writing pen,	22	Peregrine Williamson,	Baltimore.
A flexible platform for giving motion to wheels and machinery of all kinds,	22	John Johnson, Jun.,	Charleston, South Carolina.
A circular saw mill or machine,	24	George Huling,	Shaftsbury, Vermont.
In geometrical writing plates,	25	Samuel Ellis.	
A thrashing machine,	29	Jno. Meriwether Syme,	New Bedford, Bristol co. Ms.
In the mariner's or surveyor's compass,	Dec. 1	William Russell,	New Bedford, Bristol co. Ms.
A double bored pendulum pump,	5	Atkinson Farra,	Montgomery county, Penn.
An improved balance wheel pump,	8	Lewis Schrack,	Norristown, Montg'ry co. Pa.
A churn,	8	John Whitmore,	Litchfield, Connecticut.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1809.		
In the fishing seine and mode of using it, -	Dec. 16	Philip Groff, -	Little York, Pennsylvania.
Machine for sawing felloes for wheels, &c., -	20	William E. Sheffield,	New York.
A floating mill and silent fisher, - -	21	Ebenezer Ford, -	Charleston, South Carolina.
A sawing machine, - - -	21	Ezekiel Olds and Pliny Upham, -	Worcester, Massachusetts.
Machine for drilling rocks, &c., - -	21	Elihu Jones and Philip White, -	Brookfield, Worcester co. Ms.
A thrashing and shelling machine, - -	27	Asa Cady, -	Florida, Montg'ry co. N. Y.
A hemp break, - - -	28	William Mason -	Washington county, Ohio.
A chain band with buckets or float boards, to give motion to the machinery of mills, -	28	Stephen Belknap, -	New York.
In the construction of steam engines and boilers, &c. - - - - -	1810. Jan. 3	John Stevens, -	New York.
In plating gun barrels, locks, &c. - -	4	John Fowler, -	Lancaster, Pennsylvania.
In the trip hammer, - - -	8	Ezra Osborn, -	Berkshire county, Mass.
A churn, - - - - -	8	David Osborn, -	Berkshire county, Mass.
Machine for carding and spinning wool by one continued operation, - - -	8	Alanson Holmes, -	Pomfret, Niagara co. N. Y.
In plating horn combs with tortoise shell, -	8	John P. Spies, -	Baltimore.
In coopering machine, - - -	8	Oliver Barber, -	Hartford, Connecticut.
In the marine time keeper, - -	15	Isaac Gill, -	Charleston, South Carolina.
A machine for compressing sole leather, -	18	Jonathan Elliot, -	Sharon, Litchfield co. Conn.
A hopper blower, - - -	18	Thomas S. Barnum, -	Sharon, Litchfield co. Conn.
A universal protractor, - -	19	Ennion Williams, -	Philadelphia.
For sawing timber, &c., without a stub-short, -	20	Elisha Cook, -	Bethlehem, Berkshire co. Ms.
For thrashing and cleaning grain, - -	25	Joseph Comfort, -	Bucks county, Pennsylvania.
For thrashing grain and seed, - -	25	John Comfort, -	Bucks county, Pennsylvania.
A circular printing press, - -	Feb. 1	John P. Sawin & Thomas B. Wait, -	Boston.
A water elevator, - - -	1	John Herrick, Jun., -	Albany, New York.
In sinking wells in or under water, -	1	Peleg Easton, -	Nantucket, Massachusetts.
A washing machine, - - -	1	Sylvester Noble, -	Hoosick, Rensselaer co. N.Y.
Manufacturing barilla from tobacco stems, corn stalks, &c., - - -	5	George Easterly, -	Richmond, Virginia.
Loom for weaving girt and cloth, &c., with one hand, - - - - -	8	Robert Lloyd, -	Philadelphia.
A jointer and gauge machine, - -	10	John Wadsworth, -	Milton, Massachusetts.
Method of making sheaves for blocks, -	12	Enoch Colman Toppan,	Essex, Newburyport, Mass.
Machine for extracting hair from peltry, -	12	Ephraim Cutter, -	Walpole, Cheshire co., N. H.
In the refining of camphor, - -	12	Henry Mead, -	New Haven, Connecticut.
Mode of engraving and printing important papers to prevent counterfeits, - -	13	George Murray, -	Philadelphia.
In stove pipes, - - -	13	John Parkhurst, Jun.,	Cheshire, New Hamphire.
Sawing plank or timber so as to leave no stub-short, - - - -	15	John Sweet, -	Bethlehem, Berks. co. Ms.
Measuring grain and seed, &c., - -	15	Peter H. Schenck, -	New York.
A mortising machine, - - -	15	Henry Parmele, -	Killingworth, Middlesex co. Connecticut.
In the weaving machine, - -	16	Walter Janes, -	Ashford, Windham co. Conn.
Machine for cleaning grain and destroying insects,	20	Joel Morgan, -	Baltimore.
A system of signals for vessels, - -	21	Nathaniel Shaler, -	New York.
A pendulum scale, - - -	21	Moses L. Morse, -	Cambridge, Middl'sx co. Con.
A cheese press, - - -	21	Ebenezer Raymond, -	Sherburne, Chenango co. N.Y.
A machine for pressing cotton, &c., -	22	Richard V. W. Thorne and John Thorne, -	New York.
Improvement in the construction of bridges, and other architectural works, - - -	23	Joseph Joshua Dyster,	Philadelphia.
Machine for raising grain, by blowing, &c., -	March 5	Jeremiah Baily, -	Chester county, Penn.
Moulds for casting boxes for carriage wheels, -	5	Leonard Farwell, -	Lancaster, Worcester co. Ms.
In the churn, - - -	5	Benjamin Fairbanks,	Worcester, Mass.
In bridges, - - - -	6	John Templeman, -	Georgetown, District Colum.
In the saw mill, - - -	7	Abel Wright, -	Canaan, Columbia co. N. Y.
A nail cutting machine, - -	8	Brigs Rogers Reid, -	Danvers, Essex county, Mas.
A ship carpenter's boring machine, -	8	Benjamin Hall, -	Canaan, Columbia co. N. Y.
A mitre point borer, - - -	8	Benjamin Hall, -	Canaan, Columbia co. N. Y.
A spring bolt and key for raising and fastening windows, &c., - - -	8	Roger Smith, -	Norwich, N. London co. Con.
A machine for moulding and rolling iron, &c.,	14	Josiah White, -	Philadelphia.
For planking hats, - - -	14	John Gregg, -	Green county, Pennsylvania.
For sawing timber, - - -	14	Adonijah Jones, Jun.,	Bethlehem, Berkshire, Mass.
In rollers for sheaves of blocks, - -	14	Mark Laighton, -	Portsmouth, Rockm. co. N.H.
Machine for separating onion seed from grain, -	16	Lazarus Ruggles and Daniel Tomlinson,	Brookfield, Connecticut.
Machine for mortising and tenoning, &c., -	17	Sylvanus Baldwin, -	Montpelier, Caledonia co. Vt.
A distilling apparatus, - - -	17	William Chamberlain,	Representative from Verm't.
Machine for shaving hoops out of split timber -	17	David Shriver, -	Petersburg, Adams co. Penn
Process of and machinery for stamping and staining leather, &c., - - -	19	Robert Robinson, -	Newburyport, Massachusetts.
In the spinning wheel, - - -	19	Winsor Drury, -	Brookfield, Worcester co. Ms.
Machine for beating out rice, &c., - -	19	John Beck and Joseph Coppinger, -	Beeks ferry, South Carolina.
For driving the whip saw, - -	19	Joseph Coppinger, -	Frederick, Georgia.
Propelling and navigating boats, vessels, rafts, &c.	22	Abm. Gulielmus Domini Tuthill, -	New York.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1810.		
Machine for making mortar,	March 22	Daniel Hunt,	Stanford, Connecticut.
In the gas lamp,	24	David Melville,	Newport, Rhode Island.
A pressing machine,	26	Richard V. W. Thorne and John Thorne	New York.
A horizontal pump,	28	Luther Holland,	Belchertown, Hampshire, Ms.
Machine for manufacturing ivory combs,	28	David Williams, 3d.,	Saybrook, Middlesex co. Con.
In manufacturing salt,	28	Benjamin Wheeler,	Boston.
Screw grist mill,	28	Joseph L. Miller,	Brookfield, Madison co. N.Y.
A thrashing machine,	30	Joseph Beach,	Northfield, Massachusetts.
A thrashing machine,	30	Isaiah Jennings,	Brookfield, Madison co. N.Y.
For spinning flax,	31	Alpheus Webster,	Green county, New York.
A perpetual still and evaporator,	April 2	Robert Gillespie,	Seneca county, New York.
In water wheels for mills,	2	Jonathan Minor,	Saratoga, New York.
Wheelwright's labor saving machine,	4	Mellen Battle,	New York State.
Earthen or clay tubes, for aqueducts,	4	James Ramsey,	Burke, Caledonia co. Vt.
A funnel with a vent,	9	David Clark,	W. Stockbridge, Berk. co. Ms.
A marble or pipe stone turner,	9	David Clark,	W. Stockbridge, Berk. co. Ms.
Machine for cutting, chiselling, and polishing marble, &c.	10	Anson Clark,	W. Stockbridge, Berk. co. Ms.
A horse mill,	10	Ephraim Brown.	
A saw and grist mill,	10	Joseph Ennals,	Newmarket, Dorches. co. Md.
A trip hammer,	11	Elisha Downer,	Duceyter, Madison co. N. Y.
In the heads of spinning wheels,	11	Amos Miner,	Marcelles, Oneida co. N. Y.
A churn,	11	Aaron Smith,	Tyngsborough, Mid'x co. Ms.
In bee hives,	11	John Sweet,	Bethlehem, Berks. co. Ms.
In the quadrant,	14	Josiah Arnold,	Caledonia, Vermont.
Machine for pressing cloths,	14	Joseph Sage,	Berlin, Hartford co. Conn.
In the turnpike gate,	16	Jeremiah Brainard,	Canaan, Columbia co. N. Y.
In the flax machine,	16	Oliver Wilde,	Canaan, Columbia co. N. Y.
A cylinder roller, for distributing ink on copper-plates, for copperplate printing,	17	Andrew Maverick,	New York.
A cheese vat, for forming pine apple cheese,	17	Lewis Mills Norton,	Goshen, Litchfield co. Conn.
Machine for breaking dough,	17	Cromwell Barnard,	Nantucket county, Mass.
In constructing chimneys to prevent smoking,	18	Oliver Richardson,	Medway, Norfolk co. Mass.
In preparing carbonated silk and paper, for multiplying writings,	20	Joseph Hartshorne,	Philadelphia.
In lamps, and the liquid to be burned therein,	21	Joseph Hawkins,	Baltimore.
Machine for cutting fur from skins and pelts,	21	Martin Clark,	New York.
Machine for raising water,	24	Samuel Currey,	Williamson county, Tenn.
Machine for sawing wood, &c. in a circular form,	24	Roger Smith,	Norwich, N. London co. Ct.
In coaches and other carriages,	24	Frederick Bremler,	New York.
Machine for pricking leather to be stitched,	24	Robert U. Richards and Mills Richards,	Norfolk, Litchfield co. Conn.
Machine for cutting and dressing felloes,	25	Samuel Church,	Amherst, Hampshire co. Ms.
A washing and churning machine,	25	Jesse Roberts,	Germantown, Pennsylvania.
A spring tree saddle,	25	David C. Mosely,	Boston.
A trip hammer,	25	Oliver Ames,	Plymouth, Massachusetts.
In wind mills,	25	Russel H. Wright,	Boston.
Machine for shaving and splitting hides, &c.	25	Nathaniel P. Whiting,	Providence, Rhode Island.
In the manufacturing of tobacco,	25	Peter Lorillard,	New York.
A fanning mill,	27	Samuel Snedeker,	Johnstown, Montg'y co. N.Y.
In wheel carriage boxes,	28	John Nicholson,	T. and co. of Herkimer, N.Y.
In casting metal screws,	28	John Nicholson,	Herkimer, New York.
Machine for cutting tenons in wood,	28	Ebenezer Basford and Elisha Johnson,	Livermore, Oxford co. Mass.
Machine for trying sash stuff, &c.	28	Ebenezer Basford,	Livermore, Oxford co. Mass.
In manufacturing military hats, &c.	30	Shubael Hoskin,	Catskill, Green co. N. Y.
In distilling by steam,	May 1	John Morris Bennett,	Middletown, Mid'x co. Ct.
Machine for sawing boards, &c.	1	Oliver Judd, Jun.	Loudon, Berkshire co. Ms.
A boring machine,	1	John Webster,	Great Barrington, Mass.
Machine for turning gun barrels,	1	Seth Youngs,	Hartford, Conn.
Elastic piston bellows,	1	Henry Dotterer,	Philadelphia.
A saw mill to be worked by hand, &c.	3	George Harris,	Philadelphia.
A varnish for leather,	5	John David,	Philadelphia.
Machine for shelling corn,	8	John Heavin,	Fredericktown, Maryland.
Machine for cutting fur from peltry,	9	Eleazer Sprague,	Danbury, Fairfield co. Conn.
For shearing cloth,	9	Eleazer Sprague,	Danbury, Fairfield co. Conn.
For shearing cloth,	15	Herman Matthews,	Delaware.
An elastic lamp reflector, or elastic tubes for Argand's lamps,	17	Josiah Flagg and Josiah Flagg, Jun.	Boston.
In the tide mill,	17	John P. Sawin and Jacob Skinner,	Roxbury, Norfolk co. Mass.
In suspenders,	18	James Davis,	Philadelphia.
A mining auger,	18	Perkins Nichols,	Boston.
Improvement in shearing cloth,	24	Beriah Swift,	New York.
In medicine, being a preparation called Lee's (Windham) bilious pills,	24	Samuel Lee,	New London, Connecticut.
A pumping machine,	28	Royal Yeamans,	Springfield, Massachusetts.
Machine for making saddle trees,	June 1	Reuben Fairchild and Eben. Fairchild,	Fairfield, Trumbull co. Ct.
Machine for cleaning grain and seeds,	8	William H. Peabody,	Woodbury, Litchfield co. Ct.
A reflecting and magnifying lantern,	8	Winslow Lewis,	Boston.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1810.		
A perpetual balance scale,	June 9	Russel H. Wright,	Boston.
A pendulum machine, for various purposes,	13	Joseph Lefever,	Providence, Rhode Island.
A fly or trip hammer,	16	Joseph Hines,	Providence, Rhode Island.
Copperplate printing, and modes of preventing counterfeits,	16	Jacob Perkins,	Boston.
In fire places,	18	Ebenezer Whiting,	Great Barrington, Mass.
In winding and spinning wire,	18	Henry Burke,	Philadelphia.
An apparatus for distilling,	21	Augustus Tobey,	Alford, Berkshire co. Mass.
A mode of breaking horses and cattle,	23	David Cooley,	Orange co. New York.
A washing machine,	26	Isaac Loofborrow,	New York.
In boat and ship building,	27	William Phœbus,	New York.
In rolling iron round, for ship bolts, &c.	27	Clement Rentgen,	West Chester, Pennsylvania.
In fire places,	27	Charles D. Cooper,	Albany, New York.
In making printer's ink,	28	Berry Chase,	New London, Connecticut.
In constructing mills,	30	Jeremy Frisbie,	Pennsylvania.
In casting hinges,	July 3	George A. Rogers,	Newburyport, Mass.
In moulds for casting boxes for carriage wheels,	6	Samuel Smith, 2d,	Amherst, Massachusetts.
A flat bottom boat, with moveable keels,	7	Samuel Buel,	Burlington, Vermont.
Machine for drying corn and grain of all kinds, &c.	7	Benjamin Parry,	Bucks county, Pennsylvania.
Machine for boring blocks for cartouch boxes, brushes, &c.	10	Valentine Bogenreiff,	Georgetown, South Carolina.
A cylindrical leather splitting mill,	12	Phineas Dow,	Boston.
Machine for shaving shingles,	13	Abiel A. Cooley,	Bolton, Connecticut.
In distilling,	13	Michael Garber, Sen.	Staunton, Virginia.
A draining trough,	13	Stephen Hall,	Boston.
In manufacturing cut nails, cut points, and cut brads,	17	Jacob Perkins,	Boston.
Machine for smoothing linen,	17	William P. Smith and Jacob Odell,	Durham, Stafford co. N. H.
Machine for shaving and dressing shingles, &c.	26	Daniel Newel,	Saratoga, New York.
A churning machine,	26	Ephraim Bacon,	Hancock county, Mass.
Machine for boiling water and producing steam,	26	John H. Williams,	Brunswick, New Jersey.
A Chinese chain pump, for raising water,	Aug. 2	Jeremiah Black,	Northumberland, Penn.
Machine for cutting dye woods,	13	Jedediah Richards, 3d,	Norfolk, Litchfield co. Conn.
In tanning hides,	14	Edward Siter,	Spread Eagle P. O. Delaware county, Penn.
An eccentric roller nail machine,	14	John Fairbanks,	Boston.
For cramping Suwarrow boot legs,	14	Eleazer Lundy,	New York.
The Grecian chaise body,	15	Phineas Dow,	Boston.
Machine for thrashing, fanning, and cleaning grain,	15	Ezekiel Miller and John Andrews,	Westmoreland, Oneida co. New York.
Mode of saturating water and other liquids with carbonic acid gas, &c.	16	Charles D. Simons and Jean J. Riondel,	Charleston, South Carolina.
In the mode of winding the thread and quills of a shuttle for weaving, called the thread guiding quill wheel,	16	Levi Ruggles,	Boston.
In making harness for carriages and saddlery,	16	Benj'n Foster, Daniel Washburn, Northorp Rockwell, and James O. Walker,	Castleton, Rutland co. Vt.
The socket hair comb,	16	Eli Parsons,	Bristol, Connecticut.
In the churn,	17	Simeon Gray,	Genesee, New York.
The domestic spinner,	17	Ebenezer Hearrick,	Albany, New York.
Machine for cutting and heading nails at one operation,	18	Brigs Rogers Reid,	Salem, Massachusetts.
Machine for winding spools and bobbins for weaving,	20	Walter Janes,	Ashford, Connecticut.
In making brick or artificial stone, without burning,	21	Joseph B. Harris,	Philadelphia.
A machine for making bricks and tiles,	22	Daniel French,	New York.
An apparatus for propelling boats by steam, &c.	29	Ralph Letton,	Albany, New York.
A windlass lever press,	31	Thaddeus Williams,	Philadelphia.
In making rifle guns,	31	Elisha Strong and Cotton Kellogg,	New Harford, Lichfield, Con.
Machine for swaying or setting shovels, &c.	31	Upton Reid,	Near Jopper Cross Roads, Harford, Maryland.
Machine for breaking flax and hemp,	31	Nathaniel Perrine Robinson,	Fleming county, Kentucky.
A new constructed loom,	Sept. 1	Water Janes,	Ashford, Connecticut.
A double screw press,	4	Elisha Winter,	New Orleans.
A carriage block for sawing timber, &c. without a stubshort,	6	William Underwood,	Herkimer, New York.
A Columbian balance,	8	William Granger,	Middlebury, Vermont.
A smoke conductor,	11	John C. Teale,	New York.
A weaving machine,	12	Samuel Blydenburgh,	West Brookfield, Mass.
Machine for cutting and heading nails at one operation,	16	Jesse Reed,	Kingston, Plymouth co. Mass.
In making elastic clear starch, &c. from wheat, in making spirits from the residue, and taking mildews, &c. from linen,	16	Elijah Perkins,	Shrewsbury, Monmouth co. New Jersey.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1810.		
In steering vessels,	Sept. 18	John Philips and James Smallman,	Philadelphia.
Machine for cutting and heading nails at one operation,	26	William Miller,	New York.
In teaching the art of writing,	Oct. 1	Samuel Randal,	Warren, Rhode Island.
A composition for the cure of the scrofula and cancer,	8	Elias Willard,	Albany, New York.
A washing machine,	8	William Jackman,	Painsville, Ohio.
Machine for cutting smoked beef,	9	Seth R. Kneeland.	
Machine for sawing various articles of carpenters', wheelwrights', joiners', and coopers' work,	25	David Parmelee,	Reading, Fairfield co. Con.
A currying knife,	25	Stephen Parsons,	Parsonsfield, Massachusetts.
Improvement in the boiler invented by and patented to Timothy Kirk, and in the rectifying still patented to William Chamberlin,	29	William Eaton,	Baltimore.
In preparing quercitron, or black oak bark, for dying or tanning,	30	Nathan Harper,	Frankford, Pennsylvania.
In water wheels, a compound wheel and chain or band wheel for propelling boats by steam, &c.	Nov. 1	Pinder Antrim and Samuel Bolton,	Philadelphia.
Machine for splitting and shaving skins and leather,	1	Philip White,	Worcester, Brookfield, Mass.
In stoves,	6	Augustus Graham,	Fredericktown, Maryland.
In the windlass and capstan,	6	John Galvin,	Philadelphia.
A horizontal double forcing pump for fire engines, &c.	6	Eli Smith,	Palmer, Hampshire co. Mass.
A mode of destroying the Hessian fly and weavel, or preventing them from injuring wheat or grain,	13	William Armistead,	Prince William co. Virginia.
In the loom,	17	Philo Clinton Curtis,	Paris, Oneida co. New York.
A steam still and water boiler,	17	Phares Bernard,	Whitestown, Oneida co. N.Y.
Machine for cutting tan bark and softening hides, fulling cloth, and for a grist mill, &c.	20	Chester Griswold and Hosea E. Potter,	Otsego, New York.
Machine for boiling potatoes, pumpkins, or other food, for cattle or swine, by steam,	20	Hosea E. Potter,	Otsego, New York.
A crank engine for raising and throwing water,	21	Joseph Clap,	Montague, Hampshire, Mass.
In grated fire places,	24	Augustus Graham,	Fredericktown, Maryland.
In heating water in vats to expedite the tanning of leather, &c.	24	Allen Henderson,	Gt. Barrington, Berks. co. Mass.
In wooden C springs for carriages,	27	William Robinson,	Wilmington, Delaware.
A water wheel for mills,	Dec. 5	Aaron Reuck,	Chillicothe, Ohio.
In the method of using the common screw auger,	11	Oliver Stetson and William Sebree,	Georgetown, Boone co. Ky.
A washing machine,	15	Daniel Robinson,	Franklin, Delaware co. N.Y.
For coring and quartering apples,	15	Cyrus Gates,	Rutland co. Vermont.
A thrashing machine,	15	Daniel C. Arnold.	
A double perpetual still, and mode of using it,	22	John James Giraud,	Baltimore.
A diving dress,	24	Chauncy Hall,	Connecticut.
In manufacturing hats,	26	Samuel Tibballs, Jun.	Tyringham, Berkshire co. Mass.
Improvement in their sawing machine, patented December 21, 1809,	26	Ezekiel Olds and Pliny Upham,	Brookfield, Massachusetts.
In window springs,	27	George Cannon,	Nantucket, Massachusetts.
Machine for printing calico and paper,	28	Leonard Beatty,	Wilkesbarre, Luzerne co. Pa.

11th CONGRESS.] No. 285. [3d SESSION.

MIDDLESEX CANAL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 15, 1811.

BOSTON, *December* 7, 1810.

To the honorable the Senate and House of Representatives in Congress assembled:

The memorial of the proprietors of the Middlesex canal, in the State of Massachusetts, is respectfully addressed, to explain the grounds of their petition to Congress the last session, and to state more fully the relations which the works they have executed, those they have undertaken, and those to which the nature of the country in the same direction invites their enterprise, have to the public prosperity, and the good policy of the Union.

The great utility of canals, and their beneficial influence on the prosperity of an agricultural, manufacturing, and commercial people, so long experienced among the nations of Europe, and so often acknowledged by their Governments in the patronage afforded to the projectors of them, and even in their own enterprises of a similar

kind, cannot be unknown to your honorable body; and the attention which the subject has already received from the National Legislature, with the importance justly given to it by the Secretary of the Treasury, in his able report to the Senate in the year 1808, may, it is presumed by your memorialists, sanction their appearing before you on this occasion.

Your memorialists, in common with other companies formed for similar purposes, have hitherto failed of reaping the advantages due to their enterprise, though the community at large has already derived from their exertions great benefits, without risk and without cost. In the completion, therefore, of an enterprise, which the public is so directly concerned in, your memorialists hope they may look, without disappointment, for the fostering aid of the Government, to whose paternal care the nation's best interests are confided, especially as the assistance prayed for will be reciprocally beneficial.

The origin and purpose of the Middlesex canal is already known to your honorable body, by the report of the Secretary of the Treasury. Your memorialists, therefore, forbear to trespass on your attention with unnecessary details, and will only so far offer a general and brief description of their canal and its dependencies, as may seem to be at this time necessary.

The river Merrimack (which is connected with Boston harbor by the Middlesex canal) takes its rise in the western mountains of New Hampshire, about thirty miles from Connecticut river, and in its course southward, passing through a rich and populous district, receives, about the centre of the State, an equally copious stream from the lake Winnipisiochee, and other interior waters connected therewith. The shores of these lakes are not less than two hundred miles in extent, and are generally surrounded with good lands, rapidly settling, but still bearing great quantities of oak and pine timber of the largest size, and of a superior quality. From this junction of the two branches, at the distance of ninety miles from Boston, the river continues its course southward, parallel with the leading roads of the country, till it reaches a point in the State of Massachusetts, five miles within the boundary line, near where the Middlesex canal communicates therewith, at the distance of twenty-seven miles from Boston.

To open, by means of this river, an extensive inland navigation to the lakes of New Hampshire, and still further into the interior, by the western branch and Baker's river, was the object of the Middlesex canal; and it was partially accomplished in the year 1804, after ten years of unremitted perseverance, and at an expense to them of nine hundred and fourteen thousand one hundred and forty-two dollars and forty-two cents.

In its course, the canal is led over seven rivers and streams, by aqueducts. It is often carried on deep meadows by high embankments, and through extensive ledges of rocks; it is supplied with water from Concord river, which opens into it five miles from the Merrimack, on one side, and twenty-two from Boston on the other. From thence the fall to the Merrimack is thirty-one feet, by four stone locks; and towards Boston one hundred and seven feet, by seventeen locks. The general width of the canal is thirty feet on the surface of the water, and twenty at the bottom. It is calculated to carry boats seventy-five feet long, nine and a half feet wide, drawing three feet of water, carrying twenty-five tons, drawn by one horse, and conducted by two men; passing the whole distance of twenty-seven miles in one day. It also conveys rafts of timber, lumber, and fire wood, five hundred feet in length, with one horse, or a pair of oxen, attended by five men.

The expense of conducting a raft of one hundred and fifty tons of timber, through the canal, may be estimated and compared with land carriage as follows, viz:

Five men's wages and maintenance, 4 days,	$ 20
One pair of oxen, 4 days,	5
Toll 90 cents per ton on 150 tons,	135
	$160

If the same were to be transported by land carriage, it would require—

Seventy-five teams of 5 cattle, at $3 a day, 4 days, is $12 a team, amounting to	$ 900 00
Seventy-five men, at $1 a day, 4 days,	300 00
Expense of each team, at $1 33,	99 75
	$1,299 75
The same by water carriage, as above stated, being	160 00
Makes a saving to the owner or the public of	$1,139 75

The expense of conveying 100 tons of merchandise, by 50 teams of 5 cattle each, to the distance of fifty miles, or as far as boats now ascend the Merrimack from Boston, may be estimated at $15 per ton, amounting to	$1,500
To transport the same quantity by boats, cost $7 a ton, or	700
Making a saving on 100 tons, or 5 boats, of	$800

And if the advantages of having so many men and cattle, thus liberated from unproductive labor, employed in agriculture, and other productive avocations, be considered, the public still gains in a much greater ratio.

Although in the year 1804, when the canal was completed to the banks of Charles river, opposite the town of Boston, at the distance of less than a mile therefrom, the inducements to persevere appeared in as strong a light as when they first excited the proprietors to the enterprise; and, although the union of so great a river and country, with a metropolis where the produce of the interior might find a market or an outlet, seemed still to promise ultimate success and remuneration, yet much remained to be done, both to overcome the obstructions existing in the river Merrimack, and to lead the public, long habituated to land carriage, and totally inexperienced in the use of canals, to turn its attention to this great accommodation. And so much embarrassment had arisen, in consequence of the death of some of the associates, whose widows and children becoming holders of shares, were, with others of the proprietors, unable to sustain the burden of further assessments, adequate to the expense of the additional works requisite on said river, that your memorialists were unable to command funds for the execution of said works. The income of the principal canal, though increasing, have been insufficient for the current expenses, the repairs, and necessary improvements thereon.

This great work might long have remained in this state, but for the assistance obtained from the Legislature of Massachusetts, which, by granting to the corporation two townships of eastern land, enabled and induced the proprietors to undertake some of the improvements necessary to the extension of inland navigation as originally contemplated. These works, now constructing, under sundry acts of incorporation, principally with the funds borrowed on the credit of the lands above mentioned, consist of locks, dams, and canals, in three places, viz: in

Merrimack, Dumbarton, and Bow. They must necessarily cost considerably more than the said land is expected even to bring. And, in order to make the Middlesex canal good property, and as extensively useful to the public as it is capable of being, other works more interior ought to be accomplished; especially between the lakes above mentioned, and Merrimack river, to pass a number of falls not less together than two hundred and thirty feet in perpendicular height. But such is the fertility of this district, and so great the quantity of excellent timber, which the public would thereby save from destruction by fire in clearing the land, that ample renumeration may be confidently expected.

The articles also of beef, pork, flaxseed, ashes, grain, and various others which, on account of the distance, and the want of good roads, cannot now be brought to a market, or if brought, are consumed by the expenses attending the land carriage, would become of sufficient value to excite a spirit of general industry even in the most remote and uncultivated parts of New Hampshire.

Nor do these observations apply only to the shores of the lakes, and the country to the north, but may, with equal propriety, be extended to the counties lying to the northwest, to which these extensive waters, and the western branch of the river would, with some improvements, afford this cheap and convenient mode of conveyance. Your memorialists, fearful of trespassing too far on the time and attention of your honorable body, refer to a map of New Hampshire to show the extensive water communications that might be made with the canal, not mentioned herein, and hasten to state the general relations and advantages likely to result from *the assistance* for which they have petitioned the National Government. The immediate effect of such assistance would be to increase the national strength and wealth, by giving value to *millions of tons of timber* now considered an incumbrance to the ground; to enhance the value of land for agricultural purposes, by providing a cheap mode of conveying its produce to market, whilst the inhabitants of the coast will be more abundantly and cheaply supplied; to give advantages to commerce, by enabling the merchant to find cargoes at such rates as would enable him to export them profitably, and build his ships at less cost; to augment the population of that part of the country, and enable the inhabitants to receive articles of foreign growth and origin, now become necessaries of life, by boat navigation on better terms, and in greater quantities, thereby encouraging and increasing the importation, and consequently the revenues of the General Government. The easy communication with the interior, which the proposed works will afford, will be the means of essentially strengthening the frontier in a quarter where it is now most weak and vulnerable, and will attach the inhabitants in that direction still more to the Union, by a sentiment of increasing interest; our ports becoming more and more the source of this accommodation, and the vent of the produce of their industry. The canal will also be the medium of supplies to the navy yard at Charlestown, of the best materials of every kind for repairing or building ships, or for completing the wharves and docks which it may be found necessary to construct there; and it is conceived it will, in this alone, save the United States thousands of dollars yearly, and enable its agents to obtain from the interior every spar and every article, *not* excepting iron and copper, which may, in the event of hostilities, be wanted for ships of war.

Your memorialists would further beg leave to remark, that the provisions of the act which has already passed the honorable Senate, are such that, whilst they may afford the proprietors of the Middlesex canal the assistance they need to complete, and carry into effect the great and beneficial purposes originally contemplated, by purchasing a portion of their interest, the Government disposes of an unproductive property in lands, investing the proceeds in an institution endowed with perpetual privileges, which, to be soon profitable, requires but efficient aid; and which, from its very situation, cannot be rivalled, and must be progressive; so that, in a few years, the Government may, if occasion should require, sell the shares it may hold for money.

Your memorialists, convinced that the views they have herein taken of their enterprise, in relation to the public interests, are well founded, cannot but believe that your honorable body will be of opinion that this is one of those occasions alluded to, in the report of the Secretary of the Treasury, in which the resources of Government may, with the greatest effect and propriety, be brought in aid of private enterprise in public improvements. And they are encouraged to anticipate this result, from the deliberations of your honors, the more confidently, as it will have been made to appear that the Middlesex canal was undertaken and executed in the faith, that so important a part of the water communication with this large and fertile territory being effected, a just sense of the great advantage to result therefrom would stimulate the people to the formation of companies for clearing the obstructions of the river Merrimack, and for executing the other necessary works detailed in this memorial; or that Government would be induced to take the shares, originally reserved, whenever a representation of these advantages, to an extensive district of country, should be made to your honorable body, and thus afford the aid necessary to bring into activity resources so important to the growth of the Union. But the want of an avenue of easy communication with the seacoast, having placed it out of the power of the people most immediately interested in New Hampshire, to raise funds sufficient for the purposes herein contemplated; and men of moneyed capital in the sea-ports, with only partial views of the subject, having been deterred by the hitherto unproductive state of the Middlesex canal, from engaging in similar enterprises, it is only then from the more enlarged views of an enlightened Government that the wishes of your memorialists, in relation to their object, can be realized.

They have, therefore, thought they might reiterate their appeal to Congress on the merits of their petition, which has been favorably received by the Senate, at the last session of that branch of the Legislature, persuaded they are addressing those who cannot fail of feeling an interest in this, and all other concerns touching the internal improvements of the United States.

AARON DEXTER, *President of the Corporation.*
JOHN C. JONES, *First Vice President.*
BENJAMIN JOY, *Second Vice President.*
WILLIAM GRAY,
WILLIAM PAYNE,
EBENEZER OLIVER,
JOSEPH HALL,
BENJAMIN WELD,
JOSEPH COOLIDGE, JUN.
C. GORE,
R. SULLIVAN,
} *Directors.*
JOHN L. SULLIVAN, *Agent of the Corporation.*

11th Congress.] No. 286. [3d Session.

ROAD FROM VINCENNES, INDIANA, TOWARDS DAYTON, OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 17, 1811.

Mr. Jennings, from the committee appointed on the 5th instant, to inquire into the expediency of opening a road from Vincennes towards Dayton, in the State of Ohio, made the following report:

That the opening of such a road was contemplated by Congress in the act passed April, 1806; but the moneys appropriated for that, and similar purposes, have been found insufficient to accomplish the desired objects.

That the opening of the contemplated road would certainly expedite the sales of public lands, insomuch, that the Government would shortly be remunerated from that source for the necessary expenditure, independent of the general advantage to be derived from such an addition to the number of our public roads.

That it will be found the most direct course from Pitsburg to Vincennes and St. Louis, and will no doubt become the chief post route to the Territories northwest of the rivers Ohio and Mississippi, from the seat of Government of the United States, by way of the seat of Government of the State of Ohio. The committee, therefore, beg leave to submit the following resolution:

Resolved, That it is expedient to cause to be opened a road from Vincennes, or from some point on the road leading from Vincennes to the falls of Ohio, to the eastern boundary of the Indiana Territory, in a proper direction, towards Dayton, in the State of Ohio.

11th Congress.] No. 287. [2d Session.

APPLICATION TO AMEND THE ACT CONTINUING CERTAIN PATENT RIGHTS TO OLIVER EVANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 19, 1811.

Mr. Mitchill, from the Select Committee, to whom was referred the memorial of John Brumback, and others, made the following report:

The memorialists state that they are concerned in the erection and employment of mills for the conversion of grain into meal and flour. In these mills they constructed part of the machinery for facilitating that manufacture invented by Oliver Evans. When this was done, there was no legal impediment in the way. Since that time they have learned that they are accountable, in damages, to a person who now claims an exclusive right to erect such works. Believing this to be a grievance, they ask relief from the legislative interference of Congress.

To understand the nature of this application, it is necessary to be a little more particular. Some time after the passing of the first patent laws, Oliver Evans obtained letters patent, securing to him a monopoly in certain pieces of mechanism, called by him elevators, conveyors, hopperboys, and several other names. The patentee expected the benefit of his privilege during the term of fourteen years; then his patent would expire; and the various inventions, secured to him thereby, became the right of any person who thought proper to use them.

Owing to some informality in the patent, or some defect inherent therein, it was adjudged to be void by the court, in an action brought by the said Evans against Chambers. Afterwards, Evans presented to Congress a petition, praying for a renewal of his patent, and alleging, as a leading reason in his behalf, the hardship of his case, in having received a very inconsiderable advantage from it, during the time it was considered valid, and nothing afterwards.

Induced by these, and other considerations, Congress passed an act for the relief of Oliver Evans. This received the President's approbation on the 21st January, 1808. It directs the Secretary of State to grant letters patent to him, confirming the exclusive right of making, constructing, using, and vending to be used, his invention, discovery, and improvements in the art of manufacturing flour and meal, and in the several machines which he has applied to that purpose. This renewal is authorized on two conditions: the first is, that no person who may have heretofore paid the said Oliver Evans for license to use his said improvements, should be obliged to renew his license, or be subject to damages for not renewing the same; the second is, that no person, who shall have used the said improvements, or have erected the same for use, before the issuing of the second patent, shall be liable to damages for the same.

Under this renewed patent, Oliver Evans has claimed, since the date of it, in January, 22, 1808, the right of granting licenses to all persons, who, having erected his machinery after the expiration of his first patent, and before the grant of his second, continued to use and employ it after the date of the second.

The petitioners conceive themselves to be in this situation: Having furnished their mills with Evans's machinery, while there was no legal impediment, they feel an apprehension that they will be molested in the use thereof by the patentee, under his new grant. Believing themselves to be in his power, to make them pay considerable sums for licenses to use his machinery, or to undergo great inconvenience and loss, by removing it from their mills, and throwing it away, they request Congress may enact a statute, exempting them, and every other person in a similar situation, from all damages, and authorizing them to continue to use the said machinery, without being obliged to pay Oliver Evans any thing for the same, under the second patent.

On an examination of the merits of this subject, the committee were im mediately led to consider the judicial decision that had been made in the circuit court of the United States, on the meaning and construction of an act for the relief of Oliver Evans. The trial came on before Judges Washington and Peters, in the district of Pennsyl-

vania. The patentee brought an action on the case, for a violation of his right, by the defendant, one John Weiss, for putting up a wheel and pair of stones in his mill, on Wissahiccon creek, within the county of Philadelphia. The defendant had put up one wheel, and one pair of stones, under a license. A second wheel and pair of stones had been put up prior to the passing of the before mentioned act of Congress. This second pair he continued to employ since the 22d January, 1808, the date of the plaintiff's patent, and after due notice given by him to the defendant in the succeeding February. After inquiry into the merits, and hearing the arguments of counsel, the court gave judgment for the plaintiff on the ground that the statute, under which the second patent was issued, afforded no protection whatever against a claim for damages for using the inventor's machinery and improvements, after the issuing of the patent, although the same might have been erected without infringement of his right, between the expiration of the first, and the date of the second patent.

Considering the case in these various relations, it appears that the grievance complained of by the memorialists, has arisen under an act of Congress specially passed for the relief of the patentee, Oliver Evans; whatever that act contains is for his benefit, and no more. The interpretation of the statutes is the peculiar province and duty of the judges. The statute in question has already undergone judicial interpretation. It will not be sufficient to induce Congress to interfere, that the memorialists endure hardships by that exposition, nor will it be allowable for an individual, even of the persons who voted on that act, to say that such a meaning as the judges have given to it, was never intended by the Legislature. A statute must convey its own signification. The statute, under consideration, proceeds from the bounty of Congress towards Evans. It rests in him, for the time therein mentioned, certain rights. If these are more extensive than the memorialists wish, it is an inconvenience they must endure. Congress cannot consistently interfere to exempt them, and all other persons similarly circumstanced, from damages, by a declaratory act, narrowing the privilege heretofore granted by them, to the injury of Evans, by stripping him of his vested rights. Such of them as continue to employ his machinery, must do it with his permission, and cannot, by legislative interference, be exonerated from paying him for the same. Therefore,

Resolved That the petitioners have leave to withdraw their petition.

11th Congress.] **No. 288.** [3d Session.

EXTENSION OF PATENT RIGHTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 28, 1811.

Mr. Mitchill, from the Select Committee, to whom was referred the petition of Benjamin Tyler, Jun. and John Tyler, made the following report:

These persons state that, prior to the 20th of February, 1800, Benjamin Tyler had made a useful invention in the manner of constructing mills for grinding of wheat and other grain. On that day he obtained letters patent, according to law, for the same. He afterwards made an assignment of the same, in due form, to the petitioners.

They further represent the necessity they felt to attempt the protection of their right, by bringing a suit against one of the several persons who had violated their privileges. They believe the defendant to have been supported by a combination of interested men. By the operation of various dilatory measures, the action, though brought on in 1804, was protracted until 1810, and eventually a verdict which had been given for the plaintiff, was set aside by the court. The expenses and costs incurred by the petitioners, in the course and event of these proceedings, were very oppressive.

But this was not all. During the time this law-suit lasted, the reality of their alleged and patented invention became suspected, and misrepresentations were industriously prosecuted against it, to a great extent, and they thereby suffered grievous inconvenience and injury.

There was yet another aggravation of their case. The patent being limited, by the very terms of its grant, to fourteen years, approaches the term of its expiration; at that time, the whole benefit of the invention will be lost to the inventor, and his assignees; and they request that, under the extreme hardship of their situation, involved in controversy, deprived of time, exhausted of money, persecuted by opposition, and disappointed in their expectations, aggravated by the shortness of their patent's duration, they may be indulged with a renewal of their privileges for another term of fourteen years, by a special statute in their favor.

By various and respectable testimonials, accompanying the memorial, it appears that the improvement, under consideration, known by the name of *Tyler's patent wry-fly wheel*, has been found to be very useful in the mechanism of corn, and wheat, and paper mills. It is simple and cheap in its construction; less liable to want repairs; and more secure from the action of frost; while it combines strength with celerity of motion, supersedes the necessity of the large water-wheel and ordinary cog-wheels, and performs the same work with half the water that is required for an undershot wheel.

The committee, on weighing these several matters, are of opinion that the case of the petitioners comes within the spirit of the provision contained in the constitution for the benefit of inventors and discoverers. The merit of the application is enhanced by the tedious and expensive law-suits in which he has the misfortune to be entangled. It is, at the same time, very questionable, whether Congress ought to indulge the practice, already begun, of legislating upon individual cases. It would be more correct and convenient to provide for the renewal of letters patent by a general regulation. There will be no end to applications of this kind, while the patent laws remain in their present imperfect state; while, by a discreet and early revision of them, this and all other similar cases, may be fully comprehended. By this means sound legislation will, most effectually, subserve the interest of the citizen. A mode of renewal has already been recommended, and forms a distinct section of the "bill for the encouragement of learning, and the promotion of the useful arts," now lying in the Committee of the Whole House. It is, therefore, recommended to agree to the following resolutions:

Resolved, That the request of the petitioners is reasonable, and ought to be granted.

Resolved, That provision ought to be made, by law, for the renewal of letters patent, in favor of inventors and discoverers, in certain cases.

11th Congress.] No. 289. [3d Session.

DISTRICT OF COLUMBIA—BANKS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 5, 1811.

Mr. Cheves made the following report:

The committee, to whom was referred sundry bills to incorporate sundry banks in the District of Columbia, having already reported in part, beg leave further to report:

That, in their opinion, the bills referred to them would authorize the establishment of a banking capital, which, with the banks already incorporated, would exceed what is required by the present state of the commerce, the population, the real capital, and the other reasonable exigencies of the District.

It is not, in the opinion of the committee, practicable, by the mere institution of banking establishments, to add to the wealth of the community, or to the utility, though it may increase the quantity of the circulating medium. On the contrary, they believe that a superabundance of paper circulation may, by destroying its credit and value, defeat its own end, while it will tend greatly, and almost entirely, to remove the circulating specie of the country. A paper circulation, within reasonable limits, is probably a great benefit; but, if unrestrained, or, what is worse, encouraged to transcend those limits, it will more probably become a great evil; and this evil it is the duty of legislative bodies, at least not to invite; for it will not be confined to those who, as the projectors of these institutions, are willing to adventure their property therein, but will be visited on those unsuspecting and unwary members of society who, with propriety, on such a subject, rely on a legislative guardianship.

The allegations, that there is abundance of capital, and that there is a want of capital, both of which have been alleged in favor of these institutions, equally prove, that they should be limited. If there be an abundance of capital, little aid of this kind will be wanting. If there be a want of real capital, there is no basis for an excess of this artificial capital; they are relative, and ought to be proportional to each other. The committee, pursuing and adopting these principles, but with some latitude, as they suppose, in favor of the applicants, have already reported the bill to incorporate the Bank of Potomac, and now beg leave to report, with sundry amendments, the bill to incorporate the Bank of Washington. The first they selected, because it had been some years in successful operation, and was, in other respects, unexceptionable; and the last because there is no other like institution in the city of Washington. If these shall be incorporated, there will be in

The town of Alexandria.

The Bank of Alexandria, with a capital of	$500,000
The Bank of Potomac, with a capital of	500,000

In Georgetown.

The Bank of Columbia, with a capital of	$1,000,000

And in Washington.

The Bank of Washington, with a capital of	$500,000

Forming a banking capital for the District of Columbia, of $2,500,000, which the committee think abundantly sufficient, and as much as it will, at present, be prudent or safe to authorize.

[Note.—See Report, No. 274.]

11th Congress.] No. 290. [3d Session.

DEFECTS IN THE SYSTEM OF GAUGING, AS PRACTISED AT THE CUSTOM HOUSES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 7, 1811.

Sir: Treasury Department, *February* 7, 1811.

I have the honor to enclose copies of two letters on the defects in the present mode of gauging. Sufficient information has not been obtained for preparing a plan on the subject; but it may, if required, be procured during the recess of Congress.

I have the honor to be, respectfully, sir, your obedient servant,

ALBERT GALLATIN.

Hon. Thomas Newton,
Chairman of the Committee of Commerce and Manufactures.

Sir: Boston, *April* 12, 1810.

The enclosed statement was presented to me by Mr. Dearborn, and I enclose it to you for your consideration and decision. I am induced to believe that Mr. Dearborn will, if encouraged, construct an instrument for ascertaining the contents of a cask with more accuracy than any we have in use; his propositions appear to be fair and candid; you will determine whether it will be advisable to have such an experiment made as he proposes, and on the conditions he proposes, or such other as you may deem proper.

Yours, with esteem, H. DEARBORN.

Hon. Albert Gallatin.

SIR: BOSTON, *March* 27, 1810.

In consequence of the peculiar care which Messrs. Loring and Lee, two of the gaugers for the customs, are now taking to have very accurate gauging instruments made at my factory, I have been led to a particular examination of the rules for cask gauging, and of the usual manner in which those rules are applied in practise; and finding both liable to errors, I shall enumerate them, first, for your consideration, and next for the consideration of Government, provided you shall think the subject worthy of forwarding this letter for their inspection, and they think it expedient to accept the proposition with which this representation closes.

First error. Different authors prescribe different rules for gauging.

EXAMPLE.

The contents of a cask of the following dimensions, as measured by different rules for four varieties, viz: Bung diameter, 32 inches; head diameter, 24 inches; length, 40 inches. If it be considered as—

	Quantity by Davy's rules.	Quantity by Everard's rules.	Quantity by Hawney's rules.	Difference between the extremes.
1st. The middle frustrum of a spheroid, - -	97.455	97.455	97.6	—.145
2d. The middle frustrum of a parabolic spindle, -	96.505	94.128	94.98	2.377
3d. The middle frustrum of two parabolic conoids, -	89.136	90.800	92.40	3.264
4th. The middle frustrum of two parabolic cones, -	87.934	87.934	89.85	1.916

Casks are rarely seen with the staves straight, from the bung to the head, ranking under the 4th form above mentioned, and others are not frequently found with the staves so much bended as to rank under the first form; consequently most casks are considered as belonging to the second or third varieties, in which the greatest difference is made by different rules of gauging, amounting to somewhat more than three gallons and a quarter in estimating the third form.

Second error. No rule has ever been given for estimating the rank a cask shall take in the above varieties, but it is left entirely to the judgment of the gauger, and he must, at times, be perplexed to decide its rank as second or third variety, although the decision will make a difference of more than seven gallons and one-third by Davy's rules, of nearly three and one-third by Everard's, and of more than two and a half by Hawney's.

Third error. No method has been devised for ascertaining the thickness of the heads and staves; they are estimated by supposition; and if they are one-twentieth part of an inch thicker than this estimate, a cask of the foregoing dimensions will contain about one gallon, wine measure, less than it will gauge; if they are one-twentieth of an inch thinner than the estimate, the cask will contain about one gallon more than it will gauge.

Fourth error. By reducing the thickness of the central part of the bung stave, and the stave opposite, one-tenth of an inch, and reducing the ends of the staves, where the heads are inserted, in the same quantity, the mean diameter of the cask will be increased two-tenths; this will cause the cask to measure one gallon and six-tenths more, in wine measure, than it will contain, supposing the dimensions as above stated; and, if the heads are also reduced in the same proportion, the error will amount to something more than two gallons.

Fifth error. Casks, from the lower tiers of a cargo, are frequently pressed out of their original shape, and the bung diameter is thereby rendered much less than it was when shipped, although the cask still contains the same quantity. In the usual mode of gauging no estimate can be made of this error.

Sixth error. In casks of molasses the sugar will sometimes subside in a mass so hard that it is very difficult to ascertain, with certainty, the bung diameter.

Seventh error. By placing the heads of a cask in an oblique direction, instead of being parallel to each other, it will gauge less or more than the true quantity, except a length be taken in a medium between the extremes; and this difference may amount to an inch in the length of a cask, without being observed in a cursory view.

Eighth error. A solid body may be so affixed inside the cask, opposite to the bung, as to make it measure some gallons less than the true quantity; and, by the usual mode of gauging, the imposition can never be discovered, nor the error corrected.

I now proceed to state it as my belief, that, by a course of actual experiments on the capacity of different casks, and by a new set of gauging instruments, I can correct, avoid, or greatly reduce all the errors before enumerated; that my system will be less complicated than the present mode, and will be perfectly intelligible to a common capacity; that more despatch shall be produced, in finding the mean diameter and length, so as to redeem time for taking the thickness of the staves and heads of every tenth cask in a cargo, without requiring more time for gauging the whole than is now consumed for an equal number; that the curve of the staves, instead of being estimated by guessing, shall be subject to accurate measurement; that casks, designedly made to gauge less or more than their actual contents, shall be subjected to a correct estimation, except that solid bodies enclosed shall reduce the quantity of liquor only as much as the amount of their bulk, without reducing the measurement; that casks pressed out of their original form shall be estimated with nearly the same certainty as others; that the subsiding sugar in casks of molasses shall produce no difficulty or uncertainty; that the error, produced by the heads of a cask being placed obliquely, shall always be counteracted; and, finally, that equal despatch, more simplicity, and much greater accuracy, shall result from this mode of gauging casks than from the mode now in practice.

On the foregoing points I submit the following proposition, viz: that arbitrators be appointed, consisting of three, six, nine, twelve, or fifteen persons, a part of whom shall be reputable mathematicians, and the remainder practical gaugers, to whom the common mode is perfectly familiar; that two-thirds of this number be appointed by an agent for Government, and the remainder by myself; that, after I have made the necessary experiments, and completed a set of the instruments, the arbitrators shall thoroughly examine the principles, and the practical application of my system, and report thereon. If they report that it embraces all the advantages contemplated in the foregoing statement, or so many of them as shall, in their opinion, render it an object worthy the patronage of Government, I will take out a patent for the instruments, and furnish such number as may be wanted, as soon as they can be made, upon condition that the Government shall introduce the use of these instruments exclusively in the customs of the United States, after a favorable report of the arbitrators. If they should report unfavorably, my labor and expense will, of course, be lost, in making the necessary calculations, experiments, and first set of instruments; yet, on the condition above named, the hazard of this loss will be cheerfully encountered by

Sir, yours respectfully, BENJAMIN DEARBORN.

HENRY DEARBORN, Esq., *Collector of the Customs.*

P. S. The price of the instruments cannot now be ascertained; I can only engage that it shall not exceed fifty dollars per set, and they may not amount to more than forty.

SIR: COLLECTOR'S OFFICE, PORT OF NEWPORT, *August* 3, 1810.

Conceiving it to be of importance that there should be a common standard of weights and measures, and a common mode of gauging throughout the United States, I wrote several letters to the Department of the Treasury on that subject, but have not received any answer to either of them. The first was to Mr. Hamilton, and is dated September 24, 1792; the second to Mr. Wolcott, bears date December 20, 1798; at the close of a letter to Mr. Steele, commissioner of the revenue, dated March, 1800, I expressed a hope that Congress would fix a standard for weights and measures; and in a letter to him, then Comptroller of the Treasury, of April 17, 1802, I wrote thus: "In a letter to the Secretary of the Treasury, of the 20th December, 1798, which I think was referred to you, I mentioned the difference between the mode of gauging in this State and the State of New York, and pointed out the mode of gauging, prescribed by a law of this State, and added, that a cask of one hundred gallons, gauged in New York, will gauge two gallons less than gauged here. What difference takes place in other States I do not know; but certainly the same mode of gauging, and the same standard of weights and measures, ought to be used in all."

By section 21 of the collection law, "the surveyor shall, from time to time, and particularly on the first Monday in January and July in each year, examine and try the weights and measures, and other instruments used in ascertaining the duties on imports, and with standards to be provided by each collector, at the public expense, for that purpose." If no standards are established by law, and there are none that I know of, how can the collectors provide them? For want of such standards, our weights and measures are adjusted by, I believe, British standards. How they are adjusted in the other States I am not informed. There is no law of this State for that purpose; but there is an act of this State establishing a just and equal method of gauging in and throughout the same. By it, no gauging is to be performed but by what is commonly called gauging by Gunter; and it is therein enacted, "that the rule and method to be used throughout the State, to find the mean diameter of any cask, in order to give the true gauge thereof, shall be by multiplying the difference between the head and bung diameter with 0.65, and adding the product to the head diameter, or which is the same, otherwise expressed, by adding six-tenths and a half of the difference between the diameter at bung and head to the diameter of the head." It is presumed that the difference between the gauge at this port and New York, arises from a difference in the multiplier of the difference between the head and bung diameter, and there may be a difference in the gauge in other States, proceeding from a similar cause. I am not possessed of the law of New York, nor of the other States. Permit me to add, that, until the United States shall have established a uniform standard of weights and measures, and a uniform method of gauging, an inequality will continue disadvantageous to trade and commerce, and probably to the revenue.

I am, with respect, sir, your obedient servant,

W. ELLERY, *Collector.*

ALBERT GALLATIN, Esq., *Secretary of the Treasury.*

11th CONGRESS.] No. 291. [3d SESSION.

APPLICATION FOR A REVISION OF THE PATENT LAWS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 15, 1811.

To the honorable the Senate and House of Representatives in Congress assembled: The Massachusetts Association for the Encouragement of Useful Inventions respectfully represent:

That, from long experience, they have found that the present patent laws are inadequate to the object proposed by them; that the penalties therein are not sufficient to protect the meritorious inventor from the avarice and rapacity of unprincipled men, who, in defiance of justice, openly invade the patents of their fellow-citizens with a confidence of impunity, from the impossibility of proving, by legal evidence, what damage the injured party has sustained.

That this law, intended to promote and protect improvements in the arts, is illusive; that, under its supposed protection, men of genius have been induced to devote the best portion of their lives and fortunes in making improvements in various machines, by which some branches of manufacture have even rivalled all other nations; and that, to his great vexation and disappointment, the ingenious artisan discovers that *his* is the only property in the United States which is not protected by the laws.

That there are persons associated and combined for the purpose of clandestinely procuring machines in magnitude, models, drawings, and specifications, of the most useful American inventions, and transmitting them to Europe, and there obtaining patents for the same, without the concurrence, or even the knowledge of the American patentee. The easy access to the patent department facilitates their views in this nefarious traffic.

That many valuable American discoveries have thus been pirated, sent to Europe, and there patented and published as European inventions, to the manifest injury of the true inventor, and derogatory to the honor and interest of the United States.

That property, to an immense amount, is already vested in patented machinery, and employed in various manufactures; but the unprotected state of the rights of patentees, and proprietors, will naturally and necessarily deter men of genius and property from further perseverance in improvements unless they are permitted to enjoy the fruits of their labors.

In stating the preceding facts, your memorialists have adverted to but two of the many inconveniences arising from the want of due provisions in the present laws; and they do most earnestly entreat that such remedies may be adopted as shall appear consistent with the true policy of a nation whose Government is actuated by just principles of honor, interest, and dignity. With these views, they beg leave to suggest the following observations as the basis of amendments to the present laws, calculated to remove some of the difficulties which experience has evinced as obstructing the beneficial design of the patent laws, viz:

1st. That any person who shall violate a patent by making, using, vending, or unlawfully having and keeping in his possession the thing or machine, or any part thereof so patented, shall, as well as his aiders and abettors, forfeit each and every one of them all such things, machines, or parts thereof, and three times the actual damage sustained by the injured party, which triple damage shall in no case be less than three times the value or price of the thing, machine, or part thereof, at which the injured party has sold, or offered for sale, or has licensed the same, or offered to license the same for use; to be recovered by action of the case in the circuit court in the district where the offence is committed.

2d. That, during the patent term, all persons, except the patentee or his assigns, be prohibited, under the same penalties and forfeitures as aforesaid, from exporting out of the country any machine or thing or parts thereof, or model or models thereof, or of any parts thereof, or of any drawings thereof, or of any part thereof which have been patented, without permission first had and obtained in writing from the patentee or his assigns, in case such assigns shall have obtained in such assignment the right of exporting the same out of the country.

3d. That no copies of specifications, drawings, or other papers, filed as evidences of an invention, or copies of models, or any part thereof deposited in the Patent Office, be allowed to be taken from said office, during the term of the patent, except by the patentee, his heirs or assigns, unless such copies be material to an issue in a court of law; and in such case the party, other than the patentee or his assigns, applying for the same, shall make oath before the judge of the said court, that such copies are material to such issue, and that he requires them for that purpose only; and the said judge shall record such oath, and certify the same in the application for such copies; and that all models, specimens, drawings, specifications, and other papers filed in said office, as evidence of an invention or improvement of any machine or thing patented, be kept from the view and inspection of the public until the patent or patents granted therefor shall have expired.

4th. That, on application being made for a patent, a critical examination shall be made to ascertain whether any patent has been previously granted for any machine or thing which would interfere with the machine or thing for which a patent is prayed for, and whether the interference is material, and whether the application of parts, principles, and powers, are alike in a patentable point of view, in order that a patent may not be granted for a machine or thing already patented, or which essentially or materially interferes with it.

5th. That, on application being made for information whether a patent has been granted for the machine, thing, or improvement, which the applicant describes in his application as being his invention, and which he intends to have patented, provided it doth not interfere with any machine or thing already patented, a critical examination shall be had, and a true answer given to such applicant, and for which he shall pay the sum of (say five dollars.) And the description, specification, and drawings filed by the applicant for such information, shall be signed and sealed by him in the presence of two subscribing witnesses; and he shall also make oath to the same in the same manner as is provided in the case of applying for a patent.

6th. That the person applying for information as aforesaid, or any other person, who shall produce a specification and drawings of his invention and improvement, duly witnessed and certified, as is provided in case of application for a patent, and signifying his desire of obtaining a patent therefor, and that further time is necessary to enable him to perfect his said invention or improvement; such specification and drawings, with written references thereto, may be filed in the patent office, as evidences that such person is the first inventor or discoverer thereof, in case, on such critical examination as aforesaid, that should be found to be the fact; and the same shall operate as a caveat against the other applicants for that machine, thing, or improvement, as the case may be, for one year from the time of filing the same; and a certificate to that effect shall be granted accordingly, and for which he shall pay the sum of (say ten dollars.) And when the person filing such caveat shall make application for his patent, he shall furnish a new specification and drawing, comprising all the improvements made in his said invention or discovery.

7th. That the most improved European or other treatises and publications on the improvement in the arts, sciences, and manufactures, shall, from time to time, as they are published, be procured, and kept in the patent department, in order that ready information may be had whether the thing, machine, improvement, or discovery, for which a patent may be applied for, has been previously known and published in this or any other country.

8th. That any patentee, or his assigns, or any person or persons being legally interested therein, knowing, or having good reason to suspect, any person or persons to be secretly violating their patent, by making, using, or having unlawfully in their possession the thing, machine, or any parts thereof so patented, may, on oath, made before the judge of the district court in the district where such offence is committed, and filing a statement thereof, obtain a writ of injunction commanding such suspected person or persons, their aiders and abettors, to desist from such violation; which writ of injunction shall be served on such suspected person or persons, their aiders and abettors, to appear before said judge at the time and place appointed; and in case of their default or non-appearance, the said judge shall forthwith order a *capias* against them, to be served and returned at such time and place as he shall direct; and if, in either case, on examination, the judge shall find that the complaint is well founded, he shall make the writ of injunction absolute, and order such violators to pay the costs, and give bond in an adequate sum, with sufficient securities to the party injured, to be forfeited, and the penalties therein recovered in a court of law, in case such injunction shall not be obeyed by the parties jointly and severally on whom such injunction is laid; but if such complainant should prove not well founded, the judge may order the complainants to pay the costs, unless it should appear that there was reasonable ground therefor; and, in such case, shall decide as to justice rightly appertains.

9th. That, if the thing or machine patented shall not be put into operation, or publicly offered for sale within five years from the date of the patent, the said patent shall, on the expiration of said five years, in such case be, *ipso facto*, null and void, and the thing thus patented become the property of the public.

10th. That the specific application of the specific parts, principles, and machine powers to the specific purpose fully explained, be in law considered as constituting the invention only; and that mere principles, mechanic powers, circumstances, or effects in themselves, cannot be the subject of a patent.

11th. That patents for any useful inventions or discoveries, may be renewed for another term of fourteen years, on application being made for that purpose, containing all the improvements made by the patentee, his heirs and assigns, properly described; which application shall be made to the Secretary of State in the same manner as an original application for a patent, *mutatis mutandis*. And of the great utility of such invention, and of the intention of renewing the patent therefor, the patentee, his heirs or assigns, as the case may be, shall give notice to the Secretary of State ——— months before the expiration of the first patent, and to his approbation; and, on obtaining such second patent, the patentee shall give public notice thereof in some public newspaper or newspapers.

12th. That the patentee may assign parts of his patent, and thereby granting the exclusive right of said patent for any particular district of country.

13th. That, for repealing any patent or patents surreptitiously obtained, or upon false suggestion, the process to be brought within three years, and the hearing had before the judges of the circuit court in the district where the patentee or his assigns reside, and not before the district court.

14th. That when an original inventor, his heirs or assigns, shall make any modification or improvement in the thing or machine patented during the first patent term, he or they, as the case may be, may file a specification and drawings thereof, showing the application of such improvement or modification on the original invention; which specification shall be executed, witnessed, sworn to, and certified in the same manner as in an original application for a patent; and, on his obtaining a certificate therefor from the Secretary of State, setting forth that such improvement or modification as specified, shall thereafter be considered as patented, and belonging to, and forming a part of, the said original patent, so far as it respects the security in law of such improvement or modification, to the person legally obtaining such certificate, and having a legal interest at the time in the original invention; and for every such certificate, the party obtaining the same, shall pay the sum of (say fifteen dollars,) and as, &c.

By order of the association:

BENJAMIN DEARBORN, *President.*
JOHN FAIRBANKS, *Secretary.*

BOSTON, *January* 31, 1811.

11th CONGRESS.] No. 292. [3d SESSION.

APPROVAL BY OHIO OF THE MEASURES OF THE FEDERAL GOVERNMENT.

COMMUNICATED TO THE SENATE, FEBRUARY 16, 1811.

Resolved by the General Assembly of the State of Ohio, That this Legislature fully believe that our political safety depends on our attachment to, and continuance in, our federative relations with our sister States, and we pledge ourselves to the General Government to support the union of those States to the utmost of our power, and believing, as we do, that the measures of the General Government are directed by sound policy, with the welfare of all in view, we hesitate not to say that this State will be found ever ready to support such measures as Congress may direct for securing our rights, sovereignty, and independence.

Resolved, That the Governor be requested to forward copies of the foregoing resolution to the President of the Senate, the Speaker of the House of Representatives, and to our representation in Congress.

EDWARD TIFFIN,
Speaker of the House of Representatives.
THOS. KIRKER,
Speaker of the Senate.

Attest: R. OSBORN,
Clerk of the House of Representatives.

Attest: CARLOS A. NORTON,
Clerk of the Senate.

SECRETARY OF STATE'S OFFICE, *January* 30, 1811.

I certify the foregoing resolution to be a correct copy of the orignal roll remaining on file in this office.

JOHN McLANE,
Secretary of the State of Ohio.

11th CONGRESS.] No. 293. [3d SESSION.

NATIONAL UNIVERSITY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 18, 1811.

Mr. MITCHILL, from the committee, to whom was referred, on the 10th day of December, 1810, that part of the President's message to both Houses of Congress, at the opening of the session, which relates to the establishment of a seminary of learning by the National Legislature, made the following report:

In obedience to the order of the House, the committee has duly considered the important matter referred.

A university, or institution for the communication of knowledge in the various departments of literature and science, presents to the mind, at one view, subjects of the most pleasing contemplation.

To a free people it would seem that a seminary, in which the culture of the heart, and of the understanding, should be the chief objects, would be one of the best guards of their privileges, and a leading object of their care.

Under this conviction, the patriotic spirit of Washington led him more than once to recommend, in his speeches to Congress, an attention to such an undertaking. He even bequeathed a legacy to the national university, which he persuaded himself would, at some future day, be brought into being. Two other Presidents have subsequently presented the subject to the Legislature as worthy of especial consideration.

Authorities so respectable, in favor of a project so desirable, carry with them great weight. A central school at the seat of the General Government, darting the rays of intellectual light, or rolling the flood of useful information throughout the land, could not fail to make a strong impression. A noble and enlarged institution may be conceived to impart to its pupils the most excellent instruction, and, by properly qualifying persons to be teachers and professors, to introduce a uniform system of education among the citizens.

On weighing these and other advantages, it was necessary to consider whether Congress possessed the power to found and endow a national university.

It is argued, from the total silence of the constitution, that such a power has not been granted to Congress, inasmuch as the only means by which it is therein contemplated to promote the progress of science and the useful arts, is, by securing to authors and inventors the exclusive right to their respective writings and discoveries for limited times. The constitution, therefore, does not warrant the creation of such a corporation by any express provision.

But it immediately occurred that, under the right to legislate exclusively over the district wherein the United States have fixed their seat of Government, Congress may erect a university at any place within the ten miles square ceded by Maryland and Virginia. This cannot be doubted.

Here, however, other considerations arise. Although there is no constitutional impediment to the incorporation of trustees for such a purpose, at the city of Washington, serious doubts are entertained as to the right to appropriate the public property for its support. The endowment of a university is not ranked among the objects for which drafts ought to be made upon the Treasury. The money of the nation seems to be reserved for other uses.

The incorporation of a university, without funds, appears a fruitless and inefficient exercise of the legislative power. There is, indeed, some personal estate on hand, which would vest in such a body on the moment of its creation; and more may reasonably be expected from legacies and other donations. But these sources of revenue are too scanty and precarious to be relied upon in the present case. It is better not to legislate at all, than to pass a statute destitute of the means of execution.

The matter then stands thus: The erection of a university, upon the enlarged and magnificent plan which would become the nation, is not within the powers confided by the constitution to Congress; and the erection of a small and ordinary college, with a pompous and imposing title, would not become its dignity. If, nevertheless, at any time legislative aid should be asked to incorporate a district university, for the local benefit of the inhabitants of Columbia, and of funds of their own raising, there can be no doubt that it would be considered with kindness, as in other cases; but it must be remembered that this is a function totally distinct from the endowment of a national university, out of the treasure of the United States, destined, in its legitimate application, to other and very different purposes.

The message before the committee proposes, however, "the institution of a seminary of learning by the National Legislature, within the limits of their exclusive jurisdiction, the expense of which may be defrayed or reimbursed out of the vacant grounds which have accrued to the nation within these limits." On inquiring into the value of these public lots, they fall so far short of the sum requisite for the object, that, if there was no constitutional impediment, they could not be relied upon, on account of the smallness and unproductiveness of the capital they embrace.

With these views of the subject, the committee does not find itself authorized to recommend the adoption of any measures relative to the part of the message referred.

On behalf of the committee.

SAMUEL L. MITCHILL, *Chairman.*

11th Congress.] No. 294. [3d Session.

PRESIDENT MADISON'S OBJECTIONS TO THE BILL "INCORPORATING THE PROTESTANT EPISCOPAL CHURCH IN THE TOWN OF ALEXANDRIA, IN THE DISTRICT OF COLUMBIA."

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 21, 1811.

To the House of Representatives of the United States: FEBRUARY 21, 1811.

Having examined and considered the bill, entitled "An act incorporating the Protestant Episcopal Church in the town of Alexandria, in the District of Columbia," I now return the bill to the House of Representatives, in which it originated, with the following objections:

Because the bill exceeds the rightful authority to which Governments are limited, by the essential distinction between civil and religious functions, and violates, in particular, the article of the constitution of the United States, which declares, that "Congress shall make no law respecting a religious establishment." The bill enacts into, and establishes by law, sundry rules and proceedings relative purely to the organization and polity of the church incorporated, and comprehending even the election and removal of the minister of the same; so that no change could be made therein by the particular society, or by the general church of which it is a member, and whose authority it recognises. This particular church, therefore, would so far be a religious establishment by law—a legal force and sanction being given to certain articles in its constitution and administration. Nor can it be considered, that the articles thus established are to be taken as the descriptive criteria only of the corporate identity of the society, inasmuch as this identity must depend on other characteristics; as the regulations established are generally unessential, and alterable according to the principles and canons, by which churches of that denomination govern themselves; and as the injunctions and prohibitions, contained in the regulations, would be enforced by the penal consequences applicable to a violation of them according to the local law.

Because the bill vests in the said incorporated church, an authority to provide for the support of the poor, and the education of poor children of the same; an authority, which, being altogether superfluous, if the provision is to be the result of pious charity, would be a precedent for giving to religious societies, as such, a legal agency in carrying into effect a public and civil duty.

JAMES MADISON.

AN ACT for incorporating the Protestant Episcopal Church in the town of Alexandria, in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the minister and vestry of the Protestant Episcopal Church of the town of Alexandria, in the District of Columbia, which was, on the first day of January, one thousand eight hundred and nine, associated as a religious society, be, and their successors are hereby, declared and made a body corporate and politic, by the name, style, and title, of the minister and vestry of the Protestant Episcopal Church of the town of Alexandria; and by the name, style, and title aforesaid, they, and their successors, shall forever lawfully have, hold, use, and enjoy, all and every tract and tracts of land, already belonging to the said church, which is now, or which may hereafter be, acquired by donation or purchase; the church already built, with the burying ground belonging to the same, with their hereditaments and appurtenances; and all books, and other property, heretofore, and that may hereafter be, appropriated to the use of the said church, to the sole and proper use and benefit of the said church, agreeable to the true intent and meaning for which any of the said property was or may be purchased, or given; and by the name, style, and title, aforesaid, they shall be capable, in law, to hold, maintain, and recover, all their estates, rights, and property, belonging thereto, and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all suits, controversies, causes, actions, matters, and things, whether they be actions of debt, assumpsit, ejectment, trespass, or bill in chancery, in any court or courts of law or equity, and before any judge or justices whatsoever, and shall have one common seal and perpetual succession; and the service of process upon the church-wardens shall be a sufficient service upon the body corporate.

Sec. 2. *And be it further enacted*, That, in all proceedings of the aforesaid minister and vestry, all matters shall be decided by a majority of the votes; and the said minister shall in no case have a negative on the proceedings of the said corporation, except when his vote shall be with, or make a majority of, the votes present, at any meeting of the said corporation.

Sec. 3. *And be it further enacted*, That the said minister and vestry, by the name and style aforesaid, shall have good right, full power, and lawful authority, to have, take, receive, acquire, purchase, hold, use, and enjoy, all lands, tenements, hereditaments, and all goods and chattels; and to demise, alien, improve, and lease, not only the lands which they now have, but which they may hereafter acquire; and to use and improve such goods and chattels, to the use and benefit of the said church, so that the annual increase thereof shall not exceed six thousand dollars, any law, usage, or custom, to the contrary notwithstanding. And it shall and may be lawful for the said minister and vestry of the said church, to sell any of the said property, real or personal, which at this time lawfully belongs to the said church, or the interest which the said church may have in any property, real or personal, or which may hereafter belong to it, for the purpose of applying the proceeds thereof to the purpose of erecting a new church, or repairing the present church, for the use of the said congregation or building, or repairing dwelling or other houses, for the use of their minister, or school houses, within the said town of Alexandria, or in any other way or manner as they shall, from time to time, think necessary for the benefit of the said church: *Provided*, That nothing in this act shall be construed so as to affect the rights or claim of any person or persons, county or parish, in or to any property now in possession of the said church, or claimed by it.

Sec. 4. *And be it further enacted*, That the minister, or in case of his absence, or of a vacancy, the church-wardens shall call a meeting of the vestry as often as it shall be deemed necessary; seven of whom shall be a sufficient number to constitute a meeting for the despatch of business, and shall have power (except for the election of a minister, or of demising, alienating, or leasing of land, in which cases a concurrence of a majority of the whole number elected shall be necessary) to make such rules and orders, for the managing all the temporal affairs and concerns of the said church, as they, or a majority of them so met, shall agree upon, and shall think most conducive to the interest and property of the said church; and shall have the disposition and ordering of all payments of the moneys belonging to the said church, and also of the appointment of a clerk, treasurer, collector, and sexton, whenever they judge it necessary, and the said clerk, treasurer, collector, and sexton, at their pleasure to remove, and appoint others in their stead; all which orders, rules, and appointments, together with the accounts of the said church, the said vestry shall cause to be fairly entered and preserved in well bound books, to be provided for that purpose; and shall deliver the said books, with the papers and documents belonging to the said church, over to their successors in office.

Sec. 5. *And be it further enacted*, That, whenever a minister and vestrymen are wanting, to form a body corporate and politic, agreeable to the directions of this act, it shall be lawful for any two reputable members of the church to call together, at the said church, by notice duly published in one of the newspapers published in the town of Alexandria, the members of the said church, and there elect, by a majority of votes, twelve able and discreet men, members of the said church, who shall be a vestry to all intents and purposes, and who, with their minister, or during a vacancy without a minister, shall be a body corporate and politic, by the same name, and shall enjoy all the rights, powers, privileges, and immunities, which are given by this act to the said church.

Sec. 6. *And be it further enacted*, That, at all elections of a vestry for the said church, no person shall be allowed to vote who is not a member of, and who has not actually contributed to the support of the said church, for twelve months next preceding the said election. There shall be elections of vestrymen every third year, forever, the next election to be held on Easter Monday next, and all succeeding elections on the same day in every third year thereafter, which elections shall be held and conducted in the following manner: The members of the said church shall assemble at the said church, or if there should be no church house, at such other place as the vestry, for the time being, shall appoint by due notice, on Easter Monday in every third year, and then and there elect twelve able and discreet men, members of the said church, as vestrymen, who shall continue in office for three years, and until their successors be elected, in the manner aforesaid; two of the vestrymen so chosen, shall, annually, by a majority of the vestry, be appointed church-wardens, who, or either of them, and their successors, shall preside at all elections of a vestry, shall take care that such elections are conducted in a fair and orderly manner, and shall be judges of the qualifications of the electors.

Sec. 7. *And be it further enacted*, That, whenever a vacancy or vacancies in the vestry shall happen, either by death, resignation, quitting the church, or removal, the remaining vestrymen, or a quorum of them, shall choose such person or persons as they may think fit and proper, to supply the office of such vestryman or vestrymen, who, in complying with the rules and forms of the said church, shall continue in office until the next general election, except he or they remove, resign, or quit the church as aforesaid.

Sec. 8. *And be it further enacted*, That it shall and may be lawful for the said vestry to make such provision for the support of the poor of the said church as shall by them be thought proper; and to provide, also, in such manner as to them shall appear proper, for the education of the poor children of the said church.

Sec. 9. *And be it further enacted*, That the vestry of the said church, two-thirds concurring, shall have full power and authority to remove from the said church any minister guilty of unworthy behaviour, or of neglecting the duties of his office; and, upon such removal, the said vestry shall have authority to elect a successor.

SEC. 10. *And be it further enacted*, That it shall and may be lawful for the said minister and vestry to make such rules and regulations, for the good management of the temporal affairs of the said church, as may be deemed by them most expedient, and for the government of the said vestry, and the same to abrogate or alter as often as they shall see fit: *Provided always*, That such rules and regulations are not inconsistent with, and against any provision of this act, the laws of Congress, and the constitution of the United States, or any rule or canon of the Protestant Episcopal Church of the State of Virginia.

SEC. 11. *And be it further enacted*, That this act shall commence, and be in force, from and after the passing thereof.

JOSEPH B. VARNUM,
Speaker of the House of Representatives.

GEORGE CLINTON,
Vice President of the United States and President of the Senate.

11th CONGRESS.] No. 295. [3d SESSION.

PRESIDENT MADISON'S OBJECTIONS TO THE "BILL FOR THE RELIEF OF RICHARD TERVIN, WILLIAM COLEMAN, EDWIN LEWIS, SAMUEL MIMS, JOSEPH WILSON, AND THE BAPTIST CHURCH AT SALEM MEETING-HOUSE, IN THE MISSISSIPPI TERRITORY."

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 28, 1811.

To the House of Representatives of the United States: FEBRUARY 28, 1811.

Having examined and considered the bill entitled "An act for the relief of Richard Tervin, William Coleman, Edwin Lewis, Samuel Mims, Joseph Wilson, and the Baptist church at Salem meeting-house, in the Mississippi Territory," I now return the same to the House of Representatives, in which it originated, with the following objection:

Because the bill, in reserving a certain parcel of land in the United States for the use of the said Baptist church, comprises a principle and precedent for the appropriation of funds of the United States, for the use and support of religious societies, contrary to the article of the constitution which declares that Congress shall make no law respecting a religious establishment.

JAMES MADISON.

AN ACT for the relief of Richard Tervin, William Coleman, Edwin Lewis, Samuel Mims, Joseph Wilson, and the Baptist church at Salem meeting-house, in the Mississippi Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard Tervin be, and he is hereby, authorized to produce to the Register of the Land Office, and the Receiver of Public Moneys, for the district east of Pearl river, in the Mississippi Territory, evidence of his having inhabited and cultivated a tract of land in said Territory, prior to the thirtieth day of March, one thousand seven hundred and ninety-eight; and in case such evidence shall be produced, the said Register and Receiver are required to grant to the said Richard Tervin, a donation certificate for such tract of land not exceeding six hundred and forty acres.

SEC. 2. *And be it further enacted*, That William Coleman be, and he is hereby, authorized to produce to the said Register and Receiver, evidence of his right to a donation of a tract of land, on the Tombigbee river, in said Territory; and, in case he shall produce satisfactory evidence to the said Register and Receiver, that he was entitled to a donation of such tract, according to the provisions of the second section of the act entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," and the acts supplementary thereto, it shall then be lawful for the said William Coleman to locate a quantity of land, equal to that to which he was entitled under the above mentioned provisions, on any lands of the United States, which shall have been offered at public sale in the said district, and that shall then remain unsold; and it shall be the duty of the said Register and Receiver to issue a donation certificate to the said William Coleman for the land so located by him.

SEC. 3. *And be it further enacted*, That Edwin Lewis be entitled to the right of pre-emption in five acres of land, situate within the boundaries of a tract of land whereon he resides, which five acres were heretofore used for an encampment for the troops of the United States, so soon as the same shall cease to be used for that purpose: the said five acres to be paid for at the same price, on the same terms and conditions, as are provided for lands granted by right of pre-emption in the Mississippi Territory.

SEC. 4. *And be it further enacted*, That Samuel Mims be, and he is hereby, confirmed in his title to a tract of land, containing five hundred and eighty-four acres, granted by the British Government of West Florida, to William Clark, so as not to deprive the heirs of said Clark, or any other person or persons, of their legal remedy, if any they have, for the recovery of said lands from the said Mims, his heirs, or assigns.

SEC. 5. *And be it further enacted*, That Joseph Williams be, and he is hereby, authorized to enter with the Register of the Land Office, his certificate of pre-emption right, granted to him by the Board of Commissioners, for the district east of Pearl river, in the Mississippi Territory, for the quantity of four hundred and eighty acres of land, lying on the Tombigbee river, in the said Territory; and that payment be made therefor, at the same price, and on the same terms and conditions as are provided, by law, for other lands granted in right of pre-emption in said Territory.

SEC. 6. *And be it further enacted*, That there be reserved the quantity of five acres of land, including Salem meeting-house, in the Mississippi Territory, for the use of the Baptist church, at said meeting-house.

JOSEPH B. VARNUM,
Speaker of the House of Representatives.

GEORGE CLINTON,
Vice President of the United States, and President of the Senate.

12th CONGRESS.] No. 296. [1st SESSION.

APPLICATION TO ANNEX WEST FLORIDA TO THE MISSISSIPPI TERRITORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, NOVEMBER 20, 1811.

To the Honorable the Senate and House of Representatives of the United States:

We, the inhabitants of West Florida, your petitioners, represent to your honorable body, that, while we rejoice in the late event which has brought about our emancipation from the iron shackles of despotism, or rather released us from the more horrid calamities of anarchy, we still labor under the painful apprehension that your enlightened body will either continue us a separate Territory, or attach us to the Territory of New Orleans, instead of incorporating us with the Mississippi Territory, which we most ardently wish, for the following reasons:

The geographical and relative situation of West Florida and the Mississippi Territory plead powerfully in favor of the measure. The climate, the soil, the people, the manners, and the politics of both countries, are the same, being only divided by an ideal boundary. We are all Americans by birth, and in principle; but if we are united with the Territory of Orleans, we will be subjected to all the inconveniences and miseries resulting from a difference of people, language, manners, customs, and politics. The safety, and, indeed, the political salvation of the Government of the United States, entirely depend on the unanimity of all its parts, which is best insured by combining persons and things homogeneous in their nature. If this be true, and if West Florida and the Territory of Orleans differ in every material respect, (of which there can be no doubt,) it follows that a coalition of the two countries would be productive of discord, the evil genius of republican Governments.

Your petitioners are aware of the policy suggested by *some*, of adding *us*, who are all Americans, to the people of the Territory of Orleans, who are chiefly French, in order to counteract the French influence. This may be sound policy, but to make us the *instruments* of effecting that object, at the same time that it might be advantageous to the United States in general, it would be destructive to our individual happiness; a sacrifice too great, we trust, to be required of us to make by a Government, wise in its constitution, and just in its administration.

If, to counteract French influence, and subvert French politics, by populating the country with Americans, be the policy of the Government, your petitioners conceive that object will be shortly effected by the very great emigration of Americans from all parts of the United States. If those emigrants are subjected to all the inconveniences which we deprecate from a similar connexion, the case is not so hard with them as it would be with us, because they have voluntarily chosen that situation.

But waiving all objection on the score of dissimilarity betwixt us and the people of Orleans, nature herself seems to have thrown a barrier in the way to oppose the union. The city of New Orleans is, and in all probability will continue to be, the seat of Government of that country; where, of course, all public business must be transacted, and which will, therefore, induce the necessity of the personal attendance of a great proportion of the people within the jurisdiction of that Government, at the city of New Orleans, which will be extremely inconvenient to the inhabitants of West Florida, on account of the largeness and difficult navigation of lake Pontchartrain, which completely insulates us from the city of New Orleans.

If, however, your honorable body should deem it unadvisable to attach us to the Territory of Orleans, in order to prevent a measure calculated to continue us under a separate territorial Government, we beg leave to state that, owing to the local situation of our country, it is not susceptible of a thick settlement; that, if it were settled with as many persons as the nature of the country will admit, yet we do not believe there would be wealth enough among us to defray the expenses of a Government, without operating a very serious injury to us. But, admitting we are able to bear the expenses of a territorial Government, if the Mississippi Territory, and the Territory of Orleans should become States, independent of us, we would forever remain a Territory; for, neither in point of numbers, nor in point of extent of country, would we ever arrive at the proud magnitude of claiming an admission into the Union, as a free, sovereign, and independent State. Our only hope of participating with the rest of our brethren on the continent, in the rights and blessings of State sovereignty, is built upon the pleasing anticipation of becoming a part of the Mississippi Territory. By that means, independent of our own individual interests, the Mississippi Territory will derive the advantage of an extensive seacoast, of which she will otherwise be deprived.

For the foregoing reasons, we humbly trust that your honorable body will grant our request, by adding all that tract of country, now in possession, by virtue of the President's proclamation of 1810, to the Mississippi Territory.

There is also another subject in which your petitioners are deeply interested, to which we beg leave to call your attention. Your petitioners have generally emigrated to this country since the cession of Louisiana to the United States. When possession of New Orleans, and that of the country west of the Mississippi was taken, and the province of West Florida left in possession, and under the exclusive jurisdiction of Spain, we took it for granted that the Government of the United States either did not claim, or, if they did, meant not to insist upon their claim to West Florida; we, therefore, have made settlements on lands, under the rules and forms of the Spanish Government, expecting to hold our lands to ourselves and our heirs forever. We, therefore, pray your honorable body to confirm to us our settlement right, made between the time of the cession of Louisiana, until the time of taking possession of West Florida, wherever they have been made *bona fide*, and not with an intention to monopolise unreasonable quantities of lands, under such regulations as may best comport with the wisdom and justice of Congress.

We humbly trust that your enlightened body will grant this request, when you take into view all the circumstances which it involves. The consequences to us and our families are all important. If we are deprived of our possessions, we are deprived of our property; and, consequently, will be reduced to the extremes of want and wretchedness.

GEORGE PATTERSON,
And four hundred and ten others.

[NOTE.—See report No. 301.]

12th Congress.] No. 297. [1st Session.

CONTESTED ELECTION OF JOHN P. HUNGERFORD, A REPRESENTATIVE FROM VIRGINIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, NOVEMBER 21, 1811.

Mr. Findley made the following report:

The Committee of Elections, to whom was referred the petition of John Taliaferro, contesting the election of John P. Hungerford, returned as one of the Representatives for the State of Virginia, in the present Congress, and praying to be admitted in his stead, have had the said petition under consideration, and report, in part:

That, at the last general election in Virginia for Representatives to Congress, the said John Taliaferro and John P. Hungerford were opposing candidates, in the district composed of the counties of Westmoreland, Richmond, Lancaster, Northumberland, King George, and Stafford: from the polls of the several counties, the sitting member appears to have obtained a majority of six votes in the district, and he was accordingly returned as elected.

That of the polls taken for the county of Westmoreland, John Taliaferro had thirty-seven votes, and John P. Hungerford three hundred and sixteen votes, and that, on comparing the poll with the land list of the year 1810, and taking the list as a test, it appears to the committee that nine persons who voted for the former, and one hundred and sixty-two persons who voted for the latter gentleman, were not qualified to vote.

That of the polls taken for the county of Richmond, Mr. Taliaferro had one hundred three votes, and Mr. Hungerford one hundred and thirty votes, and that, on such comparison as aforesaid, twelve persons who voted for the former, and thirty-eight persons who voted for the latter gentleman, appear not to have been legally qualified voters.

That of the polls taken for the county of Lancaster, Mr. Taliaferro had one hundred and twenty-two votes, and Mr. Hungerford ninety-six votes, and that on such comparison as aforesaid, twenty persons who voted for the former gentleman, and twenty persons who voted for the latter, appear not to have been legally qualified voters.

That of the polls taken for the county of Northumberland, Mr. Taliaferro had two hundred and twenty-eight votes, and Mr. Hungerford seventy-six votes, and that on such comparison as aforesaid, thirty-five persons who voted for the former gentleman, and one person who voted for the latter, appear not to have been legally qualified voters.

That of the polls taken for the county of King George, Mr. Taliaferro had one hundred and fourteen votes, and Mr. Hungerford one hundred and twenty-five votes, and that, on such comparison as aforesaid, thirty-eight persons who voted for the former gentleman, and fifty persons who voted for the latter, appear not to have been legally qualified voters.

That of the polls taken for the county of Stafford, Mr. Taliaferro had one hundred and fifty-nine votes, and Mr. Hungerford twenty-six votes, and that on such comparison as aforesaid, twenty-nine persons who voted for the former gentleman appear not to have been legally qualified voters.

The result of such examination and comparison is, that deducting from both polls the persons challenged, who do not appear to have been qualified to vote according to the land lists of 1810, Mr. Taliaferro has a majority over Mr. Hungerford of one hundred and twenty-one votes.

The committee further report, that, on the 7th day of May last, the petitioner gave notice to the sitting member of his intention to contest the election, on the ground that the former had a majority of the legal and qualified votes, and that such notice was accompanied by a list of the persons challenged by the petitioner, with his objections to them. On the 28th of May the sitting member furnished the petitioner with a list of persons challenged by him, setting forth his objections against such voters. These lists contain, as well the names of the persons who the committee find not to be on the land lists, as others who are challenged by the parties for want of the freehold qualification, and for other causes.

That, on the 27th day of September last, the petitioner gave notice in writing, subscribed by him, to the sitting member, that testimony would be taken in relation to the present controversy, and to be used in the decision of the same, at King George court-house on the 10th, at Westmoreland court-house on the 17th, and at Richmond court-house on the 22d of October; and that the petitioner, agreeable to such notice, has taken sundry depositions, which are now before the committee; but the sitting member did not attend such examination, for reasons stated by him in a protest which he caused to be delivered to the petitioner.

The committee further state, that they made the comparison of the polls with the land lists, at the particular request of the petitioner, and for the purpose of reducing the controversy before them as much as possible; and that they were induced to this course from adopting as a principle, that, according to the laws of Virginia, the land list of the year prior to the election is, in the first instance, to be received as evidence of all the freeholders in the county: but this evidence they conceive, and so it was admitted by the parties, is only conclusive in the absence of all other evidence; and they accordingly are of opinion, that it is competent for the parties to show, by other testimony, that persons appearing on the land list are not freeholders, and thus not entitled to vote; and, on the other hand, that persons not appearing on the land lists are freeholders and voters.

The sitting member, before such examination was gone into, asked for time to take testimony, under the conviction that, in a reasonable period, to be fixed by the committee, he would be able, by evidence to be taken, to support his challenges and his poll, and he still requests such time to be allowed to him: the petitioner, on the other hand, has, at all times, opposed such request, on the ground that the sitting member has had sufficient time, since he was apprised that the election would be contested, to procure his testimony.

The committee are aware that some inconvenience must arise to the petitioner if this contest is laid over for any time, but they think the right of suffrage ought not to be hazarded or destroyed on account of any individual inconvenience. If there has not been gross neglect in the sitting member, the committee conceive that it is due to the electors of the district who polled for him, and to himself, not to hurry his case to a decision without affording them and him an opportunity to make good the election if they can do it.

It has been already stated, that the petitioner gave notice of his intention to contest the election to the sitting member on the 7th of May; and this the former contends was sufficient to put the latter to the task of collecting and arranging his proof: your committee see, however, that this proceeding was modelled on the laws and usages of Virginia, and, according to them, it is regarded as a mere incipient step calling for no proceeding from the other party. Such a notice on the heel of a contested election is an index to the feelings of the person giving it, but not always the proof of a settled determination. As the period of the election recedes, and the difficulties attending a canvass become more apparent, the unsuccessful candidate sometimes abandons his notice and his scrutiny. It

ought not, therefore, to be required of the person returned, for such cause alone, to wade through all the trouble, difficulty, and expense of a tedious examination, while it remains doubtful whether his opponent will proceed; it is surely in season to begin to take defensive testimony when the opposing party has commenced the investigation.

The notice given by the petitioner on the 27th of September, for examinations on the 10th, 15th and 22d of October, the committee have accordingly regarded as the first efficient measure towards the scrutiny, and they are satisfied that, in a district composed of six counties, and in a case where the votes challenged exceed four hundred, it was not practicable for the sitting member to take his testimony in season for the commencement of this session. A notice given by him after the 29th of September, would not have been deemed reasonable for an earlier day than the 10th of October, nor would it have been allowed in him to call the petitioner from his own examinations, which were to continue until after the 22d of October: after the 22d of October, it is not possible to conceive that the sitting member could procure his evidence, allowing him time before the first day of the session to travel to the seat of Government.

The committee, in addition to the facts already stated, report, that it appears to them that, on the 29th day of April last, being the day of the canvass, the petitioner procured the certificates, under oath, of two of the sheriffs, and two of the deputy sheriffs, who attended to compare the polls, that if an equality of votes had appeared, they would have voted for the petitioner, which certificate was transmitted by the magistrate, before whom it was attested, to the clerk of this House, at the request of Mr. Taliaferro, to be retained until called for by him.

This, the petitioner alleges, ought to be regarded as the commencement of his testimony, and he contends that it not only advertised the sitting member that his seat would be contested, but made it necessary for him forthwith, and without further notice or act on the part of the petitioner, to proceed to his examinations. The committee, however, have nothing before them which goes to show distinctly the object of the petitioner in procuring the certificate, nor can they, in any point of view, consider it as such a prelude to the scrutiny as to require from the sitting member that he should proceed to his canvass.

The committee, therefore, upon a view of all the circumstances of the case, are of opinion, that further time ought to be granted to the sitting member to procure testimony, and they accordingly submit the following resolution:

Resolved, That a reasonable time be allowed to John P. Hungerford, a member of this House, to procure testimony relative to his election, and that the Committee of elections have power to examine witnesses, and to make order for such examinations in the case of the said election.

SIR: WESTMORELAND COUNTY, *April* 29, 1811.

The enclosed document was taken, signed, and sworn to, by the subscribing gentlemen, in the presence of John Taliaferro, Esq., General Hungerford, and myself, at a meeting of the sheriffs at Westmoreland court-house, for the purpose of comparing the Congressional poll for the counties of Stafford, King George, Westmoreland, Richmond, Lancaster, and Northumberland; and which paper I herewith transmit to you, at the request of Mr. Taliaferro, to be retained by you till called for by him.

I am, sir, yours, &c. &c.

THOMAS ROWAND.

PATRICK MAGRUDER, Esq., *Clerk of the House of Reps. U. S.*

We, the undersigned sheriffs, who have assembled at Westmoreland court-house, on the 29th day of April, 1811, to count and compare the polls taken in our respective counties for a delegate to serve in the House of Representatives for the Congress of the United States, do certify that, if an equality of votes had appeared on the whole of the poll, we should have voted in the following manner:

Richard Claughton, deputy sheriff for Thomas Hurst, sheriff of Northumberland, should have voted for John Taliaferro. William S. Sterne, deputy sheriff for Enoch Mason, sheriff of Stafford, should have voted for John Taliaferro. J. Diggs Dishman, sheriff of King George, would have voted for John Taliaferro. Joseph Carter, Jun., sheriff of Lancaster, would have voted for John Taliaferro.

STATE OF VIRGINIA, *Westmoreland county, to wit*:

This 29th day of April, 1811, the aforesaid Richard Claughton, William S. Sterne, James D. Dishman, and Joseph Carter, Jun., made oath before me, a justice of the peace for said county, that they would have given their votes in the manner as above stated by them. Given under my hand the day and year above.

THOMAS ROWAND.

STATE OF VIRGINIA, *Westmoreland county, sct:*

I, Joseph Fox, clerk of the court of Westmoreland county, qualified according to law, do certify that Thomas Rowand, whose name is subscribed within, was, at the time of taking the affidavit to which his name is subscribed, and is now, an acting justice of the peace for said county, duly commissioned and qualified according to law, and that due faith and credit ought to be given to all his acts as such.

In testimony whereof, I have hereunto set my hand, and affixed the public seal of my office, this thirteenth day of April, in the year of our Lord one thousand eight hundred and eleven, and of the commonwealth of Virginia the thirty-fifth.

JOSEPH FOX, *C. W. C.*

SIR: KING GEORGE, *May* 4, 1811.

Be pleased to take notice, that I shall, on the meeting of the next Congress of the United States, contest your election to represent the counties of Westmoreland, Richmond, Lancaster, Northumberland, King George, and Stafford, in that body, on the ground that you did not, at the last election, obtain a majority of the electors of the said district who were legally qualified to vote for a Representative to Congress. And I shall further make it appear, if necessary, that your election has been contrary to law; and, finally, that I shall claim the right to represent the said district, in virtue of my having obtained over you a majority of the votes of the electors thereof who were duly and legally authorized to vote in the election. Below you will find a list of the names of the persons from the several counties in the said district, who voted for you, to whose votes I object as not being legal, and my particular objections to the legality of each person's vote are placed opposite to each of their names.

I am, respectfully, your obedient servant, &c.

JOHN TALIAFERRO.

General JOHN P. HUNGERFORD.

[Here follows the list of 304 names.]

SIR:

Below you will find a list of the names of the persons from the several counties composing the Congressional district for which I have been elected, who voted for you to represent the said district in the Congress of the United States, to whose votes I object as being illegal; and opposite to the name of each voter so objected to by me you will find my particular objection to the legality of the vote.

Yours, respectfully,

JOHN P. HUNGERFORD.

Mr. JOHN TALIAFERRO.

[Here follows the list of 189 names.]

WESTMORELAND COUNTY, *to wit:*

On this day Henry Hungerford personally appeared before me, James Miller, a justice of the peace in and for the aforesaid county, and made oath that, on the 24th day of May, he delivered to John Taliaferro, Esq. a true copy of the aforegoing writing. Certified this 30th day of October, 1811.

JAMES MILLER.

SIR: SEPTEMBER 25, 1811.

Be pleased to take notice, that I shall, at King George court-house, on the 10th day of October next, and at Westmoreland court-house, on the 17th of the same month, and at Richmond court-house, on the 22d of the same month, proceed to take the evidence of sundry persons, to be used by me in the decision of the contest now depending between you and myself for a seat in the next Congress of the United States, as the Representative of the district composed of the counties of Stafford, King George, Westmoreland, Richmond, Northumberland, and Lancaster; and that I shall proceed, at each of the above places, at the times above stated, to take evidence, and continue at each place, from day to day, to take evidence till the whole can be gone through with.

I am, sir, respectfully yours,

JOHN TALIAFERRO.

General JOHN P. HUNGERFORD.

STATE OF VIRGINIA, *King George county, set:*

Meriwether Taliaferro made oath before me, an acting justice of the peace for the aforesaid county, that he did, on the 27th of last month, (September,) deliver to General John P. Hungerford a notice, in writing, of which the within is a true copy. Given under my hand, this 8th day of October, 1811.

ALEX. S. HOOE.

SIR: LEEDSTOWN, *October* 9, 1811.

I protest against the notices you have recently given me, to take depositions in three of the counties of the district, for the following reasons:

1st. There exists no law entitling you to give them, empowering a magistrate to administer the oaths, or to take the depositions providing an authority to decide incidental questions during an investigation, or enabling me to obtain the attendance of witnesses.

2dly. There does exist a law requiring my attendance in Congress on the 4th of November next, as the member returned for the district.

3dly. It is impossible for me to obey the existing law, and conform also to the mode you have adopted, without law, for scrutinizing the election. It terminated on the 22d of April. On the 4th of May you notified me, according to the law of Virginia in relation to State elections, of your intention to dispute my election, and furnished me with lists of votes you objected to, in each of the six counties composing the district; and I furnished you with similar counter-lists, according to the same law. Recently you have given me notice of an intention to take depositions in three of these counties, on the 10th, 17th, and 22d of this month; reserving an equal power to exhaust the month of November in the other three, in the same way, before I can be apprised of the nature of your exceptions, or the evidence necessary to meet them. This ingenious management for pushing the scrutiny beyond, or far into, the session of Congress, makes it impossible for me both to obey the law requiring my attendance during this period, and to obey your future notices; or to avail myself of a right of a personal attendance, without violating the right of my constituents to representation; and, however imperative the preference between these evils may be, in a case of necessity, I know not by what authority you can impose it.

4thly. Nor do the principles of reason and equity, in my view, militate less forcibly than those of law, against the mode of scrutiny you have attempted to prescribe. The notification, according to the State law, was also a notification of your intention to adopt its rules throughout. It enacts that scrutinies shall commence within two months of the election, and terminate thirty days before the ensuing session of Assembly. Your proposed commencement is near six months from the election, and the termination of the scrutiny, if I ought to be allowed as much time as you have exhausted and will exhaust, would probably go beyond, or deep into, the session of Congress. If, by your first notice, you can avail yourself of the letter or equity of the State law, your subsequent non-conformity to either was a notification to me of an abandonment of the scrutiny. If not, even your first notice was irrelative and void. But if its equity and justice is sustainable upon the moral authority of the law, the same authority is equally conclusive against the equity and justice of your lying by for near six months, and then attempting to compel the returned member to desert his constituents, or his defence. The object of the law you have adopted, and violated, was to prevent a mode of proceeding injurious to an individual or to the people; to the individual, from the decisive advantage his absence would give to an antagonist in the investigation of a multitude of distinct cases, as to which no agent could or would be sufficiently informed to do him justice; or to the people, from the loss of representation, or from receiving it rather from a scrutiny unequally conducted, than from their own suffrages.

Whatever might have been a proper line of conduct for me, had you continued to conform to the principles of our State law, I discover no obligation for conforming to a mode of scrutiny, prescribed only by yourself, contrary to those principles; because it appears to me to be warranted as little by justice as by law, to correspond with no principle countenanced, or likely to be countenanced, by either, and to be at least as liable to be rejected on my part before I had adopted it, as the State mode can be on yours after you had done so. I cannot, therefore, in justice to the district, or to myself, perform any act from which could be inferred a submission to the unauthorized system you have adopted, nor allow any validity to the affidavits you may take in pursuance thereof.

I am, sir, respectfully, yours, &c.

JOHN P. HUNGERFORD.

OCTOBER 12, 1811.

This extraordinary paper, so full of truism and sophism, whether it be considered as a serious protest, or as an indirect mode of popular wheedling, was received by me on or about the 11th instant, (October.) I certainly never meant to act under either of the laws referred to in the paper; the State law, regulating its own proceedings on contested elections, had no application; and the law of Congress, on a like subject, had long ago expired. What might possibly be the "moral authority," mentioned in the paper, of a foreign, a repealed, or of an expired law, in the case, I cannot undertake to say. I considered that the House of Representatives, both from the nature of the case, and from the positive words of the constitution, had full power to judge of the elections, qualifications, and returns of their own members; that so general a grant of power necessarily implied a great range of discretion in respect to evidence; that, from the commencement of the Government to January, 1798, and from April, 1804, to the present day, no act of Congress had existed regulating contested elections; that, in those periods of time, elections had been contested and decided on almost every point that admits of contest. I, therefore, without reference to any past law, endeavored to procure sufficient testimony on the general principles which are adopted in courts of law, where affidavits are received in place of the oral testimony of witnesses present. I meant, at the earliest day, to submit the testimony I had, with deference, to the Committee of Elections, to solicit their earliest attention to its sufficiency in point of form, and their instructions as to what other sort of testimony they might require, that I might, in the speediest way, perfect the one and procure the other.

JOHN TALIAFERRO.

WASHINGTON CITY, *November* 19, 1811.

The petitioner, in answer to the objections of Mr. Hungerford, the sitting member, to the admission in evidence of the notice and affidavits produced by the petitioner in support of the allegations in his petition, respectfully represents to the Committee of Elections, that, though no law of the United States, or of the State of Virginia exists, prescribing the mode of taking evidence in contested elections like the present, yet it has been the settled practice of Congress, since the law of the United States on that subject expired, to receive the evidence of either party, taken conformably to the laws and general usage of the State to which they belong, requiring always that reasonable notice be given to the adverse party of time and place, that he may attend and cross-examine the witnesses, if he thinks proper. The petitioner, therefore, submits to the committee, whether the notices given by him, and the evidence taken, do not come within the established practice of Congress, so as to render them admissible on the present occasion. With regard to the suggestion of the sitting member, that he has not had time to collect and prepare the evidence in support of his return, the petitioner begs leave to state the following facts: 1st. That the election closed on the 29th day of April last, at which time the petitioner declared to the sitting member his intention to contest the election; and did, in the presence of the sitting member, cause the affidavits of four persons to be taken and transmitted to the clerk of the House of Representatives, to be used as evidence in the controversy. 2d. That, on the 7th day of May, he caused to be delivered to the sitting member a notice in writing, stating more fully the intention of the petitioner to contest the election; annexed to which notice was a list of the names of all the voters on the polls of the sitting member objected to by the petitioner, and a specification of the particular ground of objection to each voter. And, 3dly, That the petitioner did, on the 27th of September, give the sitting member notice of the times and places when and where the testimony of the witnesses proposed to be examined by the petitioner would be taken; during the whole of which time the sitting member made no effort either to controvert the evidence adduced by the petitioner, or to show that, according to the constitution and laws of Virginia, those voters to whom the petitioner had objected were entitled to the right of suffrage; nor has he alleged a single reason why he could not have availed himself of such testimony, if it existed, at the opening of the present session of Congress. If there is a point which the sitting member can establish to change the aspect of the case, or if it be in his power to countervail the evidence before the committee so as to produce a result in his favor, the petitioner demands an exposition of that point, and a disclosure of the evidence upon which the sitting member will rely to effect that object. The question will then be fairly presented to the view of the committee, and they can determine whether the evidence, which the sitting member supposes to be material, might not have been obtained, with proper exertion, anterior to the meeting of Congress; whether due diligence has been used by him for that purpose, and, if not, from what cause the neglect has arisen; and, finally, whether the proof which the sitting member imagines to exist would, if it were before the committee, be sufficient to sustain the validity of his election. The petitioner begs leave to refer the committee to an attentive examination of the constitution and laws of Virginia establishing the right of suffrage. From these it will appear that every male citizen of the State, (other than free negroes and mulattoes,) aged twenty-one years, who is possessed of a freehold estate at the least, or who is tenant for life, in a quantity of land, if improved, equal to twenty-five acres, or fifty acres of unimproved land, or of a lot or part of a lot in any town established by law, and who shall have been so possessed six months, unless the same shall be derived by marriage or by descent, and none others shall be entitled to vote for Representatives to the General Assembly. It is also provided by a law of the State that one or more commissioners of the revenue shall be annually appointed by the court of each county, whose especial duty it shall be to register, in alphabetical order, in a book called the land-book or list, the name of each and every landholder in his county; and for the better execution of which, it is provided, by law, that each person shall annually, on oath, give a true and exact account of all lands and other property of which he is possessed, to be entered on the book or the list of the said commissioner. This land list is, by express statute, made conclusive evidence for and against sheriffs in the collection of the land tax. It is, by law, evidence for or against persons who omit or refuse to vote at elections for Representatives to the State Legislature or to Congress. By law, it is the test by which to try the competency of grand jurors, as none but freeholders are allowed to be grand jurors. It has been the immemorial usage of the Legislature of Virginia to resort to the land-list as the most satisfactory proof in contested elections, and their decisions, in cases similar to the one before the committee, have uniformly been in favor of the candidate having on his poll a majority of votes supported by such list. From this view of the laws and usages of Virginia, the committee will readily perceive that great credit is due to the land list, as a list of the qualification of voters; and the petitioner feels confident that it will be received by the committee as conclusive evidence in the case under consideration, unless other testimony, equally respectable, should be adduced to support the pretensions of the sitting member. Apply this list to the poll of each party, and it is a fair inference, that, out of any given number of votes divided between them, its operation would diminish the votes of each in equal proportions.

The petitioner humbly conceives that the proposition of the sitting member for further time to collect his evidence, is supported neither by reason nor precedent. It would seem to be unnecessary, after the solemn decision of the House of Representatives in the case of Baylies and Turner, to enter into any general reasoning upon this subject. In the case referred to, an application for further time was refused, notwithstanding the sitting member declared it would be in his power to produce, on a subsequent day, material evidence of which he had not pre-

viously known. But without the aid of this adjudication, such an indulgence is manifestly inconsistent with the plainest dictates of justice, and the most familiar maxims in every judicial tribunal. If, indeed, the sitting member can show to the committee that the evidence he is in search of was not in his possession or power at any former period, that it is material to the support of his claim to a seat in the House of Representatives of the United States, and that he has made use of every reasonable diligence to obtain the same in due time without effect, the petitioner would not contest the propriety and fairness of suspending, for a limited time, a final determination of the present controversy. But, on the contrary, it is manifest to the committee, that all the means in the power of the petitioner to prosecute the inquiry, on his part, were equally open to the sitting member to prepare for his defence; that, immediately after receiving the notification, as early as the 7th of May, last, that his election would be contested, it was the incumbent duty of the sitting member, without waiting for any other or further steps to be taken by the petitioner, to have met the objections made by the petitioner to the voters specifically named, and to show the basis on which their right to vote rested. Such a course was due to himself, if he believed the evidence for that purpose was in existence; it was due also to the respect which ought, on all occasions, to be evinced for the honorable body of which he was returned a member, and before whom his case was to be heard. Regardless of these considerations, and of the right of the petitioner to demand, in behalf of the electors of his district, a speedy decision of a case involving their dearests interests, the sitting member has suffered six months to elapse without even an attempt to obtain that evidence which he now pretends to be so essential in his defence. He has appeared before the committee, not for the purpose of making his defence, but to be relieved from that unpleasant task; the committee are gravely asked to reward his negligence by granting a delay, which, in all human probability, will amount to a virtual confirmation of his seat. The sacred right of representation in the Legislature, at this critical and important conjuncture of our national concerns, ought not to be arrested from a portion of the American people, upon pretexts which are not supported by facts or circumstances, and which, if true in their fullest extent, would fail of producing any material change in the result of the present investigation. To demonstrate the accuracy of this proposition, the petitioner begs leave to refer the committee to the extraordinary augmentation of votes in the county of Westmoreland, by which it will appear that one hundred and sixty-two voters not enrolled on the land list, were given to the sitting member in that county, being more by twenty-eight than are excluded from the entire poll of the petitioner, by the application of the land list as a test to his poll taken for the six counties composing the district; in addition to which, the sitting member received a very large proportion of bad votes in the other counties.

From these premises, which are supported by the strongest proofs in the possession of the committee, the conclusion is irresistible, that, admitting the sitting member to sustain every objection which he has made to the poll of the petitioner, he would fall very far short of raising his number to a legitimate majority of the district. The petitioner, therefore, with due deference to the opinion of the committee, can perceive no possible benefit to be derived from an enlargement of the time for taking testimony.

Such a course might, and most probably would, enable the petitioner to increase the majority of constitutional suffrages to which he is entitled, but it could not most assuredly lessen them into a minority. Deeply impressed by the foregoing considerations, and with the important rights of his fellow-citizens involved in the issue of the question before the committee, the petitioner prays that his case may be considered and determined without further delay.

JOHN TALIAFERRO.

12th Congress.] **No. 298.** [1st Session.

PROVISION FOR MAKING THE ROADS DESIGNATED BY THE TREATY OF BROWNSTOWN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, NOVEMBER 28, 1811.

Mr. Jeremiah Morrow, from the committee appointed on the 11th instant, reported on the expediency of laying out and making the roads contemplated by the treaty of Brownstown, concluded on the 25th of November, 1808:

That the roads contemplated by the said treaty have for their object the opening a communication by land between the Territory of Michigan and the different settlements in the State of Ohio, and generally with the other parts of the United States. A view of the geographical position of the Territory of Michigan, situate as it is, bordering for a considerable extent on the British province of Upper Canada, bounded on the east, north, and west, by water, and on the south by an extensive tract of country to which the Indian title remains unextinguished, convinces the committee of the utility and necessity of the proposed roads. They would subserve to the convenience of the citizens in their ordinary intercourse; of the Government in the transportation of the public mail; and, especially in an emergency, would be necessary for military operations.

The distance from the rapids of the Miami of the lakes to the western boundary of the Connecticut Reserve is about thirty-five miles; and from the lower Sandusky, in a southwardly direction, to the old Indian boundary line, is about seventy miles; making proper allowance for windings in the roads, so that they may be made on the best ground. The aggregate length of road proposed to be made may be estimated at one hundred and twenty miles; but, however great the advantage, and immediate the necessity of these roads, it is not probable that the object will be accomplished for many years to come, unless the United States provide the funds. The Territory of Michigan is destitute of the means, and the proposed roads are without the limits of her territorial jurisdiction; the State of Ohio, with limited public resources, and multiplied demands for extensive improvements on the roads within her settlements; it is not to be expected that either will afford the funds necessary to accomplish the proposed object. The committee are of opinion that provision ought to be made for laying out and making the said roads, and that they ought to be located of the width proposed by the said treaty.

[Note.—See report, No. 282.]

12th CONGRESS.] No. 299. [1st SESSION.

UNION CANAL IN PENNSYLVANIA.

COMMUNICATED TO THE SENATE, DECCEMBER 6, 1811.

PHILADELPHIA, *November* 19, 1811.

To the Senate and House of Representatives of the United States in Congress assembled: the memorial of the President and Managers of the Union Canal Company of Pennsylvania, respectfully showeth:

That, in the year one thousand seven hundred and ninety-one and two, the Legislature of Pennsylvania, for the purpose of opening a communication between the eastern and western parts of the State, by canals and locks, incorporated two companies under the titles of "The Schuylkill and Susquehanna Navigation," and "The Delaware and Schuylkill Canal Navigation," with such powers, privileges, and immunities as were then deemed requisite for the accomplishment of the object.

That a number of citizens (some of whom were greatly distinguished by former services, civil as well as military, rendered to their country in the contest which secured and established her independence,) actuated by a regard for the public good, and by an ardent desire of strengthening and cementing that union which had then so recently been established, made liberal contributions of their wealth to a large amount, and engaged in the measures necessary to the opening of the contemplated communication with a spirit of zeal and enterprise worthy of the patriotic undertaking.

That large sums of money were expended for the purpose of exploring the country, and deciding on the best route, and afterwards in the purchase of the soil through which the canals were to pass, and in partial openings of them to a considerable extent; and the most sanguine expectations were entertained that the works would proceed rapidly to their completion.

Encountered, however, with difficulties which had not been anticipated (many of them arising, doubtless, from the novelty of such an undertaking in this country, and the want of experience in the mode of accomplishing it,) the affairs of the companies became embarrassed. Unfortunately, too, the allurements of *external* commerce, promising enormous advantages, (which have since, however, proved so precarious and delusive,) fascinated the public attention to such a degree, that the moderate and progressive, through certain and permanent advantages of *internal* commerce, were, for a season, neglected and forgotten, and the canal companies were left to languish; many years elapsed; until, at length, the outrages committed by foreign nations upon the property of our commercial citizens taught us the expediency and the necessity of looking at home for those sources of wealth and national greatness which we had persuaded ourselves were to be found exclusively in *foreign* commerce.

Your memorialists regard with inexpressible satisfaction the resolution of the Senate of the United States of the 2d of March, 1807, which required the Secretary of the Treasury to report on public roads and canals. The discussions on that occasion, and the publication of the report of the Secretary, have recalled the public attention to the all-important interests of *internal commerce;* and your memorialists are impressed with a firm conviction that if the countenance and aid of the Government are, in a due degree, extended to those who have engaged, or are willing to engage, in the execution of canals, the United States will, ere long, rival the nations of Europe in works of this description.

Your memorialists further represent that the Legislature of Pennsylvania, actuated by the same patriotic motives which have produced the measures taken by the Federal Government, and regarding those measures as a pledge that its aid would not be withheld by an act of the 2d of April last, united the two canal companies before mentioned, and incorporated your memorialists, and the other stockholders therein, under their present title of "The Union Canal Company of Pennsylvania," with increased powers and privileges; and, to enable them to embrace the object of the Federal Government in its full extent, the Legislature have expressly authorized this company to extend the route of their canal so as to communicate with lake Erie, or other waters of any neighboring State.

Since the incorporation of the Union Canal Company your memorialists have engaged themselves in extricating the affairs of the former companies, in organizing the new one, and in forming such plans as, uniting prudence with a due portion of enterprise, will be best calculated to ensure ultimate success. It is their determination to avail themselves of the assistance of practical and scientific engineers; and, having no personal interests to consult in the choice of the route, they will have a single eye to the interests of the public, which must be the interests of the company.

Your memorialists have some grounds for believing that the desired communication between the lakes and the Atlantic can be effected in Pennsylvania with less delay than by any other route, and at less expense. They feel, however, no jealousy of canals projected by their neighbors, but, on the contrary, are desirous of co-operating in the promotion of them, being convinced that, by two or more such communications, the public interests will be better subserved, and no injury or diminution of profit suffered by the individuals or companies who may undertake them.

Your memorialists will not misuse the time and attention of your honorable bodies by adducing facts, or entering into arguments to show the powerful tendency which an easy communication, and frequent intercourse with our Western brethren, would have "to increase union," ensure domestic tranquillity," and "promote the general welfare of the people of the United States;" but, resting the truth of these positions on the broad basis of *universal opinion*, strengthened by what they are persuaded is the sentiment of the enlightened Representatives of the nation, they will content themselves by praying that your honorable bodies will give such aid to the Union Canal Company of Pennsylvania as in your wisdom shall seem proportioned to the usefulness and greatness of their undertaking, and the extensive means and munificence of this great and growing republic.

And your memorialists will ever pray.

CHARLES G. PALESKE, *President.*
JAMES MILNOR, *Vice President.*
G. SIMPSON, *Treasurer.*
WM. MEREDITH, *Counsellor.*
JOSEPH WATSON, *Auditor.*

[NOTE.—See report, No. 313.]

12th CONGRESS.] No. 300. [1st SESSION.

COMPLAINT AGAINST HARRY TOULMIN, ONE OF THE JUDGES OF THE MISSISSIPPI TERRITORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1811.

SIR: WASHINGTON, M. T. *November* 20, 1811.

By a resolution of the House of Representatives of the Mississippi Territory, I have the honor to forward to you a copy of a presentment of the grand jury for the county of Baldwin, against Harry Toulmin, Esq., Judge of the Superior Court for the district of Washington. The House over which I have the honor to preside, deeming the charges therein contained worthy of further investigation, has required me to transmit another copy to the delegate of this Territory, to be laid before the House of Representatives of the United States in Congress assembled, accompanied with a transcript of the resolution which gives me the honor of this communication.

With high consideration and respect, I am, sir, your obedient and very humble servant,

COWLES MEAD,
Speaker of the House of Representatives, M. T.

To the Hon. the SPEAKER
Of the House of Representatives of the United States.

To the Honorable Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened, the presentment of the Grand Jury of Mississippi Territory for Baldwin county to the Legislature of the Territory:

We, the grand jury in and for the county aforesaid, do represent unto your honorable body that we hold the pure and impartial administration of justice the firmest bond to secure the cheerful submission of a free people to their Government; and whenever an individual, who has been clothed with the office of a judge to effect this object, has betrayed the trust confided in him by the Government, and oppressed the people, it becomes the absolute duty of the unfortunate citizens, over whose lives, liberty, and property he may ultimately decide, to represent his nefarious conduct to that body who can, with the whole voice of the Territory, call on that tribunal who has the power, constitutionally placed in them, to examine the conduct of such officer, and to deprive him of that office if found guilty. As such, we, as the grand jury of our country, the guardians of our fellow-citizens' lives, liberty, property, and reputation, do most solemnly call the attention of your honorable body to the conduct of H. Toulmin, Esq., who has presided ever since the year eighteen hundred and five, as judge of the superior court for Washington district. Although he has not scrupled to prostitute his dignity, and betray the sanctity of his office, decency and truth shall alone guide the way in our presentment.

We present the following acts of his mal-administration:

1st. Making decisions in vacation, and at the next term having them made a matter of record.

2d. Uniting in himself the character of judge and party, in making a challenge of a juror.

3d. Acting partially in his office as judge of the superior court for Washington district.

4th. For having refused an unfortunate prisoner, when on his trial, to consult with his counsel, or his counsel with him, in private; declaring that there should be no secrets, but what advice was to be given should be given in open court.

5th. For having ordered the Attorney General for Washington district to file an *ex officio* information against a citizen of this country for a capital offence, in violation of the constitution of the United States.

6th. For having ordered a jury to find a citizen of this country guilty, after they had returned their verdict of not guilty to the court.

7th. For having established a rule of court for the district of Washington, that no person shall dismiss a suit, except in open court, and that with leave of the same.

8th. For having holden a court of examination in the garrison of Fort Stoddard, and examined witnesses at the point of the bayonet.

9th. For having carried on a verbal as well as a written correspondence and intercourse with the Government of Spain, heretofore exercised in West Florida, with intent to influence the conduct of the said Government in relation to the dispute with the United States, as to the sovereignty of West Florida, and to defeat the measures of the Government of the United States.

WILLIAM BUFORD, *Foreman*,

ELLIOT HODGE,	THOS. WHITE,
MICHAEL EAGAN,	THOS. ADCOCK,
ANDREW MILTON,	BENJ. HOOVEN,
JOS. FLEMING,	LAZ. JOHN BRYARS,
JAMES POWELL,	G. WEEKLEY,
WILLIAM COCHRAN,	ARCHD. McDONALD,
BENJAMIN STEIDHAM,	ALLAN GREENE.

REPRESENTATIVES' CHAMBER, *November* 18, 1811.

Resolved by the House of Representatives of Mississippi Territory in General Assembly convened, That the Speaker of this House be requested, without delay, to forward three copies of the presentment of the grand jury of Baldwin county, made to this House against Harry Toulmin, Esq., Judge of the Superior Court for Washington district, one copy to the Speaker of the House of Representatives of the United States, one copy to the President of the United States, and one copy to the honorable George Poindexter, our delegate in Congress, together with a transcript of this resolve, to be by him laid before the House of Representatives of the United States in Congress assembled, for their consideration.

COWLES MEAD,
Speaker of the House of Representatives.
Attest: THOS. B. REED, *Clerk.*

12th Congress.] No. 301. [1st Session.

ADMISSION OF THE MISSISSIPPI TERRITORY INTO THE UNION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 17, 1811.

Mr. Poindexter made the following report:

The committee, to whom was referred the memorial of the Legislative Council and House of Representatives of the Mississippi Territory, and the petition of sundry citizens thereof, praying to be admitted into the Union of the United States, on an equal footing with the original States; and also the petition of the inhabitants of West Florida, setting forth their desire to be annexed to said Territory, for reasons therein contained, have had these subjects under consideration, and beg leave to submit the following report:

That there has existed in the Mississippi Territory a temporary Government, founded on the ordinance for the government of the Territory northwest of the river Ohio, since the eleventh day of April, one thousand seven hundred and ninety-eight. That, although this ordinance has undergone some modifications, extending, in a limited degree, the rights and privileges of the citizens, it still contains provisions incompatible with political liberty, and unfavorable to a due and impartial administration of justice, in the redress of private wrongs and injuries. The chief Executive Magistrate is charged with the execution of the laws; is commander-in-chief of the militia; has the sole power of appointment to offices, civil and military, within the Territory, and the removal of these officers at pleasure; is vested with an unqualified *veto* on all bills passed by the other co-ordinate branches of the Legislature; and is, moreover, clothed with the odious and arbitrary authority to prorogue and dissolve the General Assembly whenever, *in his opinion*, it shall be expedient. These high and regal prerogatives, constituting some of the most obvious characteristics which distinguish an absolute monarchy from the constitution of a free State, are confided to the discretionary exercise of a Governor, who is neither chosen by, nor responsible to, the people. He is often a total stranger to the local interests and circumstances of the country over which he possesses such unlimited control, and is accountable only for mal-conduct or corruption in office to the President of the United States. The only security which exists against the frequent and wanton abuse of these powers is to be found in the mild and conciliatory disposition uniformly manifested by the General Government towards its Territories. But experience has shown that, in all colonial Governments, officers situated at a remote distance from the tribunal to which they are responsible, too frequently "feel power and forget right;" and, by eluding the vigilance of rigid investigation, are enabled to practise acts of oppression with impunity.

Your committee forbear to enter minutely into an examination of the various objections which might be urged against the present system of Territorial Governments.

The above summary of Executive powers, so opposite in their nature to those principles which form the basis of the Federal constitution, and which are transfused through the constitution of the several States, is sufficient to show that the people are deprived of all participation in the choice of those who administer the laws, and that public functionaries are rendered independent of the community whose interests are confided to their management and discretion. These restrictions on the rights of the people can be justified only by the most evident necessity, resulting from peculiar and unavoidable circumstances. Your committee, therefore, consider it an act both of strict justice and sound policy to advance the respective Territories of the United States to the grade of a separate commonwealth, whenever they shall contain the number of inhabitants necessary to entitle them, under the ratio established by law, to a Representative in the Congress of the United States. On the subject of population there exists no difficulty, whether the Territory be taken in connexion with West Florida or with its present limits. From the official returns of the census, taken during the summer of the past year, it appears that there were, in the Mississippi Territory, the number of forty thousand three hundred and fifty-two souls. This enumeration, it is alleged, fell considerably short of the actual population of the Territory at that time; and, without casting the most remote censure on the officers who were employed in that service, such a suggestion is strongly supported by the vast extent of country over which the settlements are dispersed. It also appears to your committee that the progressive emigration from the old States to this section of the Union, added to the length of time which it will require to form a constitution, and put the same in operation, afford satisfactory pledges that, anterior to the final admission of the Territory to the rights of State sovereignty, the number of its inhabitants will amount to at least sixty thousand, whereby they will possess the unqualified right, in conformity with articles of cession and agreement between the United States and Georgia, to be admitted into the Union on an equal footing with the original States.

This view of the subject is presented without reference to the augmentation of population, which would result from the annexation of West Florida; in that event the number of souls in the Territory, exclusive of the county of Madison, which lies near the Great Bend of Tennessee river, may be estimated at about eighty thousand; and from the geographical situation of the territories belonging to the United States, south of the State of Tennessee, and north of the Iberville and the lakes, your committee feel satisfied that an alteration of limits, so as to include the whole population between the Yazoo and the Iberville, where they unite with the river Mississippi, and from these points respectively, east, to the boundary line of the State of Georgia, would greatly contribute to the future convenience and prosperity of the people who reside in that country.

At a very early period after the treaty of 1763 between France and Great Britain, by which the latter became possessed of the Floridas, the jurisdiction of the province of West Florida was extended north, by a line drawn from the mouth of the Yazoo due east to the river Chatahouchy. The Government of Spain, also, when that power succeeded to the possession of the country, by conquest, in the year 1781, continued to exercise authority over it in the same extent which the British Government had previously done until, by the treaty concluded between the United States and Spain, on the 27th day of October, 1795, the southern boundary of the United States was declared to extend to the thirty-first degree of north latitude. The Government of the United States, by the treaty of 1803, with France, having acquired Louisiana in the extent that France then held it, and that it had in the hands of Spain, prior to the treaty of St. Ildefonso, there does not seem to be a reasonable doubt as to the claim of the United States to the country east of the Mississippi, as far as the river Perdido, which lies between Mobile and Pensacola.

Your committee, therefore, conceive that, insomuch as the entire tract of country formerly possessed by Great Britain, under the name of West Florida, and subsequently transferred to Spain, as forming a part of Louisiana, has fallen under the dominion of the United States, it ought, in strict propriety, to be restored to its ancient limits, as the measure corresponds with the wishes, and is calculated to promote the permanent welfare of the people, whose interests are immediately concerned. It is assuredly the incumbent duty of the General Government to make such a partition of its Territories on the waters of the Mississippi, as will combine with local advantages

a due regard to national policy. These essential objects cannot, in the opinion of your committee, be secured without a suitable division of the seacoast, acquired by the purchase of Louisiana. It must be obvious, that, to confer on the State to be formed of the Territory of Orleans, the whole extent of seaboard from the river Perdido to the Sabine bay, would give to it an influence over the commerce of the Western country which might be productive of the most mischievous consequences; for, although the legislative authority of the State could impose no tax or duty on articles exported from any other State, yet there are many important regulations which would materially affect the navigation of the numerous rivers flowing through this country into the Gulf of Mexico, falling within the legitimate range of State powers; among these may be enumerated the incorporation of navigation companies, and appropriations of the public revenue for the purpose of opening canals. Thus, by affording every facility to the trade passing down the river Mississippi to New Orleans, and by interposing vexatious obstructions to the commerce of those rivers emptying into the bay of Mobile and the lakes, that city will become the emporium of all the bulky articles of agriculture, which constituted, in time of peace, the great export trade of the Western States and Territories. The direct tendency of such a monopoly would be to raise the commercial importance of New Orleans at the sacrifice of the best interests of those who inhabit the vast, fertile, and extensive region watered by the Tennessee, the Tombigbee, and Alabama rivers, and their tributary streams, besides many other important rivers, affording outlets through the Mississippi Territory into the lakes Maurepas and Pontchartrain. To guard against these contingences, and to unite a people, whose language, manners, principles, and usages are assimilated, your committee recommend that all that tract of country, of which possession has been taken by virtue of the President's proclamation, bearing date the 27th day of October, 1810, be added to the State to be formed of the Mississippi Territory, whenever the same shall be admitted into the Union as such.

Your committee cannot forbear to express their decided opinion, that where no constitutional difficulty occurs, the formation of new States on the southern extremity of the United States ought not to be delayed. To bind together every portion of the American people by the indissoluble cord of affection, and to perpetuate the integrity of the Union, are considerations paramount to all others which can be presented to the view of the National Legislature.

Let us, therefore, extend to every section of our beloved country a just equality of rights and privileges, that each may enjoy civil, political, and religious liberty, subject to the control of independent local authorities, while the fostering hand of the Federal Government shall protect them in the enjoyment of these blessings from domestic feuds and external violence.

Under these impressions, your committee submit the following resolution:

Resolved, That it is expedient to admit all that tract of country, bounded north by a line drawn due east from the river Yazoo, where it unites with the Mississippi, to the river Chatahouchy, and down said river to the thirty-first degree of latitude, thence along said degree of latitude to a point opposite the river Perdido, thence to the confluence of said last mentioned river, with the Gulf of Mexico, and thence in a direct line through the middle of the lakes Maurepas and Pontchartrain, to the junction of the Iberville with the river Mississippi, and up said river to the above mentioned river Yazoo, into the Union of the United States, on an equal footing with the original States.

[Note.—See report, No. 283.]

12th Congress.] **No. 302.** [1st Session.

REMONSTRANCE AGAINST EXTENDING CERTAIN PATENTS GRANTED TO ROBERT FULTON.

COMMUNICATED TO THE SENATE, DECEMBER 23, 1811.

To the honorable the Senate of the United States of America in Congress assembled, the memorial of Aaron Ogden, of Elizabethtown, in the State of New Jersey, most respectfully showeth:

That your memorialist, having full confidence in certain improvements on Boulton and Watt's steam engine, now patented to Mr. Daniel Dod, of Windham, in New Jersey, did, many months since, make with him a contract for a steam engine upon his improved plan.

That your memorialist did also, about the same time, make another contract for building a suitable boat, to be propelled by the said engine, for the better accommodation of passengers between New Jersey and New York.

That the said machinery and boat are now nearly completed, at a very great expense, already incurred and to be incurred, in fulfilling the said contracts, all which will be chiefly lost and sacrificed, and a very great public accommodation prevented, if your memorialist shall be precluded from the free use of his boat by any law of the United States hereafter to be passed.

That your memorialist has been informed, by persons skilled in this kind of machinery, and himself verily believes, after full examination, that the plan he has adopted will not interfere with any right now secured to Mr. Fulton by any patent or patents which he has obtained under the constitution of the United States; and that if the above patentee should bring suit, under present existing laws, for an interference with any of his said supposed rights against your memorialist, that your memorialist believes that he will be able to prove fully at the trial that the thing which may be alleged to be so secured by the patent, and so interfered with, "was not originally discovered by the said patentee, but that the same had been in use, or had been described in some public work anterior to the said supposed discovery," under which testimony, agreeably to the express provisions of the law of the United States, of the 21st February, 1793, judgment must be rendered for the defendant.

That, if the bill now before the Senate should pass into a law, it will become necessary, under the *third* section thereof, for a defendant *further* to prove that such thing had been in effectual use or operation *within three years next before the time* when a steamboat was first brought into public use by Mr. Fulton; whereby steamboats lawfully built, and constructed at very great expense, and for public benefit, may be totally useless, and lost both to the public and the owners.

Your memorialist will not further transgress, by urging considerations arising from the terms of the constitution, which, in article 1, section 8, makes provision for the exclusive rights of discoveries for the benefit of *inventors* only; from the inferences, in respect to the existing rights of Mr. Fulton, to be drawn from his application for a special law in his favor; from the general nature of retrospective legal provisions; from the public inconvenience in the extension of monopolies; and, finally, from the prescribing a particular mode of trial and proof in favor of particular persons, differing from the mode prescribed in similar cases by the general law of the land.

Your memorialist, entirely confiding that the rights of all the citizens of the United States will be duly considered in regard to the premises, most humbly prays that the bill now before the Senate, and above referred to, may not pass into a law.

And your memorialist, as in duty bound, shall ever pray, &c.

AARON OGDEN.

Personally appeared before me, Caleb Halsted, Jun., mayor of the borough of Elizabethtown, Aaron Ogden, within named, who, having been duly sworn, deposes and says, that the matters herein set forth as his own acts and deeds, are true, and, as far as regards the acts and deeds of others, he believes to be true.

AARON OGDEN.

Sworn before me, at Elizabethtown, New Jersey, this 18th day of December, 1811.

CALEB HALSTED, Jun., *Mayor.*

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled, the memorial of Isaiah Townsend, in behalf of himself and others of the city of Albany, in the State of New York, proprietors of the steamboats Hope and Perseverance, of said city, respectfully showeth:

That your memorialists, in the year 1811, built two boats, at an expense of upwards of fifty thousand dollars, under a conviction that they had a right to navigate the same under the existing laws of the United States; that the said boats have successfully plied between the cities of New York and Albany, on the Hudson river, for the greater part of the last season for the accommodation of passengers.

That a suit has been commenced, in the circuit court of the United States for the district of New York, against your memorialists, by Robert Fulton, of the State of New York, under a pretence that your memorialists have invaded certain patents granted to him from the Department of State, to recover from your memorialists *treble* damages, under the third section of the act of Congress, passed the 17th day of April, 1800; which suit is now pending and undetermined.

That your memorialists, under the full conviction that the said Robert Fulton is not in fact the inventor or discoverer of the mode of propelling boats by steam, have instituted proceedings in the district court of the United States for the district of New York, pursuant to the 10th section of the act of Congress, passed the 25th day of February, 1793, to effect a repeal of the patents granted to the said Robert Fulton; which proceedings are also pending and undetermined: and your memorialists are confident that, upon the trial, they will be able satisfactorily to prove that the said Robert Fulton is not the discoverer or inventor of the mode of propelling boats by steam.

Your memorialists would, therefore, respectfully submit to your honorable bodies the propriety of any legislative interference, while the rights of the said Robert Fulton and your memorialists are thus pending in the competent judicial tribunals of the country, where a fair, full, and impartial investigation can be had under the existing laws of the United States, under which the said patents have been granted. Your memorialists view the application made to your honorable bodies by Mr. Fulton for relief, (if granted to him,) as contravening that sound policy which forbids legislation in particular cases falling within the scope of general laws, as it is introductive of an odious and oppressive favoritism, in subversion of justice and of right.

Your memorialists will conclude, by submitting one other consideration in relation to the bill now pending before the honorable the Senate, for "extending the time of certain patents granted to Robert Fulton," and which to them appears of itself to be a sufficient objection to passing the same into a law. The patents to Mr. Fulton are of recent date, and it is yet to be ascertained (if it shall be decided that Mr. Fulton's patents are valid) whether he will not be fully and amply remunerated at the period of their expiration. And if, at that time, it shall appear that his merit has not been sufficiently rewarded, your memorialists confidently believe that he may then, with a certainty of success, apply to an American Congress, who will ever yield to genius its due, and to merit its reward.

And your memorialists, as in duty bound, will ever pray.

ISAIAH TOWNSEND.

DECEMBER 27, 1811.

12th CONGRESS.] No. 303. [1st SESSION.

NEW YORK CANALS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 23, 1811.

To the Honorable the Senate and House of Representatives of the United States in Congress: The undersigned commissioners of the State of New York respectfully represent:

That, by a law of which they have taken the liberty to transmit an exemplified copy to the President, they are, among other things, directed to make application to the Congress of the United States for their co-operation and aid in making a canal navigation between the Great lakes and Hudson river, which, in the opinion of the Legislature of New York, will encourage agriculture, promote commerce and manufactures, facilitate a free and general intercourse between different parts of the United States, tend to the aggrandisement and prosperity of the country, and consolidate and strengthen the Union.

To these powerful incentives we feel it a duty to add our conviction that, in a fiscal point of view, this object is not unworthy of public regard, seeing that, by a good navigation from the lakes to the ocean, and by that alone, the speedy sale of, and payment for, many million acres of the public lands can be effected.

We might add other considerations, but, as doubts may, in course of the business, arise, and explanations be required, we have deemed it advisable to depute two of our members, De Witt Clinton and Gouverneur Morris,

* * * * * * *

to be the bearers of this application to the seat of Government, with instructions to enter, from time to time, into all needful expositions.

We crave, on the part of the State of New York, the credence and favorable notice of their representations.

And, as in duty bound, shall ever pray.

GOUVERNEUR MORRIS,
DE WITT CLINTON,
SIMEON DE WITT,
W. NORTH,
THOMAS EDDY,
ROBERT R. LIVINGSTON,
ROBERT FULTON,
PETER B. PORTER.

[NOTE.—See report, No. 313.]

12th CONGRESS.] No. 304. [1st SESSION.

NEW YORK CANALS.

COMMUNICATED TO CONGRESS, DECEMBER 24, 1811.

WASHINGTON, *December* 23, 1811.

To the Senate and House of Representatives of the United States:

I communicate to Congress copies of an act of the Legislature of New York, relating to a canal from the Great lakes to Hudson river. In making the communication I consult the respect due to that State in whose behalf the commissioners appointed by the act have placed it in my hands for the purpose.

The utility of canal navigation is universally admitted. It is not less certain that scarcely any country offers more extensive opportunities for that branch of improvements than the United States; and none, perhaps, inducements equally persuasive, to make the most of them. The particular undertaking contemplated by the State of New York, which marks an honorable spirit of enterprise, and comprises objects of national, as well as more limited importance, will recall the attention of Congress to the signal advantages to be derived to the United States from a general system of internal communication and conveyance, and suggest to their consideration whatever steps may be proper, on their part, towards its introduction and accomplishment. As some of those advantages have an intimate connexion with arrangements and exertions for the general security, it is at a period calling for these, that the merits of such a system will be seen in the strongest lights.

JAMES MADISON.

AN ACT to provide for the improvement of the internal navigation of the State: Passed April 8, 1811.

Whereas a communication, by means of a canal navigation, between the Great lakes and Hudson river will encourage agriculture, promote commerce and manufactures, facilitate a free and general intercourse between different parts of the United States, and tend to the aggrandisement and prosperity of the country, and consolidate and strengthen the Union: Therefore,

I. *Be it enacted by the people of the State of New York, represented in Senate and Assembly*, That Gouverneur Morris, Stephen Van Rensselaer, De Witt Clinton, Simeon De Witt, William North, Thomas Eddy, Peter B. Porter, Robert R. Livingston, and Robert Fulton, shall be, and hereby are, appointed commissioners for the consideration of all matters relating to the said inland navigation; and in case of the resignation or death of any of the said commissioners, the vacancy shall be supplied by the person administering the Government of this State.

II. *And be it further enacted*, That the said commissioners, or a majority of them, shall be, and hereby are, empowered to make application in behalf of this State to the Congress of the United States, or to the Legislature of any State or Territory, to co-operate and aid in this undertaking, and also the proprietors of the land through which such navigation may be carried, for cessions or grants to the people of this State, to be received by the said commissioners in their discretion; and also to ascertain whether loans can be procured on advantageous terms, on the credit of this State, for the purpose aforesaid, and the terms on which the Western Inland Lock-navigation Company would surrender their rights and interests to the people of this State.

III. *And be it further enacted*, That the said commissioners shall be, and hereby are, empowered to employ engineers, surveyors, and such other persons as, in their opinion, may be necessary in order to enable them to fulfil the duties imposed on them by this act, and to pay them, for their respective services, such sums as may be reasonable.

IV. *And be it further enacted*, That the said commissioners shall, and they are hereby required to report to the Legislature, at their next session, an account of the whole of their proceedings.

V. *And be it further enacted*, That the Treasurer shall pay to the order of a majority of the said commissioners, out of any moneys in the Treasury, not otherwise appropriated, any sum or sums not exceeding $15,000, and for which the said commissioners shall account to the Comptroller of this State.

[NOTE.—See report, No. 313.]

12th CONGRESS.] No. 305. [1st SESSION.

APPROVAL OF THE MEASURES OF THE FEDERAL GOVERNMENT BY PENNSYLVANIA.

COMMUNICATED TO CONGRESS, DECEMBER 27, 1811.

WASHINGTON, *December* 27, 1811.

To the Senate and House of Representatives of the United States:

I lay before Congress copies of resolutions entered into by the Legislature of Pennsylvania, which have been transmitted to me with that view by the Governor of that State, in pursuance of one of the said resolutions.

JAMES MADISON.

The present is a period replete with national occurrences as momentous as ever marked the annals of the world. That collision of kingdoms and empires, which has deluged Europe with blood, borne down the practice, and nearly extinguished the principles of justice and humanity, is not, in its effects, confined to that unhappy quarter of the globe. The unparalleled prosperity, the enterprising spirit, and the expanding commerce of the United States of America have rendered them, to the two mighty belligerents, an object of envy and a medium of retaliation, pretended as to one, and iniquitous in both.

The Emperor of the French has yet much to do before the just claims of our country can be satisfied. But he has annulled those decrees which were the only legal obstruction to a friendly and commercial intercourse with his dominions. He has annulled those very decrees on which the British Government solemnly declared its orders in council to be suspended. To the British Government and to the world he has evinced the extinguishment of those decrees by the united evidence of solemn profession and uniform practice. But have the orders in council expired with the French decrees? No. Compared with their prior, their subsequent operation has been as life from the dead. They have been executed with redoubled rigor. Our seamen are impressed, our citizens robbed, our flag prostrated, our own waters infested, our coasting trade annoyed, our harbors blockaded.

While maritime oppression has thus risen to its summit, an envoy extraordinary is sent to our Government, not (as might have been reasonably expected) to soften our irritated country by conciliatory language; not to offer atonement for offences, and indemnifications for wrongs that are past: these, with a single exception, he passes over as things beneath the notice of the British Government or its envoy, or as injuries to which the inexhaustible forbearance, the presumed timidity, or the abject debasement of the American Government would ensure her silent submission. He commences a new species and system of insult. He prescribes to the President what he shall recommend, and what the National Legislature shall enact. He demands a law which shall admit the products and manufactures of Great Britain into the ports of the United States, although American manufactures are, even in time of peace, excluded from the British dominions. He commands the American Government to procure of Napoleon an abandonment of his continental system, and the admission of British products and manufactures into his own and the ports of his allies. A compliance with the first of these demands is a relinquishment of sovereignty; to fulfil the latter, the United States have neither right, nor power, nor the folly to attempt. The first is degrading, the second impossible. And yet a submission to these royal mandates is menacingly declared to be the only condition on which the orders in council shall be repealed, and the violation of our neutral rights discontinued.

Solemnly impressed with these considerations, and contemplating demands so unjust, so unreasonable, so disrespectful to the intelligence, and so insulting to the sovereignty of an enlightened, free, and independent people, therefore,

1. ***Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,*** That the policy of the British Government, as exhibited by her naval power on the high seas, and expressed by her envoy near the United States, merits the reprobation, and cannot but arouse the virtuous indignation of every friend to this country and its Government.

2. ***Resolved,*** That, when submission or resistance to the unjust demands of a tyrant is the alternative, the latter only can be chosen by the freemen of America.

3. ***Resolved,*** That, though we would rejoice in that adoption and practice of justice which would secure to Great Britain and to the world our friendship and friendly intercourse, we will, in order to repel aggression and obtain reparation, vigorously exert all the powers which we possess to accelerate the accomplishment of such military preparations as the wisdom of our National Legislature may require.

4. ***Resolved,*** That it is our duty as legislators to employ a suitable portion of the finances of this Commonwealth in promoting the growth and prosperity, and in securing the permanence of our infant manufactures: that, as individuals of the community we will, as much as possible, abstain from wearing any thing in our apparel that is not the product of these manufactures, and that we will recommend the same patriotic practice to our constituents.

5. ***Resolved,*** That the question merits serious consideration, whether, in order to suppress the system of plunder and impressment on the high seas, it would or would not be a just, humane, and efficient retaliation to lay hold on property of the British Government or of its subjects, whenever such property can be found to an amount sufficient to indemnify the plundered American; and, for every impressed American citizen, to seize a subject of His Britannic Majesty, wherever such subject can be found, and to subject him to imprisonment and labor, corresponding to the condition of the impressed American on board of a British ship of war.

6. ***Resolved,*** That the wisdom, patriotism, and firmness of the Executive and councils of the General Government entitle them to our perfect confidence, and their measures to our prompt and zealous o-operation; and, in case an appeal to arms should be deemed necessary, we will support them at the risk of our lives and fortunes.

7. ***Resolved,*** That the Governor of this Commonwealth be instructed to transmit an authenticated copy of these resolutions to the President of the United States, with a request that he communicate them to Congress.

JOHN TODD, *Speaker of the House of Representatives.*
P. C. LANE, *Speaker of the Senate.*

IN THE HOUSE OF REPRESENTATIVES, *December* 20, 1811. Read, and agreed to.
Attest: GEORGE HECKERT, *Clerk of the House of Representatives.*

IN SENATE, *December* 14, 1811. Read, and adopted.
Attest: JOSEPH A. McJIMSEY, *Clerk of the Senate.*

PENNSYLVANIA, *ss.*—In the name and by the authority of the Commonwealth of Pennsylvania, Simon Snyder, Governor of said Commonwealth, to all to whom these presents shall come, sends greeting:

Know ye, that James Trimble, whose name is subscribed to the instrument of writing hereunto annexed, was, at the time of subscribing the same, and now is, deputy Secretary of the said Commonwealth, duly appointed and commissioned, and full faith and credit is and ought to be given to him accordingly.

Given under my hand, and the great seal of the State, at Lancaster, this twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, and of the Commonwealth the thirty-sixth.

SIMON SNYDER.

By the Governor: JAMES TRIMBLE, *Deputy Secretary.*

PENNSYLVANIA, *ss.*—OFFICE OF THE SECRETARY OF THE COMMONWEALTH, *Lancaster, December* 21, 1811.

I do certify, to all whom it may concern, that the foregoing is a true copy of the original, remaining in the said office, amongst the rolls of the Commonwealth. Witness my hand and seal, the day and year aforesaid.

JAMES TRIMBLE, *Deputy Secretary.*

12th CONGRESS.] No. 306. [1st SESSION.

APPROVAL OF THE MEASURES OF THE FEDERAL GOVERNMENT BY THE MISSISSIPPI TERRITORY.

COMMUNICATED TO THE SENATE, DECEMBER 30, 1811.

Resolved by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened, That the embarrassments and difficulties under which the United States have for many years labored have been caused by the injustice of foreign nations and of domestic faction. That the late and present administrations of the General Government have, in our opinions, pursued a wise, impartial, and just cause towards the belligerent powers of Europe, and such as ought to conciliate and unite the affections of every American citizen. That the correspondence just published between the American Secretary of State and Mr. Foster, the British Envoy, afford additional and conclusive evidence of the determination of Great Britain to continue to violate her most sacred pledges, to trifle with the American nation, and to persevere in a course of unjust and hostile measures towards the commerce, the Government, and the honor of the United States. That the late message of the President of the United States to both Houses of Congress breathes the true spirit and feelings of the American people. That we will support the administration of the General Government, in its efforts to obtain justice from offending nations, with our lives and fortunes, and for which we pledge our sacred honors.

Resolved, That the President of the Council and Speaker of the House of Representatives be requested to cause four copies of these resolutions to be made out, one of which shall be transmitted to the President of the United States, one to the President of the Senate, one to the Speaker of the House of Representatives of the United States, and one to our delegate in Congress.

COWLES MEAD,
Speaker of the House of Representatives.
ALEXANDER MONTGOMERY,
President of the Legislative Council.

12th CONGRESS.] No. 307. [1st SESSION.

APPROVAL OF THE MEASURES OF THE FEDERAL GOVERNMENT BY NORTH CAROLINA.

COMMUNICATED TO THE SENATE, DECEMBER 31, 1811.

NORTH CAROLINA, IN GENERAL ASSEMBLY, *December* 19, 1811.

Resolved, That the sentiments contained in the message of the President to the Congress of the United States are such as must gratify the feelings, and advance the welfare of a nation sensible of its rights, and determined to maintain and defend its sovereignty and independence.

Resolved, That the evils which we have been compelled to endure, for years past, have arisen wholly from the unprincipled conduct of the belligerent nations of Europe.

Resolved unanimously, That we will cheerfully co-operate with the General Government in the prompt and effectual execution of such measures as may be deemed best calculated to promote the interest, and secure the union, liberty, and independence of the United States.

JOSEPH RIDDICK,
Speaker of the Senate.
JOHN STEELE,
Speaker of the House of Commons.

I certify that the foregoing is a true copy of the original filed in the Senate office.

M. STOKES,
Clerk of the Senate.

12th Congress.] No. 308. [1st Session.

LIST OF PATENTEES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 21, 1812.

SIR: DEPARTMENT OF STATE, *January* 20, 1812.

In pursuance of the resolution of the House of Representatives of the United States, dated the 13th instant, I have the honor of transmitting a list of the names of persons who have invented any new or useful art, machine, manufacture, or composition of matter, or any improvement thereon, and to whom patents have been issued for the same from this office, from the 28th day of December, 1810, to the 1st day of January, 1812, with the dates and general objects of such patents; and also the residence of the patentees, as far as they could be ascertained.

I have the honor to be, sir, with the greatest respect, your obedient servant, &c.

JAMES MONROE.

To the Hon. the SPEAKER *of the House of Representatives of the United States.*

LIST OF PATENTEES.

Inventions.	When issued.	Names of patentees.	Residence.
	1811.		
A perpetual steam still and water boiler,	Jan. 11	Philo M. Hackley,	Herkimer county, N. York.
In drying fuel for glass furnaces,	14	James Lee,	Philadelphia.
Improved cocks, or locks, for the passage of fluids,	16	Joshua Witherle,	Boston.
A steam pump,	16	Phares Bernard and Timothy Soper.	Whitestown, Oneida co. N. Y.
A water boiler and steam still,	16	Phares Bernard,	Ditto.
A chain float steamboat,	17	Michael Morrison,	Boston.
Improvement in the sleigh,	19	Augustus Day,	Bordentown, New Jersey.
A new power by means of combustion, or combustion and explosion,	19	Augustus Day,	Ditto.
In co-operating frictionless cylinders,	24	John P. Sawin,	Roxbury, Norfolk, Mass.
An expanding and folding wheel,	24	Henry Steward,	Clark county, Indiana ter'ry.
A vat for facilitating and cheapening the tanning of leather and coloring cloth,	24	Nathaniel Burley,	Strafford, New Hampshire.
In the churn,	24	Joseph Beach,	Northfield, Hamp. co. Mass.
In distilling essential oil and spirits,	24	David Jewett,	Pittsfield, Massachusetts.
A cylindrical printing press,	28	John P. Sawin and T. B. Wait.	Roxbury, Norfolk, Mass.
Improved printers' type mould,	29	Archibald Binny,	Philadelphia.
In the water boiler and steam still,	Feb. 4	Borden Wilbor & T. Soper.	Washington county, N. Y.
In making salts by evaporation,	4	Borden Wilbor,	Ditto.
For smoothing or rubbing printers' types,	4	Archibald Binny,	Philadelphia.
In making rims to ladies and tailors' thimbles, without soldering them.	4	Stephen Chandler,	New York.
In forming, heating, removing, and using metal plates, in pressing woollen cloths.	6	Volkert Vedder,	Amsterdam, Mont. co. N. Y.
In the cotton gin,	6	Rob't Hancock, Sen., and Ed. W. Carr.	Philadelphia.
In the churn,	7	Lewis Cleveland,	Holliston, Middlesex, Mass.
In making ardent spirits out of the juice of Southern corn-stalks, called the horse tooth, or Virginia corn.	7	John Sanders,	Schenectady, New York.
A machine for cutting nails or brads,	8	John P. Sawin and J. Skinner.	Roxbury, Norfolk co. Mass.
For constructing boats or vessels which are to be navigated by the power of steam engines.	9	Robert Fulton,	New York.
A threshing machine,	9	James W. Walker,	Wilmington, N. Carolina.
A steam still,	9	Samuel Bacon,	Lanesborough, Massachusetts.
An elevator for the use of the sick,	15	Jonathan Elliot,	Newbury, Essex co. Mass.
A descending saw-mill,	15	Stephen Belknap and Samuel Merrill.	Georgetown, Washington, D. [C.
In the double forcing pump,	19	William Beach,	Franklin, Delaware co. N. Y.
In propelling boats and vessels by horses,	19	Salmon Fuller,	Clark county, Indiana ter'ry.
In the double forcing pump,	20	Thomas Ferris,	Dutchess county, N. York.
A mode of producing what he calls Columbian oil.	23	Thomas Paul,	Baltimore.
A mode of preserving and defending wood immersed in salt water, from the attacks or injuries of that species of worms which is generally found destructive at sea, &c.	23	Robert Lloyd Nicolls,	Easton, Talbot co. Maryland.
In the steam engine called the vaporeum machine.	25	James Stubbs & Nat'l Parsons.	Chilicothe, Ross co. Ohio.
In the saw-mill,	26	Miles H. Abbot.	
For cutting and gathering grain and grass,	26	John Comfort,	Bucks county, Pennsylvania.
In andirons and fire places,	26	John Sweet,	Berkshire, Massachusetts.
In making flour, starch, and spirit, from wheat or other vegetable matter.	26	Elisha Perkins,	Shrewsbury, Monmouth co. New Jersey.
For shearing cloth,	28	Ezra Willmarth,	Rumney, Grafton, Mass.
In manufacturing straw wove plat,	28	William Pond,	Wrentham, Norfolk co. Mass.
Machine for cutting felloes for wheels,	28	Joseph Goulding,	Leicester, Massachusetts.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1811.		
In the forge and trip hammer,	Mar. 1	Joseph Goulding,	Leicester, Massachusetts.
In mills,	1	Joseph Goulding,	Ditto.
In training and breaking horses,	1	Townsend Cock,	New York.
A machine for cutting wooden screws, &c.	1	Rob't Hancock, Sen., and Ed. W. Carr.	Philadelphia.
Reverting wheels, for various purposes,	1	Otis Paine,	Foxborough, Norfolk, Mass.
In the condensation of vapors in distillation,	2	Noel Blanche,	New York.
A tide mill wheel,	2	Dexter Wheeler,	Bristol, Massachusetts.
In the stove,	2	William Watson,	Weymouth, Gloster co. N. J.
A machine for rubbing out clover,	2	Nehemiah Price,	Frederick county, Maryland.
In chain paddles for propelling boats,	2	Azael Pierson,	Cumberland county, N. J.
A machine for hulling rice,	2	Sherman Dewey,	Hartford, Vermont.
For shearing cloth,	2	Benjamin Cummings,	Palmer, Hampshire co. Mass.
In the application of slate to various uses,	2	William Sheldon, Jun.	Springfield, Massachusetts.
In distilling,	2	Jacob Miller,	Lancaster county, Penn.
In warming rooms,	4	Barzillai Russell,	Hartford, Connecticut.
A machine for shearing cloth,	4	George C. Killogg,	New Hartford, Litchfield, Ct.
A water loom,	4	Thomas Mussy,	Philadelphia.
A reverse impelling pump, being a double forcing pump.	7	Levi Gray,	Otsego county, New York.
In planking and felting hats,	7	Israel Swan,	Haverhill, New Hampshire.
In the pump for raising water,	9	Pliny Upham,	Brookfield, Worcester, Mass.
The subignis air draught,	12	Samuel Randall,	Providence, Rhode Island.
A machine for cutting sausage meat, &c.	19	George Neff,	Dauphin county, Penn.
A fire cavern,	20	Abraham Quincy,	Boston.
In fire places,	20	Peter Sternberg,	Montgomery county, N. Y.
A bark mill,	20	Luther Gale,	Berkshire county, Mass.
A horizontal bellows wind wheel, which, by reversing the wheel, may be applied to water.	21	Daniel Van Voorhis,	Long Island, New York.
In the condenser,	26	Lyman Cook,	Whitestown, Oneida co. N.Y.
A churn,	28	Harry Mumford,	Ulster county, New York.
A threshing machine,	28	Rulef C. Van Houton,	New York.
In four wheel carriages, to be moved by manual labor.	28	Lyman Cook,	Whitestown, Oneida co. N.Y.
For straining and grinding cards,	30	John Boynton,	Windham county, Conn.
A mode of casting large iron rollers for rolling iron, &c.	30	Cyrus Algier,	Boston.
A nail machine for making wrought nails and spikes, or drawing small iron into any form.	April 8	Abiather Eastman,	Norway, Oxford co. Mass.
A stave and shingle machine,	10	William Baley,	Nelson county, Kentucky.
In the form of cossack boots, or rather in the mode of cutting leather for the formation of boots of every description.	10	John Morgan,	Philadelphia.
In tanning leather,	10	Joseph Barker,	Deerfield, Oneida co. N. Y.
In making gin,	10	Erastus V Freeman.	
In the lee-board,	10	J. Swain, H. Swain, & Joshua Swain.	Cape May court-house, N. J.
In saw-mills,	15	Oliver Evans,	Philadelphia.
For vibrating nail plates while cutting,	16	Joseph Bernard,	Troy, New York.
In distilleries and kitchen ranges,	18	William Gamble,	Washington City, D. C.
A lever purchase machine, for propelling boats, working mills, &c.	24	Shubael Kimball,	Rhinebeck, Dutchess co. N.Y.
A floating machine for supplying ships with fresh water.	25	John F. Randolph,	New York.
In the kitchen stove,	25	Andrew Sherwood,	New York.
For cramping Suwarrow boot legs,	25	Jeremiah Sibley,	New York.
The drum cooking stove,	25	Andrew Sherwood,	New York.
In the spiral water wheel, by balance gates,	25	Benj. Schoolfield and Wm. Stanton.	Lynchburg, Campbell co. Va.
For trimming and pressing straw plait,	26	Daniel Atherton,	Providence, Rhode Island.
A flax and hemp break,	26	Edward Rumsey,	Christian county, Kentucky.
For shearing cloth,	30	Jesse Molleneux,	Hempstead, New York.
A shearing machine,	May 2	Eleazer Hovey,	Canaan, Columbia co. N. Y.
For rasping or sawing dye woods,	3	Samuel Stone,	Enosburg, Franklin co. Vt.
A churn,	3	Daniel Robinson,	Franklin, Delaware co. N. Y.
In distilling,	3	Andrew Dunlap,	Boston.
A mode of working a water wheel, by raising and lowering it in a current or tide.	4	Mark Andrews,	Kennebeck, Massachusetts.
In manufacturing bricks,	7	James Gregg,	New Hampshire.
Machine for cutting off the ends of bolts, &c.	8	John Rewey,	Berkshire, Broome co. N. Y.
A vertical balance wheel nail-cutting machine,	8	Ebenezer A. Lester,	Herkimer, New York.
For weighing hay, live cattle, &c.	10	Thomas Armat,	Philadelphia.
In the bodies of carriages called the standing roof landau.	10	Edward Gibson,	New York.
A writing instrument,	11	Ezra L. Miller,	Charleston, South Carolina.
A perpetual steam still,	15	John James Jiraud,	Baltimore.
In breaking hemp and flax,	16	John C. Johnston,	Fayette county, Kentucky.
In fire-arms,	21	William Thornton & John Hatkill.	Washington City.
In constructing steam engines for propelling boats.	21	John Stephens,	New York.
A spring for fastening window sashes,	22	John Ballthorpe.	
A washing machine,	23	David Dungan,	Upperville, Loudoun co. Va.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1811.		
In saw-mills,	May 24,	Marshall Lewis,	Chenango, Broome co. N. Y.
A machine for dressing mill-stones,	24,	Charles Woolverton & B. Ridgway, Jun.	Morris Villa, Pennsylvania.
In suspenders, &c.	25,	Henry Burke,	Bucks county, Pennsylvania.
In the carding machine,	25,	Heman Palmerler,	Shoreham, Addison county.
In cutting fur from peltry,	28,	Joshua Witherle,	Boston.
A horizontal water wheel,	29,	John Osborn, Jun.	Litchfield, Connecticut.
Being a double suspender spring,	29,	Benajah Wolcot,	Danbury, Huron co. Ohio.
Machine for shaving shingles, &c.	30,	Daniel Parker & John Sanford.	Sharon, Litchfield co. Con.
In working certain ores,	30,	Vincent King & Jeremiah King.	Bellair, Harford county, Md.
A water blast,	June 6,	Joseph Ruggles,	New Milford, Litchfield, Ct.
In sawing and polishing marble,	7,	Luther Bissel,	Otsego county, New York.
A machine for moving two water-wheels at the same time.	7,	Luke C. Hinman, L. Bissel, & M. Barnes.	Ditto.
A composition for mending china, glass, &c.	10,	Harvey Bascom,	Weston, Massachusetts.
In shears for shearing woollen cloth,	11,	William Stillman,	Westerly, Rhode Island.
In the steam kitchen for baking, &c., &c.,	11,	Samuel Smith,	Herkimer county, N. York.
In chair bottoms,	12,	Abner Ellis,	Dedham, Norfolk co., Mass.
In distilling,	14,	John James Giraud,	Baltimore.
A distilling and refining apparatus,	17,	Jacob Sherer and Abr. Killian,	Lancaster, Pennsylvania.
A fanning mill for cleaning grain,	18,	Thomas W. Jessup,	Fredericktown, Maryland.
Machine for shaving, jointing, and forming the staves and heads of barrels, &c.	20,	Barnabas Langdon & William Mowry,	Washington co., New York.
A steam stove for roasting, boiling, and baking,	21,	Josiah Noyes,	Herkimer co., New York.
The family cotton spinning machine,	22,	John George Baxter,	Philadelphia.
In preparing and packing quincitron or black oak bark or other barks for exportation.	July 1,	Joseph Lyon,	Philadelphia.
A balance bridge,	1,	Jonathan Jessop,	Yorktown, Pennsylvania.
For spinning and winding rope yarn,	2,	Christ'n Bergh and Peter Shermerhorn, Jr.	New York.
In the forge bellows,	8,	Charles McMurtry,	New Marlborough, Mass.
For breaking hemp and flax,	13,	Robert Miller,	Lexington, Kentucky.
In medicine cases,	16,	Allen Harrington,	Otsego county, New York.
A pendulum steam engine,	18,	John Staples,	Richmond, Virginia.
In kiln drying corn and malt, &c.	18,	John Hughson,	Clinton county, New York.
A machine for chopping meat or any other substance fine.	19,	Haziel Smith,	Philadelphia.
An improved accelerating wheel head,	20,	Archelaus Putnam,	Philadelphia.
In horizontal wooden springs for carriages,	22,	Leonard Sommer,	Downington, Chester co., Pa.
A flax and hemp break,	23,	Jacob A. Dana,	Casanovia, Madison co., N. Y.
A machine for making sacket and sand shovels,	23,	Jonathan Righter,	Downington, Chester co., Pa.
In the still and condenser,	25,	Richard Sealy,	Newark, New Jersey.
In tanning,	30,	Wm. Hollingsworth,	Elkton, Maryland.
In boot and shoe making,	30,	Samuel B. Hitchcock and John Bement.	Homer, Cortland co., N. Y.
A wear for catching fish,	Aug. 14,	Hawley Emerson,	Hancock.
In cutting and heading nails,	14,	Jessee Reed,	Kingston, Plymouth co., Mas.
In mill stones,	15,	William Miller,	Lampter, Lancaster co., Pa.
For picking wool, &c., called the wool picker,	15,	Michael Morrison,	Boston.
A perpetual lime kiln,	17,	William Gorsuch,	Baltimore.
In the sea motion pump,	19,	Bennet Lies,	New York.
In varying the motion of a plough,	20,	John Sanford,	Sharon, Litchfield co., Conn.
In weaving,	20,	Nathaniel Miller and Philip W. Miller.	Franklin, Norfolk co., Mass.
A mode of propelling carriages by steam,	21,	Charles Reynolds,	East Windsor, Connecticut.
A mode of ripening and keeping malt liquor and cider.	22,	Robert Hare,	Philadelphia.
In the electrophorus,	23,	David F. Launy,	Philadelphia.
In the water wheel,	28,	Abraham Lands,	Georgetown, Columbia Dist.
A double spring angular truss,	30,	Theodore Hart,	New York.
In constructing and working pumps for the use of ships, &c.	30,	And'w Henshaw and Nathan. Harlow, Jr.	Bangor, Hancock co., Mass.
In stills and boilers,	Sept. 2,	Jacob Decker,	Green, Shenango co., N. Y.
A drying house for drying fruit, &c.,	2,	Stephen Strong,	Wilks township, Gallia co., O.
In manufacturing inkstands of stone,	3,	Abraham H. Quincy,	Boston.
A water wheel,	5,	Joseph Atkinson,	Amherst, Massachusetts.
In the common plough,	7,	Nicholas Turbutt,	Fredericktown, Maryland.
A horizontal pump,	10,	Luther Holland,	Belcherton, Hampshire, Mas.
For spinning wool and cotton, &c., called the pleasant spinner.	10,	Daniel Read,	Brookfield, Madison c., N. Y.
A horizontal vibrating churn,	12,	Thomas Pratt,	Cheshire county, N. Hamp.
In stills,	19,	Henry Wittmer,	Lancaster, Pennsylvania.
In looms,	25,	Nathaniel Perry,	Boston.
In propelling boats by steam,	27,	James Rodgers,	Albany, New York.
In stoves,	27,	Thomas Power,	New York.
A crank loom for weaving all kinds of cloth,	27,	Ephraim Cutter,	Walpole, New Hampshire.
In tanning,	30,	Alexander H. Avery,	Bennington, Vermont.
A churn,	Oct. 1,	Joseph H. Shepard,	Canaan, Somerset co., Mass.
In the press, for pressing cotton, hay, &c.,	2,	Moses Jaques and H. Freeman.	Woodbridge, Mid'x co., N. J.
For drawing and spinning wool,	4,	William Humphreys,	Humphreysville, N. Hav. C.
A trip hammer,	5,	Josiah Beal,	Ontario county, New York.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1811.		
A pendulum mill,	Oct. 9,	Solomon Thayer,	Braintree, Norfolk co., Mass.
For cutting files,	10,	Ernst Gehbe,	Northampton county, Penn.
In manufacturing fine salt from coarse,	11,	Charles W. Sellers,	Alexandria, Columbia Dist.
For breaking, swingling, and beating hemp and flax.	15,	William Harper,	Richmond, Virginia.
In circular boilers,	15,	Jonathan Sizer,	New London, N. Lon.co.Ct.
A wooden screw press for packing cotton, wool, &c.	17,	Jacob Pierson,	Knoxville, Knox co., Tenn.
In cutting and manufacturing boot legs,	21,	John Vernon,	Baltimore.
In breaking and swingling hemp and flax,	24,	Archibald Tanner,	Trumbull county, Ohio.
Improvement in his patent fireplace,	28,	Peter Sternberg,	Montgomery county, N. Y.
In the mode of washing white lead,	29,	Samuel Wetherill, Jr.	Philadelphia.
In setting the beds or stacks (by admission of air) in making white lead.	29,	Ditto,	Philadelphia.
In screening and separating *in water* the corroded parts of lead from the uncorroded parts, in the process of making white lead.	Nov. 1,	Ditto,	Philadelphia.
A machine for separating the oxidated from the metallic lead, in the process of manufacturing red lead, and of the manner of using the machine:	1,	Ditto,	Philadelphia.
A water wheel,	2,	Elisha Mack,	Sheffield, Massachusetts.
In casting metallic boxes or centres of shieves or trundles for pulleys:	4,	Lebbeus Larrabee,	Nantucket, Massachusetts.
A machine for basining, hardening, and steaming hats.	6,	Jonathan Sizer,	New London, N. Lon. co., Ct.
A machine for boring posts,	7,	Anthony Butler,	Vermont.
In the process of making sulphuric acid,	7,	Benjamin Bell,	Boston.
For cutting wheat and other small grain,	8,	Wm. P. Claiborne,	King William county, Va.
A balance water gate,	12,	William Maher,	Rome, Oneida county, N. Y.
A mode of distilling ardent spirits by one operation:	13,	Jonathan Shaw,	Palmer, Hampshire co., Mass.
A hot heading nail machine for cutting and heading nails.	14,	Mark Reeve & Richard Reeve.	Philadelphia.
A mode of welding or uniting scrap iron or steel preparatory to forming it into bars, &c., by the forge hammer, and of effecting the same by pit coal in its crude state, without the use of coke or charcoal.	15,	Benjamin King,	Navy Yard, Washington C.
An elevating aqueduct or water conductor, being an improvement of Clapp's crank engine.	16,	Joseph Clapp,	Greenfield, Massachusetts.
A descending air flue, with the chimney pipes, &c., in which it is to be used.	19,	James Macomber,	Greenwich, Wash. co., N. Y.
On his former improvement in fireplaces,	19,	Peter Sternberg,	Montgomery county, N. Y.
A compound lever & parallel shaft nail machine,	25,	Robert Turner,	Boston.
In making hats of paper,	25,	Joseph Ford and John White.	Boston.
A churn,	27,	Adam Sheble,	Philadelphia.
In constructing boats and vessels,	29,	Francis Rotch,	New Bedford, Bris.co., Mass.
A loom,	29,	Richard C. Rodgers,	Maine, Massachusetts.
A steam engine,	29,	Daniel Dod,	New York.
A portable kitchen or stove caboose,	Dec'r 3,	James Trueman,	Philadelphia.
A machine for roving and spinning wool and cotton,	3,	Oliver Barrett, Jun.,	Schaghticoke, Renss.co.N.Y.
A distilling apparatus,	4,	Lewis Lecesne,	Belleville, New Jersey.
In the structure of beehives,	9,	Timothy Stanly,	Farmington, Hartford, Conn.

12th CONGRESS.] No. 309. [1st SESSION.

APPROVAL OF THE MEASURES OF THE FEDERAL GOVERNMENT BY NEW JERSEY.

COMMUNICATED TO CONGRESS, JANUARY 22, 1812.

WASHINGTON, *January* 22, 1812.

To the Senate and House of Representatives of the United States:

At the request of the Legislature of New Jersey I communicate to Congress copies of its resolutions transmitted by the Governor of that State.

JAMES MADISON.

LEGISLATURE OF NEW JERSEY, HOUSE OF ASSEMBLY, *January* 13, 1812.

Whereas, in cases of great national concern, involving, in their consequences, the interests, the rights, and the welfare, as well of the future as of the present generation, it cannot fail to be useful and acceptable to those intrusted with the National Government, to be made acquainted with the deliberate opinion of every portion of the Union,

the members of the Legislature of New Jersey, at this momentous crisis in our national concerns, think it a duty incumbent on them publicly to express, as well the sense of the Legislature, as the known feelings and sentiments of the citizens of the State they represent.

In contemplating the convulsive struggles that have, within the last twenty years, broken up the Governments, overturned the ancient landmarks, and carried disorder and distress into almost every quarter of the European world, the citizens of New Jersey have surveyed the destructive progress of this war of ambition on the one side, and of mercantile monopoly on the other, not only as men commiserating the sufferings of others, but with a view to the consequences on the safety and happiness of America. The anxious solicitude manifested by the General Government, to observe an impartial neutrality, in relation to the belligerent nations, has, at all times, met the decided approbation of the Government and citizens of New Jersey.

It was confidently hoped that this line of conduct would have secured to our country the complete observance of the acknowledged laws of civilized nations, or, at least, have protected the persons and property of our citizens from outrageous violence. It was, therefore, not without emotions of astonishment and indignation that they saw the two great belligerent European Powers set at defiance the public law of nations, by commencing a wanton, unprovoked attack upon the property and persons of our citizens on the high seas. This indignation was increased by the insults offered to an enlightened nation in the pretexts assigned as the causes of this violence. The danger and impolicy of waging war against all Europe at once justified the course pursued by the General Government, of remonstrance, negotiation, and commercial restrictions. It has now become a subject of some consolation, that one of the great belligerent nations has receded from her hostility, ceased to violate our neutral rights, made assurance of future amity, and the observance of the laws of nations, and thereby left America a single antagonist to contend with, one against whom she has already measured her strength.

In contemplating the evils inflicted on our country by Great Britain, the Legislature of New Jersey disclaim bringing into calculation the injuries suffered in the revolutionary war; these having been magnanimously buried in the treaty of 1783. Nor do they take into account the alleged instigation of the savages to hostilities on our frontier settlements, the facts not being officially ascertained and declared. They leave out also the insult to the American flag, in the attack on the Chesapeake frigate, that having been amicably adjusted. Nor would they, at this time, think proper to complain of the refusal of Great Britain to accede to the desires of the civilized world, of ameliorating the evils of war, by adopting, as a rule, that free ships make free goods. Even if the controversy between the two countries arose solely out of the interruption of our carrying trade, although they consider that trade founded on a perfect, indisputable right, which ought never to be yielded by treaty, yet policy might suggest the propriety of sleeping over the injuries arising from the deprivation of the exercise of this right for a time.

But the two following causes of complaint, on which America and Great Britain are at issue, are of so unquestionable a nature, as to leave no doubt or hesitation on the mind: First. The abominable practice of impressing native American seamen while in the pursuit of a lawful commerce, forcing them on board their ships of war, and compelling them, under the lash, to fight against nations with whom we are at peace, and even against their own country.

Second. The depredations committed on the legitimate commerce of America, it being now openly avowed by the British Government that an American built ship, owned by the citizens of the United States, navigated by native American seamen, laden with goods, the growth and manufacture of the United States, not contraband of war, bound to a belligerent port, which is neither invested nor blockaded, is subject, by the orders of the British Government, to seizure and condemnation, both ship and cargo; the ruin of individuals, and the destruction of commerce, evidence the rigid execution of these orders.

This flagitious conduct of the rulers of Great Britain needs no comment; it is too notorious to be denied, too palpable to be susceptible of explanation, and too atrocious for palliation or excuse. The answers to the reasonable remonstrances of our Government have only added insults to injuries, by assuming positions at variance with reason, justice, and the public laws; in consequence of which further negotiation becomes idle and vain. It only remains for the constituted authorities of the Union to guide the destinies of a numerous, brave, and powerful nation, by marking out its future course; that, in doing this, they may rely with confidence on the support of New Jersey.

Be it resolved, by the Legislative Council and General Assembly of the State of New Jersey, That, at this important crisis in our national concerns, the Government of New Jersey entertain a full and perfect confidence in the wisdom and integrity of the President, the Senate, and House of Representatives of the United States of America, and hereby most solemnly assure the National Government that New Jersey will readily accord in any measures which it may, in its wisdom, think proper to adopt for the redress of national wrongs. That they cordially approve the recommendation of the President of the United States to both Houses of Congress, admonishing them to put the nation in armor. That, in case the Government of the United States shall eventually determine to resist, by force, the lawless aggressions committed by the British nation on the persons and property of our citizens, this Legislature, in behalf of themselves, and the citizens of New Jersey, whose representatives they are, pledge themselves to the nation to render to the General Government all the aid, assistance, and support in their power, and will, with readiness, perform all the duties required of them in the prosecution of a war undertaken for the common defence and general welfare.

Resolved, That His Excellency the Governor be requested to transmit a copy of the foregoing to the President of the United States, with a request that he would be pleased to communicate a copy to each branch of the National Legislature.

Resolved, That His Excellency the Governor be also requested to transmit a copy to each of our Senators and Representatives in Congress.

Signed by order of the House:

WILLIAM KENNEDY, *Speaker.*

COUNCIL CHAMBER, *January* 17, 1812.

Concurred in by Council.

By order:

CHARLES CLARK, *Vice President.*

SECRETARY'S OFFICE, *January* 18, 1812.

I certify the foregoing to be a true copy.

JAMES LINN, *Secretary of State.*

12th Congress.] No. 310. [1st Session.

APPROVAL OF THE MEASURES OF THE FEDERAL GOVERNMENT BY VIRGINIA.

COMMUNICATED TO THE SENATE, FEBRUARY 3, 1812.

SIR: RICHMOND, VIRGINIA, *January* 29, 1812.

It is with great pleasure I comply with the request of the General Assembly of this Commonwealth, by communicating to you the enclosed preamble and resolutions of that body concerning certain measures of the General Government connected with our foreign relations. You will be good enough to present them to that branch of the National Legislature over which you preside.

I am, with sentiments of very high respect, your obedient servant,

J. S. BARBOUR.

The Hon. the VICE PRESIDENT OF THE UNITED STATES, *Washington City.*

STATE OF VIRGINIA, *January* 25, 1812.

The General Assembly of Virginia have beheld, with deep sensibility, the flagrant violations which the great belligerents of Europe have practised upon the rights of neutrality, as established upon the principles of universal law, and sanctioned by the acquiescence of the whole civilized world for many ages. These violations have driven all the nations of Europe into a war, alike unexampled in its ravages and its consequences; and, whilst the United States have kept out of its vortex, and most scrupulously adhered to the duties devolved upon them, by treating all with equal impartiality, they have, from year to year, indulged the illusive hope that reflection would bring back the aggressors to a sense of justice, and returning reason would ensure to the long violated immunities of the persons and property of their citizens an exemption from the war committed upon them. France has paused in her career of hostility, and thereby afforded to her rival, England, an opportunity of performing her solemn promises without a compromitment of her pride; and it was expected by the Government and people of the United States that the proofs of this pause, presented in an unquestionable shape to the British ministry, would have been promptly followed by a repeal of the orders in council; but fatal experience has produced the painful conviction that in this just expectation they have been mistaken. And, regardless of all principle, the bold avowal has been made by Great Britain, that the permitted admission of her fabrics into the continent of Europe, through neutral vessels, was an indispensable preliminary to the termination of her aggressions; a condition which the United States have no right to demand in relation to the produce of their own soil or manufactures, and which their honor forbids them to demand at the instance and for the benefit of another. With a knowledge of this avowal, and the daily evidence that Great Britain executes her orders in their living spirit, which is war upon us, of the most aggravated species, a further indulgence of hope is allied with disgrace, and forbearance becomes criminal; and although this Assembly confide in the patriotism of the Congress and Executive of the United States to assert the rights of the nation, in the manner its honor requires; and, as regards themselves, this expression of their opinion may be superfluous, yet, influenced by the examples of preceding Legislatures, at times less momentous than the present, and apprehensive that their silence will be misconstrued into indifference or distrust, more especially as the minister plenipotentiary of Great Britain, in his correspondence with the Government of the United States recently published, has opposed, to the act of the Executive, and the evidence on which it was predicated, a presumed disagreement, as to the fact upon which he decided, and the *justice* of the measure that he had adopted, by "all the legal authorities in the United States;" and because we believe the measures of hostility, pursued by the British Government against us, are persisted in, in the belief that we are a divided people, this Assembly declare their conviction to be, that not only "all the legal authorities of this State," but the people, also, from whom the former derive their powers, concur in the sentiment of confidence in the Government of the Union, and a firm resolution to support it in the redemption of its plighted faith, "to maintain the rights, honor, and independence of the United States;" and, actuated by a sacred regard for the constitution and liberties of United America, sanctioned by the wisdom of their fathers, and consecrated with their blood, they will not withhold the testimony of their confidence, and the solemn assurance of their co-operation to meet the crisis with the firmness of men, and the determination of freemen: Therefore,

Resolved, That this Assembly, speaking, as they believe they do, the voice of the people of this Commonwealth, have viewed with approbation the uniform zeal with which just remonstrances have been made by the General Government, for the purpose of obtaining from Great Britain, by honorable negotiation, a redress of the many wrongs inflicted upon us by her orders in council, and other measures equally hostile to the interest of the United States.

Resolved, as the opinion of this Assembly, That, however highly we value the blessings of peace, and however we may deprecate the evils of war, the period has now arrived *when peace, as we now have it*, is disgraceful, and war is honorable.

Resolved, That this Assembly will support the General Government in all constitutional and legitimate measures, which may be adopted in vindication of the rights and interest of the people of the United States, and in support of the character and dignity of the Government thereof; and, for these purposes, we pledge "our lives, our fortunes, and our sacred honor."

Resolved, That the Executive of this State be requested to transmit the foregoing preamble and resolutions to the executive and legislative departments of the General Government.

JANUARY 25, 1812.

Agreed to by the Senate and House of Delegates.

ROBERT TAYLOR, *Speaker of the Senate.*
ANDREW STEVENSON, *Speaker of the House of Delegates.*

A copy. Attest: JOHN A. RUSSELL, *Copying Clerk.*

12th Congress.] No. 311. [1st Session.

CUMBERLAND ROAD.

COMMUNICATED TO CONGRESS, FEBRUARY 3, 1812.

FEBRUARY 1, 1812.

To the Senate and House of Representatives of the United States:

I lay before Congress a report of the Secretary of the Treasury, containing a statement of proceedings under the "act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio."

JAMES MADISON.

SIR: TREASURY DEPARTMENT, *January* 25, 1812.

In conformity with the provisions of the act "to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," several proposals were received, and contracts entered into for making the first ten miles of the road with the following persons, viz:

	Miles.	Perches.					
McKinley,	2	246	at $21 25	per perch,	- - - - - -		$18,827 25
Randle,	2	8	14 50	"	- - - - - -		9,396 00
Cochran,	2	131	22 50	"	- - - - - -		17,347 50
Cochran,	2	255	16 50	"	- - - - - -		14,767 50
	10 miles.		- - -	- - - - - -			$60,338 25

A copy of one of the contracts (A) is herewith enclosed which will show, in detail, the terms, the obligations entered into by the contractors, and the manner in which the road is to be made.

In those contracts the bridges are not included, and all the smaller ones have been contracted for at the rate of $1 50 to $2 per perch of mason's work. This, together with contingent allowances, some additional work which could not be embraced in the contracts, and the annual salary of $1,800 allowed to Mr. David Shriver, Jr., who superintends the whole, will, it is believed, make the entire cost of those ten miles seventy-five to eighty thousand dollars.

It appears, by Mr. Shriver's report, which, together with an extract of his letter of same date, is herewith enclosed, (B,) that it is probable that these ten miles will be completed by the 1st day of August next, according to contract.

The sum appropriated for making the road amounts, after defraying the expenses of surveying, and laying out the same, to $125,477 51, and there will, therefore, remain, after paying the whole expense of finishing the first ten miles, an unexpended balance of about $50,000 applicable to the prosecution of the work. This, supposing the expense to be at the same rate, would be sufficient to complete near seven miles more.

Mr. Shriver suggests that it would be desirable that contracts might be made, and the road be completed for eleven miles instead of seven. This would reach as far as Tomlinson's, twenty-one miles from Cumberland, where the old and new roads meet, and render the whole work done useful even if it proceeded no further. For effecting that object a further appropriation of about $30,000 would be necessary.

Another observation of the superintendent, which deserves particular attention, relates to the necessity of levying tolls sufficient to keep the road in repair: but this can be done only under the authority of the State of Maryland.

From the nature of the contracts, and from the manner in which the work has been executed, it will, it is believed, satisfactorily appear that the chain of mountains, which divides the Atlantic from the Western States, offers no real impediment to an easy communication, and that roads may generally be made as perfect, as convenient, and on the same terms, across those mountains, as in any other part of the Union.

I have the honor to be, with the highest respect, sir, your most obedient servant,

ALBERT GALLATIN.

To the PRESIDENT OF THE UNITED STATES.

A.

Articles of agreement made and concluded on the eighth day of May, in the year of our Lord one thousand eight hundred and eleven, between Henry McKinley, of Maryland, of the one part, and Albert Gallatin, Secretary of the Treasury, in behalf of the United States, on the other part.

Whereas, the said Henry McKinley has agreed for, and in consideration of, the payments hereinafter mentioned, to make and complete in a workmanlike manner a certain part of the road leading from Cumberland, in the State of Maryland, to Brownsville, in the State of Pennsylvania, as the same has been laid out and confirmed, in pursuance of the act entitled "An act to regulate the laying out, and making a road from Cumberland, in the State of Marylaad, to the State of Ohio," and of the act entitled "An act in addition to the act, to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," which part of the road thus contracted for by the said Henry McKinley, and hereinafter described, is to be made and completed by the said Henry McKinley, in the following manner, and on the following conditions, that is to say: The trees to be cut down and cleared the whole width of sixty-six feet, according to the fourth section of the act above mentioned; the stumps to be grubbed, and the bed of the road to be levelled thirty feet in width; the hills to be cut down, the earth, rocks, and stones, to be removed, the hollows and valleys, and the abutments of all the bridges and culverts, to be filled, so that the whole of the road on the aforesaid width of thirty feet, to be reduced in such manner, that there shall not in any instance be an elevation in said road when finished, greater than an angle of five degrees with the horizon, nor greater than the gradation fixed by the commissioners who laid out the road, and so that the surface of the said road shall be exactly adapted to the marks or stakes, made or to be made, by the person appointed superintendent for the said road by the President of the United States. Where the earth is to be raised, the sides are to slope at an angle not exceeding thirty degrees, the base or bottom part thereof to be of such width as to secure to the road a complete surface of thirty feet in width; a proper allowance to be made for

the settling of made earth, according to the directions of the superintendent; and no stumps, logs, or wood of any kind, to be permitted in the filling. In all situations on sides of hills or otherwise, where it may be necessary to fill, but where the nature of the ground will not, in the superintendent's opinion, admit filling with such slope as above mentioned, and where side walls will be built at the expense of the United States, the contractor is to fill four additional feet in breadth, so as to give thirty-four feet surface to the road. Where the hills are cut through, or the road dug along the side of a hill, the bank or banks to be cut of such slope as will be necessary to prevent the earth from falling or slipping in upon the said surface of thirty feet. But in those places where, from the steep ascent of the side of the hill, to cut with such slope would be impracticable, and where the superintendent may cause side walls to be built to support the bank at the expense of the United States, the bank may, with his permission, be cut perpendicular or with a greater angle. The superfluous earth to be removed to the next filling, and there spread, so as to increase the breadth of the road equally on each side, from the commencement of the filling to the end of it, unless otherwise permitted or directed by the superintendent. What may be deficient, in order to fill the hollows, to be dug out of the aforesaid thirty feet, or from the banks in such a way as to increase the width of the road equally through the nearest cutting, unless otherwise permitted or directed by the superintendent. Nor in any instance, the earth to be dug without such permission or direction, more than one foot below the surface of the pavement, within the aforesaid breadth of sixty-six feet. A ditch or water course to be left or made on each side of the said surface of thirty feet, and contiguous thereto; but where the road is dug along the side of a hill, having an ascent exceeding thirty degrees, the ditch along the side of the hill may be dug within the width of the thirty feet, so that the surface of the road, including the said ditch, shall, in such cases, be only thirty feet in breadth. The ditches are in every instance to be of such breadth and depth as the superintendent shall direct, and valleys or sewers above the surface of the ground, necessary to give vent to the waters on the side of the hills, to be made in all parts where, and in such manner, as shall be designated by the superintendent. The road to be covered twenty feet in width, with stone eighteen inches in depth in the middle, and diminishing to twelve inches at the sides; the upper six inches thereof, to be broken to such a size that each particle thereof will pass through a ring of three inches in diameter, and the remaining or lower stratum to be broken so as to pass through a seven inch ring. No stones to be used for said pavement but such as may be approved of; provided, they are within one mile on an average, from the part of the road where they may be wanting, and particular pains to be taken to select the best for the upper six inches. In all cases, where bridges or culverts are built, the pavement to extend twelve inches deep from the extremity of the aforesaid breadth of twenty feet to each side wall, the whole length of said walls; for which additional pavement the contractor shall, in addition to the price stipulated in the articles of agreement, hereto annexed, receive an allowance at the rate of one dollar for every fifty superficial square feet of such additional pavement. The whole of the said artificial stratum of broken stones to be made in a compact manner, and to be supported on each side by good and solid shoulders, and its surface to be formed as smooth and even as may be, and of such convexity as the superintendent may direct. Each grade of the road to be perfectly levelled, brought to the proper degree, and approved, before any stones are put on the same; and the lower stratum of stones passing through a seven inch ring, is then to be put on, levelled and approved, before the upper stratum of stones, passing through a three inch ring, is put on. In every instance the contractor to find, at his own expense, the stones wanted for the pavement, and for his work on the road, but to be allowed, in addition to the price stipulated as hereinafter stated in the articles of agreement, at the rate of half a dollar for each perch in length of the road, where he shall be obliged to pay the owners of the adjacent farms for such stones. The side roads, on each side of the pavement, to be dug as low and deep in the cut parts of the road, and particularly through the rock, as the superintendent may direct; and the filling of such side roads, where the same is necessary, to be raised as high as may be directed by the superintendent. No contractor is to interfere with the stones of the contractors for adjacent sections of the road; for which purpose a line at right angles with the road, at the end of each section, will be considered as dividing the right to stones by each contractor, unless otherwise directed by the superintendent on account of a want of stones within the limits of any one section. Masons, or other persons, who may contract with the United States for the building of bridges, culverts, walls, or any other species of mason's work on the road, to be permitted by the contractor to take and select such stones, within his division, as such mason or other person may think proper, and to haul the same along the parts of the road levelled by the contractor, or elsewhere, to the place where such stones may be wanted, without any interruption. Wherever the new road meets with, or runs along the course of any other road heretofore used, a sufficient width of road to be kept open for wagons and all kinds of carriages, to pass and repass without delay or interruption, whilst the new road is making. The contractor shall not in any instance let or transfer his contract, or any part thereof, to any other person without the superintendent's consent; and in every instance, where such sub-contract may be made, the price per perch to be allowed to such sub-contractor shall be fixed, with the said superintendent's approbation, and shall be paid by him to such sub-contractor, out of the first moneys which may become due to the principal contractor, according to the provisions for payment stipulated in the articles of agreement. The contractor shall not employ any workmen or laborers, who commit depredations in the neighborhood, or insult the travellers; and he shall, on the application of the superintendent, immediately discharge any workman or laborer in his employ. The contractor shall commence working on his station at the end nearest to Cumberland, unless a deviation in that respect be assented to by the superintendent.

Now, this agreement made and concluded on the 8th day of May, 1811, between the said Henry McKinley, of the one part, and Albert Gallatin, Secretary of the Treasury, in behalf of the United States, of the other part, witnesseth, that the said Henry McKinley, for his heirs, executors, and administrators, does hereby covenant, promise, and agree with the said Albert Gallatin as aforesaid, that he, the said Henry McKinley, shall and will, well and faithfully, and in a workmanlike manner, on or before the 1st day of August, 1812, make, finish, and complete in the manner, and on the conditions herein before mentioned, all that part of the road above mentioned, which is designated by the name of the "first section," beginning at Cumberland, in Maryland, and ending at a place on said road two miles and two hundred and forty-six perches distant from said Cumberland. In consideration whereof, the said Albert Gallatin, for and in behalf of the United States as aforesaid, doth hereby covenant, promise, and agree, to and with the said Henry McKinley, his executors, and administrators, that the said United States shall and will, for doing and performing the work aforesaid, well and truly pay, or cause to be paid, to the said Henry McKinley, his executors, or administrators, at the rate of twenty-one dollars and twenty-five cents for each and every perch in length of said road in the following manner, viz: when forty perches in length of said road are finished, and approved by the superintendent, the United States will pay to the said Henry McKinley, for twenty perches; and after that, they will pay him on the completion of every twenty perches for the said twenty perches; at all times reserving the amount due for the first twenty perches, until the whole of the section hereby contracted for shall have been finished and completed to the satisfaction of the superintendent, agreeably to contract, when the balance due shall be paid to the said Henry McKinley. And the said Henry McKinley, for himself, his heirs, executors, and administrators, further covenant and agree with the said Albert Gallatin, Secretary of the Treasury, for and in behalf of the United States, that, in case the said Henry McKinley shall not well and truly, from time

to time, comply with and perform all the covenants and conditions hereinbefore stated and stipulated on his part to be done, performed, and complied with, in the manner and form, and within the time hereinbefore mentioned; or, in case it should appear to the Secretary of the Treasury, for the time being, or to the superintendent of the road for the United States, that the work does not progress, and go on with sufficient speed, so as to be finished and completed in the time herein specified, that then the foregoing agreements on the part of the United States, and every part thereof, shall become null and void; and the United States shall be at liberty, and have full right and authority, any thing herein to the contrary notwithstanding, to employ and set to work, or to contract with any person or persons whomsoever, in the place and stead of the said Henry McKinley, and without any interruption or interference whatsoever from him, the said Henry McKinley, his executors, or administrators.

In witness whereof, the said Albert Gallatin, Secretary of the Treasury, in behalf of the United States, hath hereunto subscribed his name, and affixed the seal of the Treasury; and the said Henry McKinley has hereunto set his hand and seal, the day and year first before mentioned.

ALBERT GALLATIN, *Secretary of the Treasury.*
HENRY McKINLEY.

Signed, sealed, and delivered, in the presence of
GEORGE BRUCE,
JOHN RIVE,
M. WALLACE.

Approved: JAMES MADISON.

Extract of a letter from David Shriver, Jun., to the Secretary of the Treasury, dated

WESTMINSTER, *January* 14, 1812.

I hope the enclosed report will be found such as was required. Should any part be found improper, I will thank you to return it to me, at this place, with your remarks; or should it be thought best that I should again attend at the city, you will please direct me: my reason for pointing out the probable cost of the ten miles is, that Congress might know what sum would complete the road to any particular point.

The small sum wanting, in addition to the balance that will remain unexpended, to enable them to make the road across Meadow mountain to Tomlinson's, (which would be eleven miles in addition,) Congress ought to give. The road then would be very beneficial to the public; whereas, if we stop at the end of seventeen or eighteen miles, it will be of little or no service, ending in a wilderness instead of a settlement, and in a tolerable level country, where persons from various points might travel to it. This small sum would likewise enable us to keep the hands, now on the work, in employ; a great number of them have families, and have moved on the work at considerable expense, which has, in a number of instances, been paid by the contractors, and the poor people, yet indebted some of them considerably, should they be obliged to leave the work, it would, in my opinion, be difficult to gather them again.

The Legislature of this State has passed a law to establish a bank at Cumberland. The stock is to be subscribed on the 1st of April next. This bank will remove one difficulty, which has always been an important one with me.

I shall leave this place for the road as soon as there is any prospect of being able to go on with the work.

SIR: JANUARY 14, 1812.

It being required by law that a statement should be submitted to Congress at each session, I have considered it my duty to give a concise view of the progress and present state of the Western road under my superintendence, with such additional observations as arose out of the subject.

The levelling and shaping the bed of the road is complete (with a few exceptions) for about five miles; the stone for the pavement laid on a greater part thereof, and about four miles broken so as to be nearly complete. Such being the present state of the work, the probability is that the ten miles will be completed within the time limited by contract, (the 1st of August next.)

The expense of mason-work, bridging, lime, &c., cannot at present be exactly ascertained, but is expected, when added to the contracts, will make the entire cost of these ten miles about $75,000.

Should it be finally determined to roll the road, and gravel or sand it, the cost will be, in addition to the above amount, rolling about thirty dollars per mile, gravelling or sanding (where either of those articles can be conveniently had) about one dollar per perch in length of the road.

The whole of my attention being absolutely required on the work in hand, I have not been enabled to acquire sufficient information of the next ten miles so as to speak with precision, but have viewed the location, and made such an estimate as circumstances would admit, by which it appears that the expense will be nearly the same.

No alteration or addition to the law has suggested itself, as absolutely necessary, except some provision for keeping the road in repair, after it shall be received from the contractors; for, on turnpikes which pass over a more level surface, that have time to settle and become firm, and on which constant repairs are made, it has, notwithstanding, been found difficult, at certain seasons of the year, to keep them in good order. The present road passing over ground so broken, subject to the wash of large quantities of water discharged from steep valleys adjoining, as well as the operations of the seasons upon it in its green and unsettled state, and the great use which, from its local situation, will immediately be made of it, will, when taken into view together, present to the mind the state in which it will very soon be, if left to the free and unrestrained use of all, without attention and without repair.

I would respectfully suggest the propriety of demanding such a toll as will be sufficient to keep it in good and perfect order.

I am, &c.

DAVID SHRIVER, JUN.

The Hon. ALBERT GALLATIN,
Secretary of the Treasury of the United States.

[NOTE.—See report No. 317.]

12th Congress.] No. 312. [1st Session.

NEW YORK CANALS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 3, 1812.

SIR: ZANESVILLE, OHIO, *January* 18, 1812.

In obedience to the request of the Legislature of this State, I have the honor to transmit you a copy of a resolution on the subject of the contemplated canal between the river Hudson and the Great lakes.

I am, very respectfully, sir, your obedient, humble servant,

RETURN JONATHAN MEIGS.

Hon. HENRY CLAY,
Speaker of the House of Representatives, United States.

Resolution, that the expense of a canal from Hudson river to the Great Lakes ought to be provided for by Congress.

JANUARY 17, 1812.

Whereas the commissioners, appointed under the first section of the act of the Legislature of the State of New York, passed the 8th day of April, 1811, entitled "An act to provide for the improvement of the internal navigation of the State," have, in pursuance of the provisions of said act, applied in behalf of said State to the Legislature of this State, for their aid and co-operation in carrying into effect the object contemplated in said act, and have particularly solicited the influence of this State in the public councils of our country for that purpose, being fully impressed with a sense of the importance of the object as well as with the respectful attention due to our sister States; therefore,

Resolved, by the Senate and House of Representatives of the State of Ohio, That they consider the communication, by means of the canal navigation, between the Great lakes and Hudson river, as a project of national concern; that the accomplishment of such a project, free from a transit duty, would have the most extensive and beneficial effects, by facilitating the intercourse between remote parts of the United States; diminishing the expense of transportation, thereby rendering the produce of our country more valuable, the price of foreign commodities cheaper; and that its tendency would be to encourage agriculture, manufactures, internal commerce, and to strengthen the bond of union between the States.

Resolved, As the sense of this General Assembly, that it would be expedient for the expense of said canal to be provided for by the United States in such manner as they shall think proper, and that the same be free from toll or transit duty, for the transportation of produce, manufactures, or merchandise thereon.

Resolved, That the Governor of this State be requested to transmit copies of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives of Congress, the Governor of the State of New York, and to our Representatives, and each of our Senators in Congress.

MATHIAS CORWIN,
Speaker of the House of Representatives.

Attest: R. OSBORN,
Clerk of the House of Representatives.

THOS. KIRKER,
Speaker of the Senate.

Attest: CARLOS A. NORTON,
Clerk of the Senate.

SECRETARY OF STATE'S OFFICE,
ZANESVILLE, OHIO, *January* 18, 1812.

I certify the foregoing to be a correct copy of the original, remaining on file in this office.

J. McLENE, *Secretary of State.*

[NOTE.—See report, No. 313.]

12th Congress.] No. 313. [1st Session.

UNION, CHESAPEAKE AND DELAWARE, AND NEW YORK CANALS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 20, 1812.

Mr. RIDGELY, from the committee to whom were referred the several memorials of the President and Directors of the Chesapeake and Delaware Canal Company, of the President and Managers of the Union Canal Company of Pennsylvania, and of the Commissioners of the State of New York, respecting a canal from the Great Lakes to Hudson river, made the following report:

That they consider the improvement of the internal navigation of the United States, by means of the canals contemplated by the said companies and the State of New York, of great national importance, and well meriting

the patronage and aid of the General Government. That, under this impression, the committee have paid particular attention to the subject-matter of the said memorials, and have felt the strongest disposition to report favorably to the petitioners. The committee, however, lament that the inauspicious situation of the United States, in regard to our foreign relations, renders it, in their opinion, improper, at the present time, to grant that effectual aid to the undertaking to which they are so well entitled. They, therefore, under these circumstances, submit the following resolution, viz:

Resolved, That the State of the public finances and resources, and the present embarrassed situation of the country, render it inexpedient for the Congress of the United States to make a donation in land or money, at the present time, for the purpose of effecting the objects contemplated in said memorials.

SIR: TREASURY DEPARTMENT, *January* 6, 1811.

I have the honor to enclose answers to the queries proposed in your letter of the 28th ultimo, and also the copy of a report on the same subject, made on the 4th of April, 1818, in obedience to a resolution of the Senate of 2d of March, 1807.

I have the honor to be, very respectfully, sir, your obedient servant,

ALBERT GALLATIN.

Hon. H. M. RIDGELY, *Chairman of the committee on several canals.*

Answers to the queries proposed by the committee, to whom were referred the "memorial of the President and Managers of the Union Canal Company of Pennsylvania, praying the aid and patronage of the General Government in accomplishing the extensive and useful works in which they are engaged," &c.

TREASURY DEPARTMENT, *January* 6, 1812.

1st Query. "Will the state of the finances of the United States admit of the application of public moneys to the improvement of the country by means of canal and inland navigation?"

Answer. The state of the finances of the United States does not, at this time, permit the application of public moneys to any new objects of improvement. The revenue is at present considerably less than the annual public expenses.

2d Query. "If the state of the finances will not admit of pecuniary aid being afforded by the Government, can any other resources be applied to these objects without interfering with the national engagements or the public exigencies? If so, I am desired to request that you will specify them, and the mode of application, so as to promote, in the most effectual manner, these important objects, and to diffuse the benefits arising therefrom as generally as possible among the several States."

Answer. A portion of the public lands may be selected, and its proceeds appropriated to these objects, without causing any sensible diminution of the revenue arising from that source, and, therefore, without interfering with the national engagements and public exigencies. It is only necessary, for that purpose, that the tract or tracts of land thus selected, should be without the boundaries of the land districts already established by law, so that the annual sales in those districts, and the payments into the Treasury, which constitute the existing land revenue, may not, in any degree, be affected by the contemplated appropriation.

The quantity of land set apart for that purpose should be sufficient to produce, when sold, a sum equal to that which Congress intends to apply to these objects; and the States, companies, or trustees under whose direction the several works will be executed, should be authorized to sell, from time to time, at a price limited by law, such portions of the land as will be necessary to defray the expenses of the works. The proceeds of the sales might be anticipated by authorizing loans, to an amount not exceeding the value of the lands appropriated, and made reimbursable at distant periods; in which case the faith of the United States might also be pledged for the reimbursement of such parts of the principal of such loans as could not be discharged out of the proceeds of the sales of the lands; the residue of the lands then remaining unsold reverting, in that case, to the United States.

3d Query. "Will the projected canal from the Great lakes to the tide-waters of the Hudson tend to raise the price of the public lands, facilitate the means of payment for them, and arrest the illicit trade which is now practised with a neighboring nation, and by which the public revenue is greatly diminished?"

Answer. A canal uniting lake Erie with the tide waters of the Hudson, or of any other Atlantic river, cannot fail to enhance the value of all the public lands adjacent to the Great lakes, or otherwise so situated that their inhabitants may use that navigation for the transportation of produce or merchandise. For the same reason it will be giving access, on cheaper terms, to a better market, and facilitate, to a certain degree, the means of paying for the lands thus situated. It is not believed that the canal would materially arrest the illicit trade from Canada.

4th Query. "What are the ideas of the Secretary of the Treasury as to a general system of improvement by canals and opening of rivers, and as to the means of effecting it within the power of the General Government?"

Answer. In a report made on the 4th of April, 1818, in obedience to a resolution of the Senate of 2d March, 1807, the Secretary of the Treasury submitted the general outlines of a plan to that effect. To this he begs leave respectfully to refer. Although the details must, in many respects, be incorrect, and several important objects may, for want of information, have been omitted, his opinion continues the same with respect to the general principles of the plan. It is still believed that a system of improvement, embracing all the important communications pointed out by the great geographical features of the country, and also such other local objects as it may be necessary to include, in order to equalise, as far as practicable, the benefits of the plan, would have a most powerful effect towards promoting the prosperity of the country, and consolidating the interests of the most remote quarters of the Union. The modifications which existing circumstances render necessary, in the manner of applying the resources of the United States to that important object, have already been suggested in the answer to the second query.

Respectfully submitted,

ALBERT GALLATIN.

12th Congress.] No. 314. [1st Session.

CONTINGENT EXPENSES OF THE HOUSE OF REPRESENTATIVES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 30, 1812.

Mr. Turner, from the Committee on Accounts, reported:

That it appears that the contingent expenses of the House have been gradually increasing, and will, for this session, amount to at least forty thousand dollars; an increase which, among other causes, is principally due to the great mass of printing ordered by the House; to which must also be added a new source of expense, viz: the repairs of the buildings and furniture, which had heretofore been defrayed from another fund.

That the Clerk of the House has heretofore acted as the agent of the House and of the Treasury with respect to that branch of expenditure; advances being made from time to time by the Treasury to him on his own application, and his disbursements, after being approved by the committee, being ultimately settled by the accounting officers of the Treasury in the same manner as other accounts.

That those services appear to have been rendered without any law or resolution to that effect, and that the agency of the Clerk of the House, though not properly belonging to his official duties, has arisen from the nature of the services which, from his situation, he was more competent to perform than any other officer.

That, although owing to those circumstances the services have heretofore been performed without any compensation being allowed to that officer, and without his giving security for the trust thus reposed in him, it appears to the committee that, considering the large sums which now pass through his hands, and the increased labor and responsibility resulting therefrom, it would be just to allow him a reasonable compensation for those services; whilst, at the same time, the public may be secured against any eventual loss by requiring him to give security in the same manner as other officers intrusted with public moneys. The committee, therefore, submit the following resolutions:

Resolved, That the Clerk of the House be allowed a commission of two and a half per centum on all the moneys disbursed by him on account of the contingent expenses of the House, provided that the whole amount allowed shall not exceed five hundred dollars in any one year.

Resolved, That the Clerk aforesaid shall give bond in the sum of ten thousand dollars, with security, to be approved by the Comptroller of the Treasury, for faithfully accounting for the moneys received by him on account of the said contingent expenses.

12th Congress.] No. 315. [1st Session.

OBJECTIONS OF PRESIDENT MADISON TO THE BILL "PROVIDING FOR THE TRIAL OF CAUSES PENDING IN THE RESPECTIVE DISTRICT COURTS OF THE UNITED STATES, IN CASE OF THE ABSENCE OR DISABILITY OF THE JUDGES THEREOF."

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 3, 1812.

To the House of Representatives of the United States: April 3, 1812.

Having examined and considered the bill entitled "An act providing for the trial of causes pending in the respective district courts of the United States, in case of the absence or disability of the judges thereof," which bill was presented to me on the 25th of March past, I now return the same to the House of Representatives, in which it originated, with the following objections:

Because the additional services imposed by the bill on the Justices of the Supreme Court of the United States are to be performed by them, rather in the quality of other judges of other courts, namely, judges of the district courts, than in the quality of Justices of the Supreme Court. They are to hold the said district courts, and to do and perform all acts, relating to the said courts, which are, by law, required of the district judges. The bill, therefore, virtually appoints, for the time, the Justices of the Supreme Court to other distinct offices, to which, if compatible with their original offices, they ought to be appointed by another than the legislative authority, in pursuance of the legislative provisions authorizing the appointments.

Because the appeal allowed, by law, for the decision of the district courts, to the circuit courts, whilst it corroborates the construction which regards a judge of one court as clothed with a new office, by being constituted a judge of the other, submits for correction erroneous judgments, not to superior or other judges, but to the erring individual himself, acting as sole judge in the appellate court.

Because the additional services, to be required, may, by distances of place, and by the casualties contemplated by the bill, become disproportionate to the strength and health of the Justices who are to perform them; the additional services being, moreover, entitled to no additional compensation, nor the additional expenses incurred to reimbursement. In this view, the bill appears to be contrary to equity, as well as a precedent for modifications and extensions of judicial services encroaching on the constitutional tenure of judicial offices.

Because, by referring to the President of the United States questions of disability in the district judges, and of the unreasonableness of delaying the suits or causes pending in the district courts, and leaving it with him, in such cases, to require the Justices of the Supreme Court to perform additional services, the bill introduces an unsuitable relation of members of the Judiciary department to a discretionary authority of the Executive department.

JAMES MADISON.

AN ACT providing for the trial of causes pending in the respective District Courts of the United States, in case of the absence or disability of the Judges thereof.

Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That, whenever satisfactory evidence shall be shown to the President of the United States, that, from the necessary absence or disability of the judge of either of the district courts of the United States, the decision of the suits or causes pending therein will be unreasonably delayed, he is hereby authorized to require the Justice of the Supreme Court allotted to that circuit, in which such district court ought, by law, to be holden, to hear and determine all such causes; and it is hereby declared to be the duty of said Justice, during the continuance of such absence or disability, to hold the said district court at such time and place at which the same is, by law, directed to be holden, and to hear and determine all suits or causes pending therein, and to do and perform all such acts, relating to the said court, which are, by law, required of the district judge: *Provided*, That the said Justice shall be authorized to adjourn the said court to such time as he shall think it expedient; and he shall, also, have authority to hold special terms of the said district court, for the trial of such causes as may arise during his exercise of the duties required by this act, whenever, in his opinion, the same shall be necessary. And the President of the United States is hereby authorized to determine when such absence or disability shall cease to exist.

H. CLAY, *Speaker of the House of Representatives.*
WM. H. CRAWFORD, *President of the Senate, pro tem.*

12th CONGRESS.] No. 316. [1st SESSION.

VIOLATION OF SECRECY RELATIVE TO CERTAIN PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 6, 1812.

Mr. GRUNDY, from the committee appointed, on the 4th instant, to inquire whether there has been any, and, if any, what violation of the secrecy imposed by this House, during the present session, as to certain of its proceedings, made the following report:

The committee to whom was referred the resolution directing an inquiry to be made, whether any, and, if any, what violation of the secrecy imposed by this House, during the present session, as to certain of its proceedings, have, according to order, proceeded in said inquiry, and beg leave to state that, under the authority with which they were invested by the House, they have caused to come before them four witnesses, whose testimony, on oath, is as follows, to wit:

Charles Prentis states that he furnished to the editors of the Spirit of Seventy-six (a paper printed in Georgetown) the paragraph giving an account of the proceedings of the House of Representatives, while sitting with closed doors, on the subject of the embargo; and he further says, that he did not receive the information, or any part thereof, which enabled him to write said paragraph, from any member of Congress, or officer of this House. Upon being interrogated, he states that he received the whole of his information from Nathaniel Rounsevell, one of the editors of the Alexandria Herald; that he received it on Wednesday, late at night, and he asked Mr. Rounsevell whether the injunction of secrecy had been removed. Rounsevell replied that he had not inquired. On Thursday morning, the witness spoke to some of the members on the subject, and, from their conduct, he was satisfied the injunction of secrecy had not been removed; notwithstanding which, the witness sent the paragraph, above alluded to, to the editors of the Spirit of Seventy-six on Thursday.

John M. Carter and James B. Carter, editors of the Spirit of Seventy-six, state that they received from Mr. Prentis, in writing, the statement which appeared in their paper; that they received no information on the subject from any member or officer of the House.

Nathaniel Rounsevell, upon being interrogated, says he composed the paragraph which appeared in the Alexandria Herald on Friday last, containing a statement of the secret proceedings of the House of Representatives upon the subject of the embargo; and that he, on Wednesday night, after the adjournment of the House, derived a part of the information, on which he was enabled to give the detailed account, from the conversation of members of the House, with whom he accidentally fell in company; that he was acquainted with the members, and they with him; they knew he was present; he partook, in some degree, in the conversation.

Question by the committee. From the conversation of what members did you collect the information of which you have spoken?

The witness refused to answer the interrogatory.

Question 2d. At what place was the conversation held?

Witness refused to answer.

Question 3d. Have you seen the members alluded to, or any of them, since you first appeared before this committee on Saturday last?

Witness likewise refused to answer this interrogatory.

12th Congress.] No. 317. [1st Session.

CUMBERLAND ROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 14, 1812.

Mr. Morrow, from the committee to whom was referred the message of the President of the United States, of the 1st ult., transmitting a report and letter concerning the proceedings under the act entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," and also a petition from a number of the inhabitants of the western counties of the State of Pennsylvania, praying that an appropriation may be made for the purpose of erecting a bridge over the Youghogany at the place where the new road crosses the said river, made the following report:

That two subjects are suggested by the said message, which require legislative provision, viz: the appropriation of $30,000 for completing the said road to Tomlinson's, where the old and new roads meet, and the granting authority to levy toll sufficient to keep the said road in repair.

The reasons assigned in favor of such provisions, by the report and letter communicated by the message, are, in the opinion of the committee, sufficient to show the expediency of the measure; they, therefore, refer the House to these documents.

It is proper, however, to state that the appropriations already made for the objects have exceeded the moneys produced by the fund pledged to defray the expense of the said road, which will appear by a letter from the Treasury Department, accompanying this report. That circumstance, as also the present state of the public finances, the necessity arising out of the existing crisis in the national concerns, for applying the public resources to objects of security and defence, have been duly considered, and whatever ground of objection to the proposed measure these considerations may afford, the committee are of opinion, nevertheless, that the advantages the public would derive from an immediate extension of the new road to where it will intersect with the old are sufficient to justify the appropriation.

They are of opinion that an appropriation for erecting a bridge over the Youghogany river would be improper at this time, because, by law, the superintendent, in making the road, has power to deviate from the original survey, only that the road shall pass through the principal points established; if, then, a bridge should be erected over the said river, that place must necessarily become fixed as a point to which the road must lead, and being many miles in advance of the parts of the road contracted for, might prove inconvenient in the further prosecution of the work. The committee respectfully submit the following resolutions:

Resolved, That $30,000, in addition to the sums heretofore appropriated, and reimbursable by the same fund, shall be appropriated for making the road leading from Cumberland to Brownsville.

Resolved, That provision be made for the levying of toll sufficient to keep the same in repair.

Resolved, That it is inexpedient to appropriate money for erecting a bridge over Youghogany river on the said road.

12th Congress.] No. 318. [1st Session.

ADMISSION OF THE MISSISSIPPI TERRITORY INTO THE UNION.

COMMUNICATED TO THE SENATE, APRIL 17, 1812.

Mr. Taylor, from the committee, to whom was referred the bill from the House of Representatives "to enable the people of the Mississippi Territory to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, made the following report:

That, in considering the subject referred to them, they could not avoid being struck with the immense size of the Territory proposed to be erected into a State, a size disproportionate to the size of any of the largest States which now compose our confederation.

It embraces, in its present form, and without any extension, to the gulf of Mexico, (as is proposed in the bill referred to us,) nearly six and a half degrees of geographical longitude, and four entire degrees of latitude, and affords an area of twice the surface of the State of Pennsylvania.

Your committee are strongly impressed with the propriety and expediency of dividing the said Territory, so as to form of the same two States, whenever the population, within the limits of each section, shall render it just and proper; and they respectfully submit to the Senate the following divisional line, between the western and eastern sections of the said Territory, viz: up the Mobile river, to the point nearest its source, which falls on the eleventh degree of west longitude from the city of Washington; thence a course due north until the line intersects the waters of Bear creek; thence down the said creek to its confluence with the Tennessee river; thence down the said river to the northern boundary line of the said Territory. By a view of the map of this country it will appear that the above divisional line will divide the Territory into nearly two equal parts, and it has, for the most part, a delineation by nature.

By the 5th section of the 1st article of the treaty of session from the State of Georgia the United States are bound to erect the said Territory into one State. It has, however, been suggested that the State of Georgia would not, upon a proper representation, withhold her consent to the proposed division.

To the end, therefore, that an opportunity may be afforded to the State of Georgia to express this consent, by a legislative act of the said State, as they shall think proper, your committee recommend that the said bill shall be postponed to the first Monday in December next.

The committee further recommend that the bill "to carry into effect the provisions of the eighth section of the act regulating the grants of lands, and providing for the disposal of the lands of the United States south of the State of Tennessee," which was also referred to the said committee, be postponed to the first Monday in December next.

12th Congress.] No. 319. [1st Session.

APPLICATION FOR THE EXTENSION OF A PATENT RIGHT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 20, 1812.

To the honorable the Senate and House of Representatives in Congress assembled, the memorial of Eli Whitney respectfully showeth:

That your memorialist is the inventor of the machine with which the principal part of the cotton raised in the United States is cleaned and prepared for market. That, being in the State of Georgia in the year 1793, he was informed by the planters that the agriculture of that State was unproductive, especially in the interior, where it produced little or nothing for exportation. That attempts had been made to cultivate cotton, but that the prospect of success was not flattering. That of the various kinds which had been tried in the interior none of them were productive, except the *green seed cotton*, which was so extremely difficult to clean as to discourage all further attempts to raise it. That it was generally believed this species of cotton might be cultivated with great advantage, if any cheap and expeditious method of separating it from its seeds could be discovered, and that such a discovery would be highly beneficial both to the public and the inventor.

These remarks first drew the attention of your memorialist to this subject, and, after considerable reflection, he became impressed with a belief that this desirable object might be accomplished.

At the same time he could not but entertain doubts whether he ought to suffer any prospect of so precarious a nature as that which depends upon the success of new projects to divert his attention from a regular profession.

About this time Congress passed a new patent law, which your memorialist considered as a premium offered to any citizen who should devote his attention to useful improvements, and as a pledge from his country that, in case he should be successful, his rights and his property would be protected.

Under these impressions your memorialist relinquished every other object of pursuit, and devoted his utmost exertions to reduce his invention, which, as yet, was little more than a floating image of the mind, to practical use; and, fortunately for the country, he succeeded in giving *form* to the conceptions of his imagination, and to *matter* a *new mode of existence;* and the *result* of this *new modification of matter* was every thing that could be wished.

After reducing his theory to practice, by effectual and successful experiments, your memorialist took out a patent. So alluring were the advantages developed by this invention that, in a short time, the whole attention of the planters of the middle and upper country of the Southern States was turned to planting the green seed cotton. The means furnished by this discovery, of cleaning that species of cotton, were at once so cheap and expeditious, and the prospect of advantage so alluring, that it suddenly became the general crop of the country.

Little or no regard, however, was paid to the claims of your memorialist; and the infringement of his rights became almost as extensive as the cultivation of cotton. He was soon reduced to the disagreeable necessity of resorting to courts of justice for the protection of his property.

After the unavoidable delays which usually attend prosecutions of this kind, and a labored trial, it was discovered that the defendants had only *used*, and that, as the law then stood, they must both *make and use* the machine, or they could not be liable; the court decided that it was a fatal, though inadvertent defect in the law, and gave judgment for the defendants.

It was not until the year 1800 that this defect in the law was amended. Immediately after the amendment of the law, your memorialist commenced a number of suits; but so effectual were the means of procrastination and delay, resorted to by the defendants, that he was unable to obtain any decision on the merits of his claim until the year 1807; not until he had been *eleven years* in the law, and *thirteen years* of his patent term had expired.

A compromise has been made with several of the States, to which your memorialist has assigned his right, and relinquished all further claim; but from the State in which he first made and introduced his invention, and which has derived the most signal benefits from it, he has realized nothing; and from no State has he received the amount of half a cent per pound on the cotton cleaned with his machine, within that State, in one year.

Estimating the value of the labor of one man at twenty cents per day, the *whole amount* which has been realized by your memorialist for his invention is not equal to the value of the labor saved in *one hour* by his machines, *now in use*, in the United States.

Permit your memorialist further to remark that by far the greatest part of the cotton raised in the United States has been, and must of necessity continue to be, the *green seed*. That, before the invention of your memorialist, the value of this species of cotton, after it was cleaned, was not equal to the expense of cleaning it; that, since the cultivation of this species it has been a great source of wealth to the community, and of riches to thousands of her citizens. That, as a labor-saving machine, it is an invention which enables *one man* to perform, in a given time, *that* which would require a *thousand men*, without its aid, to perform in the same time. In short, that it furnishes to the whole family of mankind the means of procuring the article of cotton, that important raw material which constitutes a great part of their clothing at a much cheaper rate.

Your memorialist begs leave further to state that a confident expectation that his case would be embraced in the general law which Congress has, for several years, had under consideration, has prevented his making an earlier application. That the expenses incurred by him, in making and introducing this useful improvement, and establishing his claim to its invention, have absorbed a great proportion of what he has received from those States with which he has made a compromise. That he humbly conceives himself fairly entitled to a further remuneration from his country; and that he ought to be admitted to a more liberal participation with his fellow-citizens in the benefits of his invention.

He, therefore, prays your honorable body to take his case into consideration, and authorize the renewal of his patent, or grant such other relief as Congress, in their wisdom and their justice, may deem meet and proper.

ELI WHITNEY.

Washington, *April* 16, 1812.

12th Congress.] No. 320. [1st Session.

PROPOSITION FOR TWO SUBORDINATE APPOINTMENTS IN THE WAR DEPARTMENT.

COMMUNICATED TO CONGRESS, APRIL 22, 1812.

APRIL 20, 1812.

To the Senate and House of Representatives of the United States:

Among the incidents to the unexampled increase and expanding interests of the American nation, under the fostering influence of free constitutions and just laws, has been a corresponding accumulation of duties in the several departments of the Government, and this has been necessarily the greater, in consequence of the peculiar state of our foreign relations, and the connexion of these with our internal administration.

The extensive and multiplied preparations into which the United States are at length driven, for maintaining their violated rights, have caused this augmentation of business to press on the Department of War particularly, with a weight disproportionate to the powers of any single officer, with no other aids than are authorized by existing laws. With a view to a more adequate arrangement for the essential objects of that Department, I recommend to the early consideration of Congress, a provision for two subordinate appointments therein, with such compensations annexed, as may be reasonably expected by citizens duly qualified for the important functions which may be properly assigned to them.

JAMES MADISON.

12th Congress.] No. 321. [1st Session.

FAMINE IN THE CANARY ISLANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 22, 1812.

Mr. NEWTON made the following report:

The Committee of Commerce and Manufactures, to whom was referred a resolution, instructing them to inquire whether any, and what, relief ought to be extended to the inhabitants of the Canary islands, suffering from famine, occasioned by the ravages of the locusts, have given due consideration to the same.

The committee report that the evidence submitted is not, in their opinion, sufficient to prove that a scarcity of provision prevails to such a degree as to justify them in recommending legislative interference. Had conviction been wrought on their minds that the people of the Canary islands were suffering under a severe calamity, and required prompt relief, the committee would have been as ready in recommending relief to them as they did to the distressed and afflicted people of Venezuela.

For the inspection of the House, they ask permission to present the evidence with which the committee have been furnished.

12th Congress.] No. 322. [1st Session.

COMPLAINT AGAINST HARRY TOULMIN, ONE OF THE JUDGES OF THE MISSISSIPPI TERRITORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 22, 1812.

Mr. POINDEXTER, from the committee to whom was referred the letter of Cowles Mead, Speaker of the House of Representatives of the Mississippi Territory, enclosing a presentment of the grand jury of Baldwin county, in said Territory, against the official conduct of Harry Toulmin, Judge of the district of Washington, in said Territory, beg leave to submit the following report:

That the charges contained in the presentment aforesaid have not been supported by evidence; and, from the best information your committee have been enabled to obtain on the subject, it appears that the official conduct of Judge Toulmin has been characterised by a vigilant attention to the duties of his station, and an inflexible zeal for the preservation of the public peace and tranquillity of the country over which his judicial authority extends; they, therefore, recommend the following resolution:

Resolved, That it is unnecessary to take any further proceedings on the presentment of the grand jury of Baldwin county, in the Mississippi Territory, against Judge Toulmin.

12th Congress.] No. 323. [1st Session.

CULTURE OF THE TEA PLANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 26, 1812.

SIR: HAMPSHIRE COUNTY, VIRGINIA, NEAR ROMNEY, *May* 13, 1812.

Supposing that an account of the introduction of any new species of agriculture might not be unexceptionable to the Legislature of the United States, I take the liberty of sending you an account of the progress I have made in the introduction of the *tea plant.*

Some years ago my brother went to China, in the Pennsylvania packet, from Philadelphia, and had the good fortune to procure several of the scions, or young shoots, of the tea plant, together with directions for curing the tea. As I was at Philadelphia at the time of his return, he made me a present of the plants, which I accordingly brought here and introduced on my farm. The two first years I paid no attention to its culture: but last year, having more leisure, I took the trouble to transplant fifty or sixty of the twigs, and in October to gather and preserve the leaves according to the written directions I had from him. I found it to yield at an amazing rate, and the beverage which it afforded to be superior to the best imported tea. Perhaps this may be owing to their losing their fine flavor by crossing the sea. The leaves when green are more excellent than when dry. I had first supposed that the plant would thrive best in warm, rich situations, but, on transplanting, I put some in cold, poor situations, and these yield by far the most plentiful crop. You may cut any number of twigs off the tree, or plant, and just stick them in the ground; they will take root and grow. And I have been thinking that in eight or nine years my little nursery (by clipping the branches and planting them again) might be made to afford plants enough to supply the whole United States with tea, and that at a trouble and expense which would be scarcely perceptible.

As my wagon is going down to Alexandria, I have filled a large box with earth, in which I have planted a number of the twigs, and to each of them tied a label or directions for raising the plant, and curing the leaves in the same manner as I got it from my brother; the whole of which I have directed to be left with Mr. Gray, bookseller, of Alexandria, and to be by him delivered to you or your order.

I have acted in this manner from a supposition that many of the members might be desirous of seeing this newly introduced plant, and perhaps wish to convey some of them to their places of abode, or have them planted in botanic gardens. My reason for addressing this letter to you was, that I supposed it more particularly your province than that of any other man to make the subject known to the House.

If it will be attended to, I make no doubt of the tea plant becoming a grand acquisition to the American nation, and the consciousness of having rendered my country a small service will be a sufficient reward for

Your very humble servant,

JOHN S. GRIMES.

Hon. HENRY CLAY, *Speaker of the House of Representatives.*

P. S. If no accident occurs, my wagon will leave the plants at the aforementioned place some time about the last of this month.

J. S. G.

12th Congress.] No. 324. [1st Session.

OPPOSITION OF RHODE ISLAND TO A WAR.

COMMUNICATED TO THE SENATE, JUNE 9, 1812.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,

IN GENERAL ASSEMBLY, *May session, A. D.* 1812.

Whereas, from the aspect of our foreign relations, and more especially from the character of the measures adopted, and proposed to be adopted, by Congress, during their present session, it is seriously to be apprehended that our country will soon be plunged into a ruinous war, unless a clear expression of the public opinion shall correct the dangerous and erroneous impression, which appears to have been made on the General Government, that the people are desirous of war, and do approve of the measures calculated to produce it; and whereas it is both the right and duty of the people, either immediately or by their representatives, upon occasions so important, and in times so alarming as the present, to express their sentiments upon public affairs, and also the privilege of rulers to be informed of those sentiments:

Resolved, That, for ourselves, individually, and as representatives of the freemen of this State, we deprecate at all times, and especially at a time when the pecuniary resources of the country have been exhausted and cut off, both by the depredations and sequestrations of foreign Powers, and by our own ruinous commercial restrictions; when, by the raising of a large military force, for the purpose of territorial conquests, great expenses will be incurred, and heavy burdens imposed, while, from the very limited appropriations made for the protection of commerce, and the defence of our seaports, the former will be exposed to certain capture, and the latter to invasion and pillage, thereby leaving the burdens to be borne almost entirely by the agricultural interest.

Resolved, That, from the extent of our commerce, the immediate and important interest which the whole community have in its encouragement, and the entire dependence of many of our citizens for support upon the employment it affords, the legislative restrictions upon trade operate with peculiar severity upon this State; that, from our inability to sustain the increasing burdens of war, destitute of public funds and of public lands, and depending, in time of peace, upon direct taxes for the support of our State government, the proposed land tax

and internal taxes of the United States will be exceedingly oppressive upon our citizens; and that the accessible situation and defenceless state of our harbors and seaports, and their superior eligibility, as a naval resort, for the cruisers of an enemy, rendering them exposed to invasion and liable to capture, will cause war, under such circumstances, to be ruinous to many of our towns, and eminently injurious to the whole State.

Resolved, That, when the unequalled privations, sufferings, and exertions of the citizens of this State during the revolutionary war are considered, it cannot be doubted that, whenever the country shall necessarily be involved in war, they will again exhibit the same patience, fortitude, and patriotism.

Resolved, That the Senators from this State, in Congress, be instructed, and the Representatives requested, to use their utmost endeavors to cause the legislative restrictions on our commerce to be removed; to prevent the passing of the proposed laws for imposing direct taxes; and, also, to oppose all measures which may be brought forward tending to involve the country in war.

Resolved, That, if these desirable objects cannot be obtained, and war shall appear to be unavoidable, our Senators and Representatives be instructed to represent to Congress, and to the Executive, the exposed and defenceless situation of this State, the want of arms for our militia, and the importance of our harbors and seaports to the United States; and to urge upon Government the propriety, necessity, and practicability of their defence, and to solicit and claim from them adequate and timely means of defence and security against those imminent dangers and perils to which we are to be unwillingly exposed.

Resolved, That His Excellency the Governor be requested to transmit copies of the preceding resolutions to the Senators and Representatives from this State in the Congress of the United States.

In the House of Representatives, May 9, 1812. Voted, &c. By order.

THOMAS BURGESS, *Clerk.*

In the Senate, read the same day, and concurred in unanimously. By order.

SAMUEL EDDY, *Secretary.*

A true copy. Witness: SAMUEL EDDY, *Secretary.*

12th CONGRESS.] **No. 325.** [1st SESSION.

OPPOSITION OF MASSACHUSETTS TO A WAR.

COMMUNICATED TO THE SENATE, JUNE 12, 1812.

COMMONWEALTH OF MASSACHUSETTS:

IN THE HOUSE OF REPRESENTATIVES, *June* 2, 1812.

Resolved, As the opinion of this House, that an offensive war against Great Britain, under the present circumstances of this country, would be in the highest degree impolitic, unnecessary, and ruinous; that the great body of the people of this Commonwealth are decidedly opposed to this measure, which they do not believe to be demanded by the honor or interests of the nation; and that a committee be appointed to prepare a respectful petition to be presented to Congress, praying them to arrest a calamity so greatly to be deprecated, and, by the removal of commercial restrictions, to restore, so far as depends on them, the benefits of trade and navigation, which are indispensable to the prosperity and comfort of the people of this Commonwealth.

TIMOTHY BIGELOW, *Speaker.*

To the honorable the Senate and the House of Representatives of the United States in Congress assembled: The Representatives of the Commonwealth of Massachusetts beg leave respectfully to state:

That, presuming the respectful expression of the public sentiment, from any portion of the Union, might be acceptable to Congress in the present critical state of public affairs, they trust that a communication to your honorable body of the opinions and feelings of the people of this Commonwealth, upon the momentous subject of a British war, will not be construed into a disposition to interfere with the functions of the National Government.

It is with deep regret, and with such emotions as the love of country should inspire, that we perceive the entire failure of the negotiations instituted by the National Government, with a view to obtain from the belligerent nations respect for our neutral rights, and a revocation of edicts which operate so injuriously upon our lawful commerce.

In the present unprecedented posture of Europe, we are firmly convinced that an immense majority of our constituents cannot be reconciled to the belief that an offensive war with Great Britain is demanded by the interest or honor of our country.

We presume not to enter upon a comparison of the injuries sustained by our commerce from the respective nations at war, nor to arraign the conduct which Government has seen fit to adopt in order to obtain redress. It would be foreign to our present purpose to enlarge upon the duplicity and prevarication exhibited by France in all her negotiations, which aggravate her numerous outrages, or to discuss the motives alleged by Great Britain in defence of a system of retaliation which bears with a severe pressure upon neutral rights. It is sufficient that every consideration arising from good policy, and from the duty of a nation to itself, forbids us to plunge into a war which desolates the European world, and from which it seems to have been the design of Almighty Providence to exempt us, if true to ourselves, by placing us remote from the theatre of their contentions.

An offensive war against any nation can be justified only by the reasonable motive of obtaining reparation for past injuries, or security against future dangers and aggressions. When such, therefore, is the local situation and relations of a country, that the hope of effecting either of these objects is precluded by an overruling necessity, its honor is not stained by yielding to circumstances which it cannot control; nor is the reluctance of its citizens to expose themselves in such case to the certain dangers and calamities of war, a reproach upon their want of sensibility to injury, their courage, or patriotism.

A war with Great Britain would furnish temptations to her *Government* to sequester the millions belonging to our citizens deposited in that country, and an opportunity to her navy and cruisers to sweep the ocean of the remains of our once flourishing commerce.

The conquest of Canada, the only point in which she is assailable, would afford no indemnification, if achieved, for the losses to which we should be exposed upon our unprotected seaboard, and upon the ocean. Destitute as we are of a navy, and the means of *immediate* maritime defence, we cannot perceive in what mode a war with this nation, so powerful on the ocean, can promise the attainment of its avowed object—the revocation of the orders in council. The Emperor of France having lately republished the decrees of Berlin and Milan, with renewed assurances of a determination to enforce them, and Great Britain having announced her deliberate purpose of making her orders in council commensurate with those decrees, we are impressed with a belief that a war, once begun, must be continued during the present European conflict, and perhaps abandoned, after years of disaster incident to all wars, without accomplishing the object for which it was undertaken.

We forbear to present to the consideration of your honorable body a detail of those multiplied evils which we anticipate in such a conflict, lest their magnitude and variety might be considered as calculated to depress the just confidence of the people in the national spirit and resources, and to encourage the perseverance of foreign nations in pretensions hostile to our rights. We cannot, however, but hope that Government, having tried for years a system of restrictions which has proved ineffectual in respect to foreign nations, and ruinous to ourselves, will once more restore us to our commercial pursuits, and, without abandoning just claims of reparation, will enable us to aid in those preparations which, in some more auspicious period, may afford capacity of vindicating such claims with a probability of success. And we can, upon this most solemn occasion, appeal to the Searcher of Hearts, that, in this application to your honorable body, we are influenced by no party considerations, no spirit of disaffection, no disposition to embarrass the proceedings, or reproach the motives of any of the Departments of Government. Neither do the people of Massachusetts, unmindful of the example of their ancestors, take counsel from fear. But in this last and respectful effort in behalf of their commercial rights, and to induce the national Government to pause and rescue their country from war, they are impelled by dictates of self-preservation, by their attachment to the Union, by a persuasion of the invincible and growing opposition of the people to these measures, and by duty to themselves, to posterity, and to God.

TIMOTHY BIGELOW, *Speaker.*

IN THE HOUSE OF REPRESENTATIVES, *June* 5, 1812.

Ordered, That the foregoing memorial be signed by the Speaker of the House, and, together with the resolve upon which it is founded, be forthwith transmitted to the Congress of the United States, and that the Senators and the Representatives of this Commonwealth in Congress be requested to use their utmost exertions to carry the object thereof into effect.

Attest: BENJAMIN POLLARD, *Clerk.*

12th CONGRESS.] No. 326. [1st SESSION.

INQUIRY INTO THE STATE OF THE PATENT OFFICE.—PROPOSITION TO ESTABLISH A "HOME DEPARTMENT."

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 12, 1812.

Mr. SEYBERT made the following report:

The committee to whom was referred the resolution directing them "to ascertain the number of persons employed in, and to inquire into the state and condition of, that branch of the Department of State wherein are preserved the models of machines for which patents have been granted by the United States, and whether any, and what, fees have been demanded by the clerks therein," beg leave to report, in part:

That, on the 25th day of May, 1812, your committee addressed a letter to the Secretary of State on the subject, and, on the 10th of June, 1812, received his answer, with sundry accompanying documents; all of which are herewith respectfully submitted.

Your committee accord with the Secretary of State in the opinion, that every institution ought to be comprised within some one of the departments of Government. They need not repeat the reasons assigned in his letter, and they deem any additional arguments unnecessary. That the Secretary of State must be, at all times, much occupied with the foreign concerns of the United States, must be evident to every member of the Legislature; and that our foreign relations are, in many respects, essentially distinct from many objects in the interior of our country, which are attached to the duties of this officer, must be equally apparent. These last must increase every year with the improvements and extension of our settlements: such must be the unavoidable result. Your committee, without entering into any detailed reasoning on the subject, offer, for the consideration of the Legislature, the propriety and necessity of authorizing a *Home Department*, distinct from the departments already established by law. Such departments are known to other Governments, and their benefits have been recognized in territories far less extensive than those of the United States. Your committee regret that, from an expectation of the short continuance of the present session of Congress, they cannot enter more at large into this subject, so as to urge its consideration with that weight of argument which it deserves; they will content themselves, at this time, with the bare suggestion of legislative interference being necessary.

The Secretary of State has remarked that it would be proper to extend the privilege of franking letters to the person who may be appointed to superintend the concerns of the patent establishment of the United States. Of this your committee are well satisfied. The Secretary of State is much occupied in receiving, reading, and franking letters, which he ultimately must refer to the clerk of the Patent Office. No advantage can arise from this regulation, and it is apprehended no serious evils can follow the alteration herein contemplated.

Your committee have inquired into the conduct of the clerks employed in the establishment, respecting their demand for or receipt of fees, and they are satisfied that no causes exist which can attach suspicion to their conduct in this respect. They have not been able to trace an instance where the clerks proceeded contrary to the established law on this subject. Mr. Lyon has, for some time past, been employed as an assistant clerk in the Patent Office: your committee are convinced that his services are necessary, and that he has performed his duty with propriety, without receiving a compensation for the last year; it is, therefore, recommended to Congress to pass the bill reported by the Committee of Claims for his relief.

The gross amount of fees received from the commencement of the establishment to the 31st of December, 1811, per statement B, is $49,110. Of the sums received, after deducting the amount paid for salaries to a clerk, and the moneys necessarily expended for parchment, stationary, printing, fuel, &c., there remains a balance of $25,379 34 in the Treasury of the United States, applicable to useful purposes connected with this institution. The statement B demonstrates that the amount annually received for patents issued has increased every succeeding year, and that, in the year 1811, it amounted to $6,810. From these facts your committee augur favorably as to the future. The office has done much more than to support itself: the fund thus created, if properly managed and applied, may hereafter give rise to many valuable institutions in our country. A *school of arts* may be organized by the Legislature, which will require no other pecuniary aid than will be contributed by the industrious, the ingenious, and the useful citizens of the United States.

The resolution submitted offers an extensive and fruitful field for inquiry in a national view. Your committee have ventured to trespass on the ordinary limits of a report, by entering into such details as the case admitted, and the importance of the subject demanded; they are of that class who consider a *well regulated conservatory* of the arts a highly useful institution. It may be well to ask, what is the design of a *depôt* of the models for which patents are granted? Idle curiosity alone cannot have induced the wisest Governments to take them under their special charge; if useful results had not been the consequence of such establishments, they would long since have been abandoned. In Europe experience has developed the numerous benefits which are derived from this source every year. In the subsequent part of this report your committee persuade themselves they will lay before the Legislature such details and facts, connected with our country, as will characterize the institution "a register of human industry and ingenuity." They anticipate the period when this *depôt* will constitute the basis of a *school of arts*, from whence shall emanate every class of useful citizens. In this school all children may be taught some useful trade, to the end that none may be idle, but the poor may work, and the rich, if they become poor, may not want. Your committee made a visit to the present establishment: for its various purposes the west wing of the second floor of the building, heretofore denominated Blodget's hotel, is allotted to the models. This portion of the building consists of four apartments, one of which is 56 feet by 39 feet; another 39 feet by 22 feet; the remaining two rooms 22 feet by 12 feet each, with ceilings well adapted for the purpose. Your committee propose that the two first mentioned rooms shall be appropriated solely for the placing and exhibiting of models; one of the smaller rooms to be occupied as an office by those who conduct the institution; and the other to be used for a library, to be formed of such books as may be deposited to secure the copy-right, for charts, &c.

The apartments are, at this time, in an unfinished state; workmen are employed to complete them; a sufficient appropriation for this purpose has been already made by Congress. Many models are already deposited; the manner in which they are placed tends to confusion, and to sink the establishment into contempt. All is chaos—the machines are out of repair, and so intermixed as to make them almost useless. Useful machines are thus kept from view; and, for the want of a proper catalogue, containing a general description of the models, they are not understood. By such means the most beautiful inventions have been brought to ridicule. The despatch, safety, and success of business is promoted by nothing so much as method and regularity. Every visiter ought to be able to derive benefit from this *depôt:* this can only happen where method is attended to. The subjects of this establishment admit of *classification*, according to fixed and established principles: all the apparatus used in distillation, the machines for cutting nails, for cutting files, for ginning, carding, roving, drawing, spinning, weaving, &c., should be contiguous to each other, and arranged according to the date of the patent. Placed in this manner, there would be a mass of knowledge embodied before the spectator; the arts would be easily traced; the machines would thus be advertised, as it were, and every one would go away much more informed than when they went into these apartments. The present prevalent confusion in some degree depends upon circumstances: when the machines were formerly deposited, near the Department of State, the room was much too limited; the machines were heaped together, and many of them were deranged in their several parts. The unfinished state of the present building will keep the models for a further time in a state of irregularity: it is to be hoped that habit will not operate to make this perpetual. Success in this institution depends much upon the competency of the person or persons who are to conduct it; they should be liberal in all their views; nowise ambitious to become patentees themselves; no jealousies should exist between them and inventors; to the latter every facility should be offered, and every aid given; because, often they are men of limited knowledge, and need the assistance of others in their specifications, &c. Under such guidance the institution will be promoted, and useful knowledge diffused throughout our extensive country.

To impose upon ourselves the task of proving the utility of this institution may, to many, appear idle and unnecessary. We have determined on the inquiry, and solicit your indulgence on the subject. By the acts which Congress have passed, relative to patents, it is indirectly provided that such a *depôt* shall be formed. In the United States no patent can issue to guaranty *a mere principle*, it "must be for the vendible matter;" hence the necessity of a *conservatory* to prove the facts in disputed cases; the act further requires models to be *deposited*, in such cases as the Secretary of State shall deem necessary. The arts have ever been patronised and protected by civilized nations; the ancient *republics* bestowed much upon the fine arts; at this time our object should be to promote those which are termed *useful.* Though we cannot but admire the taste and genius of a Pericles, or a Phidias, we deem it more consistent with the state of society and manners, in the United States, to mark with distinguished honors an Arkwright, a Bolton, a Watt, a Wedgewood, a Whitney, a Fulton, a Whittemore, an Evans, and a host of others, who compose the class of benefactors of the human race; their inventions not only astonish and confound by the intricacy of their structure, and the delicacy of their execution—they do more, they enrich a people, and constitute the formidable pillars of national independence; useful machinery excite human industry, circulate capital, expand the wings of commerce, and carry us to the remotest regions of the habitable world. The progress of the arts of civilization keep pace with each other; the arts are favorable to civil liberty; they alone give rise to internal improvements; and that nation is, of all others, the most certain of prosperity, by which these principles are well understood, and put into practice. America cherishes peace; circumstances may force her into a war; even in that state of things her arts will achieve more lasting advantages for her than did the conquests of an Alexander, a Cæsar, or a Zengis Khan!

Useful inventions of machines are more particularly necessary at this time in the United States, when much may depend upon our manufactures; all labor-saving machines add so much to our population. We do not dread that riot and famine will follow the introduction of such agents into our work-shops; we should do all in our power

to encourage their importation from abroad; in this respect England is an example worthy of imitation; whilst tyranny and oppression, from mistaken notions of policy, were operating with an iron hand upon the industrious in Flanders and France, England did all in her power to invite their emigration; every encouragement was given to them, and many advantages were offered; by such means did she establish her power and wealth, which, at this time, is gigantic, and threatens neutrals and herself with annihilation, from its misapplication. Our inventions keep pace with our necessities. It is not long since we dreaded the want of blankets. American genius has suggested a simple method by which a single workman can furnish twelve *per diem.* Almost every department of the mechanical arts was languishing for the want of *files;* several machines have been lately invented for cutting these highly useful instruments; with one of them a single workman may make several hundred files per day; which may be sold at prices much below the imported. Who, with a knowledge of facts like these, can deny protection and security to the useful arts? Such inventions will do more for the nation than can be effected with armies and fleets; it is certain fleets and armies cannot be supported without them.

We shall now give a short historical sketch of the subject in Europe, and then trace its progress in the United States. Two centuries have elapsed since Henry the 4th of France conceived the great design of a *conservatory* of models of whatever was curious or useful in machinery, "that all those (to use the language of Sully) who aspired to perfection might improve themselves without trouble in this silent school." The death of Henry put a stop to the execution of this scheme; in it he was followed by other monarchs, and by none with more zeal than those of France. In modern times we may refer even to the dark pages of *revolutionary* France, for many proofs of the devotion of that nation to this highly useful branch of knowledge, and at the present period the useful arts are well understood and cultivated with much success throughout that empire; liberal rewards are offered by that Government for such inventions as may prove of national benefit. The enormous sum of $183,332 is offered as a premium for a machine which will prepare and spin *flax* in as perfect a manner as is done with *cotton;* the ingenious of all nations are invited to become competitors for this prize; the Emperor has taken this department under his own direction, and no patent is granted "without a special decree from Napoleon; this arrangement gives consequence to the establishment; not content to stop here, a professor is appointed *especially* to deliver lectures on machines; he discourses on the models generally, and at stated periods accompanies his pupils to observe machines in the different workshops of Paris and its vicinity; the operations of the various manufactures are demonstrated, and a general discussion of all the principles, which are connected with the useful arts, is entered into and exemplified by practice. This institution furnishes annually a considerable number of useful members of society. In the establishment just alluded to, persons are employed, whose duty it is to form models of all such valuable machines as are deposited; these are on a regular scale, and accurate in the proportions of the several parts, so that the model will move correctly, and produce effects proportioned to its size; machines may be made from these of any dimensions. In France schools for instruction in every art and science are diffused throughout the empire; no useful branch is neglected. The teachers are very numerous, and each institution has a fixed number of pupils, who are supported at the expense of the Government; they are taught to arrange, plan, and execute all the operations which can be of use to the nation; in cases of emergency that empire may draw upon this capital stock for useful men of every description, whether it be in philosophy, the various mechanical arts, the military art, &c., &c. If the United States was equally prepared at this momentous period, much expense would have been saved to the nation, and much trouble to the Government; we repeat it, a *school of arts* is essentially necessary to our country. In the German schools they have professors, whose duties are like to those in France; at Gottingen professor Beckman, the author of three volumes of the History of Discoveries and Inventions, was employed. In England, in the Royal Institution they take a proper notice of this subject, and no one has ever visited the *depôt* of models at the *Adelphia*, without much pleasure and instruction. In Britain, where great distinctions are made in society, many persons occupy themselves with the useful arts, whose rank would seem to forbid it; several noblemen of distinction have patented useful inventions. If, then, all other nations deem it wise and essential to bestow favors in this way, shall it be said that, in the territories of the only free republic of modern times, the arts were ridiculed and neglected? This can never be the case with those who understand the true interests of the State; the national genius forbids it, and nothing can stifle this *infant Hercules* of the United States; no nation can boast of more useful inventions than those of the people of the United States; we might bring to recollection many, which alone could have resulted from the exercise of genius of a superior order. Rittenhouse contrived and set a world in motion. Whitney furnished us with a simple machine by which the people of a world are enriched and made happy. In obedience to the resolutions passed by the House of Representatives of the United States, the Secretary of State has reported that, from the 31st day of July, 1790, when the first patent issued from the office, to the 31st day of December, 1811, inclusive, one thousand six hundred and thirteen patents have been granted; of these two hundred and fifteen were for inventions patented in the year 1811. During the present year, (May, 1812,) one hundred and twenty-one patents have been already delivered; twenty are in preparation, and twenty more are suspended for the want of proper and suitable specifications; for several years past the number has increased annually, and an annual report of them has been directed to be made to Congress. This review of the progress of the arts is highly gratifying to us as citizens of the United States; we now see them flourish in situations where the footsteps of the savage have been scarcely obliterated by the busy scenes of civilized society; establishments are multiplying in all directions; nothing but time and proper encouragement are wanting to bring them to perfection. Superficial observers and persons, who are not accustomed to study, are apt to treat this subject lightly, and sink it into contempt; they undervalue inventions of every kind, and consider them more the results of chance than of mighty conceptions and painful thought; the sight of a *steam engine* in motion must convince the intelligent observer that the conception, which gave rise to this stupendous monument of human invention, is too vast for ordinary comprehension; persons thus disposed know little of the human mind; experience has not taught them the evils resulting from restless nights, and the many disappointments which await projectors; they often exclaim, what necessity or justice in granting rewards for discoveries? They say it cost nothing to effect the object; such persons have minds too limited to conceive a brilliant idea, too callous to receive a delicate impression, and a heart too cold to reward original genius. It is a habit with some to despise the knowledge of others. In answer to these declaimers we will offer the remarks of Burgh; he says, when treating of projects and schemes, "there is not one of a hundred that ever succeeds at all, nor one of many hundreds that brings their inventors any thing but disappointment and ruin. So that, we observe accordingly, whoever projects any thing new in science, in mechanics, or in trade, seldom does more than open the way for others to profit by his ingenuity." Notwithstanding experience has proved these statements beyond contradiction, many deny to inventors ordinary justice. They do not require of you to yield your privileges or property to them; they request of you simply, *to do as you would be done by*, and only to confirm them in that which has already been made theirs by the sacred decrees of the Great Creator of the universe. Too often do persons take advantage of the inventions of others, and deny them compensation; they are considered as common property. It is with difficulty that the case is brought to a decision before a court of justice, and not unfrequently the inexpediency of awarding in favor of the plaintiff is too well maintained by a jury of *interested*

persons. Our court records furnish too many instances of this kind; it becomes us to guard against them, in future, by a modification of the statute of the United States, which shall *unequivocally* secure to inventors their discoveries and inventions.

Before the adoption of the present constitution of the United States, the several States, as sovereign powers, granted patents. The framers of the constitution deemed this an object worthy their protection; and amongst the powers *delegated* by them to Congress, we find that "to promote the progress of science and the useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries." Congress, pursuant to the recited constitutional provision, enacted a law on the subject, February 21, 1793; another April 17, 1800; and, during their present session, these several acts are under consideration, to be revised and amended, according as experience may have made it necessary. By these acts the fees which are directed to be paid by the *patentee* are inconsiderable—not one-fifteenth of the amount which is paid in Great Britain. It never was contemplated to derive a revenue from this source; the original intention was to make the amount received sufficient to cover the expenses of the institution. The statements herewith exhibited prove that a *surplus fund* has accumulated in the Treasury applicable to such purposes as the Legislature shall direct.

We do not hesitate to acknowledge that patents have often issued for inventions apparently trivial and ridiculous. On this ground many object to the institution. Reflection will remove this difficulty. The patent costs the State nothing; and from trifling causes wonderful consequences have ensued. *Newton*, from observing the falling of a *pear*, deduced his brilliant theory of *gravitation;* and no year passes in which the principle inherent in a trifling machine does not give rise to many valuable applications. You cannot limit in this respect: the constitution guaranties to every one his original inventions. And no harm can result from this practice; the patentee can alone be disappointed in his expectations. No one will purchase that which he deems useless; and a very few, indeed, speculate so far as to give premiums for inventions without having previously seen their promised advantages demonstrated by practice. England sets a high value on objects of this kind. She encourages the introduction from abroad of every useful machine; and she prohibits, under heavy penalties, the exportation of such as are useful in her manufactories. In the year 1774 an act was passed "to prevent the exportation of utensils employed in the cotton manufacture" in England. Any person going from Great Britain, and who carries with him the tools and instruments of any useful art or manufacture peculiar to his native country, "must be deemed a traitor."

We can defend this branch of knowledge upon the ground of an enlarged and wise policy. Our supplies of clothing and other articles have been generally derived from British manufactories. That nation has made us tributary to her workshops, in common with the rest of mankind. This system has been carried so far as to affect the independence of the United States. We may soon be engaged in a war with that Power: propriety and necessity combine to carry us into other channels. We need not leave our shores for this purpose. Unlike Great Britain, our agriculture furnishes us more food than we can consume, and yields us the raw materials from which *that most dependent of nations* has been heretofore supplied. We only need labor-saving machines to form these into the fabrics which habit, comfort, and fashion have made necessary in civilized society. Some say this is impossible. They do not know that the greatest changes in this way have taken place in England within the last thirty years! A revolution is at this time about to take place, by which all nations will free themselves from the shackles which heretofore bound them to Great Britain, and allowed them but a nominal independence. This revolution can alone be perfected by the agency of the useful arts. Great Britain is dependent upon foreign nations for eight-tenths of the raw materials which are used in her manufactories; and the few which she derives from her internal resources are forbid to be exported. As an indulgence in this respect, in the year 1777 it was enacted by Parliament to permit "the exportation of tobacco-pipe clay," it being necessary to the sugarmakers in the West Indies. All American trade has concentred in England, whether it be to the Mediterranean, the Euxine, or the Baltic. Thus have we contributed much to the support of British fleets and armies for many years past. The great pressure occasioned by the enormous national debt of Great Britain, and the increase of the annual taxes, may cause distress, turbulence, riot, and bankruptcy—even a change of the present *dynasty* may be the consequence. All these circumstances combined will not effect the *reduction* of that gigantic Power. Changes like these experience has proved are only changes of men in power; the nation still remains compounded of the same great mass, with her capital and skill undiminished, which, by a judicious system of reform, will secure to her power and wealth. England can only be seriously affected by striking a severe blow at the roots of her industry, the great base upon which her security is founded. A war against Great Britain will be inefficient, if carried on solely by your armies and fleets. By paralyzing her arts and manufactures you destroy her vitals. The heart will be seized by a canker which will render the extremities inefficient and useless.

The effects and benefits, in a national view, resulting from the introduction of useful labor-saving machines may be traced and demonstrated in the rise and progress of the British cotton manufacture. Not longer ago than the year 1755, the cotton manufacture in England was considered "amongst the humblest of the domestic arts." The products were chiefly for home consumption. Machinery in this branch was then unknown. In the year 1750, twenty thousand persons only were employed in this way: little progress was made for several succeeding years. In the year 1806 they declared, "*there is scarcely a civilized nation on the earth that is not indebted to us for some article of this manufacture.*" Some Manchester manufacturers have furnished as many as two thousand different varieties of patterns on their cards for the continent of Europe.

In the year 1705 not more than 1,170,881 lbs. of cotton wool was imported into England; in the year 1781 it amounted to 5,101,920 lbs.; in 1810 to the enormous and incredible quantity of 135,000,000 lbs. This last fact we state upon the authority of Sir Robert Peel, the most extensive cotton manufacturer in Great Britain.

In the year 1797 the cotton branch took the lead in the manufactures of Great Britain, and continued to advance until the American and continental markets, from motives of policy, were shut against them. In the year 1809 it was calculated that this branch of industry, in Great Britain, gave employment to 800,000 persons, and that the annual value thereof amounted to 30,000,000 pounds sterling, or $132,000,000!!! The United States, for many years, received more manufactured articles from Great Britain than the whole of Europe taken together. The following statements are given from Sir F. M. Eden's Letters on British Manufactures and Commerce:

Years.		*Exports to foreign Europe.*		*Exports to the United States.*
1795,	-	£4,222,782	-	£4,892,572
1796,	-	4,497,683	-	5,835,640
1797,	-	3,732,830	-	4,871,316
1798,	-	3,981,650	-	5,313,068
1799,	-	4,543,608	-	6,696,221

England has no advantages peculiar to herself; the introduction of useful machines gave her pre-eminence; machinery enabled the people of England to sell their manufactured articles at reduced prices, and to undersell all other nations. In the year 1762 *cylinder* cards were first made use of by Mr. Peel. In the 1767 James Hargrave

made the first great improvement in the spinning of cotton, by means of machinery; and Arkwright's first patent for spinning cotton, by means of rollers, was obtained in 1769; the machine was put in motion by the application of horse power; in 1771 water was employed, and *now* that of *steam* is in general use. Improvements in this art have been carried so far, "that a pound of fine cotton has been spun on the mule into 350 hanks, each hank measuring 840 yards, and forming together a thread 167 miles in length!" A single pound of cotton yarn, in England, has commanded the extravagant price of five guineas; so much has machinery added to the original value of the raw material, which, on an average, may be rated at twenty cents per pound. England, from these causes, progressed more in the last fifty years of the eighteenth century than she did in any equal number of years in any former century. In the time mentioned, the most useful inventions were brought to light, and made perfect; with the arts the nation flourished, and assumed the form of a political *Colossus*.

We need not abandon our country to seek for examples where a nation has been benefited and enriched by the genius of her citizens; we could specify many instances of the kind; on this occasion, however, we will content ourselves with a consideration of that of Mr. Eli Whitney, a native of the State of Massachusetts. It is to his *cotton gin* that many in the United States owe their wealth and comforts; but for this, or some equivalent instrument, poverty, barrenness, and waste, would infest an extensive and valuable portion of the United States. The opinion of Judge Johnson, an inhabitant of South Carolina, is too appropriate to be omitted; in deciding in the case of Whitney *vs.* Carter, he proceeded: "With regard to the utility of this discovery, the court would deem it a waste of time to dwell long upon this topic. Is there a man who hears us who has not experienced its utility? The whole interior of the Southern States was languishing, and its inhabitants emigrating, for want of some object to engage their attention and employ their industry, when the invention of this machine at once opened views to them which set the whole country in active motion. From childhood to age it has presented us a lucrative employment. Individuals who were depressed with poverty, and sunk in idleness, have suddenly risen to wealth and respectability. Our debts have been paid off, our capitals increased, and our lands are trebled in value. We cannot express the weight of obligation which the country owes to this invention; the extent of it cannot now be seen." Edwards, in his History of the West Indies, says the *green seed* cotton offers many advantages to the manufacturer; but, for the want of a proper instrument to separate the wool from the seed, "the value of the commodity is not equal to the pains that are requisite in preparing it for market." Before the gin was invented, this species of cotton was only cultivated for domestic purposes, and for supplying wick for the lamps that are used in sugar boiling. Formerly, cotton wool was imported into the United States; that obtained from the British West India possessions, on an average of three years from 1768 to 1771, amounted to one hundred and sixty-seven thousand seven hundred and forty-eight pounds; and from other places, two hundred and sixty-six thousand one hundred and eighty-two pounds. In 1783, after the peace with Great Britain, it was proposed we might furnish ourselves with the necessary quantity of cotton wool from the Dutch settlements at Surinam; no one then imagined it could be cultivated in the United States to be made an object of commerce. In 1791 it was proved that cotton might be cultivated to advantage in the United States; in this same year nineteen thousand two hundred pounds, the growth of the United States, was shipped to Europe, and the want of a machine to separate the wool from the seed was soon found to be essentially necessary. But for the invention of Whitney, which was brought to perfection in the year 1793, the United States would have continued to be *importers* of this article. The annual quantity made increased every year, until, in 1810, we exported, of the growth of the country, ninety-three million two hundred and sixty-one thousand four hundred and sixty-two pounds, of which quantity eighty-four million six hundred and fifty-seven thousand and seventy-eight pounds, only, were Sea Island or long staple. Besides the quantity exported, sixteen million pounds of the short staple are annually consumed in our country, which give an annual crop of one hundred million pounds. This, at fifteen cents per pound, presents us with an annual income of fifteen million dollars. If the *saw gin* of Whitney had not been brought to light, the green seed cotton could only be cultivated by those planters who have a superabundant number of laborers on their plantations, to give them employment at times when they otherwise would have gone idle. Sea Island cotton can only be raised in a very limited district of the Union, and it is not so fit for all purposes as the other species. By hand, an industrious man may pick one pound of cotton per day; a machine of a moderate size, attended by a boy to feed it, will do the same for one thousand pounds per day. Horse, water, or steam power may be applied; one man may readily attend ten of these; the quantity they would furnish for packing is incalculable. The facts we have just stated are known to all our cotton planters; such of them as are connected with commerce, are derived from the Treasury reports and books of authority on the subject. We could mention many other instances where valuable machines have benefited the United States; this is considered superfluous. Your committee, for the reasons which they have already assigned, must remain satisfied with offering this *report*, in part, for the present; had time and circumstances permitted, they would have presented for your consideration a detailed system, with rules and regulations for its execution; they indulge in the hope to furnish these at a more suitable time.

ADAM SEYBERT, *Chairman*.

SIR: COMMITTEE ROOM, *May* 25, 1812.

The following resolution was adopted by the House of Representatives, viz: "*Resolved*, That a committee be appointed to ascertain the number of persons employed in, and to inquire into the state and condition of, that branch of the Department of State wherein are preserved the models of machines for which patents have been granted by the United States, and whether any, and what, fees have been demanded by the clerks therein."

The committee have instructed me to request of you any general observations which you may think proper to communicate respecting the patent establishment of the United States; whether any necessary alterations in the act authorizing the establishment have suggested themselves to you; the amount of fees authorized by law; and if any instances are known where extra fees have been demanded or received by the clerks, or persons employed in that branch of the Department of State;

What has been the gross amount of fees received for patents granted from the commencement of the establishment to the 31st day of December, 1811; what amount has been expended in support of the establishment; whether a separate account is kept of the moneys received and expended for the establishment; is there a balance unexpended; if so, what is the amount thereof?

The committee regret, at this time, to give you the trouble imposed by the above queries, because they are convinced other objects, more immediately connected with the Department of State, demand your serious attention; nevertheless, this occasion may enable you, by a proper representation, to separate the patent establishment from the Department of State, and to afford you an opportunity to suggest an organization more proper than the present for the depôt of models.

I have the honor to be, &c.

ADAM SEYBERT, *Chairman*.

Hon. JAMES MONROE, *Secretary of State*.

SIR: DEPARTMENT OF STATE, *June* 10, 1812.

I have had the honor to receive your letter of the 25th ultimo, and regret that other duties of the office, particularly connected with the present state of public affairs, should have pressed so heavily upon me as to have rendered it impossible to give it an earlier answer.

Your inquiries point to two principal objects; first, the organization of the patent establishment; and, secondly, the conduct of the officers now employed in it, in respect to the fees which they have received for their services.

On the first head, the organization of the Patent Office, you wish me to state whether, in my opinion, some essential change in it might not be made with advantage, and, particularly, whether it ought not to be separated from the Department of State?

In meeting this inquiry, I am naturally led to examine another question, whether the Patent Office might not be independent of every Department of the Government, and amenable to the President only? If this is believed to be the case, its separation from the Department of State necessarily results from it.

I have always thought that every institution, of what nature soever it might be, ought to be comprised within some one of the Departments of Government, the chief of which only should be responsible to the Chief Executive Magistrate of the nation. The establishment of inferior independent Departments, the heads of which are not, and ought not to be, members of the administration, appears to me to be liable to many serious objections, which will doubtless occur to you. I will mention the following only, first, that the concerns of such inferior Departments cannot be investigated and discussed with the same advantage in the meetings and deliberations of the administration, as they might be if the person charged with them was present. The second is that, to remedy this inconvenience, the President would, necessarily, become the head of that Department himself, and thus be drawn into much investigation, in detail, that would take his attention from more general and important concerns, to the prejudice of the public interest.

Supposing the general organization of the Departments of Government to remain as they are, I am not aware that the Patent Office could, with more propriety, be attached to either of the other Departments than to the Department of State. I must, however, observe that I am conscious that I have not been able, since I have had the honor of being employed in this Department, to pay to the Patent Office all the attention which it is, at all times, my desire to bestow on any portion of the public duties confided to me. The foreign concerns of our country constitute, in themselves, a sufficient trust for the person at the head of this Department. They are very extensive, complicated, and important, and are becoming more so daily. The growth and rising importance of the United States necessarily produce that effect, but the Department of State is also charged with a correspondence with the Territorial Governments, Governors of the several States, &c.

If the Patent Office remains attached to this Department, or is placed under either of the other Departments, I think that the person employed at its head ought to have the power of franking letters. It would save to the Secretary of the Department much time in receiving and forwarding letters to that office, and franking letters from him. The business of the Patent Office would also be much facilitated thereby.

These remarks, you will readily perceive, are written in too much haste to give that aid on the subject that I should be happy to afford.

I have to observe that I have inquired into the conduct of the officers employed in the Patent Office, respecting the fees they have received, and that I have cause to be well satisfied with it. The committee will doubtless make further inquiry into the subject. I refer you to a statement on this point from Doctor Thornton, marked A. The fees allowed by law are confined to the Treasury fee of $30, and the copying fees, mentioned in the eleventh section of the patent law, 2d vol. of the Laws of the United States, are twenty cents for every hundred words, and two dollars for the copy of every drawing.

The gross amount of fees received for patents, granted from the commencement of the establishment to the 31st day of December, 1811, is $49,110. The particular statement is given in the accompanying paper B.

I do not know of any expenditure in support of the patent establishment, except what may have been absorbed in the unfinished preparation of two rooms for the models in the hotel; but as these expenditures include also the repairs of the building, and preparations for the General Post Office, I can only give the aggregate sums expended, which amount to $3,579 32. Whatever was expended previous to the removal of the office, was for stationary, cases, &c., which were in common with other objects of the Department of State, and paid for by the contingent fund. If the salary of Doctor Thornton should be considered as applicable, I enclose a statement of his salary till the end of the year 1811, C. Mr. Lyon's salary, from the 1st of June, 1810 to 1st of April, 1811, paid, amounts only to $416 66.

There is no account kept in the Department of State of the receipts and expenditures of the patent establishment, because the fees are paid immediately into the Treasury of the United States, and an annual report made thereof, from which the statement B is taken.

In reply to your last inquiry, I beg leave to refer to the paper marked D. It may be proper to observe that, prior to the year 1802, the patents for useful inventions were made out by the clerks employed in the general business of the Department, and that, therefore, the expense to the public attending the issuing of them cannot be precisely stated. Since that period a more satisfactory estimate can be made; even this last estimate is founded, in part, on conjecture, as a separate account has not been kept of the stationary, fuel, &c., used in the Patent Office.

I have the honor to be, very respectfully, sir, your obedient, humble servant,

JAMES MONROE.

The Hon. Dr. SEYBERT.

A.

I do solemnly affirm and declare, that, to the best of my knowledge and belief, Mr. Lyon has never demanded nor received any fees for business done in the Patent Office; nor has he ever demanded, to the best of my knowledge and belief, more than the law allows, viz: twenty cents for every copy of one hundred words, (see Laws of the United States, vol. 2, page 206, section 11,) and only for copies written in his private hours.

I do further solemnly affirm and declare, that I have been in public offices of the United States nearly eighteen years, and that I never received, while in any office to which a salary was attached, a single fee. I was appointed in 1794, by General Washington, a commissioner of the city of Washington, with a salary of $1,600 per annum, and remained till the Board was dissolved by the Honorable the Congress. I was, on Mr. Adams's retiring from public life, appointed one of the justices of the peace, and confirmed by Mr. Jefferson. The fees of office I received as the laws allowed, (for there was no salary,) and I have continued to serve in that capacity till the present time; but during this service the Congress enacted a law that no magistrate of the United States should be entitled to a fee. On this every justice of the peace between the capitol and Georgetown resigned, but myself; and though I

supposed that the law could not affect those who were previously appointed, and the same opinion governed the conduct of others who took fees, yet so unwilling was I to do any thing that could show the least inclination to violate what might be the intention of the representatives of the people, that, from that moment, I refused to receive fees, and had the whole duties to execute, between the capitol and Georgetown, which were exceedingly harassing; nor did I receive a single fee, during my services, for four years, except one, at the time a pauper was at my door, that I might give it to him. I was appointed in the latter end of the year 1802 to my present duties, by the present President, then Secretary of State, and, as the receipts of patents the preceding year did not much exceed $1,400, I could not, with propriety, receive more; but the President, Mr. Jefferson, appointed me one of the Commissioners of Bankruptcy, which he supposed, with my duties as a magistrate, would altogether give me $2,000 per annum, at least. That office ceased in about a year and a half, in which time I did not, I believe, receive $150; for, in many hard cases, I thought it only increasing distresses already sufficient, and I declined the fees. The duties of my present office have been increasing, till they have become truly oppressive, and require more aid.

The present President, when Secretary of State, thought me entitled to an increase of salary, before he left that office, and paid me the two last quarters, at the rate of $2,000 per annum. The late Secretary of State made a representation to your honorable body in my favor, and wished that salary to be continued, which he gave me in a memorandum from the 1st of June, 1810. (Original in the hands of the honorable Mr. Cheves, chairman of the Committee of Ways and Means.)

The present Secretary of State has done me the honor not only to express this opinion to me, but likewise to the Congress, and he would have continued that salary to me, if his predecessor had, by a more explicit estimate, obtained sufficient funds from the Congress; but more assistance in the Department of State being required, the funds fell short, and, consequently, my regular salary, for some quarters back, was discontinued; and I can truly state that the consequent embarrassment has reduced me to the necessity of borrowing small sums for support, and at the same time I have returned many fees of five and ten dollars at a time; for I could not be induced, by any distress, to break through the rule that has always governed my official conduct, of never receiving a fee.

WILLIAM THORNTON.

B.

Statement of the fees received on letters patent.

1793.	For fees on letters patent,	-	$660		1803.	For fees on letters patent,	-	$2,910
1794.	" " -	-	570		1804.	" " -	-	2,670
1795.	" " -	-	600		1805.	" " -	-	1,710
1796.	" " -	-	1,380		1806.	" " -	-	2,400
1797.	" " -	-	1,470		1807.	" " -	-	2,850
1798.	" " -	-	870		1808.	" " -	-	4,860
1799.	" " -	-	1,260		1809.	" " -	-	6,690
1800.	" " -	-	1,230		1810.	" " -	-	6,660
1801.	" " -	-	1,410		1811.	" " -	-	6,810
1802.	W. Thornton was appointed during this year. - - -		9,450 2,100					$49,110

Extract from the books of this office:

For the Register,
JOS. STRETCH.

TREASURY DEPARTMENT, REGISTER'S OFFICE, *April* 16, 1812.

C.

To William Thornton, for his services in the Patent Office of the Department of State.

1803.	January 6, - -	$700			1808.	January 28, - -	$350 00	
	April 6, - -	350				April 19, - -	350 00	
	July 16, - -	350				July 16, - -	350 00	
	October 7, - -	350				October 24, - -	500 00	
			1,750					1,550 00
1804.	January 6, - -	350			1809.	January 11, - -	500 00	
	April 4, - -	350				April 19, - -	500 00	
	July 11, - -	350				October 18, - -	700 00	
	Oct. 11, - -	350						1,700 00
			1,400		1810.	January 3, - -	342 50*	
1805.	January 3, - -	350				April 10, -	350 00*	
	April 3, - -	350				July 7, - -	399 98*	
	Oct. 17, - -	700				October 2, - -	500 00	
			1,400					1,592 48
1806.	April 22, - -	700			1811.	January 4, - -	500 00	
	July 7, - -	350				April 2, - -	500 00	
	Nov. 11, - -	350				July 10, - -	500 00	
			1,400			Nov. 2, (deficiency $225,)	275 00	
1807.	March 21, - -	350						1,775 00
	April 18, - -	350						
	July 7, - -	350			1812.	January and April—nothing received.		
	Oct. 15, - -	350						
			1,400		* Deficiency in consequence of the want of appropriation, &c.			

Extract from the books of this office:

For the Register,
JOS. STRETCH.

TREASURY DEPARTMENT, REGISTER'S OFFICE, *April* 16, 1812.

D.

There has been received at the Treasury, as appears by the paper marked C, on letters patent for useful inventions, from the year 1793 to 1801, inclusive, the sum of - - - $9,450
Expense attending the issuing these patents, supposed to be about - - 7,357
2,093 00

Since the year 1802, when Dr. Thornton was exclusively charged with that business, to the end of the year 1811, there has been received, - - $39,660 00
His salary, including what was paid a clerk, as an assistant, amounts to $14,373 66
Supposed expenditures incurred by the office for parchment, printing, &c., 2,000 00
16,373 66
23,286 34

Amount of nett revenue derived from the Patent Office, - - $25,379 34

12th Congress.] No. 327. [1st Session.

SUNDAY MAILS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 15, 1812.

Mr. RHEA made the following report:

The Committee on the Post Office and Post Roads, to whom was referred the memorial of the General Assembly of the Presbyterian Church in the United States of America, have had the same under consideration, and do respectfully report:

That, heretofore, during the present session of Congress, petitions of the Synod of Presbyters, and other citizens of several Christian denominations, residing in the western part of the United States, were referred to the Committee on the Post Office and Post Roads; that the prayers of the said petitions were, in their object, design, and end, similar to that of the memorial of the said reverend General Assembly; that your committee, after having had the aforesaid petitions under consideration, reported thereon on the third day of January last past:

"That, however desirable it would be to advise the adoption of such regulations, relative to the carrying and opening of the mail, as might meet the views of the venerable Synod of Pittsburg, and the other petitioners, your committee cannot, at this peculiar crisis of the United States, recommend any alterations in the law regulating the Post Office establishment, and do respectfully submit the following resolution:

"*Resolved*, That the petitioners have leave to withdraw their petitions."

And the same resolution was afterwards concurred in.

Your committee further report, that there doth not appear any reason to induce a change or alteration of the report made in the case of the petition of the venerable Synod of Pittsburg; nor hath any reason occurred to induce your committee to report on the memorial now under consideration, different from the report on that petition; they do, therefore, respectfully submit the following resolution:

Resolved, That the memorialists have leave to withdraw their memorial.

All which is respectfully submitted.

12th Congress.] No. 328. [1st Session.

ESTABLISHMENT OF A FIRST MERIDIAN FOR THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JULY 3, 1812.

The SECRETARY OF STATE, to whom was referred, during the last session of Congress, the memorial of William Lambert, with sundry papers and astronomical calculations, relating to the establishment of a first meridian for the United States of America at the permanent seat of their Government, which accompanied the same, has examined the said memorial and papers, and thereupon respectfully reports:

That it is with diffidence he undertakes to give an opinion on any part of the subject submitted to him, and that he does it only from a sense of duty, in conformity with the reference of the House of Representatives.

That the principal object of the submission of these papers to the Department of State, seems to have been to obtain from it a report as to the policy, in a national point of view, of establishing a first meridian in the United States at the seat of their Government, and not as to the accuracy of the observations and calculations already made, respecting such a meridian.

To do justice to the latter, or scientific part of the subject, would require a profound knowledge of astronomy and mathematics, in the higher branches, to which the Secretary does not pretend. The House will be aware, that a knowledge so comprehensive cannot be acquired without much labor, in a long course of study, uninter-

rupted by other duties. These advantages the Secretary has not enjoyed. Had, however, his past studies qualified him for this part of the subject, his duties, since he came into this Department, have rendered it impossible for him to bestow that attention on it which, under any circumstances, would have been necessary.

In examining the papers submitted, it appears that the subject has already engaged the attention of a select committee of Congress, to whom they were originally referred, and who have, in a learned report, bearing date on the 28th of March, 1810, (see No. 277,) unequivocally expressed their opinion in favor of the proposed measure, in the following terms:

"That, situated as we are, in this western hemisphere, more than three thousand miles distant from any fixed or known meridian, it would be proper, in a national point of view, to establish a first meridian for ourselves; and that measures should be taken for the eventual establishment of such a meridian in the United States; and also, that no place, perhaps, is more proper than the seat of Government."

The Secretary of State has no hesitation to declare his accord with the committee, in their opinion, in favor of the establishment of a first meridian for the United States, and that it should be at the city of Washington, the seat of their Government.

The advantages of a first meridian are known, even to those who know least of the science on which it depends. To doubt it, would be to doubt the advantage of longitude, which regulates every movement on the ocean, and the divisions and sub-divisions; in short, the correct admeasurement of every part of our globe. All nations have agreed in the propriety of establishing a first meridian. Every mariner at sea, from the time he leaves port, begins to calculate his distance by reference to some fixed meridian; and every astronomical observer on land, in making his calculations, obeys the same rule.

Scientific men agree that it would be of advantage to science, if all nations would adopt the same first meridian; and before the discovery of the new world this was the case. It appears that the ancient geographers had adopted, for their first meridian, a line passing through the most distant of the Fortunate or Canary Islands, because it was the most western land then known. It appears, also, that the changes which the ancients made in their first meridian, of which there were several, were made in consequence of the discovery of the neighboring islands, which were still more to the westward, and on the principle of passing it through the most western point with which they were acquainted. But after the discovery of America, which banished the idea of the most western limit, that of a general meridian gradually lost ground; and, latterly, it has been completely abandoned. The great maritime and commercial nations of Europe have respectively established first meridians of their own; England, hers at Greenwich; France, hers at the observatory at Paris; and several other nations, at some fixed point, within their respective limits. Since the period alluded to, the establishment of a first meridian for themselves has become, by the usage of nations, an appendage, if not an attribute of sovereignty.

The United States have considered the regulation of their coin, and of their weights and measures, attributes of sovereignty. The first has been regulated by law, and the second has occasionally engaged their attention. The establishment of a first meridian appears, in a like view, to be not less deserving of it, at least until, by common consent, some particular meridian should be made a standard.

In admitting the propriety of establishing a first meridian within the United States, it follows that it ought to be done with the greatest mathematical precision. It is known that the best mode, yet discovered, for establishing the meridian of a place, is by observations made on the heavenly bodies; and that, to produce the greatest accuracy in the result, such observations should be often repeated, at suitable opportunities, through a series of years, by means of the best instruments. For this purpose an observatory would be of essential utility. It is only in such an institution, to be founded by the public, that all the necessary implements are likely to be collected together, that systematic observations can be made for any great length of time, and that the public can be made secure of the result of the labors of scientific men. In favor of such an institution it is sufficient to remark, that every nation which has established a first meridian within its own limits has established, also, an observatory. We know that there is one at London, at Paris, Cadiz, and elsewhere.

With respect to the accuracy of the observations and calculations referred to this Department, the Secretary of State is too conscious of the incompetency of his knowledge to venture to give an opinion. He is satisfied, from that cause, that the most favorable one could be of no advantage to the memorialist. The committee have borne testimony in favor of his industry and talents. The Secretary of State takes the liberty to remark only, that Mr. Lambert, in bestowing much attention on the subject, as he evidently has done, and in submitting it to the consideration of Congress, has given a proof of his patriotism.

All which is respectfully submitted.

JAMES MONROE.

[NOTE.—See reports, Nos. 332 and 386.]

12th CONGRESS.] No. 329. [2d SESSION.

PRESIDENT MADISON'S SIGNATURE WITHHELD FROM THE BILL "SUPPLEMENTARY TO THE ACTS HERETOFORE PASSED ON THE SUBJECT OF A UNIFORM RULE OF NATURALIZATION."

COMMUNICATED TO CONGRESS, NOVEMBER 6, 1812.

NOVEMBER 5, 1812.

To the Senate and House of Representatives of the United States:

The bill entitled "An act supplementary to the acts heretofore passed on the subject of a uniform rule of naturalization," which passed the two Houses at last session of Congress, having appeared to me liable to abuse by aliens having no real purpose of effectuating a naturalization, and, therefore, not been signed, and having been presented at an hour too near the close of the session to be returned with objections for reconsideration, the bill failed to become a law.

I recommend that provision be now made in favor of aliens entitled to the contemplated benefit, under such regulations as will prevent advantage being taken of it for improper purposes.

JAMES MADISON.

12th Congress.] No. 330. [2d Session.

HIGHLAND TURNPIKE ROAD IN NEW YORK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 15, 1813.

Mr. Mitchell, from the select committee, to whom was referred the memorial of the president, directors and company of the New York Highland Turnpike, made the following report:

For the reasons and considerations therein stated, the memorialists ask the aid of twenty thousand dollars, or some other adequate contribution, for the purpose of building a bridge, and completing a road through the chain of mountains on the east side of Hudson river, between the cities of New York and Albany.

They urge in favor of their request, that the mail will be transported with greater speed, and troops and ordnance enabled to travel with additional ease, after the meditated improvements shall be completed. Indeed, they wish it to be patronized as a *military way*.

During the last session of Congress it was decided, after a fair and careful inquiry, that it was not expedient to make grants of land or money, for canals or similar conveyances, in the existing state of the treasury and our public affairs.

The committee have not been able to discover any thing in the memorial before them, entitling it to a preference over many others which have been laid aside.

It is hoped the time is not far distant, when the road of the memorialists, and numerous travelling routes besides, may be improved by a liberal extension of the national means. But the present does not appear to be the convenient season. At a more opportune moment, and in a more favorable condition of the finances, the committee anticipate a facilitated intercourse through various tracts of this extensive country, binding its citizens together by strong and increasing ties of convenience and interest. In this excellent work they have no doubt the memorialists will be considered and assisted.

In the mean time, it is

Recommended, That the memorialists have leave to withdraw their papers.

12th Congress.] No. 331. [2d Session.

APPROVAL OF THE MEASURES OF THE FEDERAL GOVERNMENT BY OHIO.

COMMUNICATED TO THE SENATE, JANUARY 19, 1813.

Sir: Chilicothe, *January* 10, 1813.

I have the honor to transmit you the enclosed declaration,

And am, with high esteem, your obedient servant,

R. J. MEIGS.

Hon. the Speaker *of the Senate of the United States.*

Declaration and Resolves of the General Assembly of the State of Ohio.

It has pleased Divine Providence that this General Assembly should convene under circumstances new, replete with interest, and of great national concern. While the moral and political convulsions of Europe have shaken empires from their centre, this nation has, alone, pursued a peaceful policy. It has grown in wealth, it has increased in importance, until its power has become a cause of jealousy among the nations of the old world, and its wealth has but too effectually invited their rapacity.

Endeavoring to surmount injustice, with its view fixed on peace, and with exertions never suspended, the American administration has been determined, if practicable, to elude the evils of war. Mildness has characterized its manner, and justice has been its whole demand: but forbearance has been in vain. Forgetting the principles of justice, and regardless of our unquestioned rights, the great contending Powers of Europe have reduced plunder to system, and, in that system, unremittingly persevere. Nor is this all: the British nation has superadded personal oppression, and the cruel enslavement of our citizens; and, even when professedly at peace with the United States, she has been perfidiously accessary to the murder of our frontier inhabitants, by instigating and aiding her savage allies, whose cruel mode of warfare is disgraceful to humanity. Still was she invited to be just. While the sword was yet starting from its scabbard, the olive branch was cordially offered to the enemy; but this offer is refused, and the only republic which has survived the general wreck of nations is in open war.

Impressed with a full conviction that the war in which this nation is involved is, on our part, just and necessary; that the course pursued by the administration, in recommending the measure, and its mild, conciliatory, and continued efforts to secure to this nation an honorable peace, merit the entire approbation of this General Assembly; and that not only the honour and dignity of this people, but its continuance as a free and independent nation, depend upon a vigorous prosecution of the war: therefore

Resolved, by the General Assembly of the State of Ohio, That, in the name, and in behalf of our constituents, we pledge ourselves to aid the National Government, in the present emergency, to the extent of our resources; and we do this in the hope that the goodly heritage of our freedom may descend from us to posterity, as we received it, excellent and unimpaired.

Be it further resolved, That we have seen, with emotions of much concern, the protracted delay of the French Government to render justice to this nation for its outrageous depredations upon us, and that we will afford to

the constituted authorities, in whose wisdom and firmness we place confident reliance, our utmost support in their efforts to sustain the honor of the nation, and to obtain suitable amends for its injuries.

Be it further resolved, That, in the opinion of this General Assembly, every republic is now peculiarly called upon, by all honorable and honest motives, to sacrifice, at the shrine of his country, political dissensions and personal animosities, and, with united efforts, to rescue from danger that civil and political liberty, for which our fathers so arduously struggled and so freely bled.

Be it further resolved, That the Governor be requested to transmit to the President of the United States, to the President of the Senate, the Speaker of the House of Representatives, and to our Senators and Representatives in Congress, one copy each of the foregoing declaration and resolutions.

JOHN POLLOCK, *Speaker of the House of Representatives.*
THOMAS KIRKER, *Speaker of the Senate.*

Attest: R. OSBORN, *Clerk of the House of Representatives.*
C. A. NORTON, *Clerk of the Senate.*

JANUARY 4, 1813.

12th CONGRESS.] No. 332. [2d SESSION.

NATIONAL OBSERVATORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 20, 1813.

CAPITOL, *January* 20, 1813.

Mr. MITCHELL, from the committee, to whom was referred, on the 8th December, a letter from the Secretary of State to the Speaker of the House of Representatives, on the subject of William Lambert's memorial, made the following report:

On the 27th December, 1809, Mr. Lambert addressed the House of Representatives upon the expediency of establishing a first meridian for the United States at their permanent Seat of Government. This was ordered for consideration to a select number of gentlemen, who, on the 28th March, 1810, [see No. 277,] laid upon the table an able and learned opinion, accompanied with scientific calculations illustrative of the object. They concluded their investigation by recommending that provision should be made, by law, for determining, with the greatest accuracy, the distance between the city of Washington and Greenwich in England, and that the proper instruments should be procured.

Afterwards, on the 23d January, 1811, the memorial was referred to a select committee; and, on the 23d of the ensuing February, that committee was discharged, and the memorial referred to the Secretary of State for his consideration.

Conformably to the desire of the House, that officer wrote to the Speaker a letter which, after having been read, on 3d July, 1812, [see No. 328,] was ordered to lie on the table. That letter was, on the 8th December last, ordered to the present committee, who have diligently weighed the matters which it contains.

It is their opinion that astronomical observations are highly useful to a navigating and commercial people, already eminent for their progress in science and the arts, and who are laboring for the completion of their national dignity and splendor.

The most ready method of obtaining the information to be derived from noting the phenomena of the heavens, is by the establishment of an observatory. This may be erected at the city of Washington. By such an institution, means may be adopted not only to fix the first meridian, but to ascertain a great number of other astronomical facts and occurrences through the vigilance of a complete astronomer.

In behalf of the committee,

SAMUEL MITCHELL, *Chairman.*

[See reports, Nos. 277 and 386.]

12th CONGRESS.] No. 333. [2d SESSION.

LIST OF PATENTEES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 22, 1813.

SIR: DEPARTMENT OF STATE, *January* 13, 1813.

In pursuance of the resolution of the House of Representatives of the United States, dated January 13, 1812, I have the honor of transmitting a list of the names of persons who have invented any new or useful art, machine, manufacture, or composition of matter, or any improvement thereon, and to whom patents have been issued for the same, from this office, from the first day of January, 1812, to the 1st day of January, 1813, with the dates, and general objects of such patents, and, also, the residence of the patentees, as far as they could be ascertained.

I have the honor to be, sir, with the greatest respect, your obedient servant, &c.

JAMES MONROE.

To the Hon. the SPEAKER
of the House of Representatives of the United States.

LIST OF PATENTEES.

Inventions.	When issued.	Names of patentees.	Residence of patentees.
	1812.		
In the structure of beehives,	Jan. 6,	Timothy Stanly,	Farmington, Hartford, Conn.
In flyers for spinning cotton yarn,	6,	Azariah Walton,	Keene, Cheshire co. N. H.
A restorative elixir,	6,	Hervey Frink,	Northampton, Hamps. Mass.
In the loom,	6,	Richard Crosbie,	Newark, New Jersey.
A hydro pneumatic engine,	6,	Richard Crosbie,	Newark, New Jersey.
In the pump,	6,	Jonathan Evans,	Whites Town, Oneida county, New York.
A steam drawer kitchen, or apparatus for cooking,	6,	John Bouis,	Baltimore.
In converting pig iron into steel,	6,	Enoch Leonard,	Canton, Norfolk co., Mass.
An improved easy draught bedstead,	6,	Peter Tilton Walcott,	Monmouth co., New Jersey.
In the art of tanning,	10,	Joseph Barker,	Deerfield, Oneida co., N. Y.
A febrifuge,	11,	Asa Johnson,	Northumberland co., Penn.
In the net or seine, for taking shad or other fish,	11,	Samuel May,	Columbia, Lancaster, Penn.
A cylindrical frame for roving and spinning flax or hemp,	11,	William Giffen,	New York.
A machine for rolling wire,	11,	James Howell,	Philadelphia.
A new species of plant applicable to many uses, particularly for the uses of flax and hemp, &c.	11,	Charles Whitlow,	New York.
In cutting and heading nails,	11,	Josiah White,	Philadelphia.
A mode of teaching to write,	11,	Samuel Randall,	Warren, Bristol county, R. I.
In the construction of the plough,	11,	John Klay,	Frederick county, Maryland.
In the plough,	11,	Roswell Tousley,	Cayuga county, New York.
In the fanning mill,	15,	Thomas S. Barnum,	Sharon, Litchfield co., Conn.
A swinging keel,	15,	Josiah Beale,	Alexandria.
A machine for cutting files,	16,	Morris Burke Belknap	Brimfield, Hamp. co., Mass.
A machine for spinning cotton, wool, flax, and tow.	16,	Gilbert Brewster, Guy Trumbull, and James Mathes,	Barre, Orange co., Vermont.
A saveall for saw-mills,	18,	Josiah Hart & Lester Fling,	Cheshire, New Hampshire.
A machine for cleaning and picking cotton and wool,	18,	Ephraim Raymond,	Norton, Mass.
In the construction of coaches and other carriages,	21,	Frederick Biemler,	New York.
In the composition of materials for the manufacturing of hats,	23,	Frederick Messer,	Guildhall, Essex co., Ver.
In the art of weaving,	23,	Job Rood,	Canterbury, Windham, Conn.
In manufacturing flour,	27,	Joseph Rich,	Madison county, New York.
A metallic case or stove for kettles, boilers, stills, &c.	31,	Charles Gaston,	Williamsport, Wash. co. Pen.
A regulated mill,	Feb. 3,	Joseph Quinby,	Wilmington, N. Carolina.
A machine for cutting and heading nails, and for making wrought nails,	3,	Mark & Rich. Reeve,	Burlington, New Jersey.
A machine for cramping boot legs,	4,	Nathaniel L. Moore,	Smithfield, Madison, N. Y.
In musical types,	7,	Uri K. Hill,	New York.
A ruling machine,	7,	Asa Spencer,	N. London, N. L. co., Conn.
In steam engines,	8,	Junia Curtis & Royal Yeamans.	J. Curtis, Plymouth, Chenango county, N. York; Royal Yeamans, Westfield, Hampshire county, Massachusetts.
In the whirl and regulator for spinning flax, hemp, tow, &c.	10,	Chauncey Crafts,	Woodbury, Conn.
An increasing press,	11,	Abraham Norton,	Litchfield, Conn.
In air backs for chimneys,	13,	Joel Root,	Southington, Hartford, Conn.
A furnace for heating ovens,	17,	Abraham H. Quincy,	Boston.
In granulating gun-powder,	17,	Richard Crosbie,	Newark, Essex co. N. Jersey.
A rolling draw-bridge,	17,	Richard Crosbie,	Newark, do. [Penn.
A wind and water mill,	18,	Moses Pennock,	Kennet's square, Chesnut co.
In rowing and propelling boats, &c.	19,	William Shaw,	Otsego county, New York.
A thrashing machine,	21,	Benjamin S. Hort,	Georgetown, South Carolina.
An improved conveyor, elevator, and hopper boy,	22,	Samuel Walgemore,	Washington county, D. C.
In the pinions of clocks,	24,	Ira Ives,	Bristol, Hartford co., Conn.
In the cooking stove,	24,	Jonathan Low,	Fitchburg, Worcester, Mass.
In the construction of carriages,	26,	Daniel Neall,	Milford, Kent county, Del.
A machine for rubbing wheat and other grain, &c.	27,	John D. Richards,	Middleburg, Virginia.
In stoves,	29,	Nichodemus Lloyd,	Philadelphia.
A thrashing machine,	Mar. 2,	William Richards,	Culpepper county, Virginia.
In extracting icthyocalla or fish glues,	4,	Daniel Waldron,	New York.
In the mode of preparing flax, hemp, &c. to be spun on the same principles that cotton and wool is spun,	5,	John Owings,	Baltimore, Maryland.
In cutting and heading nails originally invented by Jonathan Newell.	9,	Nath'l Chickering and Daniel Chickering,	Dover, Norfolk county, Mass.
A steam-boat to be propelled by sculling,	11,	Joseph Hunt,	East Chester, New York.
A machine for spinning, reeling, and spooling flax and hemp,	14,	Noel Jones,	Madison county, New York.
A machine for making boots and shoes,	14,	Elijah Thayer,	Leicester, Worcester, Mass.
A machine for dressing shingles,	16,	John Heavin,	Montgomery co., Virginia.
In spinning sheep's wool, being an improvement on the water frames used for spinning cotton,	16,	Stephen Clements,	Hartford, Windsor co., Ver.
In grates,	17,	Charles Hunt,	New York.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence of patentees.
	1812.		
A thrashing machine, &c.	Mar. 19,	Joseph Goulding,	Bangor, Massachusetts.
A machine for separating grain and seeds by rubbing, &c.	19,	Geo. M'Adam Broun,	Northumberland co. Virginia.
A fire extinguisher and chimney regulator,	27,	Daniel Shoemaker,	Philadelphia.
A revolving steam engine, for propelling boats by poles,	27,	Millen Battle,	Herkimer county, N. York.
A wooden still and condensing box,	27,	Rufus W. Adams,	Marlboro', Windham co. Ver.
In tanning,	28,	Samuel Currie,	Philadelphia.
A hand and water loom,	28,	John Thorp,	Providence, Rhode Island.
In working saw, grist, and other mills,	28,	J. Devereux De Lacy,	New York.
In looms,	28,	Asa Campbell,	Kingston, Luzerne co. Penn.
In manufacturing salt,	31,	Ambrose Dudley,	King William county, Vir.
A brick machine,	April 1,	James McDonald,	New York.
A suction pump and fire engine,	1,	Isaiah Jennings,	Philadelphia.
In preparing magnesia,	1,	William Dunn,	Boston.
In forts,	2,	Edward Clark,	Philadelphia.
In making candles with tallow and wax,	2,	James Zwisler,	Baltimore.
A horizontal churn,	3,	John Davidson,	Cheshire, New Hampshire.
A tobacco spinning and turning off wheel,	8,	James Vanderpool & John Eagles,	Newark, Essex county, N. J.
A mode of obtaining power between the difference of a column of rarefied and unrarefied air,	8,	Samuel Morey,	Philadelphia.
A boring machine,	8,	N. Gillet & J. Smith,	Cazenovia, Madison, N. Y.
A machine for cutting files,	11,	Charles Hesser and Amos Paxton,	Philadelphia.
A machine far manufacturing files,	20,	Levi Anderson and David Anderson,	Philadelphia.
A machine for cutting mitres, &c.	22,	Zaccheus Kelley,	Easton, Maryland.
In the construction of bridges,	23,	Benjamin Conner,	Portsmouth, New Hampshire.
In propelling boats by steam called the setting float steamboat,	23,	John Evelett,	Boston.
A quilted clothing for a copper still-head,	25,	Charles Jenks,	East Windsor, Hartford, Con.
A wooden still-head,	25,	Charles Jenks,	East Windsor, do.
In fireplaces for warming rooms by means of a cast iron fluted back,	25,	Eli Mix,	New Haven, Conn.
A shearing machine,	27,	Stephen Treadwell,	Redding, Fairfield co., Conn.
A water loom,	27,	Silas Shepard,	Philadelphia.
A machine for cutting scaleboard,	27,	Jonathan Carrington,	Litchfield, Litchfield co., Con.
In refining and making camphor,	27,	Job Green,	Charlestown, Middlesex co., [Mass.
A portable spinning wheel,	27,	Burgis Allison,	Philadelphia.
In the spinning machine,	27,	James Shaw,	Herkimer county, N. York.
For combining wool into blankets and other manufactures,	29,	Elkanah Cobb,	Georgetown.
A sawing machine,	May 1,	Russel Canfield,	Philadelphia.
A travelling cross-cut saw-mill,	4,	Sam'l Kennedy Gore,	Bradford county, Penn.
In tanning,	5,	Chrs. Luther & James Smith, assigned to D. Renner,	Georgetown.
The linen spinner,	6,	Sylvanus Baldwin & Elisha Town,	Vermont.
For pressing and rendering transparent horse hoofs, and other corneous substances, for making combs, &c.	6,	Ed. Morris Canviss,	Southington, Hartford, Conn.
In breaking plaster of Paris, &c,	12,	Paul Geiger,	Robeson, Berks co., Penn.
In the steam engine,	12,	Daniel Dod,	Elizabethtown, New Jersey.
In horse-mills by using weights,	12,	John Grannis,	Cheshire, New Haven, Conn.
A washing machine,	12,	William Stanton,	Lynchburg, P. O. Campbell county, Virginia.
A machine for boring hubbs and felloes of wheels,	12,	David Sperry,	Colchester, N. London, Con.
In warming rooms, &c. by rarefied air, applicable to ovens, hot or green-houses, rooms, &c.	12,	Daniel Pettibone,	Philadelphia.
A plugged faucet,	13,	William Jones,	New York.
In moulds for casting metal buttons,	14,	George W. Robinson,	New Haven, Connecticut.
A machine for cutting screws,	15,	Elisha Hazard & Josiah White,	Philadelphia.
The fair dealer of the chartæ lusoriæ,	15,	Robert Bailey,	Washington, D. C.
For grinding corn in the cobb, &c.	15,	William Mayo,	Henrico, Virginia.
A rolling machine for reducing metal from bars and making wire round or square,	15,	Josiah White,	Philadelphia.
A machine for cutting furs from skins,	19,	Ira Ives,	Bristol, Hartford co., Conn.
A casting or smut machine,	20,	Daniel Tomlinson,	Brookfield, Conn.
A fire proof stone stove,	21,	Abraham H. Quincy,	Boston.
In making shoes and boots, with wooden pegs, screws, notches, or creases,	23,	Robert U. Richards,	Norfolk, Litchfield co. Conn.
A hydraulic machine for raising water,	26,	William Shultze,	Philadelphia.
In chair bottoms,	26,	James Elliott, Jun.	Philadelphia.
In saw-mills,	26,	Webb Hart,	Cheshire, Connecticut.
In the cure of consumptions, and all other pulmonary complaints,	27,	Charity Shaw Long,	Philadelphia.
A hydraulic boat, with the mode of propelling the same with or against the current, or stream, &c.	28,	William Shultze,	Philadelphia.
In propelling boats, working mills, &c.	June 5,	William Shaw,	Otsego county, New York.
A mode of preparing vegetable acids,	5,	Nath. S. Allison and Benj. Kugler.	Philadelphia.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence of patentees.
	1812.		
In grinding and packing bark for exportation, -	June 6,	Jos. Richardson and Benj. Stout.	Bucks county, Pennsylvania.
A machine for bowing wool for hatters, -	6,	H. S. Holladay and E. G. Griffin.	Lyme, New London county, Connecticut.
For shearing cloth, - - - -	12,	Walter Kennedy, -	Frankford, Franklin county, Kentucky.
A stone boiler for refining sulphur, and for chemical purposes, - - - -	13,	Abraham H. Quincy,	Boston.
A foot stove with stone heaters, - -	13,	Abraham H. Quincy,	Boston.
A machine for cutting files, - - -	13,	Morris Burk Belknap,	Worcester, Worc'r co., Mass.
A liquid heating machine, - - -	13,	Roswell Valentine, -	Canaan, Columbia co. N. Y.
In the cheese press, - - - -	13,	Wm. W. Townsend,	Addison county, Vermont.
In chain wheels and paddles for boats, - -	13,	Robert R. Livingston,	Clermont, New York.
A floating dry-dock, - - - -	15,	Samuel Rose, -	New York.
A flax dressing machine, - - -	19,	John Haws, -	Hudson, New York.
A washing and churning machine, - -	19,	Zina Phinney, -	Cairo, Green county, N. Y.
Improvement on John Moffatt's machine for boiling salt water, - - - -	19,	Zina Phinney, -	Cairo, Green county, N. Y.
In preventing the canker worm from destroying fruit trees, - - - - -	19,	Paul Adams, -	Newbury, Essex co. Mass.
A mode of shutting the water gate of a mill, -	19,	Amos Bolton, -	Fauquier county, Virginia.
In elevating grain, meal, flour, or other pulverized substances, - - - - -	19,	Jeremiah Baily, -	Kennet Square, Chester, Pa.
In pressing and straining oil, and other fluids, -	22,	John Cunningham & Sam. S. Edmonston.	New York.
In boots and shoes, called the elastic hair soles,	23,	William Francis, -	Boston.
A mode of purifying fish and other oils, -	23,	Lewis Lecesne, -	New York.
In his patented loom, - - - -	23,	Richard C. Rogers, -	District of Maine, Mass.
In manufacturing iron ore into paints, - -	23,	Robert Nicholson, -	Bairdstown, Nelson co. Ky.
In manufacturing edge tools of steel, prepared by a common rolling press, - - -	26,	Elisha Gordon, -	Philadelphia.
In plummets of lead to be used in teaching Wrifford's art of writing, - - -	26,	Thomas Weston, -	Peacham, Caledonia county, Vermont.
A machine for making and forming all kind of cordage, - - - - -	30,	Abel Hill, -	Walpole, New Hampshire.
A stove for heating water, and to wash and boil clothes, - - - - -	July 3,	Thomas Woolsen, -	[ty, N. H. Amherst, Hillsborough coun-
In malting and kiln drying, - - -	9,	Hezekiah Parsons, -	Colebrook, C. county, N. H.
A machine for cutting files, rasps, and sickles,	11,	Samuel Gilman White,	Haverhill, Essex co. Mass.
A machine for breaking, hairing, and fleshing every species of hides.	18,	Nath. Kirk and Sam. C. Clark.	St. Clairsville, Belmont, O. [N. York.
In shearing and laying the nap of cloth, -	18,	Lemuel Dickerman,	Schaghticoke, Rensselaer co.
A horizontal steam engine for boats, &c. -	18,	Jacob W. Sexton, -	Burlington, New Jersey.
A mathematical boot, - - - -	20,	Wm. G. Crease and J. Morgan.	Philadelphia.
An economical candle holder, - - -	20,	Peter Ward and Burgis Alison.	Philadelphia.
A roping and spinning machine, - -	22,	Gideon Cornell, -	Rensselaer county, N. York.
A machine for brushing and finishing cloth, -	27,	Seth Hart, -	Hempstead, L. I., N. York.
A plane for shaving leather, - - -	27,	Frederick Woodward,	N. Lisbon, Otsego co. N. Y.
In bookbinding, - - - - -	27,	John T. Sullivan, -	Philadelphia.
In purifying spirits, - - - -	27,	Abiel Pease and Samuel Bestor.	Enfield, Hartford co. Conn.
In constructing boats and vessels, &c. - -	Aug. 3,	Francis Rotch, -	Philadelphia.
A cog and pendulum pump, - - -	6,	Bennet Lies, -	New York.
In the fire-engine, - - - -	6,	Isaac Hathaway, -	Walton, Delaware co. N. Y.
In the fire-engine, - - - -	6,	Allen Pollock and Jacob Perkins.	Boston.
In roping and spinning cotton and wool, -	8,	John Brown, -	Providence, Rhode Island.
In the steam engine, - - - -	21,	Alexander Anderson,	Philadelphia.
In propelling boats or vessels, &c. - -	21,	Alexander Anderson,	Philadelphia.
A steam washer, - - - -	21,	James Truman, -	Philadelphia.
A facilitating washing machine, - -	21,	Joseph Palmer, -	Brookfield, Madison co. N. Y.
An apparatus, and the art of making oil of vitriol, - - - - -	21,	Richard Maiben, -	New York.
A steam machine, to be applied to keep a wheel in constant motion, - - - -	25,	Marcus B. Parmelee,	Newtown, Fairfield co. Conn.
In looms, - - - - -	27,	John Phelps, -	Manlius, Onondago co. N. Y.
In the bodies of carriages, - - -	27,	Henry Dunlap, -	Georgetown, Columbia Dist.
In iron-bound boots, bootees, &c. - -	28,	Ephraim Twombly, -	Norway, Oxford co. Mass.
In looms, - - - - -	28,	Charles Cooper and George Shaake.	Lebanon, Dauphin county, Pennsylvania.
A circular interest table, - - -	Sept. 8,	Joseph Jelleff, -	Butternuts, Otsego co. N. Y.
In constructing of wharves, - - -	9,	James Butler, -	Baltimore.
In fumiductors, - - - - -	10,	William A. Baron, -	New York.
In bookbinding, called the extra moveable case,	14,	Robert Desilver, -	Philadelphia.
In the trip hammer, - - - -	28,	Stephen Morrill, -	Readfield, Kennebec, Mass.
In chain carts and railways, for levelling hills, &c. - - - - - - -	28,	John H. Morison, -	[Hampshire. Boscawen, Hillsborough, N.
In the flyer for spinning cotton, - - -	28,	Martin Newton, -	Fitchburg, Worcester, Mass.
A machine for shearing cloth, - - -	28,	Gershom Bostwick, -	Brookfield, Connecticut.
A saw-mill, &c. to be worked by animal power,	Oct. 1,	Ethan Owen, -	Prince George co. Virginia.
A cooking apparatus, - - - - -	3,	John Morris, -	New Haven, Connecticut.
A box boiler, - - - - - -	3,	John Morris, -	New Haven, Connecticut.
A machine for drawing all kinds of wire, -	6,	William Wadsworth,	Hartford, Connecticut.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence of patentees.
	1812.		
A wool carding machine,	Oct. 13,	George Booth,	Poughkeepsie, New York.
For shearing cloth,	13,	George Booth,	Poughkeepsie, New York.
A magnetic cylinder,	13,	Samuel Browning,	Franconia, New Hampshire.
In breaking, taking off the hair, fleshing, and scraping hides and skins.	15,	T. E. Barker and S. S. Fordham.	Hudson, New York.
In the loom,	16,	John Heavin,	Montgomery county, Va.
In bedsteads,	16,	John Redman Coxe,	Philadelphia.
In tanning,	19,	William Edwards,	Northampton, Hamp.co. Mas.
In compressing leather by a roller,	19,	William Edwards,	Do. do.
A mode of obtaining extracts from barks, &c.	20,	Wm. G. Fessenden,	Walpole, New Hampshire.
In weaving feather cloth,	21,	Jonathan and Rozanna Sizer.	New London, Connecticut.
A machine for drawing wire,	31,	Jacob T. and Thomas Walden.	New York.
An elliptical hinge,	31,	Mark and R'd Reeve,	Burlington, New Jersey.
In cutting and heading nails,	31,	Mark and R'd Reeve,	Burlington, New Jersey.
In saving of fuel,	31,	Zina Phinny,	Cairo, Green county, N. Y.
In converting cider into wine,	Nov. 11,	Henry Seabolt,	Scipio, Cayuga county, N. Y.
In the mill wheel,	12,	Rufus Lathrop,	W. Springfield, Hamp. Mass.
In steamboats and engines,	12,	Daniel Large and F. Grice.	Philadelphia.
For setting saws,	16,	John Sommer,	Franklin, Pennsylvania.
In the mode of subliming sulphur,	16,	George Robertson,	Elizabethtown, New Jersey.
A cylindrical hulling machine,	16,	Sebastian Houpt,	Philadelphia. [N. York.
A machine for cutting files,	19,	William T. James,	Greenwich, Washington co.
In the flyer for spinning,	19,	Nehemiah Giles,	Fitchburg, Worcester, Mass.
In spinning cotton,	19,	Nehemiah Giles,	Fitchburg, Worcester, Mass.
In manufacturing of sugar-candy ware,	20,	Laurence Astolfi,	Philadelphia.
In lamps,	20,	James Mallory,	New York.
An elevator for raising fluids or grain,	21,	Robert Christy,	Jefferson county, Virginia.
In stills,	24,	Hiram Whitcomb,	Cornwall, Litchfield, Conn.
In stoves called the parlour fire-place,	24,	William Lankester,	Boston.
In open stoves,	25,	Joseph Howe & Wm. Lankester.	Boston.
In water mills,	27,	Samuel Brouwer,	New York.
A thrashing machine,	27,	T. Judson and J. Hotchkiss.	Woodbury, Litchfield county, Connecticut.
A snuff-cutter, or grater,	30,	John B. Partarrieu,	New York.
A mowing machine,	Dec. 4,	Peter Gaillard,	Lancaster, Pennsylvania.
A thrashing machine,	5,	Samuel Skiff,	Sharon, Litchfield co. Conn.
A machine for making cloth by felting,	8,	Oliver Barrett, Jun.	Troy, New York.
In bridles,	10,	Robert Smether,	Orange county, Virginia.
A machine for boring rocks,	10,	John Sanford,	Sharon, Litchfield co. Conn.
A thrashing machine,	14,	John Houpt, Jun.	Bucks county, Pennsylvania.
In wheel heads,	14,	William H. Peabody,	Woodbury, Litchfield, Conn.
In building or modelling ships or vessels,	17,	Frederick Tudor,	Boston.
In propelling boats by sculling,	17,	Isaac Silliman,	Philadelphia.
A linen spinner,	21,	Alpheus Webster,	Green county, New York.
In making shingles,	24,	John Loomis,	Geneva, Orange county, N.Y.
A hide mill, or machine for softening dry hides,	30,	William Edwards,	Northampton, Hamps. Mass.
Improvements in tanning sole leather,	30,	William Edwards,	Do. do.
An improved fire-engine,	30,	John Achman,	Washington, Columbia Dist.
A washing-machine,	30,	Erastus Denison,	New Lisbon, Otsego, N. Y.
In the bake oven,	30,	John Bouis,	Baltimore.
In the camboose,	31,	John Bouis,	Baltimore.
A rake for collecting apples,	31,	Ezias Hart,	Berlin, Hartford co. Conn.

12th Congress.] No. 334. [2d Session.

REVISION OF THE ACT "FOR THE GOVERNMENT OF THE TERRITORY OF MISSOURI."

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 29, 1813.

Mr. McKee, from the committee to whom was referred the resolution instructing them to inquire "if any, and, if any, what amendments are necessary to be made to the act entitled An act providing for the Government of the Territory of Missouri," made the following report:

That they have had the subject to them referred under their consideration, and have examined the act above recited. The principal difficulty suggested to the committee, occurring in the execution of the law, appears to relate to the election of a delegate to represent the interest of the Territory in the Congress of the United States. By the first clause of the 6th section of the act it is provided "that the House of Representatives shall be composed of members elected every second year, by the people of the said Territory, *to serve for two years.* By the 13th section of the said act it is also provided "that the citizens of the said Territory entitled to vote for Representatives to the General Assembly thereof, shall, at the time of electing their Representatives to the said General Assembly, also elect one delegate from the said Territory to the Congress of the United States. It also appears

that an election was held in pursuance of the act on the second Monday of November last, when a delegate was elected. It appears that doubts have been entertained whether the delegate thus elected can legally hold his seat after the 3d day of March next, and an alteration in the law has been suggested as necessary to obviate the difficulty. It seems to the committee that the first clause of the 6th section, and the 13th section of the act, taken together, leaves no room for doubt, but evidently fixes the period for which the delegate may hold his seat at two years from the second Monday of November last; and it follows, as a necessary consequence, that the delegate elected in pursuance of the law, and for the term of two years, cannot be deprived of his right to a seat by any subsequent law.

It also appears to the committee that the Territorial Legislature are furnished, by the 7th section of the act, with competent power to change the time of holding elections so as to obviate any difficulty that may occur in the subsequent elections of a delegate.

The committee, therefore, recommend the following resolution:

Resolved, That the act entitled "An act providing for the government of the Territory of Missouri," requires no amendment.

By BENJAMIN HOWARD, *Governor of the Territory of Louisiana, Commander-in-Chief of the militia thereof, and Superintendent of Indian Affairs, in and over the same.*

A PROCLAMATION.

In discharge of those duties enjoined on the Governor of this Territory by an act of the Congress of the United States of America, approved the 4th of June, 1812, entitled "An act providing for the government of the Territory of Missouri," I have made the following arrangements, preparatory to the new organization of Government to be instituted by the said act, and which will commence its operation on the first Monday in December next: that is to say:

I have divided the future territory of Missouri into five counties, excluding from the civil jurisdiction of each of said counties any tract or tracts of country which may fall within their respective general limits, as hereinafter set forth, the Indian title to which may not have been extinguished.

That portion of territory situated north of the Missouri river, and usually known by the name of the Forks, as lying between that river and the river Mississippi, shall compose one county, and be called the county of St. Charles.

That portion of territory bounded by the Missouri river on the north; by the Mississippi on the east; on the south by the Platin creek from its mouth to its source; thence by a west line to the Missouri river, or to the western boundary of the Osage purchase; and on the west, by the said western boundary of the Osage purchase, shall compose one other county, and be called the county of St. Louis.

That portion of territory bounded by the county of St. Louis on the north; on the east by the Mississippi; on the south by Apple creek from its mouth to its source; thence by a due west line to the western boundary of the Osage purchase; and on the west, by the said western boundary of the Osage purchase, shall compose one other county, and be called the county of St. Genevieve.

That portion of territory bounded on the north by the south limit of the county of St. Genevieve; east by the Mississippi; west by the western boundary of the Osage purchase; and south by that line which formerly separated the commanders of Cape Girardeau and New Madrid, and known more recently as the boundary between those two districts, shall compose one other county, and be called the county of Cape Girardeau.

That portion of territory bounded north by the south limit of the county of Cape Girardeau; east by the Mississippi; south by the 33d degree of north latitude, (the southern boundary of this Territory as settled by act of Congress;) west by the western boundary of the Osage purchase; and from the southern extremity thereof to the 33d degree of north latitude aforesaid, shall compose one other county, and be called the county of New Madrid.

And I do hereby make known and declare that elections of representatives, to serve in the General Assembly of the future Territory of Missouri, shall be holden throughout the Territory, on the second Monday of November next, at the respective seats of justice of the present districts, which are hereby declared to be the seats of justice for the several future counties respectively, except that the town of New Madrid shall be the seat of justice of the future county of New Madrid, which said future county will comprehend the present districts of New Madrid and Arkansas: to wit, at the town of St. Charles for the future county of St. Charles, at which time and place there will be chosen for the said county two Representatives. At the town of St. Louis for the future county of St. Louis, at which time and place there will be chosen four representatives. At the town of St. Genevieve for the future county of St. Genevieve, at which time and place there will be chosen for the said county three representatives. At the town of Cape Girardeau for the future county of Cape Girardeau, at which time and place there will be chosen for the said county two representatives. And at the town of New Madrid, for the future county of New Madrid, at which time and place there will be chosen for the said county two representatives.

And I do moreover make known and declare that, on the said second Monday of November next, an election will also be holden, at the several seats of justice aforesaid, for a territorial delegate to the Congress of the United States. And I do enjoin and require that these elections be holden by the sheriffs of the present districts, or in their absence, or inability to act, by the coroners respectively; that the said sheriffs or coroners shall take the polls of those qualified to vote; that the clerks of the courts of the present districts, or their deputies, shall respectively write down the names of the voters in a fair and legible manner, and that the presiding judges of the courts of the present districts respectively, or in case of absence, or inability to act, the next in commission shall attend, and be judges of the qualification of the voters; that the said elections shall be opened at the respective seats of justice aforesaid, at or before 9 o'clock in the morning of the said second Monday of November, and close at sunset of that day.

And the sheriffs or coroners respectively, after having caused the procès-verbal of said polls to be signed by the clerks or their deputies, who may have respectively committed the same to writing, and countersigned by the judges respectively who may have attended the elections, will themselves certify the same, explicitly stating, at large, the names of the persons elected as representatives, and the name of the person having the greatest number of votes as a delegate to Congress, and make immediate return thereof to the Governor of the Territory.

And I do lastly enjoin and require, that the representatives of the several future counties, so as aforesaid to be elected, do convene in the town of St. Louis on the first Monday in December next, as provided by the act of Congress aforesaid.

In testimony whereof, I have caused the seal of the Territory of Louisiana to be hereunto affixed. Given under my hand, at the town of St. Louis, the first day of October, in the year of our Lord one thousand eight hundred and twelve, and of the independence of the United States of America the thirty-seventh.

BENJAMIN A. HOWARD.

For the information of the people who are called on to decide the right of suffrage by the Governor's proclamation, we have inserted below that part of the law which defines the qualification as well of the representative as of the voter.

No person shall be eligible or qualified to be a representative, who shall not have attained to the age of twenty-one years, and who shall not have resided in the Territory one year next preceding the day of election, and who shall not be a freeholder within the county in which he may be elected; and no person holding an office under the United States, or an office of profit under the Territory, shall be a representative. In case of vacancy by death, resignation, or removal or otherwise of a representative, the Governor shall issue a writ to the county wherever a vacancy may be as aforesaid, to elect another person to serve the residue of the term. That all free white male citizens of the United States above the age of twenty-one years, who have resided in said Territory twelve months next preceding an election, and who shall have paid a territorial or county tax, assessed at least six months previous thereto, shall be entitled to vote for representatives to the General Assembly of said Territory.

12th Congress.] No. 335. [2d Session.

APPROVAL BY PENNSYLVANIA OF THE DECLARATION OF WAR.

COMMUNICATED TO CONGRESS, FEBRUARY 1, 1813.

To the Senate and House of Representatives of the United States: JANUARY 30, 1813.

At the request of the Legislature of Pennsylvania, conveyed through the Governor of that State, I transmit to Congress copies of its resolutions of the 16th December, 1812.

JAMES MADISON.

Viewing the present state of our foreign relations, we, with astonishment and regret, behold the Emperor of the French withholding from our country those indemnifications which ought to have been rendered with liberality and promptness. After the aggressions of Great Britain had, by long continued practice, been regarded by her Government as right, after the forbearance of the American Government had assumed the appearance of cowardice, war is reluctantly, unavoidably, but decisively declared. Animated by the most sincere love of peace, the President of the United States in the same despatch announces to the British Government the existence of war, and the equitable, easy, and honorable means by which its progress might be arrested, and its calamities permanently prevented; but this extraordinary proof of a humane and pacific disposition is treated with contempt. Familiarized with the slaughter of man around the globe, the British Government prefer the effusion of human blood to a suspension of the inhuman practice of impressment, even during the short space of an armistice agreed on for the purpose of negotiating a just and honorable peace; nay, notwithstanding the offer made by the Government of the United States to exclude British subjects from our merchantmen and navy. But what atrocities are too enormous to be found in that Government, whose characteristical features are cruelty and perfidy, which stimulates the savage to drench his tomahawk and scalping knife in the blood of our frontier men, women, and infants, which, making the most solemn professions of friendship and peace, strives by the malignant breath of its secret emissaries to kindle in our nation dissatisfaction, discord, rebellion and civil war, with all their sanguinary and horrible consequences! Thus is extinguished in the American Government, and in every American bosom, the last hope of finding in the conduct of Great Britain toward the United States a single voluntary act of justice or humanity. Impressed with these considerations, and with others of a collateral and subordinate nature, we, the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, do adopt the following resolutions:

Resolved, That the declaration of war against the United Kingdom of Great Britain and Ireland, issued by the General Government on the 18th of June last, was the result of solemn deliberation, sound wisdom, and imperious necessity.

Resolved, That the sword being drawn, should never be sheathed till our wrongs are redressed, our commerce unfettered, and our citizens freed from the danger of British impressment of imprisonment in the floating dungeons of the British navy, and the painful necessity of fighting the battles of an inveterate enemy, against their fathers, their brethren, their native country, and their friends.

Resolved, That, to exert all the energies of his body and of his mind, and to devote his property to bring the existing war to a speedy, just, and honorable issue, and to teach our insolent foe that the Americans are as free from timidity and weakness in battle as from covert and disguise in negotiating, is a duty which every citizen of the Union owes to himself, to his country, and to his God.

Resolved, That with painful regret we contemplated the refusal by the Executive authorities of some of the States in the Union to furnish, on the President's demand, their quota of militia for the defence of the seacoast; and that with confidence we expect from the National Legislature a prompt attention to this alarming and unprecedented occurrence.

Resolved, That the promptness and the zeal with which the Governor of this Commonwealth executed the military orders of the President, since the commencement of hostilities, entitle him to the gratitude of this General Assembly of Pennsylvania, and of the nation.

Resolved, That the Governor of this Commonwealth be instructed to transmit a copy of these resolutions to the President of the United States, with a request that he communicate them to Congress.

JOHN TODD, *Speaker House of Representatives.*
P. C. LANE, *Speaker of the Senate.*

IN SENATE, *December* 10, 1812. Read, and adopted.

JOSEPH A. McJIMSEY, *Clerk of the Senate.*

IN THE HOUSE OF REPRESENTATIVES, *December* 16, 1812. Read, and adopted.

GEO. HECKERT, *Clerk House of Representatives.*

COMMONWEALTH OF PENNSYLVANIA, *ss:* SECRETARY'S OFFICE, *January* 21, 1813.

I certify that the annexed is a true copy of the original resolutions remaining among the rolls in this office. Witness my hand and seal.

N. B. BOILEAU, *Secretary.*

12th Congress.] No. 336. [2d Session.

RIGHT OF SUFFRAGE IN THE ILLINOIS TERRITORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 15, 1813.

Mr. Little, from the committee to whom was referred the resolution instructing an inquiry, whether any amendments were necessary to the act to extend the right of suffrage in the Illinois Territory, and for other purposes, made the following report:

That they have had the subject under their consideration. The only difficulty presented to your committee, in the execution of the law, was that which relates to the time for which the present delegate from that Territory should be considered as elected. The third section of the aforesaid act directs that the citizens of the said Territory entitled to vote for members of the territorial Legislature, may, at the time of making such elections, elect one delegate to Congress who shall have the powers granted to the delegates from the several Territories of the United States, who are elected to serve two years. No doubt exists in the committee that the time of his services commenced at the time of his election, which will terminate at the subsequent election of members for the territorial Legislature. The committee recommend the following resolution:

Resolved, That the act to extend the right of suffrage in the Illinois Territory, and for other purposes, requires no amendment.

12th Congress.] No. 337. [2d Session.

APPLICATION TO AMEND THE ACT CONTINUING CERTAIN PATENT RIGHTS TO OLIVER EVANS.

COMMUNICATED TO THE SENATE, FEBRUARY 22, 1813.

Mr. Bayard, from the committee to whom were referred the memorials of John Worthington and others, and of Oliver Evans, reported:

That the subject of the memorials is of considerable interest and importance to the community, and involves difficulties which would require more time and patient investigation fully to understand than can be bestowed upon it during the remnant of the present session.

The committee confine themselves to stating that the grievance complained of by the memorialists first mentioned, proceeds from an act of Congress, passed the 21st day of January, in the year 1808, whereby a patent, which had before that time been granted to Oliver Evans for fourteen years, for certain mill machinery, and which had expired by its own limitation, was renewed and continued for fourteen years from the date of the act. It appears that, in the interval between the expiration and renewal of the patent, several grist mills were erected into which the use of Mr. Evans's machinery was introduced.

By a judicial construction of the act of Congress, it is held to prohibit the use of the machinery after the passing of the act, without the license of the patentee, although the mill and machinery were constructed when no patent or exclusive right existed.

It also appears that the price at which Mr. Evans rated his licenses before the act of 1808, for one water wheel, was from 30 to $40.

Since that act his prices have been gradually augmented, and he now requires from 3 to $400 for the machinery used in the manufacture of flour by each pair of stones of six feet diameter.

In a single mill, having several pair of stones, a demand was made of $2,200 for the use of the machinery.

The machinery is undeniably of great importance to the public; but the increased and increasing prices of the patentee threaten the imposition of an intolerable burden upon a very useful and important class of manufacturers.

The committee are not prepared to recommend any specific relief in the case; and conceiving that it deserves more attention than it can receive during the present session, consider that it would be advisable to abstain from acting upon the subject at this time, and to leave it to the mature consideration of the ensuing Congress. The following resolution is submitted:

Resolved, That the committee, to whom were referred the memorials of John Worthington, and others, and of Oliver Evans, be discharged from the further consideration of the subject of the said memorials.

12th Congress.] No. 338. [2d Session.

IMPROVEMENT IN CONSTRUCTING BRIDGES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 24, 1813.

Sir: War Department, *February* 23, 1813.

Mr. Benjamin Conner has submitted to my inspection models of bridges, which, from the simplicity of their structure, the cheapness of their materials, and the force of the mechanical powers employed in them, (the lever and arch combined,) are, in my opinion, well calculated for military purposes. I have the honor, therefore, respectfully to report, conformably to the order of the honorable the House of Representatives of the 11th instant, referring to this Department the petition of Mr. Conner, that the right to make and to use bridges, made after these models, and the models themselves, should be purchased from Mr. Conner.

The petition and documents are herewith returned.

I have the honor to be, with great respect, sir, your most obedient, humble servant,

JOHN ARMSTRONG.

The Hon. the Speaker *of the House of Representatives of the United States.*

12th Congress.] **No. 339.** [2d Session.

CUMBERLAND ROAD.

COMMUNICATED TO CONGRESS, MARCH 2, 1813.

To the Senate and House of Representatives of the United States: MARCH 1, 1813.

I lay before Congress a report of the Secretary of the Treasury, containing a statement of proceedings under the "act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio."

JAMES MADISON.

FEBRUARY 26, 1813.

The Secretary of the Treasury respectfully submits to the President the report made by the superintendent of the road from Cumberland to the State of Ohio, of the progress made towards completing the same during the last year.

ALBERT GALLATIN, *Secretary of the Treasury.*

SIR: CUMBERLAND, *December* 21, 1812.

The contracts for the first ten miles of the western road are completed, with but few exceptions, those of little importance, and such as are common on work of this kind. The contractors are paid, except a small sum reserved from each, sufficient to ensure the final completion next spring. The road is open, and used daily by travellers.

On the second letting, comprising nearly eleven miles in addition, the contractors (for the time) have made considerable progress, and are now at work, each with a considerable number of hands, and there is every probability the contracts will be completed within the time provided, viz: the first of November next.

It is now sufficiently ascertained that the estimates heretofore made, viz: $150,000, will be sufficient for the completion of the first twenty-one miles, embracing every expense, probably a small surplus of from three to five thousand dollars.

The next ten miles it is expected will cost, on an average, nearly the same as the preceding; a small sum in addition may be required, on account of several large bridges which will be wanting.

If it be desirable that the work should progress with more expedition, ten miles or more might be let the ensuing spring; it would be well, at all events, to contract for four or five miles more on account of building a bridge across the Little Youghiogany river, as it must be a considerable building, and, to lessen expense, it would be necessary to take advantage of low-water, and the spring season, for procuring sawed timber, as there is but one saw-mill convenient, and that during three-fourths of the year unemployed for want of water.

It is expected the Legislature of this State will pass a law, authorizing the President to receive toll, for the purpose of repairing the road, and likewise against abuses which are common on all roads of the kind, to prevent which laws have been found necessary. I am, &c.

DAVID SHRIVER, Jun.,
Superintendent of the United States Western road.

13th Congress.] **No. 340.** [1st Session.

CONTESTED ELECTION OF THOS. K. HARRIS, A REPRESENTATIVE FROM TENNESSEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 4, 1813.

Mr. JAMES FISK made the following report:

The Committee of Elections, to whom was referred the petition of William Kelley, contesting the election of Thomas K. Harris, returned as one of the Representatives for the State of Tennessee in the present Congress, and praying to be admitted in his stead, have had the said petition under consideration, and report, in part:

That, at the last general election in Tennessee for Representatives to Congress, the said William Kelley and Thomas K. Harris were candidates in the third Congressional district. From a return of the polls in the district, as made to the Governor of said State, it appears that the sitting member obtained one vote more than the petitioner, and, therefore, was returned as elected.

By the laws of the State, it is made the duty of the inspectors of the elections for Representatives to Congress, to cause two fair statements to be made of the number of votes given at said election for each candidate, and certify the same; and it is also made the duty of the sheriff, or returning officer, to transmit one of said certificates to the Governor, and to file the other with the clerk of the county court of his county. That, on comparing the certificate of the polls taken in the county of Warren, in said district, and transmitted to the Governor, with the one filed with the clerk of said county, there appears to be two more votes for the sitting member on the former, than on the latter certificate; and it further appears, by the first certificate, that the number of votes given to each candidate, being added together, will exceed by two the whole number of votes certified to have been given. The petitioner contends that these facts prove the certificate filed with the clerk correct, and the petitioner entitled to his seat.

The sitting member was not notified that his election would be contested until after his arrival in this city; and he now states that he believes that, if time was allowed him, he would procure testimony to support his election, and to show that the petitioner received many illegal votes, and that there were several erroneous returns made in favor of the petitioner; and the sitting member asks for a reasonable time to be allowed him to obtain such testimony.

Upon a view of all the circumstances of this case, the committee are of opinion that further time ought to be granted to the sitting member to procure testimony, and they accordingly submit the following resolution:

Resolved, That until the ——— be allowed to Thomas K. Harris, a member of this House, to procure testimony relative to his election.

[See further report, No. 353.]

13th CONGRESS.] No. 341. [1st SESSION.

TEMPORARY APPOINTMENT OF A SECRETARY OF THE TREASURY IN THE ABSENCE OF ALBERT GALLATIN.

COMMUNICATED TO THE SENATE, JUNE 7, 1813.

To the Senate of the United States: WASHINGTON, *June* 3, 1813.

In compliance with their resolution of the 3d instant, the Senate are informed that the office of the Secretary of the Treasury is not vacated, and that in the absence of Albert Gallatin, commissioned as one of the envoys to treat with Great Britain and Russia, the duties of that office are discharged by William Jones, Secretary of the Navy, authorized therefor, according to the provisions of the act of Congress, entitled "An act making alterations in the Treasury and War Departments," passed May 8, 1792.

JAMES MADISON.

13th CONGRESS.] No. 342. [1st SESSION.

INQUIRY RELATIVE TO THE NOMINATION OF JONATHAN RUSSELL TO BE MINISTER TO SWEDEN.

COMMUNICATED TO THE SENATE, JUNE 7, 1813.

Mr. GOLDSBOROUGH, from the committee to whom had been referred a resolution "that the President of the United States be requested to inform the Senate whether any communication has been received from Jonathan Russell, admitting or denying the declaration of the Duke of Bassano to Mr. Barlow, that he had informed his predecessor of the repeal of the Berlin and Milan decrees, at the date of that decree;" and the nomination of Jonathan Russell to be minister plenipotentiary of the United States to Sweden, made the following report:

That, in pursuance of the order of the Senate, the committee met the Secretary of State, by appointment, at the office of the Department of State, when they were informed by the Secretary that there was no official denial, or admission, of Mr. Jonathan Russell's, that the allegation of the Duke of Bassano to Mr. Barlow, referred to, was true; but that he (the Secretary) had a private letter from Mr. Russell, subsequent to the allegation of the Duke of Bassano, in which he understood that allegation to be unequivocally denied.

13th CONGRESS.] No. 343. [1st SESSION.

CONTESTED ELECTION OF JOHN P. HUNGERFORD, A REPRESENTATIVE FROM VIRGINIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 10, 1813.

Mr. JAMES FISK made the following report:

The Committee of Elections, to whom was referred the petition of John Taliaferro, complaining of the undue election of John P. Hungerford, returned as one of the Representatives from Virginia, in the present Congress, have had the same under consideration, and report:

That, at the last Congressional election in that State, for Representatives, the said John P. Hungerford was returned as elected from the district composed of the counties of Westmoreland, Richmond, Lancaster, Northumberland, King George, and Stafford. The petitioner was also a candidate. The laws of Virginia, prescribing the manner of conducting such elections, direct that "the clerks of the polls shall enter in distinct columns, under the name of the person voted for, the name of each elector voting for such person."

They further direct, that "the clerks of the polls, having first signed the same, and made oath to the truth thereof, a certificate of which oath, under the hand of a magistrate of the county, shall be subjoined to each poll, shall deliver the same to the sheriff," &c. &c.

Upon inspecting the polls of the several counties, the following facts appear:

In Westmoreland the names of the voters are all entered in one general column, on the left hand margin of the book, and figures, in numerical order, instead of the names of the voters, are inserted in the columns under the names of the candidates, as evidence for whom each vote is given.

In Richmond the voters are registered in one column, and a straight mark, instead of the name of the voter, is inserted under the name of the candidate.

In Stafford the Christian name of the voter is not written on the poll; the initial letter only is given. The same occurs partially in Lancaster.

On the polls of Westmoreland, Richmond, Lancaster, and Stafford, no certificate is found of any oath having been administered to the clerks keeping the same.

The petitioner contends that the irregularities and deviations from the express provisions of the law are of such a nature as to render void the election, and require a new one to be held. On the other hand, it is urged by the sitting member that most of the proceedings objected to are justified by general practice, and that the manner of keeping the poll, by entering the names of all the voters in one general column, is sanctioned by long usage; and that in Stafford the initial only of the Christian name of the electors had been entered on the polls for several past elections.

The committee are sensible that trivial errors, committed by the officers conducting elections, resulting, perhaps, from a misconstruction of a doubtful passage of the law, ought not to deprive any class of citizens of the right of representation.

Still it must be manifest that, to preserve the elective franchise pure and unimpaired, the positive commands and requirements of the law, in respect to the time, place, and manner of holding elections, ought to be observed.

To enter the names of the voters promiscuously in one margin of the poll-book, when the law positively directs them to be "entered in distinct columns," and "under the name of the candidate voted for," is as manifest a departure from the law as the selection of another time, or another place, than that mentioned in the law. Nor can the committee conceive that the prefixing the initial only of the Christian name to that of the family or surname of the voter, is a fair compliance with the spirit and intent of the law, which declares "that the names of the voters shall be duly entered in distinct columns," &c. It is to be presumed that the object of the law in having the name "duly entered," is to exhibit to the country, on a scrutiny, who are the persons voting, and to test their title to a vote, by comparing the poll with the land-roll.

And when, for example, the initial letter is I, it must be obvious, that it may be taken to stand for John, or Joseph, or Jonathan, or Joshua, or Jeduthun, or Israel, or Isaac, or Jacob, or Isaiah, or Jeremiah, and it would require no small share of perseverance and industry to contest an election when such endless uncertainty stands in the way of examination.

The committee have not been satisfied that such irregularities have ever been sanctioned, on a scrutiny, either by the Legislature of Virginia, or of the United States. When opposing candidates have not objected to them, they may have passed *sub silentio*. We feel no hesitation in saying that custom ought not to justify a departure from the spirit and letter of positive law.

Upon a view of the whole ground, the committee, convinced of the importance of adhering strictly to the provisions of the law, as well as of the irregularities in conducting this election, respectfully submit the following resolutions:

Resolved, That the said election, held in the aforesaid district, in April last, was illegal, and ought to be set aside.

Resolved, That John P. Hungerford is not entitled to a seat in this House.

MAY 29, 1813.

To the Speaker and Members of the House of Representatives of the United States, in Congress assembled:

The undersigned, John Taliaferro, begs leave, most respectfully, to represent that, at the late election, held in the State of Virginia, for the choice of a Representative to your honorable body, for the counties of Stafford, King George, Westmoreland, Richmond, Northumberland, and Lancaster, your petitioner had a majority of the votes legally taken by the sheriffs, who conducted the said election.

Your petitioner, therefore, prays that your honorable body will cause an inquiry to be made, in the ordinary way, whether John P. Hungerford has been legally returned by the sheriffs to represent the aforesaid district. If it shall, on examination, be decided that the return of John P. Hungerford is legal, your petitioner is prepared to make it appear that a majority of the votes of the electors of the said district, legally qualified to vote, will be found on the several polls of your petitioner; in virtue of which he claims the right to a seat in your honorable body, to the exclusion of John P. Hungerford.

Relying on the wisdom and justice of your honors in the premises, your petitioner is, with due respect, &c. &c.

JOHN TALIAFERRO.

SIR: STATE OF VIRGINIA, KING GEORGE COUNTY, *May* 13, 1813.

Be pleased to take notice that I shall, at the meeting of the next Congress of the United States, contest the legality of your return, to serve in that body, as the Representative of the district, in Virginia, composed of the counties of Stafford, King George, Westmoreland, Richmond, Northumberland, and Lancaster, on the ground that the polls in the aforesaid counties of Westmoreland and Richmond were not taken in the manner prescribed by law. Should Congress decide that the polls in the said counties of Westmoreland and Richmond have been legally taken, I shall contest your right to a seat in that body, as the Representative of the aforesaid district, on the ground that a majority of the electors thereof, legally qualified to vote, will, on due examination, be found to have voted for me. In pursuance of which, you are hereby warned, that I object to the vote of each and every elector on your several polls, who is not enrolled on the land lists of the respective counties, in which the vote has been given, as possessing the quantity of land required to constitute a legal elector. To the vote of Daniel Carmichael, on the poll taken for Westmoreland county, I object, he having previously voted in the same election, and for the same candidate, in the county of King George. If there be two persons of that name entitled to vote, you can readily ascertain it. The affidavit of any one of respectability on that point will be satisfactory.

Very respectfully, I am, sir,

JOHN TALIAFERRO.

To General JOHN P. HUNGERFORD,
Leedstown, Westmoreland county, Virginia.

STATE OF VIRGINIA, *Stafford county, sct.*

On this 18th day of May, 1813, before me, a justice of the peace for said county, came William Rodgers, and made oath, that he did, on the 16th day of this present month, May, deliver to General John P. Hungerford, at his own house in Leedstown, a paper in writing, of which the foregoing is a true and exact copy.

Given under my hand, the day and year above mentioned.

NATHANIEL FOX.

VIRGINIA, *Stafford county, to wit:*

I, Valentine Peyton, clerk of the court of the county aforesaid, do hereby certify, that Nathaniel Fox, Esq., before whom the foregoing affidavit of William Rodgers appears to have been made, and who hath certified the same, was, at the time of so doing, and is still, a justice of the peace in and for the said county, duly commissioned and authorized; and that, to all his acts as such, full faith and credit is and ought to be given, as well in courts of justice as thereout.

In testimony whereof, I have hereunto set my hand, and affixed the public seal of the said county, on this 29th day of May, 1813, and in the 37th year of the commonwealth.

V. PEYTON,
Clerk of Stafford County Court.

JUNE 5, 1813.

In regard to the petition of John Taliaferro, now before the Committee of Elections, complaining of the undue return of General John P. Hungerford, to serve as a member in the thirteenth Congress of the United States, the petitioner begs leave, in the first place, to draw the attention of the committee to the law of Virginia directing the time, places, and manner of holding and conducting elections of members to Congress. By a reference to this law, and to the polls taken in pursuance of it, the committee will perceive that four polls of the six, in virtue of which Mr. Hungerford was returned, have been illegally taken, and ought not to be accepted by the committee as evidences of an election held in conformity with the law of Virginia. From the certified and authentic copies of the polls taken in all the counties composing the district for which Mr. Hungerford has been returned, and placed in the hands of the committee, it will be seen, that the polls of Westmoreland, Richmond, and Stafford were not taken in the manner prescribed by law; nor does it appear on the face of either of those polls, as by law it should, that the respective clerks had been sworn to keep them faithfully and impartially. The petitioner also objects to the legality of the poll taken in Lancaster county, for that the clerk who kept it was not, in conformity with the law, sworn to keep it faithfully and impartially. The petitioner is aware that custom will be pleaded and urged by the sitting member as a justification for the mode of keeping the poll in Westmoreland county. It, however, never can be admitted and sanctioned by a just and an enlightened tribunal, that mere custom ought to predominate over positive law, or that error, however long persisted in, can become right. The constitution of the United States has in vain vested in the respective States the power to pass laws prescribing the times, places, and manner of electing members to Congress, unless those laws, when enacted, are conformed to by those appointed to execute them, and unless they are respected and maintained inviolate by those who are, from time to time, called to decide as to their due and strict execution. If the slender protection of illegal usage should be claimed for the poll of Westmoreland county, the petitioner contends, that no parallel is to be found to palliate even the illegality of the mode in which the polls of Richmond and Stafford counties appear to have been taken. The law directs that, in taking the poll, the name of each voter shall be distinctly written in a column under the name of the person voted for. The deviation from the law, in this respect, in the polls of Westmoreland and Richmond is palpable, but more strikingly so in the poll of Stafford, which does not exhibit the name of a single voter out of near three hundred votes taken. The petitioner cannot forbear to state, that to sanction the polls so manifestly illegal would tend directly to a subversion of the vital policy of the law to which they ought to conform. The object of the law is to render easy and certain any investigation into an election which circumstances may require. It must be obvious to the committee, that an investigation of the nameless poll of Stafford county, with a view to ascertain the right of those who purport to have been placed on it, is not only not easy, but impracticable. The petitioner is aware that the sitting member may contend, that he ought to have had notice of the objections made to the legality of the polls taken in Stafford and Lancaster counties, as well as to those of Westmoreland and Richmond counties, prior to the meeting of Congress. Should such a suggestion be made by the sitting member, it is presumed that the committee will, at once, perceive that it is unfounded. The polls are the evidences on which the return of the sitting member rests. It cannot require a notice from the petitioner that he means to use those evidences to set aside the return. If, indeed, the sitting member can show, that by a notice given to him any time prior to the meeting of Congress, that he would have been better prepared to maintain the legality of his polls, or that thereby he could have more effectually obviated the objections of the petitioner to them, it must be admitted that he was entitled to a notice, but not otherwise. Finally, the petitioner begs leave to represent, that he does most conscientiously believe that a majority of the legal electors, of the district in question, voted for him at the late election, but that owing to the confused, irregular, and illegal manner in which the polls have been kept, an investigation into this fact has manifestly become impracticable. Upon the whole view of the case, the petitioner, earnestly disposed to promote public justice, and the particular interest of those for whom he now acts, trusts that the committee will see cause to recommend that the election in question be set aside as illegal, and that a new election be ordered.

JOHN TALIAFERRO.

STATE OF VIRGINIA, *Westmoreland County, sct:*

At the request of General John P. Hungerford, this is to certify that, at an election for a member to Congress of the United States, held in April, in the year 1799, when General Henry Lee and Doctor Walter Jones were candidates, and at another election held in the year 1801, when John Taliaferro and John Tayloe, Esquires, were candidates, that the polls were kept by the sheriff in ruled lines and figures in the same manner and form as they were kept by the sheriff at an election held in the said county in April, 1813, for a member to Congress, when General John P. Hungerford and John Taliaferro, Esquires, were candidates, as appears by the polls returned, according to an act of the General Assembly of Virginia, and recorded among the records of Westmoreland county court, and at all the elections inclusive from 1799 to 1813.

Given under my hand the 17th day of May, 1813.

JOSEPH FOX, *Clerk of Westmoreland.*

John P. Hungerford begs leave to submit to the Committee of Elections the following remarks, in reply to those offered by John Taliaferro, Esquire, who, by his petition, contests the validity of his election as a member of the House of Representatives:

The petitioner, in his remarks, seems to place his objections upon two grounds: 1st. That it does not appear that the clerk, who kept the poll in Lancaster county, was duly sworn; 2d. That the polls in some of the counties were not kept in the manner directed by the act of Assembly.

The sitting member contends that if it even did appear that the clerk, who kept the poll in the county mentioned, was not sworn, it would not vitiate the election, provided the committee were convinced that fairness and

impartiality, which the oath was intended to secure, had been observed in taking down the names of the electors. The forms prescribed, by law, are intended as *means* to secure a *just* result. If justice is obtained, it is humbly believed that the *manner* in which it was done is not very important.

But the sitting member contends that though it does not *directly appear* that the clerk was sworn, yet that it ought to be presumed that it was done. When the law gives a general power to any officer to do a certain act, all the incidents required will be presumed to have been performed; and it is incumbent on him who objects to show that the *act was not done*. Would it not be equally necessary, according to the position assumed by the petitioner, to prove that the persons who superintended the elections had been duly commissioned as sheriffs? that they had entered into bonds with security, and that they had taken the necessary oaths? All these things are required before a person can act as a sheriff, and of course before he can superintend any election. Would it not be novel to entertain objections which would make it necessary that these things should appear? and is it not equally novel to admit the doctrine that the *appointment* and *qualification* of the clerk who kept the poll ought to appear?

Equally untenable, in the opinion of the sitting member, is the objection stated by the petitioner as to the manner of keeping the polls. Unless some reasonable grounds can be shown to induce a belief that the result has been unjust, the variance will be considered as a matter of form, not affecting the justice of the case. The law requires many things of a sheriff in holding an election, which are considered as merely directorial; but the non-observance of which do not alone vitiate the election. He is bound to admit to the polls all persons who are qualified according to law; to exclude those who are not; to administer an oath to persons whose rights are doubtful, and set the names of those who refuse to take the oath on separate polls. He is required, before he closes the election, to make proclamation in a prescribed manner; yet can it be correct to contend that if the sheriff violates his duty in any of these respects, that it vitiates the election entirely, unless it can be shown that his departure from the law affected the result.

The principles here laid down have been sanctioned by the House of Representatives in several instances. In the contest from the State of Georgia between Spalding and Meade, it was determined that the law of the State, requiring the return of the votes within a certain period, should be disregarded, and the votes, though not returned in the *manner* prescribed by that law, should be considered as valid. In the case of Turner and Baylies, it was determined that the act of the Governor and Council of Massachusetts, *under* a law of that State, directing a new election, did not prevent the House from declaring Turner duly elected at the first election, though the manner of designating him on the ballots had not been observed as provided by the laws of that State.

It is not even suggested by the petitioner that the manner of keeping the polls in the counties of Westmoreland and Richmond has been productive of any other than a fair and just result. It is not pretended that a single vote, except one, has been set down in the column containing the progressive numbers of those who voted for the sitting member to which he was not justly entitled; or that any votes which were given for the petitioner were not regularly designated and numbered in his column. Why, then, if the result is just, fair, and unequivocal, is the election to be vitiated? As to the election in Stafford county, the sitting member can hardly suppose that a serious reply is necessary. If any error was committed, the presumption is, that it operated favorably to the petitioner, as he had a majority of votes in that county. The law does not require, in terms, that the Christian name of the elector should be written at full length; the claims of justice would be satisfied with such a certainty as would afford the means of a fair and effectual scrutiny, and, in general, that would not be difficult where the initial of the Christian name and the surname at length are given. Should there be instances where the surnames and the initials of Christian names of different persons are alike, the utmost that could be required would be to place the burden of proof (that they were different persons entitled to vote) on the party claiming the benefit of such votes.

All which is humbly submitted.

JOHN P. HUNGERFORD.

[NOTE.—See further reports, Nos. 345 and 355.]

13th CONGRESS.] **No. 344.** [1st SESSION.

INQUIRY RELATIVE TO THE NOMINATION OF ALBERT GALLATIN, SECRETARY OF THE TREASURY, TO A FOREIGN MISSION.

COMMUNICATED TO THE SENATE, JUNE 14, 1813.

Mr. ANDERSON, from the committee to whom had been referred the nomination of Albert Gallatin to be one of the "envoys and ministers plenipotentiary to negotiate and sign a treaty of peace with Great Britain, under the mediation of the Emperor of Russia; to negotiate and sign a treaty of commerce with Great Britain; and to negotiate and sign a treaty of commerce with Russia;" and a message of the President of the United States of the 7th instant, made the following report:

That, in obedience to the resolution authorizing the committee to inquire and report thereon, he had addressed a letter to the President of the United States, a copy of which accompanies this report, enclosing a copy of the resolution under which the committee were appointed; that he afterwards called on the President of the United States, who informed him that he did not consider the authority given to the committee by the resolution such as to authorize them to call on him in their official character; but that, if they were especially instructed to call upon him, and the specific object should be designated, he would freely receive them, and appoint a time for that purpose.

SIR: CAPITOL HILL, *June* 11, 1813.

I take leave to enclose you a copy of a resolution of the Senate. The committee appointed by that resolution have directed me to inform you that they will wait on you at such time as you may please to appoint, in order to commune with you upon the matter referred to them.

Accept assurances of my high respect,

JOSEPH ANDERSON.

The PRESIDENT OF THE UNITED STATES.

IN SENATE OF THE UNITED STATES, *June* 10, 1813.

Resolved, That the nomination of Albert Gallatin, together with the message of the President of the United States, received the 7th instant, relative to the said nomination, be referred to Mr. Anderson, Mr. King, Mr. Giles, Mr. Brown, and Mr. Bledsoe, to inquire and report thereon.

13th CONGRESS.] No. 345. [1st SESSION.

CONTESTED ELECTION OF JOHN P. HUNGERFORD, A REPRESENTATIVE FROM VIRGINIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 28, 1813.

Mr. JAMES FISK made the following report:

The Committee of Elections, to whom was recommitted the petition of John Taliaferro, contesting the election of John P. Hungerford, returned as a member of this House, with their report thereon, have, according to order, had the same under consideration, and further report:

That, from the polls of the several counties, the sitting member appears to have obtained a majority of twenty-four votes in the district.

The petitioner claims the seat on the ground that a majority of the legal votes at said election were given for him, and, as evidence to support his claim, produced the land list of 1812, with a copy of the poll taken in each county in the district, at said election. That, on comparing the poll of each county with the aforesaid land list, and taking that as the test, it appears that 193 persons who voted for the petitioner, and 234 persons who voted for the sitting member, were not qualified to vote; that, deducting from both polls the persons challenged, who do not appear to have been qualified to vote, according to the land list aforesaid, there is left for Mr. Taliaferro a majority of seventeen over Mr. Hungerford.

The petitioner contends that the difficulties of ascertaining the names, places of abode, and property of the voters, presented by the omission of duly entering their names in the poll-book, forbid the hope of a fair and successful scrutiny of the poll, by means of any other evidence than that of comparing it with the land list, on which alone ought to rest the merits of his claim, and the right of the sitting member to his seat.

But the committee were of opinion that it was competent for the parties to support their challenges and polls by other evidence, and, therefore, admitted the accompanying affidavits, with the testimony of Henry Lee, Jun., Daniel C. Brent, and John Cook, (the two latter gentlemen produced by the petitioner,) as sufficient to support forty-three of the votes on his poll, that were challenged by the petitioner, and not found on the land list as aforesaid. And the petitioner, by the testimony of the said Lee, Brent, and Cook, proved the legality of fifteen votes found on his poll, challenged by the sitting member, and not found on the land list; that, by adding the aforesaid forty-three votes to the poll of Mr. Hungerford, and the said fifteen votes to the poll of Mr. Taliaferro, there is left for the former gentleman a majority of ten votes over the latter.

The petitioner contended that the evidence exhibited by the affidavits fell far short of supporting the votes it was intended for; because it did not show that the voters had had the possession of the freehold title to their lands, as well as of the land itself, in right of which they voted, six months prior to the day of said election, and which, as he alleged, the laws of Virginia required, to entitle them to vote, except in cases where they came into the possession of the land by marriage, descent, or devise. If this construction of the law (which the strict letter of it seems to warrant) had been adopted by the committee, it would have left fourteen of the aforesaid forty-three votes given for Mr. Hungerford unsupported, and to the petitioner a majority of four votes; but, from the best information the committee could obtain of the construction given this law by the usage of the Virginia Legislature, a majority were inclined to the opinion that the spirit and intention of the law were satisfied, when the voter had been six months in the actual possession of the land, and obtained his freehold title to the same any time previous to his voting.

From the above statement of facts, the committee are of the opinion that the petitioner has not supported his petition.

[NOTE.—See Nos. 343 and 355.]

13th CONGRESS.] No. 346. [1st SESSION.

REMONSTRANCE OF THE LEGISLATURE OF MASSACHUSETTS AGAINST THE WAR, AND THE FORMATION OF NEW STATES FROM LANDS NOT WITHIN THE ORIGINAL LIMITS OF THE UNITED STATES, AND THE PROTEST OF THE MINORITY OF SAID LEGISLATURE.

COMMUNICATED TO THE SENATE, JUNE 28, 1813.

To the Honorable the Senate, and the Honorable the House of Representatives of the United States in Congress assembled:

The Legislature of Massachusetts, deeply impressed with the sufferings of their constituents, and excited by the apprehension of still greater evils in prospect, feel impelled, by a solemn sense of duty, to lay before the National

Government their view of the public interests, and to express, with the plainness of freemen, the sentiments of the people of this ancient and extensive Commonwealth.

Although the precise limits of the powers reserved to the several State sovereignties have not been defined by the constitution, yet we fully coincide in the correctness of the opinions advanced by our venerable Chief Magistrate, that "our constitutions ensure to us the freedom of speech, and that, at this momentous period, it is our right and duty to inquire into the grounds and origin of the present war, to reflect on the state of public affairs, and to express our sentiments concerning them, with decency and frankness, and to endeavor, as far as our limited influence extends, to promote, by temperate and constitutional means, an honorable reconciliation."

If, then, such are the rights and duties of the people, surely those who, at this solemn crisis, are selected by them, and who are specially honored with their confidence, may venture respectfully, but frankly, to express the sentiments and feelings of those whom they have the honor to represent.

The States, as well as the individuals composing them, are parties to the national compact, and it is their peculiar duty, especially in times of peril, to watch over the rights, and guard the privileges solemnly guarantied by that instrument. Certainly, then, this expression from the Legislature of the free and independent Commonwealth of Massachusetts will not be disregarded by the present Congress of the United States. For, although the numerous petitions and remonstrances of the people of this State, in relation to such measures as they deemed dangerous to their rights, and ruinous to their interests, have heretofore been received in a manner little calculated to produce that harmony, and to cement that Union, which ought to be the permanent aim of the General Government, yet we cannot but indulge the hope that new councils, and a more conciliatory spirit will distinguish the several branches of the present National Legislature; that they will endeavor, by the exercise of justice and impartiality, to allay the apprehensions, and restore the confidence of the Eastern and commercial States, to remove their actual sufferings, and to replace them in the happy and prosperous condition from which they have been driven, by a succession of measures hostile to the rights of commerce, and destructive to the peace of the Union.

It is not to be expected that a hardy and industrious people, instructed in the nature of their rights, and tenacious of their exercise, whose enterprise was a source of individual wealth and national prosperity, should find themselves obliged to abandon their accustomed employments, and relinquish the means of subsistence, without complaint; or that a moral and Christian people should contribute their aid in the prosecution of an offensive war, without the fullest evidence of its justice and necessity.

The United States, from the form of their Government, from the principles of their institutions, from the sacred professions which, in all periods of their history, they have made, from the maxims transmitted to them by patriots and sages, whose loss they can never sufficiently deplore, as well as from a regard to their best and dearest interests, ought to be the last nation to engage in a war of ambition or conquest.

The recent establishment of their institutions, the pacific, moral, and industrious character of their citizens, the certainty that time and prudent application of their resources would bring a seasonable remedy for any transient wrongs, would have induced a wise and provident, an impartial and temperate administration to overlook, if it had been necessary, any temporary evils, which either the ambition, the interest, the cupidity, or the injustice of foreign powers might, occasionally, and without any deep and lasting injury, have inflicted.

With these maxims and these views, we cannot discern any thing in the policy of foreign nations towards us, which, in point of expediency, required the sacrifice of so many and so certain blessings, as might have been our portion, for such dreadful and inevitable evils as all wars, and especially in a republic, entail upon the people.

But, when we review the alleged causes of the war against Great Britain, and, more particularly, the pretences for its continuance, after the principal one was removed, we are constrained to say that it fills the minds of the good people of this Commonwealth with infinite anxiety and alarm. We cannot but recollect, whatever the pretences of the Emperor of France may have been, pretences which have uniformly preceded and accompanied the most violent acts of injustice, that he was the sole author of a system calculated and intended to break down neutral commerce, with a view to destroy the opulence, and cripple the power of a rival, whose best interest, and whose real policy were to uphold that commerce, so essential to her own prosperity.

It is not for us to decide whether the enemy of France did, or did not, adopt the most natural and efficacious means of repelling her injustice. It is sufficient that we are persuaded the United States might, by a firm and dignified, yet pacific, resistance to the French decrees, have prevented the recurrence of any retaliatory measures on the part of Great Britain, measures not intended to injure us, but to operate on the author of this unjust and iniquitous system. And, however honorable men may differ, as to the justice of the British retaliatory orders, in council, we do not hesitate to say that France merited from our Government a much higher tone of remonstrance, and a more decided opposition.

In reviewing the avowed causes of the present war, we would, if it were possible, pass over a series of transactions, imperfectly explained, and calculated to excite our alarm and regret at the hasty manner in which it was declared. But the history of the pretended repeal of the French decrees, which, if our Government was sincere, we are bound to believe was the immediate cause of the war, is so well attested, and has been so often discussed, and is, besides, so important in this inquiry, that mere motives of delicacy cannot induce us to pass it over without notice.

If war could be justified against Great Britain exclusively, it must have been on the ground assumed by our Government, that the French decrees were actually repealed on the 1st of November, 1810. The indiscriminate plunder and destruction of our commerce, the capture of our ships by the cruizers of France, and their condemnation by her courts, and by the Emperor in person, his repeated and solemn declarations, that those decrees were still in force, and constituted the fundamental laws of his empire, at a period long subsequent to the pretended repeal, seemed to furnish an answer, sufficiently conclusive, to this question; and we cannot but lament that evidence, so satisfactory to the rest of the nation, should have had so little weight with that Congress whose term of service has lately expired.

But this important question is now definitively answered, and the American people have learned, with astonishment, the depth of their degradation. The French Emperor, as if for the perfect and absolute humiliation of our Government, and for the annunciation to the world, that he held us in utter contempt, reserved till May, 1812, the official declaration of the fact that these decrees were not repealed until April, 1811; and then, not in consequence of his sense of their injustice, but because we had complied with the condition he had prescribed in the letter of the Duke of Cadore, in causing our rights to be respected, by a resistance to the British orders; and he has since added that this decree of repeal was communicated to our minister at Paris, as well as to his own at Washington, to be made known to our cabinet. As the previous pledge of Great Britain gave the fullest assurance that she would repeal her orders as soon as the decrees on which they were founded should cease to exist; and, as her subsequent conduct leaves no doubt that she would have been faithful to her promise, we can never too much deplore the neglect to make known this repeal, whether it be attributable to the French Government or our own.

If to the former belongs the guilt of this duplicity and falsehood, every motive of interest, and every incitement of duty call loudly upon our administration to proclaim this disgraceful imposition to the American people; not only as it would serve to develope the true character and policy of France, but to acquit our own officers of a suppression too serious to be overlooked or forgiven.

But, whatever may be the true state of this mysterious transaction, the promptness with which Great Britain hastened to repeal her orders, before the declaration of war by the United States was known to her, and the restoration of an immense amount of property, then within her power, can leave but little doubt that the war, on our part, was premature, and still less that the perseverance in it, after that repeal was known, was improper, impolitic, and unjust.

It was improper, because it manifested, in this instance, a distrust in the good faith and disposition to peace of a nation from which we had just received a signal proof of both.

It was impolitic, because it gave countenance to the charge of a subserviency to the views of France, and of an ulterior design of co-operating with her in the profligate and enormous project of subjugating the rest of Europe.

It was impolitic, as it tended to unite all descriptions of people in England in favor of the present war, and to convince them, however erroneously, that moderation and fairness on her part only laid the foundation of new claims, and higher pretensions on ours.

It was unjust, because the evidence afforded by the prompt repeal of the orders in council ought to have satisfied us that Great Britain was sincerely disposed to maintain and preserve pacific relations with the United States; and all wars are unjust, the objects of which can be attained by negotiation.

It was unjust, because the whole history of our diplomatic intercourse with Great Britain shows that we never induced her to believe that we considered the impressment of her own seamen, on board our merchant ships, as a reasonable ground of war; and we had never offered her the alternative of war, or a relinquishment of this practice.

It was unjust, because the pretensions and claims, on the one side and the other, although attended with difficulties, were not irreconcilable. Great Britain did not claim the right to impress our native seamen; she disavowed the practice, in all cases, when the fact was made known to her; she restored on legal evidence; she had recently offered to return all who were of that description, of whom a list should be furnished by our Government; and she had, many years before, made such offers of fair and amicable arrangements of this whole subject, as, to two distinguished members of our present cabinet, appeared " both honorable and advantageous."

It was unjust, because we had not previously taken all the reasonable steps on our part to remove her complaints of the seduction and employment of her seamen. This is made manifest by the conduct of the same Congress which declared the war, they having admitted the propriety of obviating those complaints, by an act passed subsequent to the commencement of hostilities.

No State in the Union can have a greater interest, or feel a stronger desire to protect commerce, and maintain the legitimate rights of seamen, than this Commonwealth. Owners of one-third of all the navigation, and, probably, furnishing nearly one-half of all the native seamen of the United States, we are better enabled to appreciate the extent of their sufferings, and must also be presumed to sympathise with them more sincerely than the citizens of States destitute of commerce, and whose sons are not engaged in its prosecution, unless it be admitted that the sufferers, their parents, relatives, and friends, are less interested in their welfare and protection than those who are united to them only by the feeble ties of political connexion.

With all the means of information, furnished by every motive of duty, and every inducement of interest, we are constrained to say that this evil of impressment has been grossly exaggerated, that we have reason to believe an honest and fair proposal, as honestly and fairly executed, to exclude the subjects of Great Britain from our service, would have much more effectually relieved our own seamen, and more essentially advanced their interest, than a resort to war; that the true interests of the United States coincide with the policy adopted by all other countries, and that we should be more independent, our seamen would be better protected, and our country eventually more prosperous, by renouncing altogether the pretension of screening and employing British seamen.

The doctrine of natural allegiance is too well founded, has been too long established, and is too consonant with the permanent interest, the peace, and independence of all nations, to be disturbed for the purpose of substituting in its place certain visionary notions, to which the French revolution gave birth, and which, though long since exploded there, seem still to have an unhappy influence in our country.

Having thus found the avowed causes of the war, and especially the motives for a perseverance in it, so wholly inadequate to justify the adoption of that policy, we have been obliged to resort to other, and more concealed motives. We cannot, however, without the most conclusive evidence, believe, although the measures and language of some high public functionaries indicate the fact, that ambition, and not justice, a lust of conquest, and not a defence of endangered rights, are among the real causes of perseverance in our present hostilities.

Must we, then, add another example to the catalogue of republics, which have been ruined by a spirit of foreign conquest? Have we no regard to the solemn professions we have so often repeated, none to the example, none to the precepts of Washington? Is it possible either to acquire, or to maintain extensive foreign conquests, without powerful standing armies? And did such armies ever long permit the people, who were so imprudent as to raise and maintain them, to enjoy their liberties?

Instances of military oppression have already occurred among us; and a watchful people, jealous of their rights, must have observed some attempts to control their elections, and prostrate the civil before the military authority. If the language of some men high in office; if the establishment of a chain of military posts in the interior of our country; if the extensive preparations which are made in quarters where invasion cannot be feared, and the total abandonment and neglect of that part of our country, where alone it can be apprehended, have excited our anxiety and alarm, as to the real projects of our rulers, these emotions have not been diminished by the recent invasion, seizure, and occupation of the territory of a peaceable and unoffending neighbor.

If war must have been the portion of these United States; if they were destined, by Providence, to march the downward road to slavery, through foreign conquest and military usurpation, your remonstrants regret that such a moment, and such an occasion should have been chosen for the experiment; that, while the oppressed nations of Europe are making a magnanimous and glorious effort against the common enemy of free States, we alone, the descendants of the pilgrims, sworn foes to civil and religious slavery, should voluntarily co-operate with the oppressor, to bind other nations in his chains; that, while diverting the forces of one of his enemies from the mighty conflict, we should endanger the defenceless territories of another, in whose ports the flag of our independence was first permitted to wave, now struggling for existence beneath his iron grasp.

Permit the Legislature of this Commonwealth, whose citizens have been ever zealous in the cause of freedom, and who contributed their utmost efforts for the adoption of that constitution, under which, in former times, we enjoyed so much prosperity, most respectfully, but earnestly, to entreat and conjure the constituted authorities of

the nation, by the regard due to our liberties, to our Union, to our civil compact, already infringed, to pause before it be too late. Let the sober, considerate, and honorable Representatives of our sister States, in which different councils prevail, ask themselves—

Were not the territories of the United States sufficiently extensive, before the annexation of Louisiana, the projected reduction of Canada, and seizure of West Florida?

Had we not millions upon millions of acres of uncultivated wildernesses, scarcely explored by civilized man?

Could these acquisitions be held, as conquered provinces, without powerful standing armies? And would they not, like other infant colonies, serve as perpetual drains of the blood and treasure of these United States? Or, is it seriously intended to adopt the dangerous project of forming them into new States, and admitting them into the Union, without the express consent of every member of the original confederacy?

Would not such a measure have a direct tendency to destroy the obligations of that compact, by which alone our Union is maintained?

Already have we witnessed the formation and admission of one State, beyond the territorial limits of the United States, and this too, in opposition to the wishes and efforts, as well as in violation of the rights and interest, of some of the parties to that compact; and the determination to continue that practice, and thereby to extend our republic to regions hitherto unexplored, or peopled by inhabitants, whose habits, language, religion, and laws, are repugnant to the genius of our Government, is openly avowed.

Against a practice so hostile to the rights, the interests, the safety of this State, and so destructive to her political power; so subversive of the spirit of the constitution, and the very principles upon which it is founded, your remonstrants, in the name and behalf of the Commonwealth of Massachusetts, feel it their duty to enter their most deliberate and solemn protest.

If an extensive confederated republic is to be maintained—and we most fervently pray that it may—it can only be by a free communication of the grievances felt, and the evils apprehended, by any of its members, and by a prompt and liberal remedy. The same spirit of concession, which dictated the formation and the adoption of the constitution, should be kept in permanent and perpetual exercise.

The blessings of Government, its vigilance, its protection, its rewards, should be equally and impartially distributed, and its burdens as equally and fairly imposed. No portion of the Union ought to be sacrificed to the local interest, passions, or aggrandizement of others. It cannot, however, be denied, that causes have occurred to disturb the balance, which, when adjusted, was intended to form the principal security of our present compact. But the remedy is in the power of Congress, and we look to their wisdom for its efficacious and speedy application.

The chief motive which influenced the Eastern States to abolish the old confederation, and to surrender a greater share of their own sovereign power, as appears by the recent history of those times, was the expectation that their commerce would be better protected by the National Government.

The hardy people of the North stood in no need of the aid of the South to protect them in their liberties. For this they could safely rely, as they always had done, on their own valor. But it was an important object with them, that every aid, facility, and encouragement, should be given to that commerce, upon which their prosperity almost exclusively depended.

To ensure this great object a very unequal proportion of political power was conceded to the Southern States. The representation of slaves was the price paid by the Northern States, for the stipulated protection and encouragement of their trade, and for an agreement of the Southern members of the Union, that the public burdens should be apportioned according to representation. Experience, however, has proved that, although the contract, on our part, has been faithfully fulfilled, both these considerations have utterly failed.

Indications of a spirit hostile to commerce were early visible, among some of those who now control the destinies of our republic; but the father of his country then presided in our councils, and this spirit was vanquished. Under the influence of the wise, liberal, and magnanimous system, adopted and pursued by his administration, commerce was indeed cherished, extended, and protected, and the stipulations of the constitution were fulfilled in sincerity and good faith.

Since that period, however, the same spirit has arisen, and has exhibited an unrelenting severity in the exercise of its sway, until at length, by a series of restrictions, utterly destructive of the calculations of the merchant, by prohibitions and double duties, by embargoes and non-intercourse, and lastly, by war, the poor remains of that commerce which once covered the ocean with its sails, have been nearly annihilated.

Nor has the other part of the consideration been better fulfilled. Taxation has never, except in a single instance, and that to a hundredth part only of the revenue raised under the constitution, been apportioned according to representation; and with what reluctance it was then submitted to by the Southern States, and with what tardiness it was even partially collected, public records will determine.

Of the two hundred and fifteen millions of dollars derived by the United States, under the operation of the Federal Government, Massachusetts has paid upwards of forty millions, an amount beyond all proportion to her political weight in the Union.

If, therefore, the revenues derived from this Commonwealth, and paid into the National Treasury, had been preserved in her own, she would have been fully competent to her own defence, and would not have been obliged to solicit, nor experience the injustice of a refusal of the arms, for which she has long since paid, and which were her due from the General Government. What good cause can be assigned for this refusal your remonstrants are wholly unable to determine. No discretion is, by law, vested in any officer of the Government, in relation to this subject. Its provisions are simple, plain, and peremptory. Your remonstrants, therefore, cannot but express their astonishment, that the State of Massachusetts, possessing a seacoast more extensive and populous than that of any other State in the Union, and a defenceless frontier by land, should not only be entirely abandoned by the Government, whose duty it is to protect her, but should also be refused the arms for her own defence to which she is, by law, entitled. They cannot, however, permit themselves to doubt that Congress will, forthwith, adopt such measures as will render to this Commonwealth that justice which the Executive Department has refused.

If the war, in which we have been rashly plunged, was undertaken to appease the resentment, or secure the favor of France, deep and humiliating must be our disappointment. For, although the Emperor is lavish in his professions of "love for the American people," applauds our ready self-devotion, and declares "that our commerce and our prosperity are within the scope of his policy," yet no reparation has been made or offered, for the many outrages, indignities, and insults, he has inflicted on our Government, nor for the unnumbered millions of which he has plundered our citizens. And when we consider the course of policy pursued by our rulers, in their external relations, and commercial restrictions, from the prohibition of our trade to St. Domingo to the declaration of war against Great Britain; that this course often received his open approbation, and was not unfrequently conformable to the system which he himself had adopted; when we consider, also, the mysterious secrecy which has veiled the correspondence of the two Governments from our view; and, above all, when we consider that, in many instances, the most important measures of our Government have been anticipated in Paris, long before they were

known to the American people, we cannot conceal our anxiety and alarm for the honor and independence of our country. And we most fervently pray that the sacrifices we have already made, like the early concessions of Spain and Portugal, of Prussia and Sweden, may not be the preludes to new demands and new concessions, and that we may be preserved from all political connexion with the common enemy of civil liberty.

To the constituted authorities of our country we have now stated our opinions, and made known our complaints; opinions, the result of deliberate reflection, and complaints, "wrung from us by the tortures of that cruel policy" which has brought the good people of this Commonwealth to the verge of ruin; a policy which has annihilated that commerce so essential to their prosperity; increased their burdens, while it has diminished their means of support; provided for the establishment of an immense standing army, dangerous to their liberties, and irreconcilable with the genius of their constitution; destroyed their just and constitutional weight in the General Government; and, by involving them in a disastrous war, has placed in the power of the enemy the control of the fisheries, a treasure of more value to the country than all the territories for which we are contending, and which furnish the only means of subsistence to thousands of our citizens; the great nursery of our seamen, and the right to which can never be abandoned by New England.

Under such circumstances, silence towards the Government would be treachery to the people. In making this solemn representation of our sufferings, and our dangers, we have been influenced only by the duty which we owe to our constituents, and our country, to our consciences, and the memory of our fathers. And to the Searcher of all hearts we appeal for the purity of our motives, and the sincerity of our declarations.

Far from wishing to embarrass the administration in any of their negotiations for peace, we cannot but express our regret, that they should not have evinced a sincere desire for this great object, by accepting some of the repeated overtures made by the enemy for the suspension of hostilities. And permit us, in conclusion, most earnestly to request that measures may immediately be adopted to stay the sword of the destroyer, and to prevent the further effusion of human blood; that our invading armies may be forthwith recalled within our own territories; and that every effort of our rulers may be speedily directed to the attainment of a just and honorable peace; that mutual confidence and commercial prosperity may be again restored to our distracted and suffering country; and that, by an upright and faithful administration of our Government, in the true spirit of the constitution, its blessings may be equally diffused to every portion of the Union.

In the House of Representatives, June 14, 1813. Sent up for concurrence.

TIMOTHY BIGELOW, *Speaker.*

In the Senate, June 15, 1813. Read, and concurred in.

JOHN PHILLIPS, *President.*

A true copy. Attest:

SAMUEL F. McCLEARY,
Clerk of the Senate.

BENJAMIN POLLARD,
Clerk of the House of Representatives.

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned committee, chosen by the minority of the Senators and Representatives of the Commonwealth of Massachusetts, beg leave to represent that they have perceived, with extreme regret, that the Legislature of this State, in their present session, have presented a remonstrance to Congress, denouncing the administration of the General Government, reprobating the war as improper, impolitic, and unjust, impeaching the motives of the Congress which declared it, excusing and justifying all the aggressions and outrages of Great Britain, and charging a majority of the Representatives of the people with wantonness, ambition, oppression, and cruelty. While the Executive of the United States is steadily pursuing that course of policy, which alone can secure a safe, equitable, honorable, and permanent peace, and we are actually negotiating to effect it, it is impossible to conceive what good motive could induce the Legislature of this State to vote a remonstrance so unreasonable in its origin, reprehensible in its language, erroneous in its facts and principles, and pernicious in its effects.

Who, that is American, can but feel indignant, to hear it stated by the Legislature of a State, that we ought to have resisted the French decrees, agreeably to the demand of the British Government? That we have seduced her seamen from their allegiance, and that we have invaded the territory of a peaceable and unoffending neighbor? Where is the man, who values his reputation, who would not indignantly frown at the insinuation, that war was waged from motives of ambition, or lust of conquest? That we are leagued with France, to oppress the European nations, and that our Government have established a chain of military posts, "to prostrate the civil to the military authority?" And what man, not altogether exclusively British, can, without the deepest mortification, read a remonstrance, which, in time of war, and pending negotiation, should take the enemy's ground, support their claims, and justify their aggressions?

We assure the Congress and people of the United States that we utterly protest against the statements and principles contained in that humiliating remonstrance. It appears to us too much like the attempt of a disappointed and malignant faction, who, to obtain power, would trample on the rights and liberties of their country. We do not, however, apprehend that any faction in this country have either the power or the nerve to effect a purpose of this sort. We trust, and sincerely believe, that the people would resist, and effectually suppress, every attempt to sever or weaken our bond of Union.

We are aware that it is in times of calamity and war that ambitious and designing men will be tempted to stir up the people to opposition and rebellion; but we are assured that a large majority of the people of this State would, at the hazard of their lives and fortunes, resist all opposition to the laws and Government of their country. We believe the war to be just and necessary; that the Government have invariably maintained strict justice and impartiality towards the belligerents of Europe; that they have submitted to an accumulation of wrongs, which no other nation would have endured; they have negotiated, until negotiation was vain; that it is their intention, as it is their duty, to protect the rights of commerce and of sailors, "peaceably, if they can, forcibly, if they must;" that, since the pretended repeal of the orders in council, every pacific advance has been made, both by the Executive, and by Congress, which was consistent with the rights and honor of the nation; and that we are willing to endure all the evils and privations of this war, and to expend our property and our blood in its prosecution. We hope the Legislature of Massachusetts have better evidence of their consistency, prudence, patriotism, and love of peace, than is contained in their extraordinary remonstrance.

We wish for peace, but we fear that this remonstrance, if it has any effect, will tend to prevent, rather than to accomplish it. We hope that the very proper course adopted by the administration, to effect a peace, will meet

with the success to which it is entitled; but, should Great Britain, regardless of the numerous wrongs she has inflicted on us, and, calculating on her power, or encouraged by her friends in America, persist in her hostile pretensions, we have no doubt but the people of this State will cordially, actively, and zealously come forward, and lend their aid in the prosecution of the war, until our rights are established on a permanent basis.

JOHN HOLMES,
WILLIAM MOODY,
SOLOMON AIKEN,
JOSHUA PRENTISS, Jun.
JOHN HART,
AMBROSE HALL.

Boston, *June* 16, 1813.

13th Congress.] **No. 347.** [1st Session.

PRESIDENT MADISON DECLINES A CONFERENCE WITH A COMMITTEE OF THE SENATE ON THE NOMINATION OF JONATHAN RUSSELL TO BE MINISTER TO SWEDEN.

COMMUNICATED TO THE SENATE, JULY 6, 1813.

To the Senate of the United States: Washington, *July* 6, 1813.

I have received from the committee, appointed by the resolution of the Senate of the 14th day of June, a copy of that resolution, which authorizes the committee to confer with the President on the subject of the nomination made by him of a minister plenipotentiary to Sweden.

Conceiving it to be my duty to decline the proposed conference with the committee, and it being uncertain when it may be convenient to explain to the committee, and, through them, to the Senate, the grounds of my so doing, I think it proper to address the explanation directly to the Senate. Without entering into a general review of the relations in which the constitution has placed the several departments of the Government to each other, it will suffice to remark, that the Executive and Senate, in the cases of appointments to office, and of treaties, are to be considered as independent and co-ordinate with each other. If they agree, the appointments or treaties are made. If the Senate disagree, they fail. If the Senate wish information previous to their final decision, the practice, keeping in view the constitutional relations of the Senate and the Executive, has been, either to request the Executive to furnish it, or to refer the subject to a committee of their body, to communicate, either formally or informally, with the head of the proper department. The appointment of a committee of the Senate to confer immediately with the Executive himself, appears to lose sight of the co-ordinate relation between the Executive and the Senate, which the constitution has established, and which ought, therefore, to be maintained.

The relation between the Senate and House of Representatives, in whom Legislative power is concurrently vested, is sufficiently analogous to illustrate that between the Executive and Senate in making appointments and treaties. The two Houses are in like manner independent of, and co-ordinate with each other, and the invariable practice of each in appointing committees of conference and consultation, is, to commission them to confer, not with the co-ordinate body itself, but with a committee of that body. And although both branches of the Legislature may be too numerous to hold conveniently a conference with committees, were they to be appointed by either to confer with the entire body of the other, it may be fairly presumed, that, if the whole number of either branch were not too large for the purpose, the objection to such a conference, being against the principle, as derogating from the co-ordinate relations of the two Houses, would retain all its force.

I add only that I am entirely persuaded of the purity of the intentions of the Senate, in the course they have pursued on this occasion, and with which my view of the subject makes it my duty not to accord, and that they will be cheerfully furnished with all the suitable information in possession of the Executive, in any mode deemed consistent with the principles of the constitution, and the settled practice under it.

JAMES MADISON.

13th Congress.] **No. 348.** [1st Session.

CHESAPEAKE AND DELAWARE CANAL.

COMMUNICATED TO THE SENATE, JULY 12, 1813.

Mr. Horsey, from the committee to whom were referred the message of the President of the United States, of the 5th ultimo, together with the act therein communicated, reported:

That, on the 5th of March last, the General Assembly of the State of Pennsylvania passed an act authorizing the Governor of that Commonwealth to subscribe, in behalf of the same, three hundred and seventy-five shares in the Chesapeake and Delaware Canal Company, if the United States shall subscribe seven hundred and fifty shares, the State of Maryland two hundred and fifty shares, and the State of Delaware one hundred shares, in the same company. That the utility and importance of a navigable canal over the isthmus which separates the bays of Che-

sapeake and Delaware, is so well understood, and so universally admitted, your committee have deemed it unnecessary to say any thing in addition to what already appears in the various reports and communications hitherto made to Congress on this subject. The cause which suspended the operations of the company, the extent and nature of the canal, the progress and state of the work, the annual saving to the community, the probable revenue of the canal, and the expenses of the whole work, are so ably stated and estimated in the report of the Secretary of the Treasury on the subject of public roads and canals, of the 2d of March, A. D. 1807, that your committee have taken the liberty to introduce here that part of the said report which relates to this particular subject.

"III. DELAWARE AND CHESAPEAKE CANAL.

"A company incorporated by the States of Delaware and Maryland for opening this canal has commenced its operations, now suspended for want of funds.

"The canal will commence at Welsh Point, on Elk river, an arm of the Chesapeake, and terminate at a distance of twenty-two miles on Christiana creek, a branch of the Delaware. At low water the depth of water in Christiana is nine feet, and in Elk twelve feet, within one hundred feet from the shore. The tide rises four feet in both rivers. The canal might, without increasing the distance, be conducted to Newcastle, on the Delaware itself, instead of ending at Christiana creek.

"The highest intermediate ground, over which the canal will be carried on a level of thirteen miles in length, is seventy-four feet above tide water, the descent being effected by nine locks on each side. The digging is generally easy; no expensive aqueducts or bridges, nor any other obstacle, but those which have already been overcome in digging the feeder through a very rocky soil.

"The supply of water drawn from Elk river by a feeder six miles in length, already completed, which is itself a boat canal three and a half feet deep, united by a lock of ten feet lift with the main canal, is calculated to fill daily one hundred and forty-four locks; a quantity sufficient, on an average, for the daily passage of twenty-four vessels. A reservoir covering thirty, and which may be increased to one hundred and fifty acres, will supply occasional deficiencies. Other reservoirs may be added; and Christiana and White Clay creeks may hereafter be brought in aid of Elk river, if the supply should prove too scanty for an increased navigation.

"The canal, twenty-six feet wide at the bottom, and fifty at the top, on the water line, being dug at the depth of eight feet, is intended for vessels of forty to seventy tons, drawing seven and a half feet water; but the banks, twenty feet wide for towing paths, and one of which may be converted into a turnpike road, being raised three feet above the level of the water, will, by increasing the height of the lock gates one foot, admit a depth of nine feet of water in the canal, at which depth it would perhaps be eligible to dig at once. The locks, eighty feet long, eighteen feet wide, and eight or nine feet deep over the gate sills, containing each eleven thousand five hundred to thirteen thousand cubic feet of water, and with a lift of eight to nine feet each, will be constructed of hewn stone laid in tarras. Those dimensions, both of the canal and locks, recommended by Mr. Latrobe, the engineer of the canal, may be adopted in all the other canals for sea vessels on this line of communication.

"The present annual carriage across the peninsula, which would be drawn through the canal, is estimated at forty-two thousand tons, exclusively of passengers. This will be greatly increased by the facility which the canal itself will afford to the commercial intercourse between the two bays, and to the conveyance of articles now carried through other channels, or too heavy for transportation at the present expense of carriage. The coals wanted for Philadelphia, and which brought down from the sources of the Susquehannah and Potomac, but principally from the vicinity of Richmond, would naturally pass through the canal, have been alone estimated at more than one hundred thousand tons a year. The annual carriage of all articles may, in the present state of the population, be fairly estimated at one hundred and fifty thousand tons, and the direct annual saving to the community at three hundred thousand dollars, being at the rate of two dollars a ton for the difference between land and water carriage across the peninsula, after paying the tolls. These, at the rate of fifty cents a ton, will give to the undertakers a revenue of seventy-five thousand dollars, leaving, after a deduction of ten thousand dollars for annual repairs, and of ten thousand dollars more for attendance and contingencies, a net income of fifty-five thousand dollars.

"The expenses of the whole work are estimated as follows:

"Digging twenty-two miles, at twenty thousand dollars a mile, - - -	$440,000 00
"Eighteen locks, at ten thousand dollars each, - - - - -	180,000 00
(The whole lockage being one hundred and forty-eight feet, would, at one thousand two hundred and fifty dollars a foot, amount to one hundred and eighty-five thousand dollars.)	
"Feeder, (nearly completed,) reservoirs, lock at the feeder, purchase of water rights and land, including a debt of ——— dollars due by the company, - - - -	230,000 00
	$850,000 00

"The interest on which sum, at six per cent., is fifty-one thousand dollars.

"The capital originally subscribed amounted to four hundred thousand dollars, divided into two thousand shares of two hundred dollars each. One-half of these has been forfeited, after a small payment of five dollars on each share. One hundred thousand dollars, paid by the other stockholders, have been expended in preparatory measures, in the purchase of water rights, and in digging the feeder, which was considered as the most difficult part of the work. Seven hundred and fifty thousand dollars are still wanted to complete the work; of which sum one hundred thousand dollars is payable by the stockholders, and the deficiency of six hundred and fifty thousand dollars must be drawn from other sources."

From this report of the Secretary of the Treasury, it would appear that the sum of seven hundred and fifty thousand dollars is now wanted to enable the company to complete the work; of this sum is already subscribed, and payable by the stockholders, - - - - - - $100,000 00

If the State of Pennsylvania subscribe three hundred and seventy-five shares, to - -	75,000 00
The State of Maryland two hundred and fifty shares, to - - - -	50,000 00
The State of Delaware, one hundred shares, to - - - -	20,000 00
The United States, seven hundred and fifty shares, to - - - -	150,000 00
The company will have - - -	$395,000 00

A sum which will enable them to recommence their operations, and, according to the estimate of the Secretary of the Treasury, nearly sufficient to complete the digging of the main canal.

Should this public aid be afforded, your committee feel a persuasion it would give a new impulse to the work, reanimate the company, inspire the community with confidence, induce the aid of individual capitalists, and ensure, at no very distant period, the completion of an undertaking of great national as well as local advantage and importance.

The lateness of the session, however, and the nature of the business which at present engages the attention of the Senate, renders it inexpedient to bring this subject forward during this session of Congress; but your committee, while they advise a postponement of the subject, earnestly recommend it to the early and attentive consideration of the Senate at the next meeting of Congress.

They, therefore, submit the following resolution:

Resolved, That the further consideration of the President's message of the 5th ultimo, with the communication accompanying the same, be postponed to the next session of Congress.

13th Congress.] No. 349. [1st Session.

CONTESTED ELECTIONS OF EBENEZER SAGE AND JOHN LEFFERTS, TWO OF THE REPRESENTATIVES FROM NEW YORK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JULY 13, 1813.

Mr. JAMES FISK made the following report:

The Committee of Elections, to whom was referred the petition of Benjamin B. Blydenburgh and Peter Augustus Jay, contesting the election of Ebenezer Sage and John Lefferts, returned as two of the representatives for the State of New York in the present Congress, and praying to be admitted in their stead, have had the same under consideration, and report:

That, on viewing all the circumstances of this case, the committee are of the opinion that further evidence is necessary to enable them to come to a just decision, and that a reasonable time ought to be granted the parties to obtain such evidence; therefore, the committee respectfully submit the following resolution:

Resolved, That the parties be allowed until the first Wednesday in the next session of Congress, to procure testimony relative to said election.

13th Congress.] No. 350. [1st Session.

PRESIDENT MADISON DECLINES A CONFERENCE WITH A COMMITTEE OF THE SENATE ON THE NOMINATION OF ALBERT GALLATIN, SECRETARY OF THE TREASURY, TO A FOREIGN MISSION.

COMMUNICATED TO THE SENATE, JULY 19, 1813.

Mr. ANDERSON made the following report:

The committee to whom was referred the nomination of Albert Gallatin to be one of the envoys extraordinary and ministers plenipotentiary to negotiate and sign a treaty of peace with Great Britain, under the mediation of the Emperor of Russia; to negotiate and sign a treaty of commerce with Great Britain; and to negotiate and sign a treaty of commerce with Russia; together with the message of the President of the United States of the 7th June, report:

That, according to the instructions of the Senate of the 16th June, the committee, through its chairman, addressed a note to the President of the United States on the 12th instant, which accompanies this report; and, in reply thereto, the President addressed a note to the chairman on the 14th instant, which note also accompanies this report, appointing Friday, the 16th instant, to receive the committee, to communicate the aforesaid resolution of the Senate, and apprizing the committee of his late message to the Senate, containing the grounds on which he would be obliged to decline the proposed conference with the committee. Upon due consideration of this reply, the committee deemed it an incumbent duty to wait on the President, according to his appointment, and to present to him both the resolutions of the Senate in relation to the nomination referred to the committee; and did, accordingly, wait on him, and present them: when the President was pleased to observe to the committee, in substance, that he was sorry that the Senate had not taken the same view of the subject which he had done; and that he regretted that the measure had been taken under circumstances which deprived him of the aid or advice of the Senate. After the committee had remained a reasonable time for the President to make any other observations, if he thought proper to do so, and, observing no disposition manifested by him to enter into further remarks, the committee retired, without making any observations on the matter of the resolutions, or in reply to those made by the President.

SIR: JULY 12, 1813.

The committee, to whom was referred the nomination of Albert Gallatin to be one of the envoys and ministers plenipotentiary to negotiate and sign a treaty of peace with Great Britain, under the mediation of the Emperor of Russia; to negotiate and sign a treaty of commerce with Great Britain; and to negotiate and sign a treaty of commerce with Russia; together with the message of the President of the 7th of June, have directed me to enclose a copy of two resolutions passed by the Senate, and to request that you will be pleased to appoint such time to receive the committee as may entirely comport with your own convenience.

The committee sincerely lament that your indisposition, for some time past, has been such as would have rendered it improper to have addressed you upon this subject at an earlier period; and are now much gratified to learn that you are again so far restored to your health as to be enabled to attend to your official duties.

Accept my best wishes for a perfect restoration of your health, and assurance of my high respect.

JOSEPH ANDERSON, *Chairman of the committee.*

The PRESIDENT OF THE UNITED STATES.

IN SENATE OF THE UNITED STATES, *June* 16, 1813.

Resolved, That, in the opinion of the Senate, the powers and duties of the Secretary of the Department of the Treasury, and those of an envoy extraordinary to a foreign Power, are so incompatible that they ought not to be, and remain united, in the same person.

Resolved, That the committee, to whom was referred the nomination of Albert Gallatin, Secretary of the Department of the Treasury, as an envoy extraordinary to treat of peace and commerce with Great Britain, and of commerce with Russia, be instructed to communicate the foregoing resolution to the President of the United States, and respectfully to confer with him upon the matter thereof.

Reply of the President.

WEDNESDAY, *July* 14, 1813.

J. Madison presents his respects to Mr. Anderson, and informs him that he will, on Friday next, at eleven o'clock, receive the committee of the Senate instructed to communicate to the President their resolution of the 16th ultimo. The committee are apprized, by his late message to the Senate, of the grounds on which he will be obliged to decline the proposed conference with the committee upon the matter of that resolution.

13th CONGRESS.] No. 351. [2d SESSION.

CONTESTED ELECTION OF JOHN M. BOWERS, A REPRESENTATIVE FROM NEW YORK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1813.

Mr. JAMES FISK made the following report:

The Committee of Elections, to whom was referred the petition of Isaac Williams, Jun., contesting the election of John M. Bowers, returned as one of the Representatives from the State of New York, in the present Congress, and praying to be admitted in his stead, have had the same under consideration, and report:

That, in addition to the facts and evidence stated in the report of the Committee of Elections, made in this case at the last session of Congress, it appears that, from the towns of Exeter, Milford, and Westford, three hundred and twenty-two votes were, through the mistake of the inspectors of elections in those towns, returned for Isaac Williams, which votes, according to the testimony of said inspectors, were given to, and ought to have been returned for Isaac Williams, Jun.; that, adding these votes to the poll of Isaac Williams, Jun., gives him a majority of one hundred and sixty-four votes over Mr. Bowers, and entitles him to a seat in this House. The committee, therefore, respectfully submit the following resolutions:

Resolved, That John M. Bowers is not entitled to a seat in this House.

Resolved, That Isaac Williams, Jun. is entitled to a seat in this House.

NOVEMBER 27, 1813.

To the honorable the House of Representatives of the United States of America in Congress assembled:

The petition of Isaac Williams, Jun., of the county of Otsego, in the State of New York, humbly showeth: That, at the last election for a Representative from the fifteenth congressional district of said State, your petitioner was elected by a majority of votes; that, through a mistake of the inspectors of elections for the towns of Westford, Laurens, Milford and Exeter, in said county, the votes taken for your petitioner by his name of Isaac Williams, Jun., were certified for Isaac Williams; that, in consequence of such mistake, John M. Bowers, Esq. appeared to have a majority of votes in said district, whereas otherwise, and of right, your petitioner had a majority, and was duly elected. Your petitioner, therefore, humbly prays, that, on due testimony of existing facts in the premises being laid before your honorable body, he may have his seat as such Representative assigned him, and that the seat of the said John M. Bowers, Esq. be vacated; and your petitioner, as in duty bound, will ever pray, &c.

ISAAC WILLIAMS, JUN.

EXETER, *June* 9, 1813.

We, the subscribers, do certify, that, at the annual election held in the town of Exeter, in the county of Otsego, and State of New York, commencing on the 27th day of April, 1813, and continuing three days in succession, the votes for members of Congress were as follows, to wit:

For *Isaac Williams, Jun.* ninety-one.
John M. Bowers, seventy.

We also certify, that, in the return made to Francis Henry, Esq., clerk of the above county, the addition of the word *junior*, annexed to the name of Isaac Williams, was left out or omitted by us, through mistake, and contrary to the canvass and estimation.

Also, that we made out a correct return, containing the above in substance, and presented to the above clerk within eight days after said election, which he refused to accept and file.

ANDERSON BECKWITH,
JEREMIAH ROBINSON,
JOHN MARTIN,
Inspectors of election for the town of Exeter, in 1813.

STATE OF NEW YORK, *Otsego county, ss.*

Jeremiah Robinson, Anderson Beckwith, and John Martin, inspectors of election for the town of Exeter, in said county, being sworn on the Holy Evangelists of Almighty God, depose and say, that the within certificate by them subscribed contains the truth, and nothing but the truth.

JEREMIAH ROBINSON,
ANDERSON BECKWITH,
JOHN MARTIN,
Inspectors of said election.

Sworn and subscribed, the 9th day of June, 1813, before me, Thomas Brooks, one of the justices of the peace in and for said county of Otsego.

MILFORD, *April* 29, 1813.

We do hereby certify, that the underneath is a true estimate of the votes taken at the annual election held for the town of Milford, in the county of Otsego, for one Representative to Congress, in the fifteenth congressional district for the Congress of the United States, beginning the last Tuesday in April instant, and continues three days successively.

Isaac Williams, Jun. one hundred and thirty-five votes.
John M. Bowers, one hundred and twenty-six votes.

EZRA ADAMS,
DANIEL LEE,
PETER COLLIER,
JOSEPH MUMFORD,
Inspectors of election.

MILFORD, *May* 5, 1813.

We also certify, that the returns made the 30th day of April, to the county clerk, dated the 29th, was incorrect, and happened by a mistake. Instead of Isaac Williams, it ought to have been Isaac Williams, Jun.

EZRA ADAMS,
PETER COLLIER,
JOSEPH MUMFORD,
DANIEL LEE,
Inspectors of election.

STATE OF NEW YORK, *Otsego county, ss.*

Ezra Adams, Daniel Lee, Peter Collier, and Joseph Mumford, inspectors of election of the town of Milford, in the county of Otsego, and State aforesaid, being sworn severally, say: that the certificate hereunto annexed is just and true; and that the certificate heretofore returned to the clerk's office of the county aforesaid, bearing even date with the certificate hereunto annexed, was incorrect in this, that the votes there purported to have been given for *Isaac Williams*, when in truth, and in fact, they were given for *Isaac Williams, Jun.*, and further saith not.

EZRA ADAMS,
DANIEL LEE,
PETER COLLIER,
JOSEPH MUMFORD,
Inspectors of election for the town of Milford, in 1813.

Sworn before me, this 5th May, 1813.

ELISHA FOOTE,
Justice of the peace in and for the above county.

STATE OF NEW YORK, *Otsego county, ss.*

John Kelso, David Smith, Jonas Babcock, and Rufus Bentley, inspectors of election for the town of Westford, in the county aforesaid, being sworn on the Holy Evangelists of Almighty God, depose and say: that the within certificate, by them subscribed, contains the truth, and nothing but the truth; and that they did, within eight days after said election, make out a corrected return, and commit it to Jonas Babcock, to be by him returned to the clerk of the said county; and further say not.

JOHN KELSO,
DAVID SMITH,
JONAS BABCOCK,
RUFUS BENTLEY.
Inspectors of election for the town of Westford, in 1813.

Sworn and subscribed before me, the 7th day of June, 1813.

ELISHA FOOTE,
A justice of the peace for said county.

STATE OF NEW YORK, *Otsego county, ss.*

Jonas Babcock, one of the inspectors of election, within mentioned, being sworn, deposeth and saith: that a return, of which the within is substantially a copy, was committed to him by the other inspectors of the town of Westford, to be returned to the clerk of said county; that, within eight days after said election, he presented said return to him, which he refused to receive.

JONAS BABCOCK.

Sworn and subscribed before me, the 7th day of June, 1813.

ELISHA FOOTE,
A justice of the peace in and for the county of Otsego.

WESTFORD, *June* 7, 1813.

We, the subscribers, do certify, that at the annual election, held in the town of Westford, in the county of Otsego, and State of New York, commencing on the 27th day of April, 1813, and continuing three days in succession, the votes for member of Congress were as follows, to wit:

For *Isaac Williams, Junior*, ninety-six.
John M. Bowers, ninety-one.

We also certify, that, in the return made to Francis Henry, Esq., clerk of said county, the addition of *Junior*, annexed to the name of Isaac Williams, was left out, or omitted through mistake, and contrary to the votes, canvass, and estimate.

JOHN KELSO,
DAVID SMITH,
JONAS BABCOCK,
RUFUS BENTLEY,
Inspectors of election for the town of Westford, in 1813.

I, Francis Henry, clerk of the county of Otsego, in the State of New York, do certify, that Elisha Foote, and Thomas Brooks, Esquires, are justices in the commission of the peace, for said county, and that they were such during the whole of the months of *May* and *June* last past.

In testimony whereof, I have hereunto affixed my hand, and the seal of said county, this 27th day of November, 1813.

FRANCIS HENRY.

Report of the Committee, on a resolution relative to the election of John M. Bowers, from the State of New York, 2d July, 1813. *Read and concurred in.*

The Committee of Elections, who were instructed by the resolutions of the House, of the 24th of June, to inquire "whether John M. Bowers, returned as a member from the State of New York, is entitled to a seat in this House," and "what person, if any, is entitled to a seat in this House, instead of the said John M. Bowers," have had the same under consideration, and report, in part:

That by a return of the votes from the fifteenth district, in said State, it appears, that

John M. Bowers, had	4,287
Isaac Williams, Jun.	4,129
Isaac Williams,	434
John Bowers,	70
John M. Bowey,	1
Several other persons, in all	17

From this statement it results, that John M. Bowers had a majority of one hundred and fifty-eight votes over Isaac Williams, Jun. By the affidavit of Luther Bissel, and the statement of the sitting member, it appears that there are three persons of the name of Isaac Williams, residing within the district; one of whom is designated by the addition of *junior*, and it is candidly admitted by Mr. Bowers, that Isaac Williams, Jun. and John M. Bowers were the only candidates at this election, within his knowledge. It appears probable to the committee, that the votes given to John Bowers, and John M. Bowey, were all intended for John M. Bowers; and that those given for Isaac Williams were intended for Isaac Williams, Jun.; which opinion seems to be strengthened by the fact, that, in four towns in said district, nearly one hundred votes were given in each for Isaac Williams, and not one for Isaac Williams, Jun. If this be admitted,

Isaac Williams, Jun. will have	4,563
John M. Bowers,	4,358
Leaving to Isaac Williams, Jun. a majority of	205

But the committee are of opinion that further evidence is necessary to form a correct decision; and, in order to afford time to procure the same, they respectfully submit the following resolution:

Resolved, That the further consideration of this subject be postponed to the first Wednesday of the next session of Congress.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, *June* 24, 1813.

Resolved, That the Committee of Elections be instructed to inquire whether John M. Bowers, returned as a member from the State of New York, is entitled to a seat in this House.

Resolved, That the same committee be instructed to inquire what person, if any, is entitled to a seat in this House instead of the said John M. Bowers.

Attest: PATRICK MAGRUDER, *Clerk.*

FIFTEENTH CONGRESSIONAL DISTRICT.

Counties.	Isaac Williams, Jun.	John M. Bowers.	
CHENANGO.			
Town of Columbus, -	89	70	Isaac Williams, 1; John Bowers, 1.
Oxford, -	273	97	Isaac Williams, 1; John M. Bowey, 1.
Greene, -	91	65	Joel Hatch, 1.
Norwich, -	233	89	
Coventry, -	59	88	
New Berlin, -	163	100	
Sherburne, -	69	238	Isaac Williams, 2; James Williams, 3; Lewis Lothrop, 1.
Pharsalia, -	23	22	
Smithville, -	97	54	
Plymouth, -	89	64	John Bowers, 1.
Smyrna, -	38	84	
Jericho, -	136	28	Isaac Williams, 2.
German, -	147	6	John Bowers, 68.
Preston, -	98	53	
	1,605	1,058	
BROOME.			
Town of Windsor, -	81	189	Isaac Williams, 2.
Tioga, -	71	35	Isaac Williams, 5; John H. Avery, 2; Abrm. De Witt, 1.
Berkshire, -	26	99	Abraham De Witt, 2.
Lisle, -	214	103	
Chenango, -	33	112	Abraham De Witt, 2; John H. Avery, 1.
Union, -	70	78	
	495	616	
OTSEGO.			
Town of Pittsfield, -	70	24	
Westford, -	-	91	Isaac Williams, 96.
Otego, -	95	55	
Hartwick, -	180	146	
Milford, -	-	126	Isaac Williams, 135.
Middlefield, -	56	267	
Plainfield, -	75	137	
Springfield, -	58	199	
Maryland, -	106	58	
Decatur, -	49	67	
New Lisbon, -	167	89	
Laurens, -	-	129	Isaac Williams, 99.
Burlington, -	194	125	
Exeter, -	-	70	Isaac Williams, 91.
Otsego, -	177	329	
Edmeston, -	118	47	
Cherry Valley, -	119	243	Jabez D. Hammond, 2; John Kaple, 2.
Butternuts, -	194	153	
Worcester, -	109	57	
Unadilla, -	127	57	
Richfield, -	135	144	
	2,029	2,613	

STATE OF NEW YORK, *Secretary's Office:*

I certify the above to be a true copy of the canvass, from the original returns made to this office, of the votes given at the last election, held in the several towns in the counties of Chenango, Broome, and Otsego, for a Representative from this State to supply the vacancy in the 13th Congress of the United States, occasioned by the death of William Dowse, Esq.

ARCHD. CAMPBELL, *Deputy Secretary.*

Luther Bissel's affidavit touching John M. Bowers's election.

CITY OF WASHINGTON, *ss.*

Luther Bissel, of the town of Hartwick, in the county of Otsego, and State of New York, being duly sworn, saith: that, at the late election held in the fifteenth congressional district, in the State of New York, composed of the counties of Otsego, Chenango, and Broome, on the last Tuesday in April last, Isaac Williams, Jun. and John M. Bowers were the opposing candidates; that Isaac Williams, Jun., was nominated by the electors denominated republicans, in the mode usually practised; that tickets for this candidate were printed, and distributed through the county of Otsego, and this deponent assisted in distributing them; and they were printed Isaac Williams, Jun. This deponent voted by a ballot printed Isaac Williams, Jun.; and this deponent understood at that time, and now believes, that a sufficient number of these printed ballots were sent to every town in the said county. And this deponent has further understood, and believes, that the inspectors of the towns of Milford, Lawrence, and Westford, in their return of votes to the canvassers, omitted the jun. in the votes given for the said Isaac Williams, Jun., by which omission about four hundred votes for him were not counted, and by which omission John M. Bowers appeared to have a majority of about two hundred votes over said Williams. And this deponent further saith, that Isaac Williams, Jun. has been high sheriff of the said county, is about thirty-five years of age, and well known in the county; that his father, Isaac Williams, resides in the same county, is about seventy years of age, infirm; and for some years past retired from business, and during eleven years last past, this deponent has known the said Isaac Williams, and he has not, during that period, been, to his knowledge or belief, engaged in any public business.

And this deponent further saith, that the said Isaac Williams, Jun. and John M. Bowers were the only candidates nominated or voted for at the said election, to his knowledge or belief.

And this deponent further saith, that, on the twenty-second day of May last, he saw the said Isaac Williams, Jun., and conversed with him, and the said Williams was then feeble and indisposed, and said, that, owing to his feeble state of health, the probability of a short session, and the circumstances of the case, he thought he should not attempt to take his seat at this session of Congress.

LUTHER BISSEL.

Appeared and sworn before me, this 26th of June, 1813.

DANIEL RAPINE,
Justice of the peace.

13th Congress.] No. 352. [2d Session.

CHESAPEAKE AND DELAWARE CANAL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 20, 1813.

Mr. Ingersoll, from the committee to whom was referred the consideration of the memorial and petition of the president and directors of the Chesapeake and Delaware Canal Company, made the following report:

That, so long ago as in the year 1765, surveys and other preparations were made for undertaking this important national improvement, of which the practicability is so obvious, from the proximity of the waters of the Chesapeake and Delaware, and the nature of the intermediate ground, that, even at that early day, certain individuals were prompted to make the attempt.

That, in the year 1799, the Legislature of the State of Maryland enacted a law, which was followed up in the year 1801 by corresponding laws enacted by the Legislatures of Delaware and Pennsylvania, providing for the incorporation of a company, with a capital stock of four hundred thousand dollars, for the purpose of cutting and making a canal between the river Delaware and the Chesapeake bay. In pursuance of which acts of incorporation, subscriptions were received for nearly the whole amount of the two thousand shares, at two hundred dollars each, surveys were made, engineers and workmen employed, a route and position located for the canal on the isthmus which separates the bays of Chesapeake and Delaware, and some material progress effected in the execution of the work. But, after expending upwards of one hundred thousand dollars in the purchase of water rights, the construction of a feeder and reservoir, and digging some portion of the canal, the work was suspended in the year 1803, in consequeence of the non-payment of subscriptions, the evidence daily accumulating that four hundred thousand dollars, the whole amount subscribed, even if collected, was a sum inadequate to the completion of the canal, and of that depression of the funds and spirit of the company which were superinduced by the absence of public support, and encouragement from the individual enterprise which had so far carried on the undertaking. Since that time the subject has been frequently under consideration in Congress. Bills in various shapes have been acted on in the Senate for extending national aid to this great national work; and, on the 3d day of March, 1811, the last day of the last session of the eleventh Congress, a bill, which came from the Senate, appropriating two hundred thousand acres of public lands for this object, was indefinitely postponed in the House of Representatives, rather, as this committee have been taught to believe, from the lateness of the period at which the subject was brought before the House of Representatives, than from any indisposition on their part to accede to the liberal provision proposed by the Senate.

That, conceiving the present to be a moment when the importance of such a canal will probably be appreciated as it ought to be, your committee beg leave to enumerate briefly some of the most prominent advantages to be derived from it.

By connecting the waters of the Chesapeake and Delaware, the contemplated canal will throw open an internal navigation from the northwestern parts of the State of New York to the southern extremities of the State of Virginia.

Besides the contributions which such a course of internal navigation would afford to the sustenance of the community, and to an export trade, in the products of the earth, which it would transport from all the various regions it must connect together, it would moreover supply the coal from the banks of the James river and the Susquehannah to the cities and settlements along the Atlantic coast, thus substituting a cheap and inexhaustible species of fuel for the wood of which the country is deprived, and of which the price already constitutes so large a drain upon the resources of the poor and manufacturing classes.

The extensive beds of plaster of Paris, and other useful substances, which are said to exist on the shores of the Susquehannah, and of which the want is now so severely felt in other places, might be carried into active usefulness throughout some of the most agricultural districts of the Union.

The transportation of merchandise of all kinds, of articles of food, clothing, and necessity, of almost every thing which the North, Middle, and South interchange, would be facilitated in point of price, time, and safety, to a great amount. Your committee are informed that, at this time, Government is compelled to convey by land, in the winter season, over the portage from the Chesapeake to the Delaware, (a road rendered almost impassable by land carriage,) the most bulky pieces of timber for the ship of the line building at Philadelphia, and that the expense of conveyance over this small distance is enormous.

In the reduction of the time, labor, and cost of all military transportation, whether of men or things, the importance of the Chesapeake and Delaware canal is inestimable; and desirable as such an improvement may be in time of war, its use would be no less extensively beneficial in time of peace.

That, essential as such a canal is at this juncture, and advantageous as it would be at all times, the motives to its undertaking are increased by the facility and shortness of time with which it may be undoubtedly accomplished.

The canal begins at Welsh Point, on the Elk river, an arm of the Chesapeake, and is to terminate, at a distance of twenty-two miles, on Christiana river, a branch of the Delaware. At low water, the depth of water in Christiana is nine feet, and in Elk twelve feet, within one hundred feet from the shore. The tide rises four feet in both rivers. The highest intermediate ground, over which the canal is to be carried, on a level of thirteen miles in length, is seventy-four feet above tide water, the descent to be effected by nine locks on each side. The digging is generally easy; no expensive aqueducts nor bridges, nor any other obstacles occur, but those which have been already overcome in digging the feeder through a rocky soil. The supply of water drawn from Elk river, by a feeder six miles in length, which is completed, and which is itself a boat canal three and a half feet deep, united by a lock of ten feet lift in the main canal, is calculated to fill daily one hundred and forty-four locks; a quantity sufficient, on an average, for the daily passage of twenty-four vessels. The canal is twenty-six feet wide at the bottom, and fifty at the top on the water line, being dug at the depth of eight feet. It is intended for vessels of from forty to seventy tons, drawing seven and a half feet water. The banks, twenty feet wide for towing paths, one of which may be converted into a turnpike road, being raised three feet above the level of the water, will, by increasing the height of the lock gates one foot, admit a depth of nine feet water in the canal. The digging one mile through rocky ground cost thirteen thousand dollars; another mile, perfectly level, and without any impediments, cost two thousand three hundred dollars, which gives an average of seven thousand six hundred and fifty dollars a mile. The whole distance to be cut is twenty-two miles; the whole cost computed at eight hundred and fifty thousand dollars. Of this sum, one hundred thousand dollars has been laid out. The sum solicited by public contribution is two hundred and eighty-seven thousand dollars. Of this sum the State of Pennsylvania contributes seventy-five thousand dollars, to be reimbursed by three hundred and seventy-five shares of the stock; the State of Maryland contributes fifty thousand dollars, to be reimbursed by two hundred and fifty shares of the stock; and the State of Delaware twelve thousand dollars, to be reimbursed by sixty shares of the stock. The sum solicited of Congress is one hundred and fifty thousand dollars, to be reimbursed by seven hundred and fifty shares of the stock. With public assistance to such an amount, the president and directors of this canal calculate on individual contributions and private loans sufficient to complete the work in a short time.

The States of Maryland, Delaware, and Pennsylvania, which are most immediately interested in this public improvement, having given their consent and co-operation to the work, your committee, in behalf of the National Legislature, beg leave to report a bill for bestowing the aid required of the United States.

13th Congress.] No. 353. [2d Session.

CONTESTED ELECTION OF THOMAS K. HARRIS, A REPRESENTATIVE FROM TENNESSEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 3, 1814.

The Committee of Elections have, according to order, had under consideration the petition of William Kelly, contesting the election of Thomas K. Harris, and report:

That a correct statement of the poll, and the law of Tennessee governing said election, will be found in the report of the Committee of Elections made in this case at the last session of Congress; from which it appears that the inspectors of the election in the county of Warren returned two more votes for Mr. Harris than were given for him, which gave to him a majority of one vote over Mr. Kelly; that, deducting those two votes from Mr. Harris's poll, leaves Mr. Kelly a majority of one. Mr. Harris now produces evidence which raises a strong presumption that the deputy sheriff, who conducted the election in the county of Rhea, in said district, improperly added three or more votes to Mr. Kelly, and destroyed a like number given to a Mr. Rodgers, who was also a candidate, and to show that Pleasant Bean and Daniel Obarr, who voted for Mr. Kelly, were not entitled to vote. A decision on the charge against the deputy sheriff not being likely to affect the result of the election, the committee pass it with no other remark than that the evidence leaves a strong impression that he conducted very imprudently. The affidavits of Bean and his father prove that the son was but eighteen years of age at the time of the election, and, therefore, not entitled to vote. By the testimony of Obarr, he had not a freehold in the district, nor had he been living more than three months in the same at the time of the election. By the third article of the constitution of Tennessee, it is provided that "every freeman of the age of twenty-one years and upwards, possessing a freehold in the county wherein he may vote, and being an inhabitant of this State, and every freeman being an inhabitant of any one county in the State six months immediately preceding the day of election, shall be entitled to vote for members of the General Assembly for the county in which he shall reside."

The committee are of the opinion that that branch of this article which prescribes the second qualification of the voter, restricts him to vote in the county wherein he has been an inhabitant six months immediately preceding the day of the election, and permits him to vote no where else; and, therefore, Daniel Obarr had not a right to vote in this election; that deducting from the poll of Mr. Kelly the two votes given by Bean and Obarr, leaves to Mr. Harris a majority of one, and entitles him to a seat in this House. The committee, therefore, respectfully submit the following resolution:

Resolved, That William Kelly has not supported his petition, and that Thomas K. Harris is entitled to a seat in this House.

[See report, No. 340.]

13th Congress.] No. 354. [2d Session.

APPLICATION TO AMEND THE ACT CONTINUING CERTAIN PATENT RIGHTS TO OLIVER EVANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 6, 1814.

Mr. Ingersoll, from the committee to whom was referred the memorial of sundry inhabitants of Maryland, on the subject of the patent granted to Oliver Evans, for his improvements in machinery employed in the manufacturing of flour, made the following report:

That the memorialists complain that, by virtue of the act passed on the 21st January, 1808, entitled "An act for the relief of Oliver Evans," the said Oliver Evans claims the benefit of certain improvements in the machinery employed in the manufacture of flour, of which he is not the original inventor; that he exacts large and unreasonable sums for the use of those improvements; and that those are compelled to pay, who have established their improvements before the passing of the said act.

Your committee conceive it not only repugnant to the principles of a Government organized like ours, to permit a question of a character such as the first objection presents, to be litigated before the Legislature; but it is impossible that a fair decision can be made, when it is indispensable, in order to render impartial justice, that the parties should be permitted to go into evidence respecting the facts in controversy. A court of justice is the proper tribunal where such questions ought to be tried, and your committee are informed that this very question has already been settled in that way, by the circuit court of the United States for the Maryland district, favorable to the pretensions of the said Evans.

The second subject of complaint seems to your committee equally an improper subject for the interference of the Legislature. The patentee, by law, has an exclusive privilege to use his invention as he pleases. No person has a right to complain if the proprietor of an invention demands a sum deemed exorbitant, more than if such a demand had been made for any other species of property; it must rest with the purchaser whether his interest will permit him to yield to it.

The third ground of complaint is equally untenable in the opinion of your committee. The Legislature had the power (and it seems in this case they have exercised it) to subject those who should *use* the improvements mentioned, *in future*, to the claim of the said Oliver Evans. The patent originally granted to him had previously been declared void by a judicial decision. The case, therefore, stood as if no exclusive right had ever been granted, and it is certainly not necessary to prove that a person who uses a new improvement before a patent is granted, is subject to the restrictions which follow the grant. Your committee, therefore, submit the following resolution:

Resolved, That the prayer of the memorial ought not to be granted.

To the Senate and House of Representatives of the United States of America:

Your memorialists humbly beg leave to represent, that your honorable body, on the 21st day of January, 1808, passed an act authorizing the Secretary of State, on application, in writing, by Oliver Evans, to cause letters patent to be made out in the manner and form prescribed by the act entitled "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose;" thereby granting to the said Oliver Evans, his heirs, executors, administrators, and assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using, and vending to be used, his invention, discovery, and improvements in the art of manufacturing flour and meal, and in the several machines which he has discovered, invented, improved, and applied to that purpose. That letters patent did accordingly issue, which are now in full operation; and that, by means of them, the patentee is exercising a most grievous oppression over the citizens of the United States, and more especially over those who are immediately engaged in the manufacture of flour.

Your memorialists, in any ordinary case, would be the last to remonstrate against benefits which the Legislature of their country might think proper to confer upon any individual; but believing, as they do, that your honorable body, when you consented to pass the act of January, 1808, in favor of Mr. Evans, were deceived by artful representations of merit; and knowing, also, that Mr. Evans has used his patent for purposes in which it could never have been intended to give him aid, your memorialists feel confidently assured that Congress will not hesitate to reconsider the ground of their former grant, and to do impartial justice between Mr. Evans and the rest of his fellow-citizens.

Your memorialists have understood, and they have no doubt of the fact, that, when Congress undertook to renew Mr. Evans's monopoly, they were industriously made to believe that he was the inventor of all the machines for which he solicited and obtained his patent. In this, your honorable body were most grossly deceived. Many of your memorialists have just witnessed the progress of several trials that took place at the last term of the circuit court of the United States at Baltimore, in actions instituted by Mr. Evans for infringements on his patent rights. Although the result of these trials were such as must give alarm to every man who has dared to think of opposing this exorbitant monopolist, yet did they prove most incontrovertibly, by the investigations to which they led, that Mr. Evans was not the original inventor of any one of his patented machines. Your memorialists entreat the patience of your honorable body, while they briefly detail the testimony relating to this question, such as it appeared before the circuit court, and such as it can again be exhibited, whenever your honorable body may think proper to require it.

The machines which form the subject of Mr. Evans's patent are the conveyer, the elevator, the hopperboy, and the drill. For greater perspicuity, we will state the testimony, as applied to each machine, in successive order.

1st. The conveyer. It was proved that Jonathan Ellicott, of Baltimore county, was the first inventor of this machine. He had erected it in his mill some time before the year 1786, and applied it to all its present uses. He showed it to Oliver Evans, who was highly pleased with its operation. He said it was all that was necessary to complete his machinery; that he had long desired to have such a machine, but could not devise one; and, finally, in consideration that Jonathan Ellicott would permit him to attach it to his elevator and hopperboy, Oliver Evans gave him a perpetual license to use these last.

2d. The elevator. This machine has been invented nearly a century and a half. There are books, a hundred years old, that exhibit it, (applied to hydraulic purposes,) the same in principle, form, dimensions, and materials, with the elevator now claimed by Oliver Evans as his original invention.

3d. The hopperboy. A machine upon the same principle with Oliver Evans's alleged hopperboy, worked by the same power, acting in the same manner upon the meal, and producing the same effect, although not as bene-

ficially, was invented by ——— Marshall, of Delaware, and set to work in his mill, before the time of Oliver Evans's supposed discovery. Mr. Evans lived in the neighborhood of this invention.

4th. The drill. The invention of this machine did not come in question before the circuit court; but it is susceptible of undeniable proof, that Jonathan Ellicott, before referred to, was the inventor of it, as well as of the conveyer.

Thus it appears that Mr. Evans's merit, as an inventor, in no respect corresponds with the artful and imposing representations by which your honorable body were induced to grant him your protection for a *second term of fourteen years.* So far from having invented *all* these machines, he was not the original inventor of any one of them. Your memorialists, therefore, might here rest their petition; but they think it proper to notice the other grounds of Mr. Evans's pretensions. These are, first, that he has invented useful improvements in the structure of the several machines secured by his patent; and, secondly, that he was the first who applied to their new use in mills those machines.

The conveyer and hopperboy are the only machines in which Mr. Evans will now attempt to show that he has made any improvement; in the elevator and drill he has not made even an alteration. First, then, of the conveyer: The *transverse flights* form the alteration which he claims to have made in this machine. Even if Mr. Evans was the inventor of this alteration, its utility in the manufacture of flour is extremely questionable. Several most intelligent millers, who were examined upon this subject in the trials at Baltimore, were so much at a loss to discover the beneficial effect of this alteration, that they preferred the spiral conveyer. The great utility of this alteration is rendered still more questionable by the fact, that a large portion of the millers, even those who have paid Oliver Evans for the license of his patented machines, do not make use of the transverse flights. But your memorialists are convinced that Mr. Evans was not the author of this alteration. They will be able to show your honorable body that this improvement, like most of the improvements which Mr. Evans claims, was discovered by other persons, from whom he adopted it.

Secondly. Of the hopperboy. Mr. Evans, as has been before stated, was not the original inventor of this machine. Your memorialists admit that he was the first who added the ropes leading the horizontal arms around, and that this addition facilitates the operation of the machine. But, surely, it will not be contended that upon this alteration Congress bottomed their grant. This improvement may have been sufficient to entitle Mr. Evans, under the general law, to a patent for the improvement, but for nothing else. It could not have entitled him to a patent for other machines, which he neither invented nor improved; much less can it entitle him to an *extension* of his exclusive privilege beyond the usual term.

Your memorialists come now to the last ground of Mr. Evans's pretensions, "that he has the merit of having first applied these machines to their present use in mills." This ground was much narrowed by the trials before referred to in the circuit court at Baltimore. It was there shown that the conveyer, the hopperboy, and the drill, were applied by their original inventors to all the purposes for which they are now used. The elevator is the only machine about which there can be the least doubt; and, to the minds of your memorialists, there are conclusive reasons for believing that Oliver Evans was not the person who first discovered the application of this machine to its present office—the raising wheat and flour. Oliver Evans first exhibited his elevator, and first informed the world that he had invented one in the year 1787. Twelve or eighteen months before this time James Strode, of the State of Delaware, had erected a perfect elevator in his mill.

Mr. Strode, in the circuit court at Baltimore, related the history of his invention. Standing in his mill, contemplating the machinery that he then had in it, he observed that, as the leather strap turning the *fan* performed its revolutions, the buckle, by which it was fastened, would catch up a few grains of wheat below, carry them up with it, and empty them out at the top. The thought immediately occurred to him, that a machine revolving like this strap, with buckets upon it, would completely perform the office of raising his wheat and flour. He constructed it accordingly, and found it perfect. This machine is what is now called "Evans's elevator." Your memorialists admit, that a brother of Oliver Evans declared in the circuit court at Baltimore, that Oliver Evans had several years before this period invented precisely the same machine; and that, although he did not show it to the world by using it in his mill, yet he had it, and the model of it was locked up in a chest, and continued so locked up for several years. When this testimony comes before your honorable body it will, no doubt, receive whatever credit, under all its circumstances, it may be entitled to. But your memorialists hope *they* will be pardoned for believing that there was some mistake in the matter.

Your memorialists have thus candidly detailed the testimony relating to Mr. Evans's patent. They feel assured that your honorable body will discover in it abundant cause to take this subject again into consideration. Your memorialists, however, will take the liberty of suggesting other motives of greater weight.

When Congress consented to renew Mr. Evans's exclusive privileges, in 1808, they could not have intended to give their law an *ex post facto* operation; yet such has been the construction which our circuit courts have felt themselves constrained to give to the act of January, 1808. In the circuit court of Philadelphia it has been decided, by Judges Washington and Peters, that even those who erected their machinery in the interval between the expiration of Mr. Evans's first patent in 1804, and its renewal in 1808, cannot continue to use them without a license under the second patent. The hardship of this construction is extreme. The United States abound with mills, in which the machinery was erected during that interval when no law existed to prohibit it; when no man was aware of any right still remaining in Mr. Evans; and when the public thought they were enjoying a property for which they had already paid the price. But, since this construction, persons, who erected their machinery under those circumstances, must either pull it down, or subject themselves to actions for *treble damages;* or they must consent to pay whatever price the patentee may choose to demand for a license. As it regards his charges, your memorialists humbly state, that the act of renewal has imposed no limitation on Mr. Evans, an omission of which he is availing himself most oppressively. During his first patent, while he was looking forward to his intended application for a renewal, Mr. Evans observed a very becoming moderation in his demands; thirty-three dollars was originally the price of his license to use his machinery in application to one water-wheel; but, as soon as the act of 1808 had put the community in his power, he began to advance, from exaction to exaction, until he now demands about twenty times the amount of his former charge, and threatens that he will rise still higher. From one of your memorialists Mr. Evans has demanded *thirty-six hundred dollars* for his license. This fact, while it shows how oppressively this patent bears upon individuals, will enable your honorable body to form some estimate of the enormous profits which the patentee will derive from a general use of his machinery throughout the United States.

Your memorialists will not consent to believe that Congress intended to let Mr. Evans loose upon the community with so grievous, so despotic a power; they, therefore, pray that your honorable body will again take this subject into consideration; that you may examine the grounds upon which Mr. Evans's patent issued, and do whatever in your wisdom you may think fit.

And your memorialists will ever pray, &c.

WILLIAM COLE, *and others.*

BALTIMORE, *January* 1, 1813.

13th Congress.] No. 355. [2d Session.

CONTESTED ELECTION OF JOHN P. HUNGERFORD, A REPRESENTATIVE FROM VIRGINIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 19, 1814.

Mr. James Fisk made the following report:

The Committee of Elections have, according to order, had under consideration the petition of John Taliaferro, contesting the election of John P. Hungerford, and report:

That, at the last session of Congress a final report was made in this case, and it does not appear that the petitioner was apprized of, or expected that the parties would have been indulged with the admission of new evidence, and a further hearing at this session; yet as the House had seen proper to refer the subject again to the committee, they felt bound to receive all proper testimony which should be presented to them, and accordingly received from the sitting member a number of depositions taken in July last, in pursuance of previous notice given by him to the petitioner, which support eleven of the votes on the poll of the sitting member not found on the land list, nor supported by former testimony. Adding these to the forty-three votes supported by him at the last session, gives him a majority of twenty-two over the petitioner. For a more particular statement of the poll, in this case, the committee beg leave to refer the House to the second report made thereon at the last session.

But, after the most mature consideration the committee have been able to give this case, a majority are of the opinion that this election is void, and ought to be set aside, because it was conducted in an irregular manner, contrary to the law of Virginia prescribing the manner of conducting such elections, as is more particularly set forth in the first report made in this case by the Committee of Elections at the last session, to which your committee beg leave to refer the House, and respectfully submit the following resolutions:

Resolved, That the said election was illegal, and ought to be set aside.

Resolved, That John P. Hungerford is not entitled to a seat in this House.

[Note.—See Nos. 343 and 345.]

13th Congress.] No. 356. [2d Session.

CUMBERLAND ROAD.

COMMUNICATED TO CONGRESS, JANUARY 19, 1814.

To the Senate and House of Representatives of the United States: January 18, 1814.

I lay before Congress a report of the acting Secretary of the Treasury, containing a statement of proceedings under the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio.

JAMES MADISON.

Sir: Treasury Department, *January* 14, 1814.

I have the honor to transmit the report of the superintendent of the Cumberland Road of the progress made in that work during the last year.

I am, very respectfully, sir, your most obedient servant,

W. JONES,
Acting Secretary of the Treasury.

The President of the United States.

Sir: Cumberland, *December* 31, 1813.

The first ten miles of the western road is finally completed. The banks and sideways are dressed, and the whole of the accounts settled and paid.

The second letting, eleven miles, has not been finished, as was expected and provided for by contract the 1st of November last; four miles thereof are now used by travellers, and require but little dressing to the sideways to be complete, four more are nearly so, and it is confidently expected the whole will be finished next summer.

On the third letting, about eighteen miles, there is but little done; the time fixed by contract for its completion is the 1st of November next. Judging from the little progress made, it will not be finished within that time; but as the contractors are making great exertions to procure laborers, and a number of persons, from the evident utility of the work, have become anxious for its speedy progress, and are giving their aid to procure hands, and the contractors having in view to employ slaves, it is quite possible this letting may be completed within the time.

Provisions for keeping the road in repair, and for the prevention of abuses to the work, similar to that of other turnpikes, are every day becoming more necessary.

The distance from the end of the last letting to Uniontown is about twenty-one miles. A sum of from one hundred and fifty to one hundred and sixty thousand dollars it is thought would be sufficient to make the road to the latter place.

I am respectfully, sir, your obedient servant,

DAVID SHRIVER, Jun.

The Hon. William Jones, *Acting Secretary of the Treasury.*

13th CONGRESS.] No. 357. [2d SESSION.

CUMBERLAND ROAD.

COMMUNICATED TO THE SENATE, JANUARY 24, 1814.

Mr. SMITH, from the committee to whom was referred the report of the Secretary of the Treasury, containing a statement of proceedings under the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio, report:

That the act for the admission of the State of Ohio into the Union has appropriated five per cent. of the net proceeds of the land laying within that State, and sold by Congress, (from and after the 30th day of June, 1802,) to the lying out and making roads leading from the navigable waters emptying into the Atlantic, to the river Ohio, and through the said State of Ohio; and by a subsequent law, passed the 3d of March, 1803, Congress appropriated three of the said five per cent. to laying out and making roads within the State of Ohio, leaving two per cent. unexpended; which two per cent. was, by an act passed the 29th of March, 1806, appropriated to the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio; that, under the said act, the President of the United States was authorized to appoint three commissioners to lay out the said road. It appears that commissioners were appointed, and that the road has been laid out by them agreeably to their instructions; and it also appears, by the letter of Mr. David Shriver, (the superintendent of the road,) contained in the report of the Secretary of the Treasury, that the making of the said road is progressing as fast as could reasonably be expected; that the whole of the work contracted for is thirty-nine miles, of which twenty-eight miles may be considered as nearly finished; that a stone bridge of eighty feet span over the Little Youghiogany river is nearly completed.

It also appears that the thirty-nine miles contracted for bring the road to the Big Youghiogeny; from thence to where it will intersect the old road is eleven miles, which your committee think ought to be completed.

The committee find that a turnpike road from Baltimore, extending sixty miles in a direct line towards Cumberland, has been completed, and that the banks of Maryland have, for valuable considerations, agreed to construct a turnpike road from Conecogeague creek to Cumberland; so that there is a well founded expectation that a turnpike road from Baltimore to Cumberland will be completed before the road from thence to the Ohio can be finished.

The committee find that Congress have appropriated in advance of the fund of two per cent., at different times, $287,320 25.

The committee submit the following estimate and statement, which they think may be considered tolerably correct, to wit:

The thirty-nine miles of the road contracted for will cost $7,500 per mile, - - -		$292,500 00
A stone bridge has been constructed of eighty feet span across the Little Youghiogeny, which cost - - - - - - - - - -		14,000 00
		$306,500 00
The sums paid from the Treasury, prior to the 31st day of December, 1814, amount to - - - - - -	$194,631 80	
The balance of the appropriation heretofore made, and which remained undrawn on the 1st January, 1815, was - - - -	92,688 45	
		287,320 25
So that an additional appropriation, to complete the work already contracted for, is wanted of about		19,179 75
To carry the road eleven miles beyond the Big Youghiogeny, where it will intersect the road now travelled, and which will be probably another year's work, will cost, at $7,500 per mile, -		82,500 00
		$101,679 75
To construct the bridge over the Big Youghiogeny it will require, if built of stone, a further sum of		40,000 00
		$141,679 75
If it should be determined to provide at this time for carrying the road to the western foot of Laurel Hill, seven miles further, it will require, in addition, - - - -		52,500 00
		$194,179 75
If, lastly, to Uniontown, three miles further, - - - -		22,500 00
		$216,679 75

It will appear, from the foregoing statement, that Congress have already appropriated in advance of the fund of two per cent., on the net proceeds of the sales of land within the State of Ohio, the sum of $287,320 25, and have paid, in part, the sum of - - - - - - $194,631 80

It appears from the report of the Land Office to the Treasury Department that the said fund had yielded to the Treasury, prior to the 1st day of October, 1814, the sum of - - 107,004 48

So that the amount of the advance, actually made by the Treasury, is only - - $87,627 32

From this view of the subject the committee are of opinion that the fund appropriated for the making the said road is fully adequate to the object.

The effect of an appropriation, during the present session of Congress, for any portion of this work, will be only to authorize the Treasury to make contracts during the present year for carrying it on. Very little, if any money will be drawn from the Treasury, except for completing the contracts already made, until the year 1816.

The committee are of opinion that an appropriation ought to be made to enable the Treasury to make contracts to carry the new road to where it will intersect the road now travelled on, and sufficient for the constructing of a stone bridge over the Big Youghiogeny; for which purpose they submit a bill.

13th Congress.] No. 358. [2d Session.

LIST OF PATENTEES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 31, 1814.

SIR: DEPARTMENT OF STATE, *January* 1, 1814.

In pursuance of the resolution of the House of Representatives of the United States, dated the 13th of January, 1812, I have the honor of transmitting a list of the names of persons who have invented any new or useful art or machine, manufacture, or composition of matter, or any improvement thereon, and to whom patents have been issued for the same from this office, from the 31st day of December, 1812, to the 1st day of January, 1814, with the dates and general objects of such patents; and also the residence of the patentees, as far as they could be ascertained.

JAMES MONROE.

To the Hon. the SPEAKER *of the House of Representatives of the United States.*

LIST OF PATENTEES.

Inventions.	When issued.	Names of patentees.	Residence.
	1812.		
A nurse lamp,	Dec. 31	William Howe,	Boston.
	1813.		
A pendulum mill,	Jan. 6	William Grandin,	Hector, Seneca co. N. Y.
A machine for making ship and other bread,	8	Jehosaphat Starr,	Middletown, Middlesex co. Conn.
In pitchforks,	12	Jared Byington,	Hinesborough, Chittenden co. Vermont.
In preparing colors and paints from ores, &c.	14	Henry Alexander,	Baltimore.
In the fireplace and chimney for saving fuel,	18	Samuel Morey,	Philadelphia.
In distilling,	18	Omri Carrier,	Enfield, Connecticut.
In distilling,	26	John Bates,	Hartford, Connecticut.
In making cloth and blankets from sheep's wool,	Feb. 3	Allen Barnes, Samuel Gray, and Jabez Clark,	Windham, Connecticut.
A machine for cutting fur from peltry,	4	Ephraim Cutter,	Walpole, New Hampshire.
A machine for heading wood screws,	4	Abel Stowell,	Worcester, Worcester co. Massachusetts.
Manufacturing acetate of copper or verdigris,	4	Stephen Dempsey,	New York.
In the stove and boiler,	6	Gabriel N. Phillips,	Goshen, Orange co. N. Y.
In raising water from wells, &c.	6	George Patterson,	Philadelphia.
A machine for carding cloth,	6	John Jessup,	Orange county, New York.
In the kitchen stove,	8	John Spencer,	Albany, New York.
Machine for making bread,	8	George Richards,	Manlius, Onondaga co. N. Y.
In the plough,	8	John Sietz,	Strasburg, Lancaster co. Pen.
Wheels of elastic oars for propelling boats, &c.	16	Louis Mure Latour.	
A printing press and mode of distributing ink on types,	17	William Elliot,	New York.
In the printing press,	26	Zachariah Mills,	Hartford, Connecticut.
In tassels and cords for boots,	March 1	Alfred Janes,	Hartford, Connecticut.
In stoves,	1	Alfred Janes,	Hartford, Connecticut.
Machine for planing boards and plank, and shaving shingles,	2	William Badger,	Madison county, Miss'pi T.
An ice-breaking machine,	2	John I. Williams,	Georgetown, Dist. Columbia.
In saw mills,	2	Hiram Whitcomb,	Cornwall, Litchfield co. Con.
A medicine made use of in fevers, &c.	2	Samuel Thompson,	Surry, Cheshire co. N. H.
For boiling liquors and for distillation,	3	John Morris,	New Haven, Connecticut.
The perpetual wool spinner,	3	Burgiss Allison,	Burlington, New Jersey.
For sifting meal,	8	Daniel Homan,	Brookhaven, Suffolk co. N.Y.
A refrigerator,	16	John W. Bronaugh and Jesse Talbot,	Georgetown, Dist. Columbia.
In manufacturing brass, copper, and composition nails,	17	George Whitfield Robinson,	Attleborough, Bristol county, Massachusetts.
Mode of applying heat to machines for preparing wool for worsted,	18	Joseph Bamford,	Philadelphia.
In the wheel-head,	18	Eli Church,	Homer, Cortland co. N. Y.
In fireplaces,	18	David F. Launy,	Philadelphia.
In the gas lamp,	18	David Melville,	Newport, Rhode Island.
A domestic and factory loom,	20	Walter Janes,	Ashford, Windham co. Con.
In repeating gunnery,	23	Joseph C. Chambers,	West Middletown, Washington county, Pennsylvania.
In pumps,	23	Jacob Perkins,	Newburyport, Massach'setts.
Machine for making screw shanks,	23	Jacob Perkins,	Newburyport, Massach'setts.
In the fire engine,	23	Jacob Perkins,	Newburyport, Massach'setts.
A vault lock for banks,	23	Jacob Perkins,	Newburyport, Massach'setts.
A portable or separating furnace for casting brass or other metal,	30	Joseph Share,	Baltimore.
In the boiling stoves,	30	Henry Abbott,	Philadelphia.
In stoves,	30	George Warrall,	Philadelphia.
For shaving and splitting leather,	April 5	Samuel Parker,	Billerica, Middlesex co. Mas.
In the mode of preparing magnesia,	8	William Dunn,	Boston.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1813.		
In steam engines,	April 10	James D. Russell,	Washington, Beaufort county, North Carolina.
A machine for cutting timber,	15	David Cram,	Clarksburg, Harrison co. Va.
A carding, spinning, and roping machine,	15	Theodore Norton and George Biddis,	Milford, Wayne co. Penn.
A spinning and roving machine,	15	Samuel Comstock and Moses Pike,	Harrisburg, Dauphin county, Pennsylvania.
Machine for cutting and heading nails, and making wrought nails,	16	Mark and Richard Reeve,	Philadelphia.
Varnish of elastic gum to render water proof, and for many other uses,	29	Jacob Fred'k Hummel,	Philadelphia.
A press for pressing hay,	29	Richard V. W. Thorn,	New York city.
In the art of drawing in perspective mechanically,	30	Simeon De Witt,	Albany, New York.
A machine for cutting screws,	May 4	Jacob Sloat,	Ramapo Cove, Rockland co. New York.
A machine for winnowing grain,	4	John James, 3d,	Plymouth, Massachusetts.
A horizontal shearing machine,	4	Thomas Blanchard,	Sutton, Worcester co. Mass.
A carriage to be moved by hand,	4	Daniel Nine, Jun.	Reading, Berks co. Penn.
In manufacturing all sorts of plane irons and scythes, &c.	6	Daniel Pettibone,	Philadelphia.
Machine for breaking flax and hemp, &c.	6	Ira Millard,	Kent, Litchfield co. Conn.
The flour worm for cooling flour,	6	John Smelzer,	Adams county, Pennsylvania.
Machine for drawing wire,	10	John I. Staples,	Flushing, Long Island, N. Y.
A liquid combustible shell grenade and serpentine rocket,	11	James Lloyd,	Adams county, Pennsylvania.
For roping and spinning wool, called the farmer's spinner,	12	John Brown,	Providence, Rhode Island.
A machine for making shot and bullets,	12	Peregrine Williamson,	Baltimore.
In the loom,	27	Shepard Briggs,	Canaan, Litchfield co. Conn.
For raising a nap on cloth,	27	James Mathes,	Barre, Jefferson county, Vt.
Apparatus for boiling and manufacturing salt,	28	John J. Cabell,	Lynchburg, Campbell co. Va.
Preparing and manufacturing different parts of the asclepias or silk weed for thread or cordage,	28	George Smith,	New York.
Machine for cutting and making files,	28	Cyrus Jackson,	Butternuts, Otsego co. N. Y.
In the bull plough,	28	Sylvanus Tousley,	Onondaga county, N. York.
In the steam engine,	29	Samuel Briggs and Andrew Steel,	Baton Rouge, Iberville co. La.
In the furnace and boilers for manufacturing salt,	29	Samuel Anthony,	Lynchburg, Campbell co. Va.
In the plough,	June 2	Matthew Patrick,	Scipio, Cayuga county, N. Y.
In heating water and tanning in cold weather,	2	Caleb Atwater,	Genoa, do.
A cartouch box,	3	Jonathan Mix,	New York.
In making shot and bullets, &c. by pressure,	4	Thomas Bruff,	Washington City.
A washing machine,	10	John F. Whipple,	Easton, Washington co. N. Y.
A composition for taking off the glaze from the face of mill stones,	10	John Noble,	Derby, New Haven co. Con.
In the cradle,	15	Samuel Pope,	Windsor, Hartford co. Con.
Machine for making wheels,	15	Melzor Hunt and Cotton White,	Sunderl'd, Franklin co. Mass. Hartford, Hampshire co. do.
Machine for breaking flax and hemp,	30	William Van Duzer,	Warwick, Orange co. N. Y.
In the yarn beam for looms,	15	Simeon Pettee,	Foxboro', Norfolk co. Mass.
In looms,	18	Alfred Ware, Jun.	Franklin, Norfolk co. Mass.
Machine for making shingles,	18	Otis Paine,	Foxboro', Norfolk co. Mass.
A washing machine,	18	Josiah Hotchkiss,	Woodbury, Litchfield county, Connecticut.
Machine for spinning cotton,	19	Luther Bissell, Justus Hinman, Luke C. Hinman, and Benoni Gains,	Hartwick, Otsego co. N. Y.
In ferry boats,	25	Thomas Cohoon,	Pittsfield, Massachusetts.
Improvement of Jacob Perkins's method of impressing all kinds of die work on steel, copper, &c. by circular dies,	25	Jacob Perkins, George Murray,	Newburyport, Massach'setts. Philadelphia.
A washing machine,	25	Silas Hitchcock,	Vernon, Oneida county, N. Y.
In the press,	25	Silas Hitchcock,	Vernon, Oneida county, N. Y.
A twisted screw gimblet,	25	Joseph Broad,	Salisbury, Litchfield co. Con.
In fireplaces and stoves,	25	Ezra Haskell,	New London, Connecticut.
In the still,	26	John James Giraud,	Baltimore.
In water mills,	26	Jacob Perkins,	Newburyport, Massach'setts.
In making spoons,	29	Jacob Perkins,	Newburyport, Massach'setts.
A copper and steel plate printing press,	29	Jacob Perkins,	Newburyport, Massach'setts.
In saw mills,	July 3	Luther Bissell,	Hartwick, Otsego co. N. Y.
In the loom,	3	Thos. Robinson Williams,	Newport, Rhode Island.
In fire places and stoves,	7	Chauncey Guernsey,	Poultney, Rutland co. Vt.
Improvement in his spinning machine, which was patented the 28th of June, 1809,	8	Nathaniel Foster,	Fleming, Kentucky.
In stills,	12	Charles F. Fisher,	York, Pennsylvania.
A cylinder heater for heating mash water, &c. for distilling,	12	Chas. Jenks and Abiel Pease,	East Windsor, Connecticut.
A floating house or bathing machine,	13	Henry Chevens,	New York.
In bleaching cotton goods by steam,	14	Alex. Milne and Daniel S. Deane,	Clinton, Dutchess co. N. Y.
Machine for finishing the heads of wood screws, or iron screws for wood work,	15	Abel Stowell,	Worcester, Massachusetts.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1813.		
In die work as a substitute for etching, &c.	July 15	Abel Brewster,	Frankfort, Philadelphia co. Pennsylvania.
A bark mill,	16	Caleb Churchman and Geo. Martin, Jun.	Upper Chichester, Delaware county, Pennsylvania.
A printing press,	16	Daniel Pierson,	Newburyport, Massach'setts.
In grist mills,	20	Abraham Sawyer,	Chester, Windham co. Vt.
In making cloth of hair,	23	William Shotwell and Arthur Kinder,	New York.
In the loom,	24	Elihu Robinson,	Augusta, Kennebeck co. Mas.
In the weaver's lathe,	24	John Drummond,	New York.
A tubulated cylinder shot,	Aug. 3	James M. Ludlum,	New York.
Improvement in distilling, and of wooden still,	3	John Js. Giraud,	Baltimore.
A machine for making ropes and twine,	3	John Heavin,	Montgomery C. House, Va.
In spinning wheels,	4	Daniel Hurlbut,	Aurelius, Cayuga co. N. Y.
In the construction of locks,	5	William Pie,	New York.
In pumps,	6	Thos. Nicholson and Samuel Gunn,	Genoa, Cayuga county, N.Y.
A mill for grinding and pounding, &c.	7	Alex'r Duncan Moore,	New Haven county, N. C.
A pendulum churn,	7	Silas Hitchcock,	Vernon, Oneida county, N.Y.
Improvement in the plough,	7	Matthew Murray,	Middletown, Fred'k co. Md.
In heating liquors, mash, &c. for distilling,	18	Thomas Belden,	Hartford, Connecticut.
In the preparation of the flour of mustard,	19	Samuel Hopkins,	Rashway, New Jersey.
In extracting hair from fur skins,	19	John Hollingshead and Daniel Baker,	Trenton, New Jersey.
In the machine called the cylindric polisher,	20	Ebenezer Stowell,	Middlebury, Addison co. Vt.
A twining comb machine,	20	Daniel Carrington and Ira Ives,	Litchfield, Connecticut.
Improvement in the lamp, consisting of a double reflector to one blaze,	20	William Foster, Jun. and Leonard Foster,	Boston.
In the weaver's beam,	24	Goliah Williams,	North Providence, R. Island.
In the mill gudgeon,	24	Michael Withers,	Strasburg, Lancaster co. Pen.
In constructing and navigating ships, boats, &c.	26	Benjamin Connor,	Portsmouth, New Hampshire.
In the plough,	28	Horace Pease,	Enfield, Hartford co. Conn.
A doubling, twisting, and reeling machine,	30	Halsted E. Haight and John Haight,	New York.
In setting stills, and in the furnace,	31	Abraham Gibbs,	Lancaster, Pennsylvania.
Improvement in the press patented by John Cunningham and Samuel S. Edmonston,	Sept. 1	Samuel S. Edmonston,	New York.
Machine for sawing shingles, called a shingle mill,	3	Willard Earl,	Hubbardston, Worcester co. Massachusetts.
An hydrostatic engine and steam engine,	3	Stephen H. Long and George F. A. Hauto,	Germantown, Pennsylvania.
In manufacturing paper hangings with light colored satin grounds,	8	Hezekiah Steel,	Hudson, New York.
Maching for cutting nails,	8	Henry Lutgen,	Marietta, Lancaster co.
Machine for splitting skins,	9	William Bent,	Boston.
Improvement in the nail machines patented by them on the 3d of February, 1812, 31st October, 1812, and 16th of March, 1813,	28	Mark Reeve and Richard Reeve,	Philadelphia.
A revolving weaving loom,	Oct. 2	John Hess,	Hempfield, Lancaster county, Pennsylvania.
A pump for elevating meal, grain, and other light substances,	2	John Ewing and David Dickey,	Oxford, Chester county, Pen.
A warm bathing vessel,	4	Daniel Harrington,	Centreville, Fairfax co. Va.
Machine for, and mode of preparing hemp and flax, &c.	7	Francis Hall,	Tennessee.
Manufacturing wine from cider,	8	Ezra B. Corkings,	Bristol, Ontario county, N.Y.
Improvement in the flood gate,	9	Benjamin S. Hort,	Georgetown, South Carolina.
A cylindrical boiler,	9	Philo M. Hackley,	Hudson, New York.
A spring bolt for holding up window sashes,	13	Nathaniel Briggs,	New York.
Mould for forming wool and rorams, &c. into batts for hats,	14	John Werely,	Albany, New York.
Machine for shearing cloth,	22	Silas Hills,	Hudson, New York.
In the stocking loom,	22	Ebenezer Herrick,	Stockbridge, Berkshire county, Massachusetts.
Machine for planing card boards and scaleboards,	23	William Kimball and Sam'l Willard, Jun.	Mount Vernon, Hillsborough county, New Hampshire.
Mode of propelling boats by levers and weights,	23	John T. Schenck,	New York.
In grinding and reducing ores into powder, and preparing them for various uses,	27	Henry Alexander,	Baltimore.
Improvement in his condensing tub for heating water for distillation,	27	Alexander Anderson,	Philadelphia.
Machine for sawing, polishing, and moulding stone,	Nov. 3	Simeon B. Willard,	Bloomfield, Ontario co. N.Y.
In spinning the hair of neat or black cattle,	4	William Shotwell and Arthur Kinder,	New York.
In carding the hair of neat or black cattle,	4	William Shotwell and Arthur Kinder,	New York.
In rendering leather impermeable to water,	4	Joseph Board,	New York.
In manufacturing white lead and flake white,	8	Alex'r Jas. Hamilton,	New York.
In wooden springs for carriages,	10	Luke H. Thrall,	Troy, New York.
A spiral stove,	13	Robert Roy,	Warwick, Orange co. N. Y.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1811.		
In the art and process of making and using elastic steel card teeth, and converting iron fish hooks, &c. into steel when formed of iron, -	Nov. 13	Ebenezer Jenks, -	Colebrook, Litchfield co. Con.
In the still and condensing tub, - -	13	James Wheatley, -	Fauquier county, Virginia.
In water boilers and steam stills, - -	Dec. 2	Tim. Soper, Jun. and Charles Reynolds,	Hartford, Connecticut.
In the loom, - - - -	2	Robert Sugden, -	Boston.
A multiplying reacting hollow cylinder, -	3	Thomas Powell, -	New York.
In manufacturing gunpowder, - -	7	Thomas Ewell, -	Georgetown, Dist. Columbia,
A mode of giving power and motion to machinery by weights, - - -	18	Peter Obert, -	New York.
A machine for cutting screws, - -	30	John Humes, -	Richmond, Virginia.
In making steel plated sleigh shoes, -	30	Salmon Hunt, -	Canaan, Litchfield co. Conn.
A machine for making screws, - -	31	Abner Burnham and Thomas S. Barnum,	Sharon, Litchfield co. Conn.
A mode of weaving millinet, muslin, lace, &c.	31	Stephen Steward, -	Cheshire, Walpole co. N. H.
In the wheel-head, - - - -	31	David Loring, -	Canandaigua, New York.
In steam engines and in applying steam, -	31	Francis B. Ogden, -	Essex county, New Jersey.
A machine for polishing and framing ciphering slates, - - - - -	31	John Coleman, -	Baltimore.
In the distilling apparatus, - -	31	Isaac Hoffman, -	Shawangunk, Ulster co. N.Y.

13th CONGRESS.] No. 359. [2d SESSION.

PROCEEDINGS OF THE HOUSE OF DELEGATES OF MARYLAND, IN RELATION TO THE WAR.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 2, 1814.

To His Excellency the President of the United States, and to the honorable the Senate and the House of Representatives of the United States, in Congress assembled:

The House of Delegates of the State of Maryland, immediately representing the interests and the feelings of the people of the State, are impelled, by urgent impressions of public duty, to address the constituted authorities of the Union on the awful condition of national affairs, and the exposed and defenceless situation in which the State of Maryland has been hitherto left by the General Government, under the impending calamities of war.

The principles on which the national compact was founded are too recent in the recollection of the American people to require the aid of illustration at this period. It is well known that the weakness and incapacity of the old confederation to afford the means of safety and protection to the several members of the confederacy, produced a prevailing sense of the necessity of some more efficient form of Government, invested with adequate powers to provide for the common defence and promote the general welfare.

As an important concern of the general welfare it was also anticipated, with confidence, that, under this form of Government, the just interests of commerce, connected as it is with the agricultural interest, and other occupations of an industrious community, would be faithfully and effectually preserved. To this reasonable hope and expectation we are chiefly to ascribe the sacrifices and concessions made by the navigating States, and more especially by our patriotic brethren of New England, in procuring the adoption of the federal constitution. The State of Maryland sincerely concurred in the ratification of that instrument; but her wise men who advocated the new system, it is presumed, would have been anxiously perplexed if they could have foreseen that this Government would prove, in its operation, no less incompetent or unavailing, for the purposes of common defence, than the confederation which preceded it; while, on the other hand, it might become, in its course of policy, the destroyer instead of the protector of commerce, the inflicter of intense suffering instead of being the benign guardian of the public security and happiness.

More than nineteen months have now elapsed since war was declared against England. There is reason to believe that a much longer period has gone by since this fatal measure was first contemplated. We would ask whether there is any portion of the Union, with the exception of Long Island, more open and liable to the ravages of a maritime foe than the State of Maryland? And situated as it is, with the seat of the National Government on its confines, so accessible to a hostile force, is there any part of the continent which it could have been supposed would more obviously attract the active operations of an enemy, designing to harass the physical strength of the country, and to distract and frustrate the views of its rulers in their avowed plan of foreign conquest? Is there, in short, any section of the common league which, from various considerations of prudence and of duty, the General Government was more peculiarly bound to guard by ample and vigilant preparations for defence?

We are next constrained to inquire, what has there then been done or provided, by the National Government, for the security of a State so peculiarly circumstanced against the visitations of a war which that Government had chosen its own time to declare, and which appears to have been familiar to its contemplation for a considerable series of years before it was actually declared?

If we do not say how little has been attempted for our protection, and in what way even that little has been rendered, it is because we wish not to publish our own humiliation to the world; and we would not betray the extent of our weakness to the enemy. It is because we are desirous of preserving a becoming measure of respect to the national authorities, while, in the exercise of a constitutional privilege, we perform a requisite duty to our con-

stituents, the freemen of Maryland, by making a frank representation of their complaints and dissatisfaction. The mere show of resistance, heretofore exhibited, having in fact rather tended to provoke than repel attack, the people on the exposed points of our shores despairing, after what has passed, of obtaining a sufficient defence from the Government, are becoming, in some parts of the country, inclined almost to regard with fear the approach of those semblances of military aid which are occasionally sent among them; because they have perceived that this casual parade, instead of giving them assistance in the hour of danger, rather invites destruction from an exasperated and unresisted foe, whose fury it is possible they might sometimes escape unnoticed. And yet, the history of the revolution will attest that, in the most trying times of the republic, the spirit of Maryland has never been surpassed in valor, fortitude, and fidelity.

If the war is to be continued, the miseries we have already endured may be tender mercies in comparison with those which are to be apprehended. A character of ferocity, unknown to the civilized usages of modern warfare, seems about to be given to this contest. The Government of the United States has distinctly announced its purpose of protecting the subjects of the enemy taken in arms while in the act of invading the territories of the Power under whose dominions they were born, and to whom their allegiance was naturally due; and this protection to British traitors is to be accomplished by a system of sanguinary retaliation which, in its consequences, may occasion the sacrifice of every American officer and soldier, the ignominious death of all our unfortunate countrymen who are now held as prisoners and hostages by the enemy.

In addition to this cause of apprehension, the example of useless barbarity displayed under the command of the general of the forces that lately abandoned Fort George, in Upper Canada, in committing to the flames the whole town of Newark, of which our army had been in the undisputed possession, may, in the course of a few months, bring upon our coasts the most direful vengeance which a powerful and enraged enemy can inflict, and may subject our towns, and villages, and farms, and habitations bordering on the water, to all the horrors of the most ferocious and extensive desolation.

We therefore earnestly entreat the national authorities to take these circumstances into immediate and serious consideration, to provide the means and munitions of defence, and to furnish a real efficient regular force, to be stationed in the State, so as to save its property and its citizens from the worst evils and ravages of unrelenting hostility. The efforts of the State itself, for its own protection, have been already exerted in a manner necessarily burdensome and vexatious to its people; and the State has been compelled, in the course of the last year, to seek resources in its own credit for defraying the expenses of defensive measures, which it might well have been hoped would have been seasonably and adequately prepared under the superintending care and providence of the Government of the Union. The aggregate amount of expenses thus incurred is not now ascertained, as the accounts are not yet all liquidated, and there are vouchers still to be procured. But we trust that provision will be made by Congress for reimbursing these expenses, and others of a similar nature which may be unavoidably incurred; and that, as soon as a proper estimate can be exhibited, the heavy advances of money which the State may have been obliged to make, for purposes specially enjoined on the General Government by the terms of the federal constitution, will be promptly and fully remunerated.

Having briefly urged these considerations, there remains an indispensable obligation on this House, in compliance with the known wishes and sentiments of their constituents, to submit an earnest petition to the President and Congress of the United States for a speedy restoration of the blessings of peace, and an essential change in that mistaken policy whose effects are now so unhappily to be seen in the privations and afflictions of the land. It might be deemed intrusive, and it would be altogether irksome, to enter now into a minute examination of the causes of the present war. It is believed to be at this time sufficiently ascertained, that the flagrant deception of the French Government, practised in relation to the pretended repeal of its predatory edicts, was chiefly instrumental in producing a state of things in this country which unfortunately led us into the existing hostilities with England. The documents before Congress, during the last and preceding sessions, it is presumed, have conclusively shown that the alleged repeal of the French edicts, by the letter of the 5th August, 1810, was only a conditional proposition, as its terms implied; and that there was no authentic form of a repeal of an earlier date than the decree of the 28th April, 1811, which is expressly bottomed on the previous compliance of our Government with one of the conditions of the letter referred to, in enforcing the non-intercourse against England, by the act of March, 1811. This act was in conformity with the tenor of the President's proclamation of the 2d November, 1810, declaring "the fact" that, on that day, the French decrees were repealed, so that they ceased to violate our neutral commerce. It has become abundantly apparent, since the date of that proclamation, that, in point of fact, the French violations of our commerce were continued after that date, as, in point of form, it has also appeared that there was no absolute repeal until nearly six months subsequent to the issuing of the proclamation; and that this formal repeal which, if timely used, might have produced the revocation of the British orders, so as to prevent the present war, was not officially announced to our Government, or to its minister at Paris, until more than a twelvemonth after the period at which it was dated. In the report of the Secretary of State, made to Congress on this subject at the last session, it is stated that the light in which this transaction was viewed by this Government was communicated to Mr. Barlow in the letter of the 14th July, 1812, with a view to the requisite explanation. The notice taken of the subject in the letter of the Secretary of State to Mr. Barlow, of the 14th July, 1812, thus cited, is to be found at the close of the letter, which concludes in these words: "On the French decree of the 28th April, 1811, I shall forbear to make many observations, which have already occurred, until all the circumstances connected with it are better understood. The President approves your effort to obtain a copy of that decree, as he does the communication of it afterwards to Mr. Russell."

It is possible that Mr. Barlow might not have understood this paragraph as an instruction, "with a view to the requisite explanation." But, as the report of the Secretary further stated that Mr. Barlow's successor had been also "instructed to demand of the French Government an explanation," the people of the United States might have been induced to expect that this important matter would be fully developed; and we have, therefore, seen, with serious concern, by the late message from the President to Congress, "that the views of the French Government have received no elucidation since the close of the last session." This concern is heightened by the recollection that, for a series of years past, an unhappy mystery has hung over the communications with that same Government, whose public outrages have violated all the rights of this nation, and have heaped upon those who administer its affairs every species of contumely and insult.

A review of these circumstances, so remarkably characteristic of French fraud, furnishes, in the opinion of this House, strong additional inducements for terminating this disastrous contest with England. As soon, indeed, as the foul artifice of the French ruler was disclosed, and more especially after the revocation of the British orders was made known, we should have deemed it fortunate, if the Government had availed itself of the propitious opportunity of reinstating the relations of peace with the power with whom we had been thus embroiled. The claim of impressment, which has been so much exaggerated, but which was never deemed of itself a substantive cause of war, has been heretofore considered susceptible of satisfactory arrangement in the judgment of both the commis-

sioners, who were selected by the President, then in office, to conduct the negotiations with the English ministry in the year 1806, and who now occupy high stations in the administration. Believing that this and all other causes of difference might be accommodated between the two countries, provided the agents on both sides are actuated by a sincere wish for a just accommodation, we cannot but feel anxious for an event which would relieve the people from the pressure of those burdens, and losses, and dangers, that are now to be encountered without the prospect of attaining a single object of national benefit.

From the progress and occurrences of the war, as far as it has been conducted, it must be obvious that the conquest of the Canadian provinces is not to be effected without an immense effusion of blood and treasure. The conquest, if effected, we should be inclined to regard as worse than a doubtful boon. We want no extension of territorial limits; and the genius of our republican constitution is not suited to offensive wars of ambition and aggrandisement.

A war of this nature is calculated to introduce doctrines and habits, and evil passions, which are inimical and dangerous to the liberties and morals of the nation. To carry it on, the nation has been subjected to various impositions, which will be more oppressive, because all the resources of trade are suppressed, and agricultural enterprise is deprived of its reward. The taxes are multiplied, while the means of payment are diminished, and the ordinary comforts and necessaries of life are greatly enhanced on the consumer. To carry on the war, it has been thought advisable entirely to cut off commerce, and the bitter tribulation of the Boston port bill, of 1774, is again to be realised on an infinitely more extended scale. Upon the poor gleanings and remnant of trade, the more precious for being all that was left, the complicated rigors of the embargo act, lately passed, will complete, with an unsparing severity, the work of destruction which British cruisers could not accomplish.

The people whom we represent are suffering severely under the operation of this baleful policy, against which we would solemnly remonstrate; but when we cast our eyes further, and look to its effects in another part of the continent; when we consider the still greater miseries of the people of New England, accustomed to live on navigation, and now deprived of the ordinary means of subsistence; when we reflect also on the aggravated causes of disgust to that invaluable people, who perceive that, by the formation of new States out of the limits of our ancient territory, they must necessarily lose all share of influence in the national councils, where other interests, as they suppose, have already obtained an injurious ascendancy; when we meditate on the possible tendency of these irritations, added to all the difficulties of the immediate and general distress, although we have full confidence in the faithful integrity of our Eastern brethren, yet, as they are men, we are free to confess, these reflections render us deeply and doubly solicitous that peace should be restored, without delay, for the relief of the people, and the salvation of the Union.

Convinced, as we have been, that the war might have been avoided, and that peace might be restored without dishonor to the country, the present conjuncture seems to us highly favorable for a reconciliation with England, if it is fairly and honestly desired. The late auspicious events on the continent of Europe have humbled the power of the proud oppressor of the earth. With the malignity of the spirit of evil, he had stood on his "bad eminence," the scourge of the world, the disseminator of bloody discord and dissension among the nations. Wherever his arms or his arts could reach, he has been the fell disturber of the tranquillity and happiness of every region. If the sceptre of the tyrant is not irreparably broken, we may at least hope that limits are permanently set to his inordinate sway. We trust that "the wicked shall now cease from troubling;" and viewing him as the atrocious author of all the wanton and dreadful strife which pervades the old and the new world, we do hope that, his tremendous capacity for mischief being terminated or restrained, no barrier will remain against a renewal of friendly intercourse between those Powers that have been opposed to each other in battle array by the violence and frauds of the arch-enemy of human liberty. We would, therefore, ardently implore the constituted authorities of this nation, that the negotiations about to be instituted may be carried on with a just and earnest intention of bringing them to an amicable result; that the evils of this unprofitable and pernicious war may not be protracted; and that peace, with all its blessings and advantages, may soon be permitted to dawn again on our shores, to cheer the gloom of disquietude that now exists, and to dispel the darker terrors of a tempest, which threatens, in its continuance, to consign the dearest hopes, the harmony, and the liberties of this united empire, to irretrievable destruction.

J. C. HERBERT,
Speaker of the House of Delegates.

UPTON S. REID, *Clerk.*

13th CONGRESS.] **No. 360.** [2d SESSION.

CONTESTED ELECTION OF THOMAS M. BAYLEY, A REPRESENTATIVE FROM VIRGINIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 2, 1814.

Mr. FISK made the following report:

The Committee of Elections, to whom was referred the petition of Burwell Bassett, contesting the election of Thomas M. Bayley, returned as a Representative from the State of Virginia, in the present Congress, have had the said petition under consideration, and report:

That, at the last general election in the State of Virginia for Representatives to Congress, the said Burwell Bassett and Thomas M. Bayley were opposing candidates, in the district composed of the counties of Accomack, Northampton, Middlesex, Gloucester, Mathews, James City, Warwick, Elizabeth City, York, and the city of Williamsburg. From the polls in the said election 1,072 votes appear to have been given, in the whole district, in favor of the sitting member, and 1,015 for the petitioner, giving the former a majority of 57 votes, whereupon he was returned as elected.

In canvassing the votes, objected to on both sides, which were numerous, and, in many instances, involving questions of considerable intricacy, your committee have carefully examined the evidence presented to them, consisting of the land roll of the several counties, transcripts of records, depositions taken on reasonable notice, or

admitted by consent of parties, and some parole testimony, with cases agreed, stating the points of fact relative to certain votes. On comparing these with the laws of Virginia regulating elections, your committee find sixty-four votes given to the sitting member by persons not legally qualified, and sixty-three votes given to the petitioner by persons not legally qualified; and that two votes given to the petitioner, which had been disputed, and, therefore, not counted by the officers conducting the election, were found to be legal and ought to be added to his poll.

The petitioner objected to the legality of the votes given in the county of Accomack on the second and third days of the election. On examining that subject it appears that one day only is allowed, by the law of Virginia, for holding the election, with an exception in the following words, viz: "If the electors who appear be so numerous that they cannot all be polled in one day before sunsetting, or if, by rain or rise of water-courses, many of the electors have been hindered from attending, the sheriff, or under sheriff, may, by request of any one or more of the candidates, adjourn the proceeding on the poll until the next day," &c. A subsequent law requires the poll, if once continued over to a second day agreeably to law, to be held open also for a third day. It did not appear, nor was it pretended, that any rain had fallen, or that any rise of waters had taken place. The only question was, whether the other condition had happened, on which the law authorized a continuance of the poll beyond the first day, with the effect of such continuance. It was proved that the election commenced early, and progressed very rapidly, and with no intermission, except such as appeared necessary in determining the right of disputed votes, and a small space occupied by a friend of the petitioner in addressing the people; that, toward the close of the day, voters became more rare, and, for half an hour previous to sunsetting, very few if any votes were given, insomuch that the sheriff proclaimed several times at the door of the court-house that unless other voters would come forward the election would be closed. That about sunsetting, four persons appeared, and demanded the privilege to vote; two of these were deputies of the sheriff, who were present during the day assisting in the election; it did not appear whether the remaining two had been present during the day, or had just appeared at that late moment. The sheriff continued the election over to the second day, at the request of the agent of the sitting member, though objected to at the time by the agent of the petitioner, as unauthorized and illegal. From this evidence your committee were very clearly of the opinion that the event did not happen, on which rested the authority of the sheriff to adjourn over the election; that the question whether more persons had appeared than could be polled on the first day was a mere question of fact, allowing no discretion whatever in the officer; and that the subsequent proceedings were illegal, and that the votes received on the second and third days ought to be rejected.

It appears that fifty-three votes were given on those days for the sitting member, and four votes for the petitioner. Deducting these from the respective polls, and adjusting the same, it will result that nine hundred and fifty-five legal votes were given for the sitting member and nine hundred and fifty legal votes were given for the petitioner, giving to the sitting member a majority of five votes; therefore, that the sitting member is duly elected. Your committee, therefore, respectfully submit the following resolution:

Resolved, That the sitting member is entitled to his seat.

13th Congress.] No. 361. [2d Session.

OBSTRUCTIONS TO NAVIGATION IN THE TENNESSEE RIVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 4, 1814.

The State of Tennessee, in General Assembly, *November* 12, 1813.

Whereas, it is the opinion of those who have been in the habit of navigating the river Tennessee, that a small sum of money, compared with the importance of the object, would be sufficient to remove the obstructions to the safe navigation of said river in the Muscle Shoals; therefore,

Resolved, That the Senators from this State, in the Congress of the United States, be instructed, and our Representatives requested to use their best endeavors to procure the passage of a law making appropriations to carry the aforesaid object into full and complete effect. And,

Resolved, That the Governor of this State be requested to transmit a copy of the above preamble and resolution to each of the Senators and Representatives from this State, in the Congress of the United States.

THOMAS CLAIBORNE,
Speaker of the House of Representatives.

ROBERT C. FOSTER,
Speaker of the Senate.

Attest:

W. ALEXANDER,
Clerk of the House of Representatives.

JAMES ROGERS,
Clerk of the Senate.

13th Congress.] No. 362. [2d Session.

APPROVAL OF THE MEASURES OF THE FEDERAL GOVERNMENT BY PENNSYLVANIA.

COMMUNICATED TO CONGRESS, FEBRUARY 14, 1814.

To the Senate and House of Representatives of the United States: FEBRUARY 14, 1814.

At the request of the Legislature of Pennsylvania, conveyed through the Governor of that State, I transmit to Congress copies of its resolutions of the 18th ultimo.

JAMES MADISON.

Considering that some of the gallant defenders of our country, who have been captured in honorable combat with the enemy, have been seized as traitors, and thrown into prison, perhaps to languish out a painful existence of privation and disease, or to receive judgment and sentence from a tribunal, where power shall take the place of justice, and vengeance usurp the seat of reason:

We, the Senate and House of Representatives of the Commonwealth of Pennsylvania, do adopt the following resolutions:

Resolved, That we view with high approbation the decisive spirit and firmness, which the national authorities have manifested in securing hostages for the safety of those defenders of the republic, who are threatened with the penalties of treason against Great Britain; and, while we are deeply anxious that a sanguinary result may be averted, and that the calamities of the war may be unimbittered by unnecessary bloodshed or cruelty, we are, nevertheless, prepared, under all circumstances, to support our Government in every measure of just retaliation, to which it may be driven by the violence of the enemy.

Resolved, That the Governor be requested to communicate a copy of the foregoing resolution to the President, with a request that he lay it before Congress.

ROBERT SMITH,
Speaker of the House of Representatives.

P. C. LANE,
Speaker of the Senate.

In the House of Representatives, January 17, 1814. Read, and adopted.

GEORGE HECKERT,
Clerk of the House of Representatives.

In the Senate, January 18, 1814. Read, and adopted.

JOSEPH A. McJIMSEY,
Clerk of the Senate.

HARRISBURG, PENNSYLVANIA, *February* 8, 1814.

I certify the foregoing to be a true copy of the original resolutions now deposited in this office.
Witness my hand and seal.

N. B. BOILEAU,
Secretary.

13th Congress.] No. 363. [2d Session.

APPROVAL OF THE MEASURES OF THE FEDERAL GOVERNMENT BY KENTUCKY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 16, 1814.

The Legislature of Kentucky, considering the present as an interesting and important crisis, in the arduous contest in which we have embarked, for the preservation of the important and essential rights of national sovereignty and independence, against the injustice, usurpations, and long continued aggressions of an imperious and inveterate enemy of that sovereignty and independence, which every citizen of our free and happy Government should at all times be prepared to lay down his life, if necessary, to maintain, feel strongly impressed with the propriety, on this occasion, of representing, as they firmly believe they do, the almost unanimous sentiments of the citizens of the State which they represent, which are embodied and expressed in the following resolutions:

1. *Resolved, by the Senate and House of Representatives of the Commonwealth of Kentucky*, That we firmly adhere to the General Government, and retain our attachment to the federal constitution, which binds us together, and with the fate of which we combine that of our own existence.

2. *Resolved*, That we possess an unabated confidence in the present administration of our National Government, now vested in the hands of an Executive competent to steer the vessel of State between the vortex of domestic faction and the menacing rocks of foreign war.

3. *Resolved*, That the overtures of peace made to the British Government by ours, since the declaration of war, and the speedy acceptance of the proffered mediation of Russia, are irrefragable evidences (if any were wanting) of a sincere desire for a restoration of the blessings of peace on the part of our own, and of a persevering determination on the part of the British Government to continue what their injustice and usurpations first began, and furnish to our own Government the most irrefragable arguments for a vigorous, energetic, and zealous prosecution of the war.

4. *Resolved*, That the restriction on our commerce, lately enforced by an embargo, is wise, expedient, and politic, and repays privation and self-denial, by preventing the supplies of the enemy from our resources. We cordially approve the adoption, and doubt the patriotism that hesitates to submit to the national sacrifice.

5. *Resolved*, That, when a member of Congress shall not possess the virtue to resist party influence; when he shall not have the independence to vote the dictates of conscious rectitude, and the will of his constituents, so far as he has evidence of such will, he becomes unworthy of the dignified station of the representative of a free and enlightened people, and is qualified only to represent a corrupt Government, where office is the price of dishonor; where the smile of the arrogant lordling compensates for deserting the interests of the people.

6. *Resolved*, That the Governor of this State be, and he is hereby, requested to transmit a copy of the foregoing resolutions to the President of the United States, and each of our Senators and Representatives in Congress.

JOS. H. HAWKINS,
Speaker of the House of Representatives.
R. HICKMAN,
Speaker of the Senate.

Approved: February 1, 1814.

ISAAC SHELBY.

By the Governor:

M. D. HARDIN, *Secretary.*

I certify the foregoing to be truly copied from the original.

Attest: M. D. HARDIN, *Secretary.*

13th CONGRESS.] No. 364. [2d SESSION.

APPLICATION OF THE MORAVIAN SOCIETY OF UNITED BRETHREN FOR INDEMNITY FOR THE DESTRUCTION OF THE INDIAN VILLAGE ON THE RIVER THAMES, BY THE AMERICAN ARMY.

COMMUNICATED TO THE SENATE, FEBRUARY 18, 1814.

BETHLEHEM, *February* 10, 1814.

To the honorable the Senate and House of Representatives of the United States, the memorial and petition of the undersigned, acting in behalf of the directors of the missionary concerns of the society of the United Brethren, commonly called Moravians, respectfully showeth:

That the protestant episcopal church of the Unitas Fratrum, or United Brethren, commonly known by the name of Moravians, derive their origin from the ancient episcopal church of the Unitas Fratrum, or United Brethren in Bohemia and Moravia, who, for three centuries and a half past, formed a society under that denomination. Having, during many years, been cruelly persecuted on account of their religious tenets, and their opposition to the prevailing errors in the church by the Roman Catholics, and being on the brink of extirpation, some of their descendants, in the beginning of the last century, emigrated from Moravia to Upper Lusatia, where, having been joined by people of different religious persuasions, they built Herrnhuth, the principal seat of the present society of the United Brethren. It may, perhaps, not be improper here to observe that our society, after the most rigorous scrutiny into their origin, doctrine, and discipline, has been recognised as an ancient protestant episcopal church by an act of the British Parliament in the year 1749.

The object of our society, as well as that of the old Bohemian and Moravian brethren, has, at all times, been, and still is, strictly to adhere to the doctrine of our dear Lord Jesus Christ and of his apostles, as laid down in the sacred records of our holy religion, and, not only by profession, but also by practice, to approve themselves the humble but faithful followers of our Divine Master, and it is not so much in the theoretical, as in the practical principles, that we differ from other protestant churches. This is evident from the single fact, that our society has embraced the confession delivered in 1530, by the friends of Luther to the diet at Augsburgh, as their own confession of faith, and may be further proved by our constant declaration, that we consider all those who adopt the pure fountain of the oracles of the New Testament for the only source of their faith in this life, and of their hopes hereafter, as our brethren in Christ. We are distinguished from the Lutherans and other religious denominations by our church discipline, transmitted to us by the ancient church of the Unitas Fratrum in Bohemia and Moravia, and by our regular and uninterrupted episcopal succession from the remotest times of christianity, as from a publication, entitled "Acta Fratrum Unitatis, in Anglia, 1749," which I beg leave, herewith, to present to Congress for their library, relation being thereunto had, more fully and at large will appear. An exposition of our doctrine, as taught in our church, has been laid before the public, in a work entitled "Idea fidei Fratrum," of which the undersigned had the honor to present a copy to your honorable body some years ago; and an account of our constitution and church discipline has been published in the German language, entitled "Ratio Disciplinæ Unitatis Fratrum," of which a translation into the English language not yet having been made, a copy of the original work is herewith presented.

From a very small beginning our society has spread through the four quarters of the globe, in about twenty settlements in different European countries; one in Asia near Astracan, and nine in this country, where we live unintermixed with persons of other religious persuasions. Besides, we have settled societies in many places, as well in Europe as in this country, where the members of our church continue to live in company with their fellow-citizens of other denominations. In obedience to the express command of our Lord to his disciples to preach the gospel to every creature, we have, from the earliest times of the re-establishment of the Unitas Fratrum, exerted ourselves in behalf of those heathen nations who had never been favored with the glad tidings of our salvation, by the all-atoning death of our blessed Redeemer. It is now nearly eighty-two years when our society first began their missionary labors among the negroes in the West India islands, which have since been extended to Green-

land, Terra Labrador, the continent of South America, and Africa. The word of the cross has proved, as it will in all instances, where it is preached in its purity, to be the power of God unto salvation to every one that believeth, and our humble efforts have been crowned by a success far beyond our most sanguine expectations. We have lived to see many thousands of the most wretched and wicked heathens turn from death to life, and from the power of satan to God, and receive forgiveness of sins and inheritance among them which are sanctified by faith that is in Christ. We have actually fourteen missionary settlements in the West Indies, where upwards of twenty thousand Christian negroes live under the superintendence of our missionaries, three among the Greenlanders, three among the Esquimaux, three among the negroes in Surinam, and two among the Hottentots.

The aborigines of this country have likewise been an early object of our society. Our first endeavors were directed to the Creeks near Savannah, in Georgia, but our missionaries having repeatedly been called upon to join the British in the prosecution of the war, which at that time was carried on by them against the Spaniards, they left that country for Pennsylvania. In the progress of time the society applied their care with more success to the Mohicans, in the then provinces of Connecticut and New York, and made several attempts to introduce the Christian doctrine to the Six Nations, who, though not disposed to receive the gospel themselves, were, nevertheless, instrumental to the promotion of christianity by granting leave to our missionaries to reside among the Indian tribes then under their protection. In later times the society has principally labored among the Delawares, in the States of Pennsylvania and Ohio, who were joined by some Mohicans, and turned their attention likewise to the Shawanese, Chippeways, and other Indian nations.

In the prosecution of this very extensive undertaking, our society has often been put to very severe trials, and has had to struggle with many difficulties. This has been more particularly the case with respect to their endeavors to be useful to the aborigines of this country. By the cession of great districts of the Indian lands to the white people, our Christian Indians were continually under the necessity to change their places of residence, to leave their much improved settlements, and to begin anew in the wilderness. By the wars, as well previous to as during the time of the revolution, they not only suffered the loss of their property, and had their lives frequently put in jeopardy, but a number of them and of their missionaries actually fell victims to their faithful adherence to a peaceable deportment.

After the destruction of the three flourishing settlements of our Indian converts on Muskingum river, they were at last compelled, by dire necessity, to take refuge in Canada, where a number of them have since remained, and formed a settlement on the river Retrench, or Thames, which, at the time of the late declaration of war against Great Britain, consisted of about one hundred and fifty inhabitants, and of near fifty houses, inclusive of the church. A grant of upwards of fifty thousand acres of land had been made to our Indians by the English Government, and they had successively cleared more than two hundred acres of it, which yielded to them a yearly crop of about two thousand bushels of corn on an average. They had begun to substitute the plough for the hoe, and had actually seven ploughs in operation: their women had been taught, by the wives of our missionaries, to spin flax, and had made such proficiency in spinning, that they had it in contemplation to send their yarn to the loom to be manufactured into linen. But all their fair prospects have at once been blasted by the total destruction of their settlement by the army of the United States, under the command of General Harrison. How far such a measure is justifiable by the rules of war adopted among civilized nations, and more especially consistent with that justice and humanity which it has always been the noble pride of the United States to exercise even in their wars, it is not for the undersigned to decide; but he feels himself compelled by every sense of duty to make to your honorable body a just representation of the distressing situation of these poor fugitive Indians, who, at the approach of winter, were deprived of shelter and sustenance, and to claim for them such indemnification as Congress in their wisdom will, on a proper examination of the case, find them to be entitled to.

And your petitioner will ever pray, &c.

JOHN G. CUNOW.

13th CONGRESS.] **No. 365.** [2d SESSION.

AMENDMENT PROPOSED TO THE ACT CONTINUING CERTAIN PATENT RIGHTS TO OLIVER EVANS.

COMMUNICATED TO THE SENATE, FEBRUARY 25, 1814.

Mr. SMITH, from the committee to whom was referred the memorial of Isaac McPherson and others, on the subject of the patent granted to Oliver Evans under the act of the 21st January, 1808, entitled "An act for the relief of Oliver Evans," reported:

That in the year 1787, Oliver Evans obtained from the States of Pennsylvania, Delaware, and Maryland, laws vesting him with the exclusive right to use, in those States, the elevator and hopperboy, being inventions or improvements claimed to have been made by him in the process of the art of manufacturing flour. That, in the year 1790, he obtained a patent under the laws of the United States for the elevator and hopperboy, and also for the screw or conductor, an additional improvement in the art, claimed also as his invention and improvement; that, for fourteen years (the term of his first patent) he continued to receive, from nearly all the persons employed in the art of manufacturing flour, from thirty to forty dollars (being the prices which he then deemed sufficient) for the use of the machinery for each water wheel.

That, about three years after the expiration of his patent, to wit: in the year 1807, a suit, pending in the court of Pennsylvania, was decided against him, "on the ground that his patent was deficient in form, and, therefore, invalid." It is, however, believed by your committee, that its invalidity was unknown until after the trial; and that nearly all engaged in the manufacturing of flour, during the term of his patent, had paid. A plea, however, was made by the said Oliver Evans, to wit: that little benefit had arisen to him from his patent, because of the deficiency in form thereof; and Congress, in consequence, passed a law, dated 21st January, 1808, "for the relief of Oliver Evans;" thereby granting to the said Evans, his "heirs, &c. for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using, and vending to be used, his invention, discovery, and

improvement in the art of making flour and meal, and in the several machines which he has invented, improved, and applied to that purpose."

That, under that act, a patent issued to the said Evans, dated 22d January, 1808, for the term of fourteen years. By the authority derived therefrom, he claims that there is secured to him, not only the extensive privilege of using the machine specified therein, but a power to "prohibit the use of any other invention that shall accomplish the same effect, although the principles be ever so different." In proof whereof, the said Evans has actually instituted a suit against Jeremiah Bayley, to recover damages for using his own invention, (for which he has received a patent,) which, by the application of wind, conveys wheat or flour from one part of a mill to another.

Since the passage of the said act, he, the said Evans, has demanded and received for the use of his machinery unusual, and, in the opinion of your committee, extravagant prices, to wit: for a pair of stones of four and a half feet diameter, for which, under his first patent, he charged thirty dollars, he now demands three hundred dollars; for those of six feet, for which he formerly received forty dollars, he now charges five hundred and twenty dollars; and for a pair of seven feet stones, his demand is seven hundred and thirty-five dollars. For a mill (now building) to run five pair of stones of seven feet diameter, his demand is three thousand six hundred and seventy-five dollars, for which, under his former patent, he would only have demanded two hundred dollars.

The memorialists have produced proofs to show that the said Evans is not the original inventor of any of the machinery specified in his patent, to wit: that the principles of the elevator have been known for ages, and particularly in latter years through their use, in the well known operation of the chain pump. That the hopperboy was invented by Christian Stouffer, and used in the mills of his father, brother, and others, prior to the year 1775. That the screw or conductor was invented and used by Jonathan Ellicot, prior to the date of the first patent obtained by the said Evans in 1790. It is admitted by the said Evans that he is not the *original inventor* of any of the *principles* of the machines specified in his patent, but that he is the inventor of improvements therein, and that he has combined and applied the whole to operate their present useful effects; that is to say, that he invented the leather strap, and improved and applied the principles of the chain pump to the purposes now in use for his elevator; that he has improved the hopper machine, now called the hopperboy; and that he has made some useful improvements in the conductor, and has applied it to the purposes specified in his patent. The memorialists have submitted proof to show that the elevator, by a strap, had been in use in the year 1786, in the mill of Marshal and Stroud, near the residence of the said Evans, which had been seen by him, and that, in consequence, they, Marshal and Stroud, had been exempted from payment for the use of the elevator and hopperboy, under the acts of Pennsylvania, Delaware, and Maryland.

The committee are of opinion, that the act for the relief of Oliver Evans was an act of benevolence which Congress were under no obligation to grant, his patent having expired nearly three years; that it could not have been expected that an act of such high favor would have been used for the purpose of extortion and oppression. It must have been believed that the patentee, grateful for the extraordinary favor conferred on him, would have used the right reinstated in him with moderation and temper. It is, however, with regret that the committee are compelled to state that he has abused the power vested in him by an act intended for his relief, to the oppression of individuals, by the exaction of exorbitant sums of money for the use of the machines specified in his patent, and by his attempt to prevent the use of the inventions of others, which, although entirely different in principles, are capable of operating the same effect.

To prevent the said Evans from abusing (in future) the power vested in him, the committee submit a bill to amend the act, entitled "An act for the relief of Oliver Evans."

13th Congress.] No. 366. [2d Session.

DECLARATION OF PENNSYLVANIA TO SUPPORT THE LAWS OF THE FEDERAL GOVERNMENT.

COMMUNICATED TO CONGRESS, MARCH 23, 1814.

To the Senate and House of Representatives of the United States: MARCH 22, 1814.

At the request of the Legislature of Pennsylvania, conveyed through the Governor of that State, I transmit to Congress copies of its resolutions of the 10th instant.

JAMES MADISON.

The people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, to promote the general welfare and secure the blessings of liberty to themselves and to their posterity, did ordain and solemnly adopt a constitution for the United States.

"This Government, the offspring of our choice, (says Washington,) uninfluenced and unawed, adopted on full investigation and mature deliberation, completely free in its principles in the distribution of its powers, uniting security with energy, has a just claim to our confidence and support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. And the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts, merits the frown of indignity."

This constitution, the palladium of our political prosperity and safety, declares that the Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions; to provide for organizing, arming, and disciplining the militia; and for governing such part of them as

may be employed in the service of the United States. The constitution also declares that "this constitution and the laws of the United States, which shall be made in pursuance thereof, shall be the supreme law of the land." It also further declares, that it is treason against the United States to levy war against them, to adhere to their enemies, or to give them aid or comfort. In pursuance of the powers thus vested in the Congress of the United States, they did pass laws providing for the calling the militia into the service of the United States, and for their government while in that service, enacting that, while employed in such service, they should be subject to the same rules and articles of war as the troops of the United States, and also imposing a penalty on those who should encourage or promote desertion among the troops in said service.

In the face of those constitutional provisions and laws enacted by Congress in pursuance thereof, the Legislature of Pennsylvania behold, with astonishment and high disapprobation, the Executive of a sister State, issuing his proclamation, ordering a detachment of the militia of that State, then in the service of the United States, to desert that service, and return to their respective homes. With no less astonishment and disapprobation do they behold a resolution laid on the table of the Legislature of another State, evidently intended to intimidate, or to prevent the Congress of the United States from directing the President to institute a legal inquiry, whether or not the constitution and laws of the United States have been violated by the aforesaid proclamation, accompanied by a threat that if such inquiry is instituted, they will aid in resisting it—a procedure calculated to add to the calamities of the war, in which the United States have been compelled to engage, in defence of their liberty and independence, the horrors of a civil war. Deprecating such an event, and feeling it as a duty which we owe to ourselves, our Government, and our country, to express our high disapprobation and abhorrence of all measures calculated to produce such disastrous consequences, and our determination to support the General Government in all constitutional and lawful measures in bringing to justice all those who violate the constitution and the laws of the United States, and who, either directly or indirectly adhere to, or afford aid or comfort, to our common enemy; therefore,

Resolved, By the Senate and House of Representatives of this Commonwealth, that they view with the utmost concern and disapprobation, every attempt to screen from just punishment any individual or individuals, however elevated by station, who may violate the constitution or laws of the United States, or who may directly or indirectly adhere to, or afford aid or comfort to the enemies of our beloved country.

Resolved, That we will, to the utmost of our power as a Legislature, or as individual members of society, support the General Government in all lawful and constitutional measures to bring to justice infractors of the laws and constitution of the United States, and all abettors and aiders of the enemies thereof.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolutions to the President of the United States, with a request that he will lay the same before Congress.

JOHN ST. CLAIR,
Speaker of the House of Representatives.
P. C. LANE,
Speaker of the Senate.

In the House of Representatives, March 7, 1814, read and adopted.

GEORGE HECKERT,
Clerk of House of Representatives.

In Senate, March 10, 1814, read and adopted.

J. A. McJIMSEY, *Clerk of the Senate.*

PENNSYLVANIA, HARRISBURG, SECRETARY'S OFFICE, *March* 16, 1814.

I certify the above and foregoing to be a true copy of the original deposited among the rules in this office. Witness my hand and seal.

N. B. BOILEAU, *Secretary.*

13th CONGRESS.] No. 367. [2d SESSION.

ESCHEATS IN THE MISSISSIPPI TERRITORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 26, 1814.

Mr. INGERSOLL, from the Committee on the Judiciary, to whom was referred a resolution for inquiring into the expediency of affording the sanction of Congress, by a legislative act, to a certain act of the Mississippi Territory, entitled "An act concerning escheats," bearing date the 13th of December, 1811, reported:

That the resolution contemplates authority to endow Jefferson college, in the Mississippi Territory, through the medium of escheated estates, to which plan the committee consider that there are strong objections in principle as well as in detail:

Wherefore, They beg leave to report that it would be inexpedient to enact any law for such purpose.

13th Congress.] No. 368. [2d Session.

COPY OF CERTAIN COMMISSIONS GRANTED IN THE RECESS OF THE SENATE.

COMMUNICATED TO THE SENATE, MARCH 29, 1814.

To the Senate of the United States: MARCH 28, 1814.

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 26th instant.

JAMES MADISON.

SIR: DEPARTMENT OF STATE, *March* 28, 1814.

In compliance with the resolution of the Senate, of the 26th instant, I have the honor to transmit, herewith, copies of the commissions heretofore granted by the President of the United States, in the recess of the Senate, to William Paca, as judge of the Maryland district; to William Nelson, as attorney of the Virginia district; to John Rutledge, as Chief Justice of the United States, and to Albert Gallatin, John Quincy Adams, and James A. Bayard, as envoys extraordinary and ministers plenipotentiary, to negotiate a treaty of peace with Great Britain.

I have the honor to be, with great respect and consideration, sir, your obedient servant,

JAS. MONROE.

The PRESIDENT OF THE UNITED STATES.

GEORGE WASHINGTON, *President of the United States of America, to all who shall see these presents, greeting:*

Whereas, the office of judge of the district court in and for Maryland district is at present vacant, know ye, that, reposing special trust and confidence in the wisdom, uprightness, and learning of William Paca, of Maryland, I do appoint him judge of the said district court, and do authorize and empower him to execute and fulfil the duties of that office, according to the constitution and laws of the said United States, and to have and to hold the said office with all the powers, privileges, and emoluments to the same, of right appertaining unto him, the said William Paca, during his good behavior, and until the end of the next session of the Senate of the United States, and no longer.

In testimony whereof, I have caused these letters to be made patent and the seal of the United States to be hereunto affixed. Given under my hand the twenty-second day of December, in the year of our [L. S.] Lord one thousand seven hundred and eighty-nine.

GEO. WASHINGTON.

GEORGE WASHINGTON, *President of the United States of America, to all who shall see these presents, greeting:*

Whereas, the office of Attorney of the United States in and for Virginia district is at present vacant, know ye, that, reposing special trust and confidence in the integrity, ability, and learning of William Nelson, of Virginia, I do appoint him Attorney of the said United States in and for the said Virginia district, and do authorize and empower him to execute and fulfil the duties of that office according to law, and to have and to hold the same together with all the powers, privileges, and emoluments thereto of right appertaining, unto him the said William Nelson, during the pleasure of the President of the United States for the time being, and until the end of the next session of the Senate of the United States, and no longer.

In testimony whereof, I have caused these letters to be made patent and the seal of the United States to be hereunto affixed. Given under my hand, at the city of New York, the twenty-eighth day of No- [L. S.] vember, in the year of our Lord one thousand seven hundred and eighty-nine.

GEO. WASHINGTON.

GEORGE WASHINGTON, *President of the United States of America, to all who shall see these presents, greeting:*

Whereas, the office of Chief Justice of the Supreme Court of the United States is at present vacant, know ye, that, reposing special trust and confidence in the wisdom, uprightness, and learning of John Rutledge, of South Carolina, I do appoint him Chief Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that office according to the constitution and laws of the said United States, and to have and to hold the said office with all the powers, privileges, and emoluments to the same, of right appertaining unto him, the said John Rutledge, during his good behavior, and until the end of the next session of the Senate of the United States, and no longer.

In testimony whereof, I have caused these letters to be made patent and the seal of the United States to be hereunto affixed. Given under my hand the first day of July, in the year of our Lord one thousand [L. S.] seven hundred and ninety-five, and of the independence of the United States of America the nineteenth.

GEO. WASHINGTON.

By the President:

EDMUND RANDOLPH.

JAMES MADISON, *President of the United States of America, to all whom these presents shall concern, greeting:*

Know ye, that, for the purpose of confirming between the United States and His Britannic Majesty perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and reposing special trust and confidence in the integrity, prudence, and abilities of Albert Gallatin, Secretary of the Treasury of the United States, John Quincy Adams, Minister Plenipotentiary of the United States at the Court of His Majesty the Emperor of all the Russias, and James A. Bayard, a Senator of the United States, I have appointed them jointly and severally Envoys Extraordinary and Ministers Plenipotentiary of the United States, with full and all manner of power and authority for and in the name of the United States, to meet at St. Petersburg, in Russia, and confer with a Minister or Ministers of His said Britannic Majesty, being furnished with the like power and authority, and with him or them to agree, treat, consult, and negotiate of and concerning the general commerce between the

United States and Great Britain, and its dominions or dependencies, and of all matters and subjects connected therewith which may be interesting to the two nations, and to conclude and sign a treaty or treaties, convention or conventions, touching the premises; transmitting the same to the President of the United States for his ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my [L. S.] hand at the city of Washington, on the seventeenth day of April, A. D. one thousand eight hundred and thirteen, and in the independence of the United States the thirty-seventh.

JAMES MADISON.

By the President:

JAMES MONROE, *Secretary of State.*

JAMES MADISON, *President of the United States of America, to all whom these presents shall concern, greeting:*

Know ye, that, for the purpose of confirming and improving the amicable and beneficial relations between the United States and His Imperial Majesty the Emperor of all the Russias, and reposing special trust and confidence in the integrity, prudence, and ability of John Quincy Adams, Minister Plenipotentiary at the Court of His said Imperial Majesty, of Albert Gallatin, Secretary of the Treasury of the United States, and of James A. Bayard, a Senator of the United States, I have appointed them jointly and severally Envoys Extraordinary and Ministers Plenipotentiary of the United States of America to the Court of His said Imperial Majesty, with full and all manner of power and authority, for and in the name of the United States, to meet and confer with a Minister or Ministers of His said Imperial Majesty, being furnished with the like power and authority, and with him or them to agree, treat, consult, and negotiate of and concerning the general commerce between the United States and Russia, and of all matters and subjects connected therewith which may be interesting to the two nations; and to conclude and sign a treaty or treaties, convention or conventions touching the premises; transmitting the same to the President of the United States for his ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my [L. S.] hand at the city of Washington, on the twenty-second day of April, in the year of our Lord one thousand eight hundred and thirteen, and of the independence of the United States the thirty-seventh.

JAMES MADISON.

By the President:

JAMES MONROE, *Secretary of State.*

JAMES MADISON, *President of the United States of America, to all whom these presents shall concern, greeting:*

Whereas, His Imperial Majesty the Emperor of all the Russias, as the common friend of the United States and Great Britain, has offered them his mediation, with a view to the restoration of peace and the establishment of permanent harmony between them; and the invitation having been accepted, on the part of the United States, in contemplation of a like acceptance on the part of Great Britain: *Now, be it known*, that, reposing special trust and confidence in the integrity, prudence, and abilities of Albert Gallatin, Secretary of the Treasury of the United States, John Quincy Adams, their Minister Plenipotentiary at the court of His Imperial Majesty, and James A. Bayard, a Senator of the United States, I have appointed them jointly and severally Envoys Extraordinary and Ministers Plenipotentiary of the United States, to repair to St. Petersburg, in Russia, with authority to meet, under the said mediation, a Minister or Ministers, having like authority from the Government of Great Britain; and with him or them to negotiate and conclude a settlement of the subsisting differences, and a lasting peace and friendship between the United States and that Power; transmitting the treaty or convention so to be concluded for the ratification of the President of the United States, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my [L. S.] hand at the city of Washington, the seventeenth day of April, A. D. one thousand eight hundred and thirteen, and of the independence of the United States the thirty-seventh.

JAMES MADISON.

By the President:

JAMES MONROE, *Secretary of State.*

13th CONGRESS.] **No. 369.** [2d SESSION.

APPLICATION OF AN ALIEN FOR CITIZENSHIP AND A PATENT RIGHT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 29, 1814.

Mr. MOORE made the following report:

The committee to which was referred the memorial of Thomas Owen, having duly considered the same, beg leave to report:

That the petitioner states, that he is a manufacturer and mechanic by profession, and a native of Ireland; that he emigrated from that country, and arrived in the State of Maryland, in the year 1804, with a view of becoming a citizen of the United States; that he has ever since resided in that State, and married a woman, a native thereof, by whom he has several children; that, since his arrival in this country, he has devoted much of his time to the erection of several valuable manufactories (in which he is concerned in interest) in Baltimore county, in the State aforesaid; that he has made discoveries in manufacturing hemp and flax, which promise to be advantageous to the

nation; that, in consequence of incorrect information relative to the naturalization laws, he was under the impression that they required a residence of eight years in the United States previous to a foreigner being permitted to take any steps towards being naturalized; that, confiding in the information thus received, he never made a declaration of his intention to become a citizen of the United States, as required by law, and in consequence thereof, although he had resided in the State of Maryland nearly eight years previous to the late declaration of war against Great Britain, he is precluded from the benefit of the act of Congress of the 30th July, 1813. Under this statement of his case, (which the committee believe to be correct,) the petitioner wishes a law to be passed to naturalize him. By virtue of the provisions of the act of Congress, of the 6th July, 1798, the petitioner "is liable to be apprehended, restrained, secured, and removed, as an alien enemy;" and although Mr. Owen appears to be a man of fair and unsuspected character; yet the committee think it would be impolitic and inexpedient to exempt him from the provisions of the act of the 6th July, 1798, by passing a law for his naturalization. The committee also think there should be very strong circumstances to induce the Legislature, in any case, to pass a special act of naturalization, when there are general laws on the subject. They, therefore, are clearly of opinion that the prayer of the petitioner, so far as it asks for a special act of naturalization, ought not to be granted.

The petitioner, however, wishes, in case Congress should think it inexpedient to pass an act for his naturalization, that a law may be enacted to authorize a patent to issue to him for the discoveries he has made in the manufacturing of hemp and flax. On this point the committee should not hesitate to report favorably, if they were of opinion that there was no provision for the case by existing laws. The act of Congress of the 21st February, 1793, entitled "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," confines, it is true, the benefits of patents to citizens of the United States, and by this law the case of Mr. Owen is not provided for. But by the act of the 17th April, 1800, entitled "An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees," it is enacted, "that all and singular the rights and privileges given, intended, or provided to citizens of the United States, respecting patents for new inventions, discoveries, and improvements, by the act entitled 'An act to promote the progress of useful arts,' &c. shall be, and hereby are, extended and given to all aliens who, at the time of petitioning, in the manner prescribed by the said act, shall have resided for two years within the United States, which privileges shall be obtained and enjoyed by such persons in as full and ample manner, and under the same conditions, limitations, and restrictions as by the said act are provided and directed in the case of citizens of the United States." Under the last mentioned act of Congress, the committee are of opinion that the case of Mr. Owen is provided for, and that he can obtain a patent. They think it altogether unnecessary to pass a special law for this case. They, therefore, submit the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

13th Congress.] **No. 370.** [2d Session.

LIST OF MINISTERS AND CONSULS APPOINTED IN THE RECESS OF THE SENATE.

COMMUNICATED TO THE SENATE, APRIL 9, 1814.

To the Senate of the United States: April 9, 1814.

I transmit to the Senate a report of the Secretary of State complying with their resolution of the 2d instant.

JAMES MADISON.

Sir: Department of State, *April* 8, 1814.

In compliance with the resolution of the Senate, of the 2d instant, I have the honor to transmit lists of the ministers and consuls of the United States who have been appointed, since the adoption of the constitution, by the respective Presidents of the United States, in the recess of the Senate; distinguishing the cases in which the respective appointments had not been before filled from those which had been previously filled; and specifying, by the dates of the letters of recall, when the latter became vacant, in the case of ministers.

Although, strictly construed, the resolution did not appear to carry the research back to a period anterior to the commencement of the present Government, yet the journals of the old Congress have been carefully examined, and notice taken of appointments made under the confederation, of ministers and consuls to Governments and places, to which appointments were afterwards made under the present Government.

To these lists are added copies of the commissions granted to Albert Gallatin, John Q. Adams, and James A. Bayard, to negotiate and sign a treaty of commerce with Great Britain, and a treaty of commerce with Russia.

With great respect, I have the honor to be, sir, your obedient servant,

JAMES MONROE.

The President of the United States.

List of appointments of ministers and their secretaries, since the adoption of the constitution, made by the several Presidents of the United States, in the recess of the Senate.

Ministers plenipotentiary.	When appointed.	To what court accredited.	Original office.	Office previously filled and by whom.	Date of letters of recall of the immediate predecessors of ministers appointed in recess of the Senate.	Remarks.
John Paul Jones,	June, 1792,	Algiers. To negotiate a treaty of peace with that Power.	Not before filled.			
David Humphreys,	March 21, 1793,	Algiers. To negotiate a treaty of peace with that Power,		John Paul Jones.		
Wm. Short,	July 11, 1794,	Spain,		Wm. Carmichael,	June 5, 1794.	
Chas. C. Pinckney,	Sept. 9, 1796,	France,		Colonel Monroe,	September 9, 1796.	
John Q. Adams,	June 1, 1797,	Sweden. To negotiate a renewal of the treaty,				Mr. Franklin was appointed to negotiate a treaty with Sweden September 28, 1782.
Rufus King,	Jan. 3, 1798,	London. To negotiate an additional article to the treaty of 1794, in relation to the northern boundary of the U. States.				Mr. King was the resident minister of the United States at the time of this appointment.
William R. Davie,	June 1, 1799,	France. Jointly with Oliver Ellsworth and William Vans Murray.	To this office Pat. Henry was first appointed, with the advice of the Senate, and, he declining, Mr. Davie was appointed his successor in the recess.			
Rufus King,	Dec. 31, 1799,	London. To negotiate an explanatory article in relation to the sixth article of the treaty of 1794.				
Thomas Sumter, secretary of legation,	May 12, 1801,	France,				These were the first secretaries appointed to those places, since the adoption of the constitution, but similar appointments had been made by the old Government.
John Graham, secretary of legation,	Aug. 31, 1801,	Spain,				
Chas. Pinckney, minis.	June 6, 1801,	Spain,		Col. Humphreys,	June 6, 1801.	
Rufus King,	June 10, 1802,	London. To negotiate additional article or articles in relation to the boundaries between the United States and certain parts of the territories of His Britannic Majesty, lying eastward, northward, and northwestward of the U. States.				
James Monroe,	April 18, 1803,	London,		Rufus King,	November 3, 1802.	
John Armstrong,	June 30, 1804,	France,		R. R. Livingston,	April 18, 1803.	
James Monroe,	Oct. 14, 1804,	Spain. To treat of and concerning the boundaries of Louisiana, the cession of adjoining territories, &c.				William Carmichael and William Short were appointed, by special mission, commissioners plenipotentiary to treat and negotiate with His Catholic Majesty, of and concerning the navigation of the Mississippi, and the general commerce between the United States and Spain in the year 1792.
James Monroe, and Wm. Pinkney,	May 12, 1806,	London. On a mission extraordinary.				
Wm. Pinkney,	May 12, 1806,	London,		Colonel Monroe,	May 12, 1806.	
Wm. H. Crawford,	April 9, 1813,	France,		Joel Barlow, dec.		
Albert Gallatin, John Q. Adams, and James A. Bayard,	April 17, 1813,	St. Petersburg. To treat with Great Britain concerning peace and commerce.				
John Q. Adams, Albert Gallatin, and James A. Bayard,	April 22, 1813,	St. Petersburg. To negotiate of and concerning the general commerce between the United States and Russia.				
Levitt Harris, sec. leg.	April 22, 1813,	St. Petersburg.				
Wm. Short, minister,	Oct. 1, 1808,	St. Petersburg,				Francis Dana was appointed minister plenipotentiary to St. Petersburg in the year 1780.

List of appointments of consuls, since the adoption of the constitution, made by the several Presidents of the United States, in the recess of the Senate.

Consuls.	When appointed.	For what port appointed.	Original office.	Office previously filled, and by whom.	Remarks.
Thomas Barclay, - -	Mar. 31, 1791,	Morocco, -	-	- - - - -	He had been previously appointed by Messrs. Franklin, Jefferson, and Dean, to treat, and did conclude a treaty with Morocco.
John Paul Jones, - -	June, 1792,	Algiers, -	Original.		
Joseph Donaldson, Jun. -	Mar. 28, 1795,	Tunis,	-	- - - - -	Hans Heissel had been appointed for the coast of Barbary generally, by and with the advice and consent of the Senate, Dec. 10, 1794.
Joseph Donaldson, Jun. -	Mar. 28, 1795,	Tripoli,			
Hans Heissel, - -	Mar. 28, 1795,	Tangier,			
Pierre E. Skjoldebrand, Jun.	Mar. 28, 1795,	Algiers, -	-	J. Paul Jones.	
James Reid, vice consul, -	Mar. 29, 1799,	Canton, -	-	S. Snow, - -	This office had been filled as early as 1790 by Mr. S. Snow, by and with the advice and consent of the Senate.
Evan Jones, - -	May 11, 1799,	New Orleans, -	-	- - - - -	This office had been previously filled by Procopio Jacinta Pollock.
John Morton, - -	June 29, 1799,	Havana, -	-	Daniel Hawley.	
Tobias Lear, consul gen. -	Mar. 31, 1801,	Island St. Dom.	-	Dr. Stevens.	
Wm. Lee, com. agent, -	June 3, 1801,	Bordeaux, -	-	Joseph Fenwick.	
Edward Jones, com. agent,	June 2, 1801,	Guadaloupe, -	Original.		
Sieur de la Motte, vice com. agent.	June 1, 1801,	Havre de Grace,	-	Nathaniel Cutting.	
Thos. Aborn, vice com. ag't,	June 2, 1801,	Cayenne, -	Original.		
Peter Dobell, com. agent,	June 1, 1801,	Havre de Grace,	-	Nathaniel Cutting.	
Fulwar Skipwith, com. ag't,	June 1, 1801,	Paris, -	-	By himself and Wm. Palfrey.	
John J. Murray, - -	June 3, 1801,	Glasgow, -	Original.		
James Blake, com. agent, -	June 19, 1801,	Antwerp, -	Original.		
John E. Caldwell, com. ag't,	June 25, 1801,	City St. Dom.	-	James Blake.	
Joseph Pulis, - -	July 1, 1801,	Malta, -	Original.		
George W. Erving, -	July 3, 1801,	London, -	-	Samuel Williams.	
Wm. Buchanan, com. ag't,	July 9, 1801,	Isle of France,	-	Jacob Lewis.	
Etienne Cathalan, com. ag't,	July 8, 1801,	Marseilles, -	-	- - - - -	He had held this office before, as early as June, 1790, and was reappointed in consequence of the reconciliation with France.
Daniel Clark, - -	July 16, 1801,	New Orleans, -	-	Evan Jones.	
Theod. Peters, v. com. ag't,	July 20, 1801,	Bordeaux.			
Thos. T. Gantt, com. ag't,	July 20, 1801,	Nantz, -	-	Burwell Carnes.	
Francis L. Taney, com. ag't,	July 20, 1801,	Ostend, -	Original.		
Jacob Lewis, - -	July 29, 1801,	Calcutta, -	-	Benjamin Joy.	
Joseph Yznardi, - -	Oct. 14, 1801,	Cadiz, -	-	- - - - -	Mr. Yznardi held this office originally, but had been removed. He was reinstated by this appointment.
Wm. Patterson, com. ag't,	Oct. 16, 1801,	L'Orient, -	-	Thomas T. Gantt.	
Charles D. Cox, com. ag't,	Oct. 16, 1801,	Dunkirk, -	-	Francis Coffyn.	
Barth. Dandridge, com. ag't,	Nov. 9, 1801,	PortRepublican	-	Robert Richie.	
Thomas Hewes, - -	Nov. 24, 1801,	Batavia.			
David Easton, com. agent,	May 15, 1802,	Martinico, -	-	Mr. Skipwith.	
Jas. Anderson, v. com. ag't,	June 16, 1802,	Cette, -	Original.		
Isaac Cox Barnet, com. ag't,	June 18, 1802,	Antwerp, -	-	James Blake.	
John Leonard, vice consul,	Mar. 7, 1803,	Barcelona, -	-	William Willis.	
Isaac Cox Barnet, com. ag't,	Apr. 4, 1803,	Havre de Grace,	-	Sieur de la Motte.	
Levitt Harris, - -	Apr. 4, 1803,	St. Petersburg,	-	John Miller Russell.	
James L. Cathcart, -	Apr. 11, 1803,	Tunis, -	-	Joseph Donaldson.	
John M. Goetschius, -	May 20, 1803,	Genoa, -	-	Fred. H. Walloston.	
Tobias Lear, consul general,	June 10, 1803,	Algiers, -	-	Richard O'Brien.	
Edward Carrington, -	Mar. 11, 1805,	Canton, -	-	James Reid.	
Henry Hill, - -	Mar. 11, 1805,	Island of Cuba,	-	- - - - -	There had been previously a consul at Havana and St. Jago, but none for the island generally.
John Broadbent, - -	Mar. 20, 1805,	Messina, -	Original.	- - - - -	There had been a consul for the island of Sicily generally, but it was thought expedient to divide it.
Abraham Gibbs, - -	Mar. 20, 1805,	Palermo, -	Original.		
Frederick Degen, -	Mar. 20, 1805,	Naples, -	-	Jno. S. M. Matthiew.	
John J. Armstrong, -	May 11, 1805,	Isl'd Teneriffe,	-	Geo. W. McElroy.	
John S. Cogdell, - -	May 7, 1805,	Rome, -	-	Baptiste Sartori.	
Maurice Rogers, - -	June 9, 1806,	St. Jag. de Cub.	-	Josiah Blakely.	
John B. Dabney, - -	June 20, 1806,	Azores of W. Islands.	-	- - - - -	There had been previously a consul at Fayal.
Richard S. Hackley, -	Sep. 16, 1806,	St. Andero, -	Original.		
Ryland Randolph, -	June 11, 1807,	Venice, -	-	William Willis.	
John McClellan, - -	Sep. 9, 1807,	Batavia, -	-	Thomas Hewes.	
Henry Hill, - -	May 4, 1808,	St. Salvador, -	Original.		
William Israel, - -	Mar. 21, 1809,	St. Bartholom.	-	Job Wall.	
Alexander Hammett, -	April 7, 1809,	Naples, -	-	Frederick Degen.	
Richard O'Brien, - -	May 10, 1809,	Island Sardinia,	Original.		
Thomas English, - -	July 7, 1809,	Dublin, -	-	Joseph Wilson.	
Peter Isaackson, - -	Nov. 1, 1809,	Christiansand,	Original.		
John B. Davy, - -	May 2, 1810,	Rangoon, Berman empire.	Original.		
Lewis Goodefroy, - -	Apr. 26, 1811,	Buenos Ayres,	Original.		
Joel Roberts Poinsett, consul general.	Apr. 30, 1811,	B. Ayres, Chili, and Peru.	Original.		
Mordecai M. Noah, -	June 4, 1811,	Riga, - -	Original.		
Nathaniel W. Strong, -	Mar. 16, 1813,	St. Bartholom.	-	William Israel.	
Mordecai M. Noah, -	Mar. 20, 1813,	Tunis, -	-	William Eaton.	

13th Congress.] No. 371. [3d Session.

BOOKS AND PAPERS OF THE HOUSE OF REPRESENTATIVES AND THE LIBRARY OF CONGRESS, LOST BY THE CONFLAGRATION OF THE CAPITOL IN 1814.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, SEPTEMBER 22, 1814.

SIR: CLERK'S OFFICE, HOUSE OF REPRESENTATIVES, *September* 20, 1814.

Being compelled to leave home the latter part of July, for the Springs, on account of indisposition; after leaving the clerks in charge of the office, with instructions as to their official duties, and a person in charge of the library of Congress, for the purpose of opening and airing the books, pursuant to the regulations thereof; dur ng my absence, the invasion of this city was effected by the enemy, and the destruction of public property by them, in those Departments immediately under my superintendence, ensued; and, for a more particular detail of the circumstances attending that disastrous event, I must, through you, refer a statement of facts (submitted in a letter to me from the clerks, who were left in the office after the militia marched from the district) to the House, with a request that a committee may be raised for the purpose of investigating the subject matter thereof, and report to the House accordingly; and, also, that the Committee of Accounts may be instructed to ascertain, as near as can be, the amount of money paid on account of the contingent expenses of the House, since the first day of January last, by the clerk, that he may have credit for the same at the Treasury, as the public vouchers for the expenditure of the public money since that period have all been destroyed in the conflagration of the Capitol. Without the aid of such an ascertainment, by a committee of the House, justice cannot be done to the undersigned or the public.

I am, sir, with respect, yours, &c.

PATRICK MAGRUDER.

The SPEAKER *of the House of Representatives.*

SIR: CITY OF WASHINGTON, *September* 15, 1814.

In order to correct any erroneous statements or representations which may go, or have gone out to the public, in relation to the destruction of your office, we deem it our duty to make the following statement of facts:

At the time you left the city, (which was in the latter part of the month of July,) for the springs in Virginia and Pennsylvania, for the recovery of your health, all was quiet, and we believe no fears were entertained for the safety of the seat of Government. Indeed, nothing was heard of the enemy, except his marauding parties in the Chesapeake, and what was seen in the newspapers, of troops being ordered from Europe to America.

About the middle of August it was stated that the enemy was in the bay, in great force, and, on the 19th of that month, the whole body of the militia of the District of Columbia was called out, under which call every clerk of the office was taken into the field, except Mr. Frost, and marched to meet the enemy.

On the 21st, the first of the undersigned clerks was furloughed, by Brigadier General Smith, at the request of Colonel George Magruder, for the purpose of returning to the city, to take care of, and save such part of the books and papers of the clerk's office, as he might be able to effect, in case the enemy should get possession of the place; he arrived here in the night of that day.

His orders from Colonel George Magruder were, not to begin packing up until it was ascertained that the clerks at the War Office were engaged in that business; and it was not until 12 o'clock, on Monday, the 22d, that we were informed that they had begun to move the effects of that office, although we were subsequently told that it had commenced the day before.

We immediately went to packing up, and Mr. Burch went out in search of wagons or other carriages, for the transportation of the books and papers; every wagon, and almost every cart, belonging to the city, had been previously impressed into the service of the United States, for the transportation of the baggage of the army; the few he was able to find were loaded with the private effects of individuals, who were moving without the city; those he attempted to hire, but, not succeeding, he claimed a right to impress them; but, having no legal authority, or military force to aid him, he, of course, did not succeed. He then sent off three messengers into the country, one of whom obtained from Mr. John Wilson, whose residence is six miles from the city, the use of a cart and four oxen; it did not arrive at the office, until after dark on Monday night, when it was immediately laden with the most valuable records and papers, which were taken, on the same night, nine miles, to a safe and secret place in the country. We continued to remove as many of the most valuable books and papers, having removed the manuscript records, as we were able to do with our one cart, until the morning of the day of the battle of Bladensburg, after which we were unable to take away any thing further.

Every thing belonging to the office, together with the library of Congress, we venture to say, might have been removed in time, if carriages could have been procured; but it was altogether impossible to procure them, either for hire, or by force.

The most material papers which have been lost are, the last volumes of the manuscript records of the Committees of Ways and Means, Claims and Pensions, and Revolutionary Claims; the clerks were engaged in bringing up these records previous to the alarm, and as it was not certain that the enemy would get to the city, and being desirous to have them completed, they were not packed away with the rest, but were kept out, that they might be finished by the meeting of Congress; but with the intention of taking them to a private residence, if such removal should be found nece[illegible]y. After the defeat of our troops at Bladensburg, Mr. Frost removed them to the house commonly called Ge[illegible]eral Washington's, which house being unexpectedly consumed by fire, these records were thus unfortunately lost.

The secret journal of Congress was also consumed; it was kept in a private drawer in the office, and in the hurry of removal was forgotten. Its contents, however, have been, in most cases, published by order of the House.

The manuscript papers, which have not been saved, were mostly of a private nature, consisting chiefly of petitions, and unimportant papers, presented previous to the year 1799.

We regret very much the loss of your private accounts and vouchers, amongst which, we are sorry to add, were the receipts and accounts of the expenditure of the contingent moneys of the House of Representatives; they were in the private drawer of Mr. George Magruder, which being locked, and the key not in our possession, we delayed to break it open until the last extremity, after which it escaped our recollection.

It is well known to one of us, (Mr. Burch,) that the receipts were from the first of January last, and embraced nearly the whole amount of the appropriation for the contingent expenses of the House.

A number of the printed books were also consumed, but they were all duplicates of those which have been preserved.

We have thus given you a full account of our proceedings during the troublesome scene, and we flatter ourselves you will not see in them any thing to disapprove, as we were guided solely by a zealous endeavor to discharge our duty to you, and to the public.

S. BURCH,
J. T. FROST.

To PATRICK MAGRUDER, Esq.,
Clerk to the House of Representatives.

13th CONGRESS.] No. 372. [3d SESSION.

PURCHASE OF THE LIBRARY OF THOMAS JEFFERSON.

COMMUNICATED TO THE SENATE, OCTOBER 7, 1814.

IN SENATE OF THE UNITED STATES, *October* 7, 1814.

Mr. GOLDSBOROUGH, from the joint committee on the library of Congress, reported:

That they have received, through Mr. Samuel H. Smith, an offer from Mr. Jefferson, late President of the United States, of the whole of his library for Congress, in such a mode, and upon such terms, as they consider highly advantageous to the nation, and worthy the distinguished gentleman who tenders it. But the means placed at the disposal of the committee being very limited and totally inadequate to the purchase of such a library as that now offered, the committee must have recourse to Congress, either to extend their powers, or to adopt such other plan as they may think most proper.

Should it be the sense of Congress to confide this matter to the committee, they respectfully submit the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress Assembled, That the joint Library Committee of the two Houses of Congress be, and they are hereby, authorized and empowered to contract, on their part, for the purchase of the library of Mr. Jefferson, late President of the United States, for the use of both Houses of Congress.

SIR: OCTOBER 3, 1814.

I have the honor, in furtherance of the proposition contained in a letter from Mr. Jefferson to me, tendering the disposition of his library to Congress, to enclose his letters for submission to the honorable committee over which you preside, with the expression of my readiness at any time to proceed in the discharge of the agency confided to me.

I am, very respectfully, your obedient servant,

SAMUEL H. SMITH.

Hon. ROBERT H. GOLDSBOROUGH,
Chairman of the Library Committee of Congress.

DEAR SIR: MONTICELLO, *September* 21, 1814.

I learn from the newspapers that the vandalism of our enemy has triumphed at Washington over science as well as the arts, by the destruction of the public library, with the noble edifice in which it was deposited. Of this transaction, as that of Copenhagen, the world will entertain but one sentiment. They will see a nation suddenly withdrawn from a great war, full-armed and full-handed, taking advantage of another whom they had recently forced into it, unarmed, and unprepared, to indulge themselves in acts of barbarism which do not belong to a civilized age. When Van Ghent destroyed their shipping at Chatham, and De Ruyter rode triumphantly up the Thames, he might, in like manner, by the acknowledgment of their own historians, have forced all their ships up to London bridge, and there have burnt them, the tower, and city, had these examples been then set. London, when thus menaced, was near a thousand years old; Washington is but in its teens.

I presume it will be among the early objects of Congress to recommence their collection; this will be difficult while the war continues, and intercourse with Europe is attended with so much risk. You know my collection, its condition, and extent. I have been fifty years making it, and have spared no pains, opportunity, or expense, to make it what it is. While residing in Paris I devoted every afternoon I was disengaged, for a summer or two, in examining all the principal bookstores, turning over every book with my own hands, and putting by every thing which related to America, and, indeed, whatever was rare and valuable in every science; besides this, I had standing orders, during the whole time I was in Europe, in its principal book-marts, particularly Amsterdam, Frankfort, Madrid, and London, for such works relating to America, as could not be found in Paris. So that, in that Department particularly, such a collection was made as probably can never again be effected; because it is hardly probable that the same opportunities, the same time, industry, perseverance, and expense, with some knowledge of the biography of the subject, would again happen to be in concurrence. During the same period, and after my return to America, I was led to procure also whatever related to the duties of those in the high concerns of the nation. So that the collection, which I suppose is of between nine and ten thousand volumes, while it includes what is chiefly valuable in science and literature generally, extends more particularly to whatever belongs to the American statesman. In the diplomatic and parliamentary branches, it is particularly full. It is long since I have been sensible it ought not to continue private property, and had provided that, at my death, Congress should have the refusal of it at their own price; but the loss they have now incurred makes the present the proper moment for their accommodation, without regard to the small remnant of time, and the barren use of my enjoying it. I ask of your friendship, therefore, to make for me the tender of it to the Library Committee of Congress, not knowing, myself, of whom the committee consist. I enclose you the catalogue, which will enable them to judge of its contents;

nearly the whole are well bound, abundance of them elegantly, and of the choicest editions existing; they may be valued by persons named by themselves, and the payment made convenient to the public; it may be, for instance, in such annual instalments as the law of Congress has left at their disposal, or in stock of any of their late loans, or of any loan they may institute at this session, so as to spare the present calls of our country, and await its days of peace and prosperity; and they may enter, nevertheless, into immediate use of it, as eighteen or twenty wagons would place it in Washington in a single trip of a fortnight. I should be willing, indeed, to retain a few of the books to amuse the time I have yet to pass, which might be valued with the rest; but not included in the sum of valuation until they should be restored at my death, which I would carefully provide for, so that the whole library, as it stands in the catalogue at this moment, should be theirs, without any garbling. Those I should like to retain would be chiefly classical and mathematical, some few in other branches, and particularly one of the five encyclopedias in the catalogue; but this, if not acceptable, would not be urged. I must add that I have not revised the library since I came home to live, so that it is probable some of the books may be missing, except in the chapters of law and divinity, which have been revised, and stand exactly as in the catalogue. The return of the catalogue will, of course, be needed, whether the tender be accepted or not. I do not know that it contains any branch of science which Congress would wish to exclude from their collection; there is, in fact, no subject to which a member of Congress may not have occasion to refer; but such a wish would not correspond with my views of preventing its dismemberment; my desire is either to place it into their hands entire, or to preserve it so here. I am engaged in making an alphabetical index of the authors' names, to be annexed to the catalogue, in order to facilitate the finding their works in the catalogue, which I will forward to you as soon as completed. Any agreement you shall be so good as to take the trouble of entering into with the committee, I hereby confirm.

Accept the assurance of my great esteem and respect,

TH: JEFFERSON.

SAMUEL H. SMITH, Esq.

13th CONGRESS.] No. 373. [3d SESSION.

APPLICATION OF THE LEGISLATURE OF THE INDIANA TERRITORY FOR ALTERATIONS IN THE JUDICIARY SYSTEM OF THE TERRITORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, OCTOBER 18, 1814.

To the Senate and House of Representatives of the United States in Congress assembled, the memorial of the Legislature of the Indiana Territory humbly showeth:

That, by a law of Congress, one of the judges, appointed by virtue of the ordinance for the Government of this Territory, are authorized to hold a court. Thus, one of the judges being competent to hold a court, may decide a principle, or a point of law, at one term, and, at the next term, if the other two judges are present, they may decide the same principle, or point of law different. Thus the decisions of the superior court, organized, we presume, by the General Government, finally to settle in uniformity the principles of law and fact, which may be brought before them by the suitor, may be, and frequently are, in a state of fluctuation; hence the rights of persons and property become insecure. There is another evil, growing out of the system, of one judge being competent to hold the superior court, or that court which forms the last resort of the suitor in any Government, and particularly in the Territory; for appeals are taken from all the courts of inferior jurisdiction in the Territory, to the court organized by the ordinance, which inferior courts are never constituted of less than two judges. Thus the suitor in the Territory is frequently driven to the necessity of appealing from the judgment of two men to that of one; but this dilemma only constitutes part of the solecism for the next superior court, as the other two judges may overturn the principles of the decision of their brother judge at the preceding term. Hence the want of uniformity in the decisions of the court of the last resort. Anger and warmth in the suitors, and a confusion in our system of jurisprudence, is the result.

Your memorialists beg leave further to suggest the propriety and necessity of defining, with more precision, the duties of the judges appointed by virtue of the ordinance for the government of the Territory. The ordinance says there shall be a court to consist of three judges, who shall have a common law jurisdiction. The same instrument points out the way a Legislature may be organized; but in no part does the ordinance expressly delegate to the Legislature the power of regulating when and where the superior courts are to be held, or the manner how they are to do business. This power, by a kind of common consent of the judges, the Legislature have assumed from the necessity of the case, as the ordinance creating the courts leaves it afloat, without identifying either the time when, the place where, or the manner how, this court is to exercise their jurisdiction. Again: it would be desirable that Congress would define the jurisdiction of the superior court. We presume that it is a sound rule for the construction of a constitution or a law, that it must be construed from the face of it, and not travel to the history of other times and other Governments in search of the meaning of our ordinance, or any act of Congress. We beg leave to suggest the propriety of pointing out, by law, what common law the ordinance refers to, whether the common law of England, or France, or *of the Territory* over which the ordinance is the constitution. If it should be determined that, by the expression of the ordinance, a common law jurisdiction should be located on the common law of England, it is essential to define to what extent of that common law the judges shall take cognizance; whether the whole extent of feudal and gothic customs of England; whether the customs, or unwritten law shall be taken with the statute law, and that to form the common law to govern the judges; or whether the unwritten and statute law is to be taken in contradistinction to the laws, customs, and rules of chancery; or whether it includes that *law which is common to all.* By Congress defining the powers of the court, and not leaving them at sea without compass or chart to exercise their power of judicial legislation, as circumstances may arise, or passion or interest dictate, by defining the powers of the Legislature and jurisdiction of the court, that collision and jarring which might arise between those two bodies would be harmonized.

Your memorialists, therefore, pray that you would repeal the law first herein alluded to, and make two of the judges hold the court, and define more specifically the duties of that court.

WILLIAM HENDRICKS,
Speaker of the House of Representatives.
JESSE L. HOLMAN,
President of the Council.

13th Congress.] No. 374. [3d Session.

BOOKS AND PAPERS OF THE SEVERAL EXECUTIVE DEPARTMENTS DESTROYED BY THE CONFLAGRATION IN 1814.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, OCTOBER 26, 29, NOVEMBER 1, 11, and 17, 1814.

SIR: GENERAL POST OFFICE, *October* 25, 1814.

In compliance with the resolution of the House of Representatives, on the subject of information relative to the destruction of official books and papers belonging to the General Post Office, in consequence of the late incursion of the enemy, you are informed that *no* official books or papers were lost, belonging to the Department, in consequence of the late incursion.

I have the honor to be, your obedient servant,

R. J. MEIGS, JUN., *Postmaster General.*

The honorable the SPEAKER *of the House of Representatives.*

SIR: NAVY DEPARTMENT, *October* 27, 1814.

In obedience to the resolution of the honorable House of Representatives, passed on the 24th instant, I have the honor to report:

That the whole of the official books, papers, trophies, and effects, in the office of the Secretary of the Navy, except the furniture of the office, were preserved from loss or injury by the late incursion of the enemy, and are now entire; and that all the official books and papers, in the office of the Accountant of the Navy, have been preserved, except those official papers relative to accounts settled and transmitted to the Treasury Department, referred to in the letter of which the enclosed is a copy.

I have the honor to be, very respectfully, sir, your obedient servant,

W. JONES.

The honorable the SPEAKER *of the House of Representatives.*

SIR: NAVY DEPARTMENT, ACCOUNTANT'S OFFICE, *October* 26, 1814.

In reply to your letter of this date, relative to the resolution of the House of Representatives, on the subject of the destruction of the official books and papers in the respective Departments, in consequence of the incursion of the enemy in the month of August, 1814, I have the honor to state that it is believed that all the official books and papers in *this office* were saved. I have no knowledge of the loss of a single book, or papers of consequence; but I have understood that many of our official papers, relative to accounts settled and transmitted to the Treasury Department, were destroyed. What effect the loss may have on future adjustments, it is impossible for me to say.

With great respect, I have the honor to be, your obedient servant,

THOMAS TURNER.

The honorable WILLIAM JONES.

TREASURY DEPARTMENT, *October* 31, 1814.

In obedience to the resolution of the House of Representatives, of the 24th instant, the Secretary of the Treasury respectfully reports:

That, with the exception of some old letters from the collectors of the customs and commissioners of loans, and other unimportant documents, no loss of official books or papers was sustained in his particular office by reason of the incursion of the enemy in the month of August, 1814.

That the documents herewith transmitted, and marked A, B, C, D, E, and F, contain all the information furnished by the heads of the several offices attached to this Department, in relation to the object of the said resolution, and are prayed to be received as part of this report.

All which is respectfully submitted by

A. J. DALLAS, *Secretary of the Treasury.*

A.

SIR: TREASURY DEPARTMENT, COMPTROLLER'S OFFICE, *October* 28, 1814.

To enable you to comply with a resolution of the House of Representatives, of the 24th instant, in relation to the destruction of official books and papers in the Treasury Department, I have to state, that all the official books and papers which were in this office on the 24th of August last, the day of the incursion of the enemy into this city, were packed up and removed from the Treasury, and have all since boen returned, except a box containing brief entries of accounts, and another containing part of the accounts entered on the new books of the Accountant of the War Department, for the fourth quarter of 1812, and part of the accounts entered on the old books for the three last quarters of the same year.

These boxes, it is supposed, have, by some means, become mixed with others belonging to some other of the Departments; and although diligent search has been made for them without effect, I do not yet despair of their being found.

I am, sir, with great respect, your obedient servant,

NATHAN LUFFBOROUGH, *Acting Comptroller.*

Honorable A. J. DALLAS, *Secretary of the Treasury.*



B.

SIR: TREASURY DEPARTMENT, AUDITOR'S OFFICE, *October* 27, 1814.

In compliance with your request, accompanying a resolution of the House of Representatives, of the 24th instant, I have the honor to state that of the official books and papers in the immediate charge of this office, none are known to have been destroyed or lost "in consequence of the incursion of the enemy in the month of August, 1814," excepting only a set of the printed journals and reports of the two Houses of Congress.

I have the honor to be, with great respect, sir, your obedient humble servant,

R. HARRISON.

The SECRETARY OF THE TREASURY.

C.

TREASURER'S OFFICE, *October* 27, 1814.

Information respecting the books and papers of the Treasurer's office, required by a resolution of the House of Representatives, passed October 24, 1814.

Legers, journals, remittance, bank, draft, and other books generally in use since the year 1810, have been preserved, and many from the first establishment of the Treasury, particularly all the payments and receipts on account of the Treasury, War, and Navy Departments from their commencements. All the warrants, vouchers, and unsettled accounts of every kind were preserved, except a few accounts and warrants which had been paid in July last, on account of the Privateer Pension Fund, and one on account of the seventh article of the British treaty. These can easily be replaced, the vouchers for the payments being preserved.

Many of the books and papers destroyed were brought from Philadelphia, and very few would ever have been wanted, as all the accounts of this office are adjusted at the end of every quarter, and the documents accompany the accounts to the accounting officers of the Treasury Department, and are afterwards deposited with the Register.

T. T. TUCKER, *Treasurer of the United States.*

D.

SIR: TREASURY DEPARTMENT, REVENUE OFFICE, *October* 26, 1814.

I have the honor of stating, in compliance with your request, that no official books or papers belonging to this office were destroyed in consequence of the incursion of the enemy in the month of August, 1814.

I am, with great respect,

S. SMITH, *Commissioner of the Revenue.*

Hon. SECRETARY OF THE TREASURY.

E.

TREASURY DEPARTMENT, REGISTER'S OFFICE, *October* 28, 1814.

The Register, in pursuance of the instructions from the Secretary of the Treasury, has the honor to represent, that the loss of books and papers in relation to the records of the Treasury, has, in a great degree, been limited to those of minor importance; and that, upon the late incursion of the enemy, all the essential books of the Treasury were removed to a place of safety.

That to comply more especially, by giving a description of the books and papers which were lost on that occasion, he begs leave to avail himself, by referring to certain papers herewith subjoined, being statements made by the clerks, respectively, having the charge of the principal books and records, and to which he submits the following remarks:

On the statements A and B, in relation to the principal books and records of the revenues of the United States:

The receipts and expenditures of public moneys; the accounts of individual collectors of the revenue, and of all public agents and persons accountable for moneys advanced or otherwise, *were preserved*, and that such as were lost (the very bulky and numerous settled accounts of the War and Navy Departments excepted,) were considered unimportant, compared with the books and records which were, on the emergency, removed, and which claimed the first attention of the Register with the few remaining clerks, who were not in the field in actual military service.

On the statement C in relation to the public debt:

In this branch of the public records nothing has been lost that, it is presumed, can, in the most remote degree, affect the interests of the individual creditors, or the United States.

There arise two descriptions of records from the mode adopted at the Treasury, of a quarter-yearly settlement of the legers, in which every individual creditor on the books of the Treasury is exhibited; the first of these are old legers closed, and put away as finished; the other, those which are operative, and contain the names of existing creditors, the sums due to each, and periods of interest. The journals and legers of the first description only were lost.

On the loss of the books in which were placed numerically the old cancelled loan-office certificates; the cancelled army certificates; the cancelled final settlement certificates; the Register respectfully remarks, that an official register of certificates of the aforegoing character *outstanding*, and which remained *outstanding* under each class, has been *preserved*, and that to this register of outstanding certificates reference has frequently been had in cases where petitions for payment have been presented to Congress; so that it is presumed no material inconvenience will arise from the destruction of those which have been brought in and satisfied.

On the marine records lost:

The records arising under the laws in relation to the registering, enrolling, and licensing ships and vessels of the United States, being duplicates transmitted to the Treasury by the district collectors, from the passing of those acts in the year 1792, bound up in volumes descriptive of their contents; together with the cancelled registers, enrolments, and licenses placed numerically in books for their reception; although they were destroyed, yet their loss, it is presumed, may be supplied in each port, by a reference to the corresponding records in the office of each collector, a mode which it is presumed has been resorted to, from the circumstance that, comparatively to their extent, few applications have been made for certified copies of such records at the Treasury.

Respectfully submitted by your most obedient and most humble servant,

JOSEPH NOURSE, *Register.*

ALEXANDER J. DALLAS, *Secretary of the Treasury.*

A.

Schedule of the loss sustained by the destruction of the Treasury Department, in that branch of the Register's office, where the books and accounts in relation to the impost and tonnage duties, the internal revenue, and direct tax, are kept, viz:

The legers, journals, and auxiliary books connected with the imports, tonnage, and internal revenues, from the commencement to the year 1810, inclusive.

The export books, from the commencement to the year 1803, inclusive.

The vouchers and documents relative to the settlement of the accounts of the collectors of the customs, and supervisors of the internal revenues and direct tax, from the commencement to the year 1811, inclusive.

It is to be observed, however, that the general results of the accounts of every individual collector and supervisor, throughout the Union, as settled at the Treasury, being exhibited in the annual printed statements of the public accounts, the loss above enumerated cannot be considered as essential to, or in any way likely to affect the settlement of future accounts, arising from the sources of revenue before stated; and further, that all the auditor's reports and statements of the accounts of the collectors of the customs, the internal revenue, and direct tax, from their commencement to the present period, have been saved.

JOSA. DAWSON.

B.

REGISTER'S OFFICE, *October* 26, 1814.

Of the books and papers relative to the receipts and expenditures.

The principal legers and journals, from the commencement of the present Government to the year 1798, were destroyed. The legers since that period, as well as the complete set of day books from the commencement of the Government, have been preserved.

The vouchers and reports on settled accounts, which were contained in upwards of one hundred large cases and chests in the fire-proof building, were destroyed. The Treasury statements on said accounts from the commencement of the present Government have, in general, been preserved.

Upon the whole it is conceived but little inconvenience will be incurred in the settlement of accounts from the destruction of books and papers in relation to this branch of the office.

JOS. STRETCH.

C.

REGISTER'S OFFICE, *October* 25, 1814.

Of the books and records in relation to the accounts of the public debt, the following were destroyed:

1. Several old journals and legers, the accounts in which had been closed.

Books containing receipts for certificates of funded debt delivered at the Treasury previous to the year 1800. The receipts taken since have been preserved.

2. Cancelled certificates or evidences of the revolutionary funded debt, numerically arranged and bound up in books, which were numerous and bulky; they contained,

1. Loan Office certificates.
2. Army certificates.
3. Final settlement certificates issued by the commissioners of the staff department.
4. Final settlement certificates issued by commissioners in the several States.
5. Final settlement certificates issued in the marine department.

The whole were destroyed; an official list, however, exhibiting the certificates which remain outstanding *was preserved*, by which the equity of claims for certificates of either description may be ascertained with precision.

3. Receipts for dividends of principal and interest on the funded debt paid at the several loan offices, from the commencement of the Government to the 31st December, 1812, were lost; also, receipts for dividends declared at the Treasury to the 31st December, 1810.

Dividends returned unclaimed from the loan offices for payment at the Treasury; the transcripts of these dividends, however, which were made in this office, in books prepared with columns for receipts, and which were preserved, exhibit not only the amount paid thereon, but also every sum now due to individual creditors.

Transfers or cancelled certificates of the funded debt previous to the year 1811. All the powers of attorney for transferring stock were preserved.

MICHAEL NOURSE.

F.

SIR: GENERAL LAND OFFICE, *October* 26, 1814.

All the maps of this office, and all the books and papers necessary to the settlement of accounts, were saved from destruction.

The papers destroyed were files of military warrants, which had been located and patented; files of final certificates and other papers relative to purchased lands which had been patented; a few files of monthly returns from land offices, which files had been posted into the legers; the loss of these papers will not affect the public interest.

I have the honor to be, very respectfully, sir, your obedient servant,

JOHN GARDINER, *Chief Clerk.*

The honorable A. J. DALLAS, *Secretary of the Treasury.*

SIR: WAR DEPARTMENT, *November* 9, 1814.

Conformably to a resolution of the House of Representatives, of October 24, requiring of this Department a report relative to the destruction of books and papers in consequence of the incursion of the enemy in the month of August, 1814, I have the honor to report, that all the books of record belonging to this office were saved, and that no papers of any kind were lost, except recommendations for appointments in the army, and letters received more than seven years previous; of all these, however, there is a record in the office, viz: the names of applicants, and a brief of the substance of all other letters which were not preserved.

All the standards and colors taken from the enemy during the revolution, as well as those of the present war, which had been deposited in the War Office, were also saved.

In relation to the books and papers of the several offices attached to this Department, I take the liberty to enclose the reports which have been made to me by the principal officer of each.

I have the honor to be, with great respect, your obedient servant,

JAMES MONROE.

The honorable the SPEAKER *of the House of Representatives.*

Accountant's Report.

SIR: DEPARTMENT OF WAR, ACCOUNTANT'S OFFICE, *October* 27, 1814.

In compliance with the resolution of the House of Representatives, of the 24th instant, this day transmitted to me from your office, directing the Secretaries of the several Departments, and the Postmaster General, to communicate to the House such information as may be in their power, in relation to the destruction of official books and papers in their respective Departments, in consequence of the incursion of the enemy, in the month of August, 1814, &c., I have the honor to state, that the books and papers belonging to this office were removed at the time above mentioned, and are now in a state of safety, excepting a part of the papers and army accounts appertaining to the revolutionary war, which had been saved from the flames on the burning of the house occupied by the War Department in 1800. When the books and papers of this office were removed, as before mentioned, it was not practicable to obtain conveyance for all; it was, therefore, determined to leave the old papers and army accounts, as the loss of those (if any loss should happen) would be attended with less inconvenience than that of any other papers. They were in the fire-proof room of the office at the time of the incursion of the enemy, and when that building was burnt they remained uninjured by the flames; but the room having been entered by some persons soon after the building was destroyed, the papers were deranged, and many of them undoubtedly destroyed or carried away at that time; but it is not possible to identify those which may have been thus destroyed. When the public papers were brought back to the city of Washington, the remainder of those papers (by far the larger part of the whole) were removed to the house now occupied as the Accountant's office.

It is not probable that the loss of those papers can have any effect in the adjustment of the unsettled accounts of the United States, as the claims (if any) which might arise under them have been barred by acts of limitation.

With very great respect, I have the honor to be, sir, your most obedient servant,

TOBIAS LEAR.

The honorable the SECRETARY OF WAR.

Paymaster's report.

ARMY PAY OFFICE, CITY OF WASHINGTON, *October* 29, 1814.

The paymaster of the army of the United States, in obedience to a resolution of the House of Representatives, under date of October the 24th, 1814, has the honor to report:

That, by great exertions all the books, accounts, rolls, and papers of his office, which were of any considerable importance were saved from the destructive incursion of the enemy at this place, in the month of August, 1814; but agreeably to the tenor of the resolution he proceeds to mention, as nearly as can be well ascertained, those which were not saved, and the probable effect which will result from their loss. They are as follows, namely:

Part of the copies of the statements of such recruiting and other accounts as had been adjusted and settled in this office, with old duplicate vouchers, the originals of which were sent up to the other offices of the Government to be finally deposited in the Treasury Department. No inconvenience will result to the Government from this loss; (provided the originals are preserved;) the only inconvenience which will be felt is in this office, where, instead of referring to our copies for information, we shall have to resort to the originals at the Treasury Department.

The accounts and vouchers of Lieutenant Samuel Scott, as paymaster of the twenty-fourth regiment of infantry. The instructions of the paymaster of the army to all sub-paymasters, direct them to keep duplicates of their accounts and vouchers, and Lieutenant Scott has been called on for the duplicates of his; when they are received the loss will be made good.

A small book containing a record of certain stoppages from the pay of non-commissioned officers, musicians, artificers, and privates; a book of minor importance, and as the stoppages had all been directed, and many of them actually made and done, the loss of it is considered of very little consequence.

The recruiting account and vouchers (in part) of the late Major Timothy Dix, of the 14th regiment of infantry, deceased. If the legal representative of Major Dix produces the duplicates, which it is expected are among the papers of the deceased, the loss will be retrieved.

It is possible that some few other papers might have been lost, which cannot now be recollected or ascertained. It is believed, however, that they could not have been of much magnitude or importance.

Respectfully,

R. BRENT, *Paymaster United States army.*

The honorable JAMES MONROE, *Secretary of War.*

Report of the Superintendent General of military supplies.

SIR: WASHINGTON, *October* 24, 1814.

In compliance with the resolution of the House of Representatives, of the 24th instant, I have the honor to state, that none of the books or papers belonging to the office of the Superintendent General of military supplies have been lost or otherwise destroyed, in consequence of the incursion of the enemy in the month of August last.

I am, sir, respectfully, your obedient servant,

RICHARD CUTTS, *Supt. Gen. military supplies.*

Hon. JAMES MONROE, *Secretary of War.*

Adjutant and Inspector General's report.

SIR: ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
WASHINGTON, *October* 26, 1814.

In conformity to your order, and with a view to meet a resolution of the House of Representatives, of the 24th instant, calling for information relative to the destruction of official books and papers by the enemy, on the 24th of August last, I have the honor to inform you that the papers which belonged to this office, and which were destroyed by the conflagration of the enemy, were files of muster-rolls, inspection, garrison, monthly and recruiting returns, up to the year 1813, inclusive. In addition to this, several copies of Stoddard's Artillery, and a few copies of a System of Drum Beating for the use of the army, which had not been distributed, were also lost. The whole loss, however, is of no material consequence.

I have the honor, to be, very respectfully, sir, your obedient humble servant,

JOHN R. BELL, *Assistant Inspector General.*

The honorable JAMES MONROE, *Secretary of War.*

SIR: ORDNANCE OFFICE, WASHINGTON, *October* 27, 1814.

In obedience to a request from your Department, I have the honor to state that, in the late invasion and conflagration of the enemy in this city, no valuable books or papers attached or belonging to this office sustained any loss or injury. A few printed books, of considerable value, and some loose papers of no intrinsic importance, with a small quantity of furniture, stationary, &c., formed the only articles which were destroyed.

Very respectfully, I have the honor to be, sir, your obedient servant,

JOHN MORTON, *Deputy Commissary.*

Hon. SECRETARY OF WAR.

DEPARTMENT OF STATE, *November* 14, 1814.

The acting Secretary of State, in compliance with the resolution of the House of Representatives, of the 24th ult., requesting such information as may be in the power of the several Departments to afford, in relation to the destruction of the official books and papers in their Departments, respectively, in consequence of the incursion of the enemy in the month of August, 1814, has the honor to report:

That, when it became apparent from the movements of the enemy, after his debarkation at Benedict, that his destination was the seat of Government, every exertion was made, and every means employed, for the removal of the books and papers of this office, to a place of safety; and, notwithstanding the extreme difficulty in obtaining the means of conveyance, it is believed that every paper and manuscript book of the office, of any importance, including those of the old Government, and all in relation to accounts, were placed in a state of security. That it was not found practicable, however, to preserve, in like manner, the volumes of laws reserved by Congress for future disposition; many of the books belonging to the library of the Department, as well as some letters on file of minor importance from individuals on business mostly disposed of, which were unavoidably left, and shared the fate, it is presumed, of the building in which they were deposited.

All which is respectfully submitted,

JAMES MONROE.

13th CONGRESS.] No. 375. [3d SESSION.

REBUILDING THE CAPITOL, PRESIDENT'S HOUSE, AND OTHER PUBLIC BUILDINGS IN THE CITY OF WASHINGTON.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, NOVEMBER 21, 1814.

Mr. LEWIS, from the committee to whom was referred a resolution "to inquire into the expediency of rebuilding or repairing the President's house, Capitol, and public offices, and of the expense necessary for that purpose, and whether the public interest or convenience would be promoted by any change or alteration of the sites of said buildings," made the following report:

That, amongst the first steps deemed necessary in discharge of the duties assigned them, they caused the superintendent of the city to lay before them the reports of several architects and mechanics of reputed skill and character, who had, at his request, examined the remains of the public buildings, all of whom reported, as their opinion, that the walls generally had not been materially damaged, and were not rendered unsafe or insufficient to rebuild on, conformably either to the former plans, or to some variations suggested, or such as may be adopted as improvements in the rebuilding.

These reports were accompanied by estimates of various amounts, forming an average of $458,000. The whole first cost of these buildings appears to be $1,215,110 10.

With the view of better understanding the grounds, and probable accuracy of the reports and estimates, the committee attended personally at the Capitol, and examined the state of that building, where, after a conference, and making such inquiries of an architect ont he spot as were considered proper, they were induced to believe that the walls of both wings of the Capitol may be safely built on, and that the estimated expense of about $250,000 for repairing the same was as nearly accurate, and as much to be relied on as could be reasonably expected, or as circumstances either admitted or required.

With the foregoing information, the committee proceeded to a due and general consideration of the subject-matter referred to them, and readily came to the decision that it was expedient, either to repair the late buildings,

or to build others in their stead on different sites; but as it appeared that the latter could not be effected without incurring a great additional expense, so much greater (as the committee conceived) than would be counterbalanced by any "public interest or convenience," to be derived from "a change of sites," they were of opinion that it would be inexpedient to make such change. Connected with this part of the duty prescribed to the committee, it may not be improper that they should state to the House the representations of sundry individuals who allege, and offer to prove, that the designation of the present site by President Washington, who possessed full power, having been always considered by him as part of the permanent plan of the city, they purchased at very advanced prices, and improved lots, on the faith of those designations, near those sites; the supposed permanency whereof has ever since sustained the value of all adjacent and contiguous property; but that, if those sites were now to be altered or abandoned, without some equivalent public establishment being made thereon, they apprehend that this property would become comparatively valueless, during the lifetimes of the present holders at least. The committee, however, desire it to be understood that other views and considerations, having induced their decision on this member of the resolution under which their inquiries were directed, did not enter into the discussion of, or give any opinion on the force and validity of, those considerations.

From the suggestions of the architects consulted, and also from the observations of the committee, they are of opinion that parts of the walls, arches, and columns of the late buildings are in a state requiring a small expense for workmanship and materials, to preserve them from injury by the weather, and from falling down, thereby endangering the vaulting which supports some of the floors, and which, at present, is very little, if at all, weakened by the burning; but as there is no money applicable to the payment of such expense, inconsiderable as it may be, the committee beg leave to suggest the propriety of an appropriation for that object.

The committee think it not irrelative to the object of their inquiries, though it is not specifically enjoined, to state also that the several banks within the District of Columbia, desirous of facilitating an object so interesting to the district, have made a formal and binding offer in writing, to advance on loan to the Government, upon reasonable terms, the sum of $500,000, to be applied exclusively to the purpose of rebuilding or repairing the President's house, Capitol, or public offices.

Conformably to the foregoing statement the committee ask leave to report a bill.

13th CONGRESS.] No. 376. [3d SESSION.

PURCHASE OF THE LIBRARY OF THOMAS JEFFERSON.

COMMUNICATED TO THE SENATE, NOVEMBER 28, 1814.

Mr. GOLDSBOROUGH, from the Joint Library Committee of Congress, reported:

That, in pursuance of the resolution of Congress, passed on the 21st of October last, your committee have received from Mr. Samuel Harrison Smith, agent for Mr. Jefferson, precise terms of sale of his library, in which the number of volumes is stated to be six thousand four hundred and eighty-seven, and the estimated price twenty-three thousand nine hundred and fifty dollars. To these terms your committee have conditionally acceded, and they have contracted with the agent of Mr. Jefferson for the purchase of his library, according to the catalogue and number of volumes stated, at the price before mentioned, subject to the ratification of Congress.

They, therefore, present the following bill to authorize the purchase of the library of Thomas Jefferson, late President of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed, to cause to be paid to the Joint Library Committee of Congress, or their order, the sum of twenty-three thousand nine hundred and fifty dollars in Treasury notes of the issue ordered by the law of the 4th of March, 1814, to be by them applied to the purchase of the library of Thomas Jefferson, late President of the United States, for the use of Congress.

13th CONGRESS.] No. 377. [3d SESSION.

BOOKS AND PAPERS OF THE HOUSE OF REPRESENTATIVES AND LIBRARIES OF CONGRESS LOST BY THE CONFLAGRATION IN 1814, AND THE STATE OF THE CONTINGENT FUND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 12, 1814.

Mr. PEARSON, from the committee to whom were referred the communication of Patrick Magruder, clerk of the House of Representatives, relative to the destruction of the library of Congress, and records and papers appertaining to the office of the House of Representatives, made the following report:

That they have satisfactory evidence that the library of Congress, consisting of volumes agreeably to the catalogue herewith submitted was destroyed by the enemy on the 24th of August last; and, also, the manuscript records, papers, and secret journal of Congress, mentioned in the communication submitted to this committee. In

addition to the ascertainment of those facts, the committee have considered it their duty to form and express some opinion as to the degree of diligence and precaution exercised by the clerk, and those in his employ, to prevent the loss which has been sustained. In doing this they have taken into consideration the threatening aspect of the enemy in the Chesapeake, the Potomac, and the Patuxent, almost uniformly from the month of June to the period of their incursion on the city of Washington, and the apprehension which prevailed on this subject, as developed by the committee appointed to inquire into the "causes of the success of the enemy in his recent enterprises against this metropolis, &c." They have also referred to the several heads of Departments, and obtained information as to the time and manner of their removing and securing the papers and effects belonging to their offices; which information the committee herewith submit as part of their report, contained in the letters marked No. 1, 2, 3, and 4; from which it appears that measures, preparatory to a removal of the documents belonging to the several Departments, were taken as early as the 20th and 21st of August, and the removals all effected by the 22d; whereas no preparatory measures were taken to secure the library and papers appertaining to the office of the House of Representatives, or any efforts made to procure the means of transportation till the *afternoon* of the 22d of August; after which time the committee were convinced that the means of transportation were difficult to obtain, if not impracticable.

As to the absence of the clerk on account of *indisposition*, as alleged, the committee have not examined as to the particular nature and extent of that indisposition. They will only say that it was, or ought to have been, serious and alarming to have justified his absence under the circumstances which then existed. The committee are, therefore, constrained to express the opinion that due precaution and diligence were not exercised to prevent the destruction and loss which has been sustained.

In relation to the remaining subject of inquiry submitted to the committee, viz: the amount of money paid on account of the contingent expenses of the House, since the 1st of January last, for which the clerk ought to be credited, (the original vouchers having been destroyed in the conflagration of the Capitol,) the committee have no reason to disbelieve the statement of the clerk and his deputies as to the destruction of the vouchers alluded to. They have, however, experienced much difficulty, delay, and embarrassment, in their endeavors to ascertain and adjust the accounts of the clerk, so as to do justice between the public and the individual. This task was the more arduous and unpleasant from the circumstance of the clerk himself disavowing any knowledge of the pecuniary transactions of his office, and referring the committee to his chief clerk, Colonel George Magruder, who, on application, appeared equally unable or unwilling to enter into such a *specification* of the accounts and expenditures as would enable the committee to form any probable result. He presented a general statement (herewith submitted, marked M,) by which it appeared that the Clerk of the House of Representatives stood charged on the books of the Treasury with the sum of $50,863 16, and that he claimed credit for $48,000 for expenditures for contingent expenses of the House from January, 1814, to 23d August of the same year; leaving a balance due the United States, on that day, of $2,863 16. The committee considering this alleged amount of expenditure as being very great and unprecedented, for the same length of time, and presuming, as the clerk was able to state a particular sum expended, and a small amount remaining in his hands, on the day his vouchers were destroyed, he might, from the same date which produced the results stated, by the aid of his recollection, the assistance of the clerks in his office, and the officers of the House, and especially by reference to the bank or banks in which his public deposites were kept, and individuals to whom the principal payments were made, furnish such specific statements as would have enabled the committee to form a reasonable opinion as to the correctness of the general statement which had been presented, they deemed it their duty to require a statement of the principal *items* of ordinary expenditure, and the names of persons who had furnished them; this information was ultimately obtained by the admission of the chief clerk, the information of other officers of the House, and the knowledge which the committee themselves had of the most considerable objects of expenditure. All of which are stated in the account herewith presented, marked A. The clerk was then requested to ascertain from such sources as seem practicable, the sums paid on account of those several items of expenditure; some of which they know he could ascertain with certainty, and most of which with probable accuracy. In compliance with this request the committee were furnished with the statement marked B. The principal items of which are—

To paying Messrs. Way and Weightman for printing and stationary, - -	$25,600 10
To paying messengers of the House, - - - - -	2,584 50

The committee having obtained from the Treasury Department a copy of the last settlement made by the clerk on the 14th January, 1814, on account of the contingent expenses of the House of Representatives, and having examined the books of Messrs. Way & Weightman, as also the cashiers of the Bank of Washington and the Union Bank of Georgetown, are satisfied that the sum of $3,539 53 ought to be deducted from the $25,600 10, charged for printing and stationary in the account rendered by the clerks, and marked B as aforesaid. The same having, in the opinion of the committee, been already allowed, and included in the settlement with the Treasury on the 14th of January, 1814; which settlement the committee herewith submit, marked T.

The charge in the account B, for the pay of messengers for the House, is manifestly incorrect, and exceeds their proper allowance by the sum of $518 55.

The committee having allowed all other charges specified and claimed by the clerk, and having, by every means in their power ascertained the *items* with which the contingent fund is chargeable, and made the most liberal allowance for its expenditure, submit the statement, marked A, as the result of their inquiry.

From which it appears that, on settlement with the Treasury, on the 14th January, 1814, a balance remained in the hands of the clerk of the House of Representatives, due the United States, of - -	$6,574 87
That, from the 14th of January, 1814, to the 18th April, 1814, the clerk drew from the Treasury the sum of - - - - - - - - -	44,288 29
Making the sum of - - - - - - - -	$50,863 16
with which he now stands charged at the Treasury.	
That his expenditures since the above settlement, and such as the committee presume were not included in it, on account of the contingent expenses of the House, to the 19th September, 1814, amount to the sum of - - - - - - -	30,933 57½
Leaving a balance unaccounted for by the clerk, and due the United States of - -	$19,874 58

The committee recommend the following resolution:

Resolved, That Patrick Magruder, clerk of the House of Representatives, be credited at the proper office of the Treasury Department with the sum of $30,933 57½ for expenditures on account of the contingent expenses of the House of Representatives from the date of his last settlement to the 19th September, 1814.

SIR: TREASURY DEPARTMENT, *November* 5, 1814.

Upon inquiry, I find that the books and papers, appertaining to the Treasury, were packed up on Sunday, the 21st of August, 1814, and sent off in the afternoon of the following day.

It is also stated to me that much difficulty was not experienced in procuring carriages to transport the books and papers; and that, in fact, two wagons, more than were eventually found necessary, were engaged by the Department.

I have the honor to be, very respectfully, sir, your most obedient servant,

A. J. DALLAS.

JOSEPH PEARSON, Esq.

SIR: WAR DEPARTMENT, *November* 21, 1814.

I have had the honor to receive your letter of the 21st instant, inquiring at what time the papers belonging to the Department of State were removed, previous to the destruction of the public buildings in this city, and whether it was practicable for the clerk of the House of Representatives to have obtained the means of removing the library and papers belonging to that House in the Capitol of the United States, within the space of three days previous to that event.

Having left this city on the Thursday preceding the 24th of August for the neighborhood of Benedict, and having entered it afterwards, momentarily only, prior to the 24th, I have no knowledge, from personal observation, of the means which might have been obtained, by the clerk of the House of Representatives, for the removal of the library and documents of that branch of the Legislature.

Apprehending, when I left the city, that the documents belonging to the Department of State would be in danger, I gave orders that they should be packed up and in readiness to be moved on notice of the approach of the enemy. It was under this order, and on the subsequent notice, which was communicated, that they were removed to a place of safety on the 22d of August.

I have understood that the papers of the Department of War were likewise removed on the 22d of August.

I have the honor to be, with great respect, sir, your obedient servant,

JAMES MONROE.

The hon. JOSEPH PEARSON, *House of Representatives.*

SIR: NAVY DEPARTMENT, *November* 5, 1814.

In compliance with the request, contained in your note of yesterday, requiring "such information as to the time when the papers of this Department were packed up and removed, and, finally, my opinion as to the practicability of obtaining the means of conveyance, for three days, immediately preceding the destruction of the Capitol by the enemy," I have the honor to represent that, having, on Saturday, the 20th August last, directed the chief clerk of this Department to prepare for the removal of the books, papers, and effects of the Navy Department, and to procure the necessary transportation, I now enclose his statement of the facts and circumstances attending the execution of my order, as conveying more correct information, in relation to the subject of your inquiry, than that which comes within my own knowledge.

I am, respectfully, sir, your obedient servant,

A. JONES.

The hon. JOSEPH PEARSON,
Chairman of the Committee of Enquiry, &c., House of Representatives.

NAVY DEPARTMENT, *November* 5, 1814.

In obedience to the instructions from the Secretary of the Navy, to prepare for the removal and safety of the public documents and archives of the Navy Department, on Saturday the 20th day of August, 1814, and anticipating a difficulty in procuring wagons, he sanctioned the transportation by water, in boats up the Potomac river.

On Sunday three of the clerks were employed packing up in boxes and trunks, all the books of record, papers, library, maps, charts, plans, stationary, trophies, various valuable instruments, paintings, prints, &c., ready for removal on the next day; and in the evening of Sunday, the 21st of August, two river boats, with their crews, were engaged for the purpose at the ordinary pay and wages.

On Monday, the 22d August, two of the city carts were engaged, and all the boxes and articles in the Navy Department (heavy desks and furniture excepted,) were put on board a boat at the nearest wharf to the offices, and at 4 P. M. proceeded up the river, as far as Georgetown.

In the forenoon of Monday, the 22d, two large wagons with drivers presented themselves at the Department for employ, and on account of the previous arrangement, to transport by water, they were transferred to the Accountant of the Navy Department, who loaded them with the effects of his office.

On Tuesday, the 23d August, the chief clerk, with one of the clerks of the Department, proceeded up the river Potomac, and passed through the locks and canal to a place of safety.

There was no difficulty in procuring more boats and men enough to navigate them up the river above the falls.

BENJAMIN HOMANS, *Clerk.*

SIR: TREASURY DEPARTMENT, GENERAL LAND OFFICE, *November* 5, 1814.

In the absence of the commissioner I have the honor to reply to the questions in your letter of yesterday.

On the Sunday preceding the destruction of the public buildings, the records of this office were prepared for removal.

On Monday, wagons were procured in the country, loaded in the evening, and the records removed the same night.

As to the practicability of obtaining the means of conveyance on other roads than that which I travelled I cannot form an opinion, but on that road I found difficulty in procuring what I wanted for this office on that day.

I am, very respectfully,

JOHN GARDINER, *Chief Clerk.*

Hon. J. PEARSON.

United States for expenditures on account contingent fund, H. R. for 1814, *to Patrick Magruder.* Dr.

May 1,	To amount passed by the Committee of Accounts, say about* - - -	$45,000 00
	To amount of newspaper accounts, as authorized by resolution,* - - -	3,000 00
		48,000 00
	By warrant received from the Treasury, on account of contingent fund, - -	50,863 16
	Balance due the United States, - - - - - - - -	$2,863 16

Note.—The whole claims against the contingent fund of the House of Representatives have been paid, except some few newspaper accounts, which have never been exhibited, and which will not exceed two hundred dollars. And the date, 1st May, ought to be the 23d of August, 1814, when the vouchers were burned.

GEO. MAGRUDER, for
P. MAGRUDER.

* Vouchers burnt in the Capitol.

A.

Patrick Magruder, Clerk of House of Representatives, the contingent account in account with the United States.

Dr.		
To balance found due from him on settlement at the Treasury, on the 14th January, 1814, (see Auditor's account,) - - - - - - - - - -		$6,574 87
Warrant No. 6,838, dated January 15, 1814, - - - - - - -		10,000 00
Warrant No. 6,962, dated March 12, 1814, - - - - - - -		9,288 29
Warrant No. 7,005, dated March 29, 1814, - - - - - - -		10,000 00
Warrant No. 7,177, dated April 18, 1814, - - - - - - -		15,000 00
Debit of P. Magruder at the Treasury, on the 14th of November, 1814, - - -		$50,863 16
Cr.		
By paying the Messrs. Ways the amount of their account from the 14th October, 1813, to the 18th April, 1814, - - - - - - - - -		$9,390 35
By paying the Messrs. Weightmans their account in full for printing and stationery, from 6th December, 1813, to 18th April, 1814, - - - - - -		12,670 22
By paying St. Clair for 150 cords of wood, per contract, at $45, - - -	$1,267 50	
By paying St. Clair for 30 cords of wood, at $10 per cord, - - - -	300 00	
By paying St. Clair for 22 cords of wood, at $10 per cord, furnished for the library, -	220 00	
By paying for newspapers furnished the members, say 186 members at $11 25 each, being the full allowance, - - - - - - - - -		1,787 50
Paying Mr. Monroe for postage, as per account, - - - - - - -		2,092 50
Paying Mr. Hill for cabinet work, - - - - - - - -		39 78½
Paying Mr. Harbaugh for carpenter's work, - - - - - - -		126 12
Paying Mrs. Lindsay, per resolution of the House, - - - - - -		73 00
Paying Mr. Dawson's funeral expenses estimated, - - - - - -		100 00
Paying Mr. Frost extra services in clerk's office, - - - - -	20 00	1,200 00
Paying Mr. Sprigg extra services in clerk's office, allowed by the Committee of Accounts, though not justified by resolution of the House, - - - -	811 10	
		831 10
Paying Js. Claxton for services in Post Office, and the hire of a horse during the session,		446 00
Paying Js. Corcoran his account for 83 yards carpeting, - - - - -		166 00
Paying E. Spalding for his services and two horses, 142 days, at $4 per day, - -	568 00	
Paying E. Spalding for services prior to the session, - - - - -	12 00	
Paying George N. Thomas for his services during the session and 4 days thereafter, at $2 per day, - - - - - - - - - -	284 00	
Paying George N. Thomas for extra services prior to the session, - - -	22 00	
Paying Isaac Philips for his services, 142 days, at $2. - - - -	284 60	
Paying George Cooper for his services, 142 days, at $2, - - - -	284 00	
Paying George Cooper extra services prior to the session, - - - -	44 00	
Paying Oswald Dunn for his services, 142 days at $2. - - - -	284 00	
Paying Richard Stewart for his services, 142 days, at $2, - - - -	284 00	
		2,066 00
		30,988 57½
By balance due the United States, 19th September, 1814, - - - - -		19,874 58½
		$50,863 16

B.

A statement of the contingent fund account of the House of Representatives, as exhibited by Patrick Magruder, clerk, November 3, 1814.

Dr.	
To paying Messrs. Way and Weightman for printing and stationary, - - -	$25,600 10
To paying messengers of the House, - - - - - - -	2,584 50
To paying James Claxton, - - - - - - - -	446 00
To paying Thomas Munro, - - - - - - - -	39 78½
To paying George W. Lindsay's funeral charges, (see resolution,) - - -	100 00
To sundry accounts, particulars not recollected, embracing from sixty to eighty different accounts,	19,229 61½
To balance remaining in my hands, subject to the orders of the Committee of Accounts, -	2,863 16
	$50,863 16
Cr.	
By sundry sums of money drawn from the Treasury since the 14th January, 1814, including an instalment due from P. Magruder, to the United States, per settlement made that day, -	$50,863 16

C.

An explanatory statement showing how the difference arises between the two accounts marked A and B annexed.

PATRICK MAGRUDER, DR.		
To amount of Way's account for printing from 30th July, 1813, to 14th October, 1813, which the committee are satisfied was included in the settlement of January, 1814, and again charged in statement B, - - - - - -	-	$1,831 03
To amount of Messrs. Weightman's account for printing, from the 2d August to 6th December, in the year 1813, on which last day, P. Magruder gave his note, endorsed by Messrs. Way, payable at thirty days; can be no doubt of its having been included in settlement of January, 1814, and again charged in statement B, - - -	-	1,708 50
To overcharge in E. Spalding's account, in statement B, - - -	$262 00	
To overcharge in G. N. Thomas's account, in statement B, - - -	64 50	
To overcharge in J. Philips's account, in statement B, - - -	64 00	
To overcharge in G. Cooper's account, in statement B, - - -	64 00	
To overcharge in R. Stewart's account, in statement B, - - -	64 00	
		518 50
To "sundry accounts, not recollected, embracing from sixty to eighty separate accounts,"	-	19,229 61½
To balance remaining in the hands of P. Magruder, subject to orders of Committee of Accounts, as per account B, - - - - - -	-	2,863 16
		$26,150 80½

No. of Accounts.	CR.	
3	By wood accounts, not included in statement B, - - - -	$1,787 50
Supp'd 50	By newspapers for members, not included in statement B, - - -	2,092 50
3	By Mr. Hill, for cabinet work, not included in statement B, - - -	126 12
3	By Mr. Harbaugh, for carpenter's work, not included in statement B, - -	73 00
10	By Mr. Dawson's funeral expenses, not included in statement B, - -	1,200 00
1	By Mr. Frost for extra services, not included in statement B, - - -	20 00
1	By Mr. Sprigg, for extra services, not included in statement B, - -	811 10
1	By James Corcoran, for carpeting, not included in statement B, - -	166 00
	To balance due the United States, as per statement A, - - -	19,874 58½
Total, 72		$26,150 80½

C.

Patrick Magruder, Clerk to the House of Representatives, in account with the United States.

DR.		
To balance due by him, per report No. 26,428, - - - - -		$2,410 94
To Treasury warrants for amount of the following issued in his favor, viz:		
No. 5,566, dated February 1, 1813, - - - - - -		10,000 00
No. 5,659, dated March 5th, 1813, - - - - - -		15,000 00
No. 5,666, dated March 6th, 1813, - - - - - -		3,500 00
No. 6,057, dated June 23, 1813, - - - - - -		10,000 00
No. 6,251, dated August 3, 1813, - - - - - -		6,000 00
		$46,910 94
CR.		
By amount of his expenditures, from the 1st of December, 1812, to the 7th January, 1814, for stationary, printing, newspapers, fuel, candles, and office furniture, &c., including the expenses, incident to the interment of Mr. Smilie, member from Pennsylvania, and erecting monuments for him and General Casey, also for the hire of horses and laborers, and payments made sundry individuals, pursuant to resolutions of March and July, 1813, per account. - - -		$40,336 07
By balance due the United States, - - - - - -		6,574 87
		$46,910 94
The balance acknowledged by the clerk, per his account, is - - - -		$6,675 92
The balance found due by him, per foregoing statement, is - - - -		6,574 87
Amount of difference, - - - -		$101 05
Which difference arises as follows, viz:		
This sum short added on the 6th page, - - - -	$100 05	
This sum short charged on vol. No. 53, - - - -	4 00	
This sum overcredited for balance of his former account, - - -	4 00	
From which deduct the following sums, viz:		$108 05
This sum overcharged on volume No. 14, - - - -	$2 00	
This sum overcharged on volume No. 135, - - - -	5 00	
		7 00
As above, - - -		$101 05

AUDITOR'S OFFICE, *January* 14, 1814.

P. FERRAL.

COMPTROLLER'S OFFICE, *January* 19, 1814.

ANDREW ROSS.

Balance brought down, - - - - - - -	$6,574 87
Advanced him since the above settlement:	
Warrant No. 6838, dated January 15, 1814, - - - - -	10,000 00
Warrant No. 6962, dated March 12, 1814, - - - - -	9,288 29
Warrant No. 7005, dated March 29, 1814, - - - - -	10,000 00
Warrant No. 7177, dated April 18, 1814, - - - - -	15,000 00
Debit of Patrick Magruder on the books of the Treasury, - - -	$50,863 16

TREASURY DEPARTMENT, REGISTER'S OFFICE, *November* 14, 1814.

A true copy from the records.

JOSEPH NOURSE, *Register.*

[See further report, No. 380.]

13th Congress.] No. 378. [3d Session.

EXPLANATION OF THE CLERK OF THE HOUSE OF REPRESENTATIVES RELATIVE TO THE LOSS OF BOOKS AND PAPERS OF HIS OFFICE, THE LIBRARY OF CONGRESS, AND THE VOUCHERS FOR HIS EXPENDITURES FROM THE CONTINGENT FUND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 19, 1814.

OFFICE OF THE HOUSE OF REPRESENTATIVES U. S., *December* 17, 1814.

SIR:

The undersigned, clerk of the House of Representatives, feels himself bound, from the respect due to the House and to himself, to state the situation in which he was previous to the destruction of his office and the library of Congress. This is rendered indispensably necessary by the remarks contained in the report of the committee upon his accounts for disbursements of the contingent money of the House of Representatives.

It must be very distinctly recollected by every member of the committee, as well as by every member of the House, that I was laboring under a severe indisposition during the whole of the fall, and the greater part of the winter of 1813, and that I was unable to resume the discharge of my official duties until about the 1st of January, 1814. After the rising of Congress I was twice violently attacked with the same complaint, which assumed a serious appearance, and threatened my life. Under these circumstances my physicians advised me to visit the springs as a measure necessary to restore my health. If the House shall deem it necessary the certificates of the physicians will be procured, and laid before them.

When I left this city, I can say, without the fear of contradiction, that the enemy was not in any of the rivers leading to this place, or that their force was sufficient, either in the bay or on the coast, to justify an expectation of an attack on the seat of Government. I believe that the Heads of the Departments did not, at that time, contemplate that any movement would be made by the enemy threatening the city of Washington. Under these circumstances and facts, the clerk of the House of Representatives most respectfully asks leave to observe, that he is free from censure, because of his going to the springs to recover his health, which was worn down by a constant and assiduous attention to his official duties.

With respect to that part of the report of the committee which charges the clerk and those in his employ with not using a proper degree of diligence and precaution for the preservation of the papers appertaining to the office of the House and of the library of Congress, he begs the House to refer to a statement for information upon this subject written by two of his clerks, who are known to be gentlemen of *respectability and truth*, and laid before the House on the 22d of September, a copy of which he herewith presents, marked No. 1.

The clerk has further to observe upon this subject, that it will appear, by the certificate of Captain Burch, herewith accompanying, marked No. 2, that two of his clerks, Mr. Hamilton and Mr. Berry, were doing duty in his company of artillery from the 19th of August until after the destruction of the Capitol; that they could not leave the camp without a furlough from the colonel or general, which was never granted them; that it will appear, by the statement of Captain Bestor, No. 3, that Mr. Burch, another of his clerks, and upon whom he placed much reliance, was marched from the city, and continued under his command until the afternoon of the 21st of August, when he was furloughed by General Smith, as will be seen by his general order, No. 4. Mr. Burch did not get into the city until nightfall of that day. Another of his clerks, Colonel George Magruder, who was the commander of one of the regiments then in the service, marched with his regiment, and continued with it, as was his duty, until after the destruction of the Capitol. There was then only one clerk left, Mr. Frost, who had just before been appointed in the office, and he also would have been taken away with the military, if he had not been over the age prescribed by law for militia service. From these facts it results that, of the clerks in my employ, those in the company of Captain Burch had no power whatever to interfere in the saving of the office and library from destruction; that Mr. Burch could not do any thing for their preservation until Monday, the 22d, nor could Colonel Magruder, without deserting his duties in the field.

On the 22d, Mr. Burch and Mr. Frost did commence the removal of the office, not in the *afternoon*, as is stated in the report of the committee, but *actually in the forenoon*. The means of transportation were limited for three days previous, and on that day the committee have admitted it was almost impossible to procure it at all.

The evidence which the committee have procured from the Departments of the facility which they found in removing their papers, can have no bearing on the present case, as these Departments began to pack up on the 18th or 19th of the month, and, in fact, removed before the *afternoon* of the 22d, and, consequently, had all their means of transportation in readiness previous to the time it became so difficult to procure it.

The clerk begs leave further to observe, that the Heads of Departments, being in the confidence of the Government, had much better means of procuring *correct* information of the movements of the enemy than the clerks in his office, whose only sources of information were the common reports to be heard in the streets; and it is notorious that the public mind was in darkness and ignorance upon the subject of the strength and movements of the enemy; that the Heads of Departments gave orders to pack up their papers, as has been observed before, some on the 19th, and one even on the 18th of the month; and that, as many, if not a majority, of their clerks were over the age of forty-five years, they were not compelled to leave the offices. This accounts for their ability to pack up their papers, and, in some cases, actually to remove them, before it was in the power of my clerks to commence the business.

The clerk must, therefore, be permitted to say, and he says it with confidence, that those in his employ were not guilty of negligence, or inattention in the preservation of the office, unless, indeed, the committee will prove that they were not in the military service; that they remained during the whole time in the city; and that they took no part or interest in its preservation.

With respect to the library, he asks the House to refer to the letter of Mr. Frost, marked No. 5. This gentleman acted as under-librarian; the rest of the clerks in my office had no authority or control in that department.

In regard to the contingent expenses of the House, the vouchers for which were destroyed, the undersigned begs leave to state that the Committee of Accounts have always had the sole control of the disbursements of the funds appropriated for this object, and have sanctioned all the payments which have been made out of it. Being, from the nature of the other duties of his office, unable to attend to this branch of the business, it was confided by the clerk to Mr. George Magruder, his principal clerk. The amounts drawn at different times from the Treasury have always been so drawn under the direction of the Committee of Accounts, after they had received satisfactory

information that the funds already drawn were expended. The Committee of Accounts having always kept a record of their accounts as well as the chief clerk, and acted as a check upon him, the undersigned has had no further agency in the same than to affix his signature to them when the forms of office required it. This is not a novel practice, but is, he believes, pursued in regard to the contingent expenses of every office under the Government of any extent; the chief clerks always disbursing the contingent fund, though the principal is responsible for the same. It is not, therefore, so very extraordinary, the undersigned would respectfully suggest, that he was not able to afford to the committee of inquiry a *specification* of expenditures, of which all the accounts and vouchers were so unfortunately destroyed. He greatly regrets that the chief clerk had kept no duplicate book or memorandum of the accounts paid, which could supply the deficiency of that destroyed in consequence entirely of his absence on duty in the field of battle. Could the event of that day have been foreseen six hours before it happened, those papers had probably escaped the flames.

It must be obvious to the honorable House that, out of so large a mass of accounts of a miscellaneous character as are paid, in the course of seven months, out of the contingent fund of the House, it would be impossible for the person having paid it, to recollect more than a few items. It is true that the evidence of payment of such accounts may be collected, in a great degree, by the voluntary testimony of those to whom the money was paid, but it is no less true, that this must be a work, not of a day or a week, but of time and research. The undersigned has taken means, by a public advertisement, to accomplish this object, and will not fail to use due diligence in pursuit of it. Meanwhile, he most respectfully suggests that, to accuse him of deficiency and default in his accounts, because the particular items of disbursement are unascertained, could not enter the views of the honorable House or any member of it, because it would be unjust in itself, and would be to add cruelty to that pain which the undersigned has already suffered from the loss sustained in his office.

After these general observations, the undersigned begs the attention of the House to a few remarks on that part of the report which implies an unjust statement as to two of the very few accounts which he or his chief clerk have been able to specify as having been paid. This is due to the House from its clerk, as well as to his own conscious rectitude, and to a reputation which he hopes no man can justly impeach.

First. As to the account stated by the committee to be overcharged as paid to the messengers and servants of the House, nothing is capable of more satisfactory explanation. These persons were requested to furnish a statement of the amounts they had severally received. *They* made an error in their statement, which the honorable committee detected, but of which the chief clerk neither participated nor had information until it was reported to the House by the committee, and which neither he nor the *persons* who made it, were afforded an opportunity to amend. That circumstance is more fully explained, and the undersigned hopes in a manner which will be entirely satisfactory to the House, in the accompanying letter from Mr. George Magruder, marked No. 7, and also by a statement of the principal messenger referred to in his letter.

Secondly. As to the amount which the committee appear to have been *satisfied* was overcharged, as having been paid to the printers, the undersigned, in the absence of that documentary proof, which would have completely satisfied the House on this head, (but which was destroyed with other papers, not in *his* office, but in the Department of the Treasury,) begs leave to submit the following statement of facts, in order to refute, as publicly as it was made, the charge in this respect contained in the report of the committee. The abstract obtained from the Treasury bears date the 14th of January, 1814, as to its *settlement* at the Auditor's office. On the face of it, however, it is stated that the accounts settled at that time, were up to the *seventh* only of that month, and the probability is, they were not up to *that* by some days, as it is well known that papers are left for settlement at the Treasury frequently, and, indeed, always several days before they are acted upon. Application has been made by my order, two or three times, to ascertain the date of the *deposite* of that account at the Treasury, and have as often been answered, that the account itself, together with every accompanying voucher, is *lying in ashes* at the site of the former Treasury building. It is much to be regretted, and it is doing injustice to me, for the officers of the Treasury to be giving certificates, that means of transportation of public papers were every where to be had in abundance, when they suffered accounts and vouchers of such recent date to be burned. The papers marked Nos. 11 and 12, herewith submitted, will demonstrate, as far as evidence can be obtained, not only that these accounts were *not* included in the settlement of the 14th of January, 1814, but that the clerk ought to have credit on that head for a sum of more than two thousand dollars than he claimed. The statement of Mr. Way, and the letter of Mr. Weightman, will exhibit how liable to error all estimates must be, collected in the unusual manner in which those of the committee were.

The schedule marked A, which accompanies this report, with vouchers from No. 11 to No 17, obtained since the committee reported, will exhibit a further sum to be credited to the account of the clerk, to the amount of about seven thousand dollars.

These amounts combined, (nearly seven thousand dollars,) with cash in hand at the commencement of this session, as estimated by the chief clerk in his statement accompanying the report of the committee, will reduce the amount of expenditures, for which vouchers are not yet obtained, to about one-half of the amount of deficiency stated by your honorable committee.

Other vouchers of a like character will be daily obtained, and the undersigned does not despair, in a reasonable time, to be able to account to the satisfaction of the House for the whole amount of the expenditures from the contingent fund. All which he respectfully solicits the House to take into their consideration.

PATRICK MAGRUDER.

To the SPEAKER *of the House of Representatives.*

[No 1, is a letter from Messrs. Burch and Frost, which is omitted here.]

No. 2.

Captain Burch's certificate.

DECEMBER 15, 1814.

This is to certify, that Samuel S. Hamilton and Brook M. Berry, two of the clerks in the office of the clerk of the House of Representatives, were doing actual military duty in the company of artillery under my command, from the 19th of August, till after the destruction of the Capitol. Neither of these persons could leave the camp without the permission of the commanding officer of the brigade or regiment, which was never given.

BENJAMIN BURCH, *Captain.*

No. 3.

Captain Bestor's certificate.

This is to certify, that, in August last, upon the call for the militia of the District of Columbia to go into actual service, Samuel Burch, one of the clerks in the office of the House of Representatives, was mustered in the company under my command, and marched from this city with the troops, and continued with them until late in the day of the 21st of August, when he was furloughed or discharged, for the purpose, as I was informed, of returning to the city to take care of the public papers of the office to which he was attached. I further certify, that, on the day of the battle of Bladensburg, I met with the said Samuel Burch, completely armed and equipped on his way to join the army which had marched for Bladensburg, and as I was in command of the guard over the baggage and provisions, I thought it better that he should join the main army, and gave him directions to that effect; and I have been informed by my officers that he executed those orders. I further certify, that, previous to marching from the city on the 20th August, the said S. Burch manifested much solicitude for the safety of the papers of his office, but as the court-martial had previously determined that he was subject to militia duty, I felt myself bound to continue him in service until discharged by superior authority.

HARVEY BESTOR.

No. 4.

General Smith's order.

CAMP, HEIGHTS OF THE EASTERN BRANCH, *August* 21, 1814.

Mr. Samuel Burch, of the 2d regiment, is furloughed until he receives orders to join his company.

By order: N. W. WORTHINGTON,
Captain and Aid de Camp, 1st Col. Brig.

No. 5.

Mr. Frost's letter.

SIR: DECEMBER 17, 1814.

On examining the report of the committee appointed on the subject of your communication to the House, of the 20th of September last, I find that the committee admit that, after the 21st of August, the difficulty of procuring teams for the removal of the books, papers, &c. from your office, was so great as to justify a belief that all was done after that period, which could (with the means we possessed) have been expected. But the committee state that measures, preparatory for a removal, had not been taken. On that head I can only say that, on Monday, 22d of August last, if carriages for the conveyance of the books, &c. could have been obtained, they were in a situation to be immediately removed; the several loads which were saved, were taken from the shelves on which they were placed, and deposited in the carts by which they were taken away; they have suffered no injury, and, to have procured boxes or trunks to pack them in, if that plan had been preferred, would have been utterly impossible.

Your obedient servant,

J. T. FROST.

P. MAGRUDER, Esq.

No. 7.

Mr. G. Magruder's letter.

SIR: DECEMBER 17, 1814.

I find, from the nature of the report of the committee on the subject of your letter, it is indispensably necessary for me to make some explanation upon some points of that report:

First. As to the practicability of saving the library and the papers of the office; for my justification, after leaving the office intrusted to me in your absence at the Springs, I refer you to General Smith's letter, (No. 8,) to the letter of the two clerks already before the House; to Mr. Bowie's letter, (No. 9;) also to the certificates which accompanied Renner and Heath's petition.

Secondly. That part of the report relating to the difference between the receipts of the messengers furnished the committee by me, and the statement made by the committee, arose in this way; the committee requested me to get the receipts of those persons, who did, on application, furnish the same without any attempt on my part to get any sum, as you will see from Thomas's certificate, (No. 10;) who never heard of any error being made in their calculation until after the report of the committee was made to the House: that, when I was before the committee, I did point out to the committee the difference between their receipts and the resolution, and observed that those persons generally had accounts for extra services, which I supposed made the difference.

And lastly. To the charge of Messrs. Way and Weightman, which the committee say must have been allowed at the Treasury at the last settlement; their receipts were furnished me in the same manner that those of the messengers were, without any particular sum being asked by me, which will appear from their statement and letter, which I observe they furnished, which shows I did not get as much as ought to have been obtained, as will appear from said statement. I beg leave to state that the procuring and furnishing the above receipts were without your knowledge; and, from the circumstance stated by Mr. Way about the key of my drawer, I well recollect, and have no hesitation in saying those accounts were not charged in the last settlement, but have no positive data to go on, having all the vouchers and the book wherein the same were entered, burnt in the Capitol on the 24th August last.

I am yours, &c.

GEORGE MAGRUDER.

P. MAGRUDER, *Clerk House of Representatives, U. S.*

No. 8.

Certificate of General W. Smith.

On the 19th August last, the troops composing the first brigade of militia District of Columbia, were ordered into service. They assembled according to order, and were dismissed late in the evening, with orders to assemble early in the ensuing morning, and ready to march as might be ordered. This order was complied with. The brigade marched on the 20th from Washington, crossed the Eastern Branch, and on the following day marched to

the Wood Yard, and remained in that vicinity until the evening of the 23d, when, by orders from General Winder, it returned late at night to the city. On the ensuing day the troops marched for Bladensburg, were in the action there, returned that night to Tenley town, and on Thursday, the 25th, reached Montgomery court-house. On the 26th, marched upon Baltimore; but on the 27th, received orders and marched for Washington and Georgetown, where they arrived late in the evening of that day. In all those movements, from the commencement of service on the 19th August, to the evening of the 27th, Colonel George Magruder, commanding the first regiment of the brigade, was constantly with it, at its head, and always occupied in its requisite details and better preparation for service.

At his particular request Mr. Samuel Burch, one of the clerks to the House of Representatives, was, on Sunday the 21st August, furloughed until further orders, for the purpose of taking charge of the papers and effects of the office to which he belonged.

As witness my hand, this 16th December, 1814.

W. SMITH, *Br. Genl. 1st Col. brigade.*

Colonel GEORGE MAGRUDER.

No. 9.

Certificate of Washington Bowie.

GEORGETOWN, *December* 15, 1814.

I certify, that on the morning of the 24th of August last, Major Marsteller called upon me, as quartermaster of the 1st regiment district militia, commanded by Colonel George Magruder, to make a return of the wagons employed for the use of that regiment; that I did so, and informed him, that I had not more wagons than were absolutely necessary for the transportation of ammunition, provisions, and baggage of the officers and men; that, notwithstanding, he ordered away two of my wagons, and stated that the Secretary of War had said to him, that not more than one wagon to one hundred men should be allowed, and if they were not sufficient to take off the baggage, we must fight for it.

WASHINGTON BOWIE.

No. 10.

Certificate of George N. Thomas.

DECEMBER 15, 1814.

I certify, that Mr. George Magruder called on me to know how much money he had paid me the last session. I calculated that Congress set one hundred and seventy-two days, for which I gave him a receipt for three hundred and seventy-two dollars and fifty cents; this mistake I made myself: Mr. George Magruder made no calculation for me.

GEO. N. THOMAS.

No. 11.

A. & G. Way to Patrick Magruder.

DEAR SIR: WASHINGTON, *December* 16, 1814.

Agreeably to your request, that we should state fully and clearly the time and manner of the settlement of our printing accounts, from the 30th July to the 14th of October, 1813, we subjoin a general account embracing the whole of the printing performed by us, for the first session of the thirteenth Congress.

The business of settling and of receipting accounts is confined to A. Way of our concern. It is perfectly within his recollection, that when, in the clerk's office, about the fifth of August, 1813, he received, as stated below, a check for $2,200. Mr. G. Magruder observed that, having forgot to bring the key of his drawer containing the account, he would check for the round sum, leaving the payment of the balance and receipting the account for some future time. The account for printing, &c. during the recess, of $1,767 72, was presented in the early part of the succeeding session, and on the 15th of December, Mr. G. Magruder paid five hundred dollars on account; and, subsequently, on the 12th of January, 1814, the respective balances due on both accounts were paid, at which time it is probable the accounts were both receipted.

Respectfully yours, &c.

A. & G. WAY.

DR. *House of Representatives United States in account with A. & G. Way,* CR.

1813. May 24, to July 30, to our account for sundry printing, &c. during this period,	$2,263 31	1813. August 5, by Mr. G. Magruder's check for	$2,200 00
July 31, to October 14, to do. do. during this period,	1,767 72	December 15, by do. do.	500 00
		1814. January 12, by do. do.	1,331 03
	$4,031 03		$4,031 03

P. S. On examining the glass-house books, we find the following account for glass furnished for the south wing of the Capitol. The account was passed by the Committee of Accounts, and was paid out of the contingent fund of the House, about the 30th June, 1814.

House of Representatives United States to A. & G. Way, DR.

1813. December 13, for 23 lights glass, 18 by 27½ at $2 50,		$57 50
25 do. 17½ 24,		62 50
		$120 00

Received payment in full, about the 30th June, 1814, of Mr. G. Magruder.

A & G. WAY.

No. 12.

R. C. Weightman to P. Magruder.

DEAR SIR: DECEMBER 16, 1814.

In reply to your note requesting information as to the time and manner of the settlement of one of my printing accounts, viz: from September to December, 1813, for $1,708 50, I have to state that it appears from my books that that account was made out on the 4th December, 1813, and must have been presented on that day, or on the Monday following, which was the 6th; that, on the 6th December, at my request, I was authorized to draw on your brother, Mr. George Magruder, in favor of Messrs. Way, for the amount at thirty days, which was accepted and discounted in the Bank of Washington for my use; that, owing to some informality the notice from the bank did not, as I understand, reach Mr. George Magruder; that the amount of the draft was, in consequence, charged to my account in bank; that, when I stated the circumstance to your brother, he immediately gave me a check for the amount, which was on the 11th of January, 1814, as my bank and check books show; that I presume the account must have been receipted on that day; for, on the day I presented the account, and drew the draft in favor of Messrs. Way, there was no committee to act on my account, Congress having just assembled. These, I believe, are all the circumstances relating to this business; all, at least, that I can gather from my books and my recollection.

I had, on several occasions previous to this, been authorized to draw on you, in anticipation of my accounts, for considerable amounts, before the committee had acted on them.

Respectfully yours,

P. MAGRUDER, Esq. R. C. WEIGHTMAN.

A.

Schedule of credits claimed by the Clerk of the House of Representatives, in addition to the credits allowed by the committee.

To amount of Messrs. Way's account for printing, from 24th May to 30th July, 1813, which was not fully paid and receipted, until the 12th January, 1814; the last account rendered at the Treasury for settlement is stated, on the face of the account, to be on the 7th of that month, consequently did not include this account. See Messrs. Way's letter No. 11, - - - -	$2,263 31
To amount of Messrs. Way's account for printing from 31st July to October 14, 1813, which was also not fully paid, and is in the same situation as the charge above stated, No. 11, - -	1,767 72
To amount of Messrs. Way's account for glass, No. 11, - - - -	120 00
To amount of Mr. Weightman's account for printing from 2d August to the 6th December, 1813, which was not paid until 11th January, 1814, and was not included in account rendered at the Treasury, up to the 7th January, 1814. See Mr. Weightman's letter No. 12, - -	1,708 50
To amount of Mr. McCormick's account, No. 13, - - - -	26 00
To amount of Mr. Whetcroft's account, No. 14, - - - -	20 00
To amount of William O'Neal's account, No. 15, - - - -	479 58
To amount of Mr. Harbaugh's account, being the difference between the amount of his account and what has been allowed by the committee, No. 16, - - - -	180 00
To amount of Mr. Cross's account, No. 17, - - - - -	13 87½
	$6,578 98½

NOTE.—On the 19th of September, the day on which the committee struck the balance against the clerk, there was in bank, ready to meet the demands against the contingent fund, the sum of $2,763 16.

[See Reports, No. 377 and 380.]

13th CONGRESS.] No. 379. [3d SESSION.

CUMBERLAND ROAD.

COMMUNICATED TO CONGRESS, JANUARY 2, 1815.

To the Senate and House of Representatives of the United States: JANUARY 2, 1815.

I lay before Congress a report of the Secretary of the Treasury, containing a statement of proceedings under the "Act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio."

JAMES MADISON.

SIR: TREASURY DEPARTMENT, *December* 31, 1814.

I have the honor to transmit the report of the superintendent of the Cumberland road of the progress made in that work during the present year, and the state in which it now remains.

I have the honor to be, very respectfully, sir, your obedient servant,

A. J. DALLAS.

The PRESIDENT OF THE UNITED STATES.

SIR: CUMBERLAND, *December* 19, 1814.

In my last report of the progress of the Western road I informed you that the first ten miles were completed, since which the side roads, banks, &c. have been repaired.

The second letting, four sections, about eleven miles in length, is now generally used by the traveller. The pavement is complete, except from a half to three-fourths of a mile, and the side roads are much in the same state of forwardness. This part of the road would have been entirely completed early this fall but for the very uncommon rainy and wet summer we have had, which has impeded the progress of the work very considerably.

On the third letting there is nine sections about eighteen miles in length. On the two first, ninth, and tenth, containing about four and three quarter miles, little progress is made. On the 11th, about one and three quarter miles, nearly the whole of the levelling is done, and the greater part stoned. The twelfth, thirteenth, and fourteenth sections, containing about five and three quarter miles, are in a state of great forwardness, nearly the whole of the levelling done, and at least two-thirds of the paving is completed. On the remaining three sections, containing about six miles, but little is done. Taking this part of the work into view, it may be understood that about eight miles is in great forwardness and nearly completed, and on ten but little progress is made, except the mason work, which is nearly finished. Adding the whole of the work done together, it may be considered about twenty-eight miles, and eleven yet to be made, which will complete the whole of the work contracted for. The eleven miles are unequally divided between three contractors; one of them, it is expected, will complete his work early next spring; another, early in the fall, and the third may not complete his before late next season. With a view to show that some of the contractors will be thrown idle, if more work is not let early next season, I have been induced to be thus particular in stating the situation of the work at present, and the probable state it will be in early next summer.

I had nearly completed a location from the end of the work contracted for, to Uniontown, about twenty-one miles, and should have reported the work; but as the contractors did not proceed with that speed I expected, I thought it prudent to defer this report, and take time to re-examine the ground. As much time, pains, and care is necessary in fixing on the best ground, and shortest distance through this mountainous country, I will have the notes ready early next spring, when more work can be let, if thought advisable; we shall cross the present travelled road about eleven miles from the end of the present work. This distance would give us another year's work, or we might contract to the west foot of Laurel Hill, about eighteen miles; the old road, and the location, will not be more than thirty to forty perches apart at this point, and the ground quite level and firm between them.

Thirty-nine miles is the end of the work now contracted for, and places us on the east bank of the big Youghiogeny river, which must be bridged, and ought to be commenced as early next season as the weather and the water will admit. This work has been put off with a view to ascertain with what success we should succeed in building the bridge of eighty feet span across the little Youghiogeny river, which we have now so far completed, that no doubt exists as to our ability to build bridges of any size that may be thought necessary on this road. The cost of a stone bridge (which I prefer on roads much travelled) across the big Youghiogeny, will be about $40,000; of wood it may be built for the one-half of this sum; but, as it is probable all the bridges to the Monongahela will be of stone, and permanently built, I would advise building this bridge likewise of stone, unless it should be found that the necessary materials cannot be had.

As I have no knowledge of the sum appropriated, of course cannot say what additional appropriation will be necessary to complete this work to any particular point, and, therefore, recommend calculating the road at about $7,500 per mile for that done, and that yet to be made. This sum, it is expected, will include every expense on an average, when nothing but common bridging is required.

No difficulty, as yet, presented itself requiring legislative aid, except for keeping the road in repair, and to prevent abuses to the work by mischievous persons, and for which immediate provision ought to be made. On reference to a bill, forwarded on the 29th ultimo, my views, and the provisions thought necessary, will be fully explained.

All which is respectfully submitted by yours, &c.

DAVID SHRIVER, Jun.

Hon. Alexander J. Dallas, *Secretary of the Treasury.*

13th Congress.] No. 380. [3d Session.

ADJUSTMENT OF THE CONTINGENT ACCOUNT OF THE CLERK OF THE HOUSE OF REPRESENTATIVES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 16, 1815.

Mr. Pearson, from the committee to whom was referred the letter from the Clerk of the House of Representatives, of the 19th December last, and to whom was recommitted their report of December 12, 1814, on the same subject, made the following report:

That they have carefully examined the several statements in their former report, and given due consideration to the statements and suggestions of the clerk in his letter of 19th December last, from all which they are unable, materially, to vary the result of their former inquiry. As to the destruction of the library and records of the House of Representatives, the committee entertain the same opinion which they before expressed. The circumstances stated by the clerk, relative to his absence and the cause of it, as, also, the military requisition on most of the clerks in his office from the 19th, (or rather the 20th of August, the day on which they marched from the city,) had been previously submitted to the consideration of the committee; they conceive the error or negligence consisted not so much in delaying to pack up the effects of the office till the 22d of August, as the neglect to provide the means of transportation, which might have been done by the clerk who remained in the office, or any agent employed for that purpose.

The committee repeat their former statement, that no efforts were made to "secure the library and papers appertaining to the office of the House of Representatives, till the afternoon of the 22d of August."

As to the statement of the clerk, "that the enemy was not in any of the rivers leading to this place, or their force sufficient in the bay or on the coast the latter part of July, to justify the expectation of an attack on the seat of Government," the committee think differently, and beg leave to refer to the report of the committee appointed

to inquire into the causes of the invasion of the city, and particularly to the letters from General Winder to the Secretary of War, from the 9th of July, to the 1st of August, inclusive. As to the statements in the former report, derived from the heads of the Departments, the committee will only remark, that those sources of information are usual, and presumed to be correct. They were, however, induced, in some measure, to apply to them, from a representation made to them by Mr. George Magruder, that he was influenced by the conduct of those Departments in relation to the removal and securing their effects, as also appears from the letter of Mr. Burch, of 15th September, 1814. If the information from the Departments is incorrect, it may be unfortunate for the clerk, but cannot be the fault of this committee.

In regard to the expenditures of the contingent fund of the House, the committee have derived little additional information from the statement of the clerk; which appears to the committee to consist of inferences derived, in most respects, from incorrect premises, and from information given by his chief clerk, and not from any express knowledge of his own.

The statement by the clerk, "that the amounts drawn at different times from the Treasury, have always been so drawn under the direction of the Committee of Accounts, after they had received satisfactory information that the funds already drawn were expended," is not correct, as will appear from a statement herewith submitted from the Committee of Accounts, marked C.

As to the error which the committee noticed in their former report, in the account submitted by Mr. George Magruder, for expenses of messengers and servants of the House, the committee merely stated the fact, without making any remark; they now think it their duty to state, that those accounts were submitted to the committee by George Magruder, and are in his hand-writing; that two of the accounts, viz: James Claxton and Oswald Dunn, are correct; that the other five are incorrect. The committee are under the impression, that George Magruder was informed by them that the accounts were overcharged, and that he did not attempt to correct or explain them, except by observing that he presumed some extra services had been performed. The committee did not know that Thomas (whose certificate the clerk has obtained) was considered the principal messenger; on the contrary they believed Spalden was the principal messenger, and in whose account there was the greatest error; they, therefore, gave him notice of the error in his account; his reply was, "that he signed the receipt but did not make the figures;" he also stated that he believed his account was about $700, having estimated the last session of Congress one month longer than it really was.

One or two of the other messengers were spoken to on the subject; they appeared not to have a distinct recollection of the amount they had received. Whether those accounts were made out by the messengers or not, the committee deem very immaterial; they ought not to have been submitted to by the clerk, without ascertaining their correctness, as he must have been presumed to have had the means of doing so.

The accounts claimed by the clerk, in addition to the sums heretofore allowed by the committee, for payments made to the Messrs. Way and Weightman, consist of charges for printing, from the 24th May, 1813, to the 6th of December of the same year, amounting to $5,739 53. The first account of the Messrs. Way, is $2,263 31, for printing from 24th May, to 30th July, 1813. This account was passed by the Committee of Accounts, during the summer session of 1813, and is admitted to have been paid on the 5th of August, of that year, except a balance of $63 31. The second account is from the 31st of July, to the 14th October, 1813, for $1,767 72, which account was also passed by the Committee of Accounts in the early part of the last session, and on the 15th December, $500 were paid on those accounts, leaving a balance of $1,331 03. At what time those accounts were receipted, or what was the date of the check given for this balance, is not ascertained; the check was paid at the Union Bank, on the 12th of January, but at what time it was drawn does not appear, although the committee have applied to G. Magruder for this information, as will appear by the paper herewith submitted, marked M.

Mr. Weightman's account for printing from the 2d of August, to the 6th of December, 1813, amounting to $1,708 50, was rendered on the 6th of December, and credited on that day, in Mr. Weightman's books, by P. Magruder's draft, at thirty days for that sum, which was finally paid on the 11th of January, 1814, in the manner stated by Mr. Weightman, herewith submitted, marked W. But whether the account was receipted on that day, or previously, is not ascertained.

The claim of the clerk, to have those accounts allowed, as not being included in the settlement with the Treasury in January last, is founded on the presumption that the accounts settled at that time were up to the seventh only of that month; (or, what is a most extraordinary supposition, that they were not up to that date, as the Auditor's was the first office in which they were deposited for settlement.) The committee have distinctly ascertained that the date, 7th of January, 1814, neither refers to the time of settlement, or the time of depositing the accounts, but to the date of the last receipt. They have also ascertained, that many of the receipts on the accounts settled, were without date, and particularly the accounts of Messrs. Way and Weightman.

They have also ascertained from the chief clerk in the Auditor's office, that the accounts of the Clerk of the House of Representatives, which were settled in January last, were first deposited with him, and that they did not remain in his possession three days, before they were stated and passed by him, on the 14th of January, 1814. Vide Mr. Ferrall's statement, marked F.

From these facts and other circumstances which have come to the knowledge of the committee, they are satisfied that those accounts, as also those of Mr. McCormick, O'Neal, and Harbaugh, were included in the last settlement.

As the clerk was indebted at the last settlement more than $6,000, and as he had in his hands funds to a very considerable amount, from the 3d of August, 1813, the committee conceive he had every inducement to pay accounts existing previous to the settlement, and particularly small balances which were due on large accounts, (as in the case of Messrs. Way,) in order to obtain the proper vouchers, and thus reduce the balance which would have otherwise stood charged against him at the Treasury. It appears from the accounts which have been laid before the committee that greater amounts were paid between the 10th and 12th of January, inclusive, than during the three weeks preceding, or eight weeks subsequent. The committee, therefore, infer, that the numerous payments made betwen the 10th and 12th of January, were with a view to the settlement about to be made. If those vouchers were to be held over until the year 1815, it was of no moment to the clerk, whether they were paid in January, or subsequently; and it will be seen from Mr. George Magruder's answer to the interrogatories before referred to, marked M, that he was unable to point the committee to any one account paid between the 12th of January and the 12th of March, 1814.

Although the clerk states, in a note to his communication of the 19th December, that, on the 19th September, 1814, there was in bank, ready to meet the demands against the contingent fund, the sum of $2,863 16, the committee have been unable to know, from the clerk, in what bank this sum was on that day: vide G. Magruder's answer to interrogatories marked M. They presume, however, it was in the Bank of Washington; as it appears from the books of that bank, that, on the 24th August, the day on which the clerk struck that balance against himself, there was about that sum due in the name of G. Magruder, being the balance of $34,288 of the contingent fund

appropriation, which had been deposited in that bank between the 12th of March and 18th April, inclusive, in the year 1814, of which sum the committee have ascertained that more than $4,000 was applied to private uses; from which circumstance, the committee are inclined to the belief, that this balance (of only a part of the contingent fund) was the data from which the account first exhibited by the clerk to the committee was made out. Had the balance due by the clerk on his last settlement, viz: $6,574, and the warrant dated 15th January, 1814, for $10,000 been deposited in the Bank of Washington, or had the clerk accounted for the application of those sums towards defraying the contingent expenses of the House, there would have been little difficulty in settling his accounts. These two sums added to the amount drawn from the Washington bank for private use, make upwards of $20,500, an amount not varying very much from the sum which the committee think he is now deficient.

The committee, judging either from the relative expenses of former sessions of Congress, or, as they have done, from the accounts specifically examined by them, are unable to credit the clerk for more than $30,668 78, leaving a balance of $20,194 78 due from him to the United States, agreeably to the supplementary account herewith submitted, marked A. They, therefore, recommend the following resolution:

Resolved, That Patrick Magruder, Clerk of the House of Representatives, be credited at the proper office in the Treasury Department, for the sum of $30,668 78, for expenditures on account of contingent expenses of the House, since his last settlement. And that a copy of this and the former report of the same committee be filed in the Auditor's office.

C.

SIR: HOUSE OF REPRESENTATIVES, *January* 9, 1815.

In compliance with your request, the Committee of Accounts for the second session of the thirteenth Congress, offer a few words in explanation of part of a letter from the Clerk of the House of Representatives of the 19th ultimo. In said letter, page 6th, he states, "the amounts drawn at different times at the Treasury, have always been so drawn under the direction of the Committee of Accounts after they had received satisfactory information that the funds already drawn had been expended."

The committee considered it their duty to superintend and control the expenditure of the contingent funds of the House of Representatives, and to audit and settle all accounts which were charged thereon. When accounts have been audited and settled, the committee have drawn on the Treasury to enable the clerk to pay the same. It has also been considered necessary in many cases to advance money on contracts before the accounts could be audited and settled. That the clerk might have funds not only to pay accounts audited and settled, but also to make advances on contracts, the committee have from time to time drawn in his favor, on the Treasury, without requiring proof that the funds previously drawn had been expended. The books of the committee showed what accounts had been audited and settled, and the amount; but they had no evidence of what had been advanced.

WILLIAM BARNETT.

Hon. JOSEPH PEARSON, *Chairman, &c.*

M.

SIR: DECEMBER 28, 1814.

Will you be kind enough to inform the committee in which bank the balance of $2,863 16 remained as stated in the note annexed to schedule A, accompanying the last communication from Mr. P. Magruder? Also, if you can ascertain the fact, when the money, drawn on the warrant issued the 15th January, 1814, was deposited or used for discharging contingent expenses of the House? And, further, how the money drawn from Washington Bank out of the money belonging to the contingent fund, and applied to your private use, was reimbursed?

You will also oblige the committee by laying before them two checks, drawn in January, 1814, on the Union Bank, one in favor of A. & G. Way, for $1,331 03; the other in favor of O'Neale, for $478 or thereabouts.

The committee would wish to be furnished with the different sums you can recollect, paid on account of the contingent expenses, between the 14th January, 1814, and the 12th March, the same year.

Sir, your obedient servant,

JO. PEARSON.

Mr. G. MAGRUDER.

P. S. You will be good enough to put your answer on this sheet.

SIR:

In reply to the annexed note, I am ready to account for the $2,863 16, or to meet the orders of the Committee of Accounts in the Bank of Washington, or any other bank at sight.

2d. I cannot, at this moment, charge my memory in what bank I deposited any particular warrant.

3d. When did I reimburse the money drawn for my private use? Whenever I drew any money from that bank, if it was not drawn to pay the expenses of the House directly, it was to replace money drawn from elsewhere of my own, and paid for contingent expenses; never having been directed by the Committee of Accounts, or the clerk, where or how this money should be kept, it was, unfortunately for me, blended with my private accounts. If I could have ever contemplated that the Capitol was to have been destroyed in the manner it was, more care would have been observed.

The committee must be aware of the difficulty attending this business, from the contradictory statements made by persons who did receive public money from me. The committee will allow any sum they may deem right. The check given to O'Neale is enclosed; the other I have not been able to lay my hands on, but will endeavor so to do. I ask the return of the check. Yours,

GEO. MAGRUDER.

W.

Mr. Weightman's statement.

That, on the 6th December, 1813, Mr. Magruder gave him a note for $1,708 50, which was paid in the Bank of Washington on the 11th January, 1814. Mr. Weightman is certain, from his custom, that he did not give a receipt for the sum of $1,708 50, at the time the note was given, nor does he recollect that a receipt was given on the 11th January, when it was paid; but if on that day it had been required, a receipt would, and might have been given, and probably was given.

R. C. WEIGHTMAN.

N. B. My impression is, that I have not, in any instance, dated the receipt to any of the accounts against the House of Representatives, without I have been required to do so, and I do not recollect having ever been required.

R. C. W.

F.

Mr. Ferrall's testimony taken on the 28th December, 1814.

Question. What does the date 7th January refer to?
Answer. The last date to a receipt.
Question. Are the receipts always dated?
Answer. They are not.
Question. How long do you think the vouchers on settlement in January, 1814, remained in your hands?
Answer. I am confident they did not remain three days.

P. FERRALL.

A.

A supplementary statement, being a continuation of Patrick Magruder's account, accompanying report made the 12th December, 1814, *on the same subject.*

Dr.		
To balance brought from statement A, accompanying report made the 12th Dec. 1814,	$19,874 58½	
To 22 cords of wood, at ten dollars per cord, furnished library, improperly charged to contingent expenses of the House in former statement, - - -	220	
To that part of Mr. Sprigg's account for his services rendered the first session of the thirteenth Congress, which account was passed the same session by Committee of Accounts, and paid July 27, 1813; he was credited for this sum too much in the former statement, - - - - - - -	166 67	
To James Corcoran's account for carpeting; this was receipted on the 10th of January, 1814, prior to depositing the vouchers in the office of the Auditor for last settlement, and was again credited in the statement accompanying former report, -	166	
		$20,427 25½
Cr.		
By paying Messrs. Way's account for glass, - - - - -	120	
By paying Mr. Whetcroft for writing in clerk's office, - - - -	20	
By paying Mr. Cross for mason's work, - - - - -	13 87½	
By paying Messrs. Rapine and Elliot, for printing Congressional Directory, - -	79	
		232 87½
1814, Sept. 19. Balance due from clerk, - - - - -	-	$20,194 38

13th Congress.] No. 381. [3d Session.

CUMBERLAND ROAD.

COMMUNICATED TO THE SENATE, JANUARY 24, 1815.

Mr. Smith, from the committee to whom was referred the report of the Secretary of the Treasury, containing a statement of proceedings under the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio, reported:

That the act for the admission of the State of Ohio into the Union has appropriated five per cent. of the nett proceeds of the land laying within that State, and sold by Congress, (from and after the 30th day of June, 1802,) to the laying out and making roads leading from the navigable waters emptying into the Atlantic, to the river Ohio, and through the said State of Ohio; and by a subsequent law, passed the 3d of March, 1803, Congress appropriated three of the said five per cent. to laying out and making roads within the State of Ohio, leaving two per cent. unexpended; which two per cent. was, by an act passed the 29th of March, 1806, appropriated to the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio; that under the said act the President of the United States was authorized to appoint three commissioners to lay out the said road. It appears that commissioners were appointed, and that the road has been laid out by them agreeably to their instructions; and it also appears by a letter of Mr. David Shriver, (the superintendent of the road) contained in the report of the Secretary of the Treasury, that the making of the said road is progressing as fast as could reasonably be expected; that the whole of the work contracted for is thirty-nine miles, of which twenty-eight may be considered as nearly finished; that a stone bridge of eighty feet span over the Little Youghiogeny river is nearly completed.

It also appears that the thirty-nine miles contracted for, being the road to the Big Youghiogeny, from thence to where it will intersect the old road is eleven miles, which your committee think ought to be completed.

The committee find that a turnpike road from Baltimore, extending sixty miles in a direct line towards Cumberland has been completed, and that the banks of Maryland have, for valuable considerations, agreed to construct a turnpike road from Conecocheague creek to Cumberland; so that there is a well founded expectation that a turnpike road from Baltimore to Cumberland will be completed before the road from thence to the Ohio can be finished.

The committee find that Congress have appropriated in advance of the fund of two per cent. at different times, $287,320 25.

The committee submit the following estimate and statement, which they think may be considered tolerably correct, to wit:

The thirty-nine miles of road contracted for will cost $7,500 per mile, - -	$292,500
A stone bridge has been constructed of eighty feet span across the Little Youghiogeny, which cost	14,000
	$306,500

The sums paid from the Treasury prior to the 31st of December, 1814, amount to	194,631 80	
The balance of the appropriation heretofore made, and which remained undrawn on the 1st January, 1815, was - - - -	92,688 45	
		287,320 25
So that an additional appropriation, to complete the work already contracted for, is wanted of about - - - - - - - -		19,179 75
To carry the road eleven miles beyond the Big Youghiogeny, where it will intersect the road now travelled, and which will be probably another year's work, will cost, $7,500 per mile,		82,500 00
		$101,679 75
To construct the bridge over the Big Youghiogeny, it will require, if built of stone, a further sum of - - - - - - - -		40,000 00
		$141,679 75
If it should be determined to provide at this time for carrying the road to the western foot of Laurel Hill, seven miles further, it will require, in addition, - - -		52,500 00
		$194,179 75
If, lastly, to Uniontown, three miles further, - - - -		22,500 00
		$216,679 75

It will appear, from the foregoing statement, that Congress have already appropriated in advance of the fund of two per cent. on the nett proceeds of the sales of land within the State of Ohio, the sum of $287,320 25, and have paid in part the sum of - - - - - - $194,631 80

It appears from the report of the Land Office to the Treasury Department, that the said fund had yielded to the Treasury, prior to the 1st day of October, 1814, the sum of - - 107,004 48

So that the amount of the advance actually made by the Treasury, is only - - $87,627 32

From this view of the subject the committee are of opinion that the fund appropriated for the making the said road is fully adequate to the object.

The effect of an appropriation during the present session of Congress, for any portion of this work, will be only to authorize the Treasury to make contracts during the present year for carrying it on. Very little, if any, money will be drawn from the Treasury, except for completing the contracts already made, until the year 1816.

The committee are of opinion that an appropriation ought to be made to enable the Treasury to make contracts to carry the new road to where it will intersect the road now travelled on, and sufficient for the constructing of a stone bridge over the Big Youghiogeny; for which purpose they submit a bill.

13th Congress.] No. 382. [3d Session.

RESIGNATION OF THE CLERK OF THE HOUSE OF REPRESENTATIVES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 28, 1815.

SIR: CLERK'S OFFICE, *January* 28, 1815.

It is with reluctance I cannot well express that I find it necessary again to throw myself on your politeness, as the medium of communication to the House on a subject no less painful to me than it must be to them. This is imposed upon me as a duty, as well by the arguments derived by those inimical to me, (as I learn,) from silence in regard to the last report of the committee appointed at my request, to investigate the situation of the office under my charge, as by the indications afforded by the recent vote of the House. In regard to the accounts of my office, the correctness of which has been arraigned by a committee of the House, I have nothing to add to what I have said on a former occasion on this subject, except to reassert my entire innocence and ignorance of any misapplication of the public moneys, and to express my conscientious belief that the public money has been faithfully disbursed by my principal clerk, to whom it was confided, and that he will be able to account for it at the Treasury, and would have been able to do so at this day, had not the unfortunate conflagration of the Capitol destroyed his accounts, and subjected his conduct to a scrutiny, in which the fact of a deficiency of the vouchers destroyed has been adduced as evidence against him.

Could I presume so far, it might be an easy task to exhibit errors of great importance in that part of the report of the committee on my conduct which relates to the account of the contingent fund. It is my belief, demonstrable, that its errors are not limited to hundreds, or to any moderate number of thousands of dollars; still easier would it be to dissipate almost every argument used in debate on that report, tending, by assertion or implication, to prejudice the House against me personally. But, sir, he who is put upon his trial without opportunity to defend himself from accusations adduced against him, can expect no benefit from an after appeal to those who have already pronounced judgment against him. Little, sir, did I ever expect to have to answer to this House on charges affecting my character at this advanced period of my life. Since I passed the age of eighteen years I have been in public life: by those who knew me best I have been selected to fill various public stations, judicial as well as legislative, under both State and General Governments, and no man has ever before appeared to impute to me malfeasance in the duties of my station. In every situation in which it has pleased my country to place me, I have endeavored to sustain a character more dear to me than wealth; and the attempt to rob me of a jewel more precious than life; to deprive me of that honest fame, which I had acquired by a long course of public service, however it may temporarily succeed in this body, cannot eventually depress my character or standing in the eyes of the American people.

Truth is great, and will prevail. I court its light, and shrink not from its test. The office of Clerk of this House, arduous and trying as are the duties to be performed during the session of Congress, has never been considered by me, in a pecuniary point of view, an object. Two years since I should have resigned it but for the dissuasions of my friends. I was too proud of the honor conferred by the flattering suffrage I had received from the honorable House. I retained my seat, and how cruelly I am treated for that determination, let recent events decide.

But, sir, it is not my intention to weary you or the House by reiterating those unavailable regrets which force themselves on my bosom. It is probable, sir, that I might, by resorting to humiliating solicitation, reinstate myself in my former footing in the House; but there is implanted within my bosom a principle much more powerful than the love of popularity or of office—it is the sense of honor which forbids solicitation from, or even association with, those who entertain a suspicion derogatory to my fair fame. That there are such among those whom I have once been proud to call my political friends, the motion now pending in the House, and the manner in which it has been supported, sufficiently indicates. After a struggle between contending feelings, I have, therefore, determined to resign the office I now hold, to permit those by whom I am persecuted to attain, with greater ease, an object to which they have been willing to sacrifice not only my family but my reputation. I beg the Speaker and the House to accept of this as my resignation of the office of Clerk of the House of Representatives. I take this last opportunity to offer to yourself and the House the homage of my unfeigned respect; and to those who have stood forth to befriend an injured man, and resisted the accusations against me, the assurances of my eternal gratitude. My successor in office, let him be whom he may, I wish him an easier and happier time in the discharge of his duties than I have had.

I am, sir, with respect,

PATRICK MAGRUDER.

To the Hon. SPEAKER *of the House of Representatives.*

13th CONGRESS.] No. 383. [3d SESSION.

LIST OF PATENTEES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 30, 1815.

SIR: DEPARTMENT OF STATE, *January* 1, 1815.

In pursuance of the resolution of the House of Representatives of the United States, dated January 13, 1812, I have the honor of transmitting a list of persons who have invented any new or useful art or machine, manufacture, or composition of matter, or any improvement thereon, and to whom patents have been issued for the same from this office, from the 31st day of December, 1813, to the 1st day of January, 1815, with the dates and general objects of such patents; and also the residence of the patentees, as far as they could be ascertained.

JAMES MONROE.

To the Hon. the SPEAKER *of the House of Representatives.*

List of the names of persons to whom patents have been issued for new and useful arts, &c.

Inventions.	When issued.	Names of patentees.	Residence.
	1814.		
In the churn,	Jan. 5	William Humphrey,	Ohio.
In steelyards and scales,	6	Zena Phinney,	Green county, New York.
In the loom,	7	John M. Morel Guiramond,	Baltimore.
Rheumatic pills,	13	Ezra Deane,	Biddeford, Suffolk co., Mass.
A machine for cutting nails,	13	Richard Moore,	Lycoming county, Penn.
The rapid boat,	14	Frederick Wm. Geissenhainer,	New York.
A hopper filler for bolting flour, &c.	15	Abraham Hershe,	Lancaster, Lancaster co., Penn.
A throstle for spinning wool, cotton, flax, and hemp,	21	Stephen Shallcross,	New York.
A zigzag shearing machine,	21	Edmund Durrin,	Weathersfield, Windsor co., Vt.
A portable warm and hot bath,	21	Samuel K. Jennings,	Lynchburg, Virginia.
A mode of manufacturing felt hats from a mixture of clothiers' flocks with sheeps' wool,	21	Jedediah Carleton,	Salem, Rockingham co., N. H.
In water mills,	25	John Owings,	Baltimore.
An impressed roller for making knives, spoons, &c.	25	John Owings,	Baltimore.
A machine for heading nails,	26	Samuel Rogers,	Bridgewater, Plymouth co., Mas.
In chimney fire-places, air-flues, and ventilators, on the principle of dense air seeking, like water, its level,	28	John C. Brush,	Washington city.
A loom for warping, or mounting the warp on the yarn beam,	Feb. 1	Calvin Whitney,	Dedham, Norfolk co., Mass.
In manufacturing salt,	1	William J. Lewis.	
A bathing machine,	1	William Merritt,	New York.
In steamboats,	2	Daniel Dod,	Mendham, New Jersey.
A washing machine,	4	John Gray,	Eaton, Madison county, N. Y.
Lee's New London bilious pills,	8	Samuel H. P. Lee,	New London, Connecticut.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1814.		
In mills,	Feb. 8	Ebenezer Bryant,	New London, Connecticut.
In propelling boats by animal power,	9	Moses Rogers,	New York.
In manufacturing iron ore into paint,	10	Borden Wilbor,	Whitestown, Oneida co., N. Y.
In boring guns, pistols, &c. by an auger, called a pistol groove or twisted screw auger,	12	Daniel Pettibone,	Philadelphia.
In looms,	18	John Heavin,	Montgomery county, Virginia.
Machine for mowing grass, &c.	19	Peter Baker,	Long Island, New York.
In looms,	19	Daniel Briggs,	Canaan, Litchfield, Conn.
A cylindrical brad, sprig, and nail machine,	21	Robert Turner,	Boston.
An ardent spirit proof,	21	Benjamin Miller,	North Salem, Westchester co., New York.
In rasping and grinding dyewoods, &c.	March 1	Joseph Broad,	Springfield, Massachusetts.
A machine for grinding potatoes,	1	Jesse King,	Florida, Berkshire co., N. Y.
In the bar-share plough,	1	John Butler & Joshua Butler.	John Butler, Brandywine, and Jos. Butler, Chester co., Pa.
In making bad butter good, and in making family butter with lard,	4	Zena Phinney,	Green county, New York.
An eleven plate stove, for boiling, baking, and warming rooms,	7	Charles Postley,	New York city.
In using pelts for manufacturing paper,	7	John McThorndike.	
For cutting files,	7	Charles Platt & Daniel Platt,	Sharon, Litchfield co., Conn.
For cutting, heading, filing, turning, sawing the head, and cutting the thread of screws,	7	James Gleason,	Philadelphia.
For smoothing card boards,	10	Daniel Stearns,	Brattleborough, Windham co., [Vt.
An air furnace for melting oars, refining and heating iron with stone coal,	16	Thomas Gregg,	Connellsville, Fayette co., Pa.
The expeditious sawyer,	18	John H. Morison,	Boscowen, Hillsboro' co., N.H.
A ball-proof vessel, to be propelled by steam applied under water,	19	Thomas Gregg,	Connellsville, Fayette co., Pa.
A water loom,	21	Brightberry Brown,	Albemarle, Virginia.
A family billy and jenny for spinning, &c.	23	Ebenezer Smith,	Paris, Oneida county, N. Y.
A perpetual steam still,	24	John James Giraud,	Baltimore.
In matchlights and boxes,	26	Richard Allison and Nl. Stout Allison,	Burlington, New Jersey.
A spinning wheel,	26	Harvey Wright and Orlestus Roberts,	Bristol, Hartford county, Conn.
A composition for making black lead pencils,	26	Christopher Osgood,	Salem, Essex county, Mass.
A machine for shearing cloths,	26	Isaac Sanford,	Providence, Rhode Island.
A substitute for teasels and cards for raising the nap of cloths,	26	Isaac Sanford,	Providence, Rhode Island.
For cutting combs at a single operation,	26	Jos. Heartwell Derby,	Leominster.
A medicine called canker drops,	28	David Holbrook,	Onondaga county, New York.
A machine for raising water,	31	Jacob Hartman,	Lampeter, Lancaster co., Pa.
A machine for hulling cotton seed,	31	John Lineback,	Salem, Stoke county, N. C.
A mode of putting leather together by wooden or metal pegs,	April 2	Sidney B. Browne,	Westchester county, N. Y.
In augers,	2	Martin Howe,	New York.
A vibrating nail cutting machine,	2	Ebenezer A. Lester,	Herkimer, New York.
A steam tow-boat and warping windlass,	2	John L. Sullivan,	Boston.
For heading cut nails,	7	Jacob Davey,	Fair Haven, Rutland co., Vt.
For cutting brads, nails, and spikes, of all sizes,	8	Stephen Belknap,	Washington city.
For manufacturing salt,	8	Thomas Hord,	Caroline county, Virginia.
In stills,	9	Ezra Talmage,	Richmond, Virginia.
A machine for planting corn,	12	John Blocher,	Lancaster, Pennsylvania.
A water engine,	13	Joel M. Dupuy,	Woodford, Kentucky.
In the torpedo,	14	Ebenezer Ford,	Baltimore.
In making lead pipes for conveying water,	18	Alpheus Todd,	Oxford, Grafton county, N. H.
For grinding paints,	18	Peter Breasted,	Green county, New York.
In wheels for spinning with heads, to be used for spinning and quilling,	18	Emery Russell,	Long Meadow, Hamden c., Mas.
In looms,	18	John Coulter and Stephen Gano,	Berkley county, Virginia.
In bark mills,	18	Jared Olds,	Meriden, New Haven co., Ct.
In wheel heads,	18	Emery Russell,	Long Meadow, Hamden c., Mas.
In distillation,	19	John W. Alder,	Pennsboro', Lycoming co., Pa.
In carriage springs,	22	Richard Humphries & Israel C. Humphries,	[Del. Cantwell's bridge, Newcastle,
A salt water evaporator,	23	William M. Hawkins,	King and Queen county, Va.
In steam engines and steamboats,	23	John Dowers, Jun.	Philadelphia.
The atmospherical house warmer and smoke driver,	27	Robert Annesly,	Philadelphia.
In the loom,	27	Jacob Spinkle,	Wythe C. H., Wythe co., Va.
In lamps,	27	Edward Clark,	Philadelphia.
A furnace for melting and refining of metals,	May 4	Thos. Barnhurst, Jos. Barnhurst, and William Walker,	Philadelphia.
In making white lead,	5	Elisha De Butts,	Baltimore.
In distilling,	6	Wm. M. B. Wollias, and Hiram P. Barlow,	Oneida county, New York.
In making tin plates,	9	David Noble,	Philadelphia.
A machine for cutting shoes, &c.	9	Benjamin Miller,	Philadelphia.
For cutting files,	11	Silas Hawes,	Bennington, Bennington c., Vt.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1814.		
Improvement on Farnham's horizontal water wheel,	May 12	David Cooper,	Jericho, Chenango co., N. Y.
In the still and condenser,	13	Benjamin Hall,	New Haven, Connecticut.
In the baking, boiling, and steaming stove,	13	Eliphalet B. Coleman,	New Haven, Connecticut.
In inkstands,	13	Oliver Barber,	Hartford, Connecticut.
A family stove,	17	Joseph Tuley,	Frederick county, Virginia.
In andirons,	17	Willaby Dexter,	Winchester, Litchfield co., Ct.
In moulds for casting printing types,	17	Archibald Binney,	Philadelphia.
A fire-proof ceiling,	17	Benjamin Jas. Harris,	Richmond, Virginia.
A guage to be attached to the anvil of a trip hammer for plating out scythes,	17	Benjamin Richardson,	Western, Worcester co., Mass.
For pressing bricks and tiles,	18	Benjamin Porter,	Salem, Massachusetts.
For carding wool,	18	Lewis French,	New Haven, Connecticut.
In casting iron hinges,	18	Cyrus Alger,	Boston.
For splitting and shearing horn for lantern lights, combs, &c.	24	John Pulsifer,	Newbury, Essex co., Mass.
A washing machine,	24	Eliphalet Jaques,	Newburyport, Massachusetts.
An apparatus for making salt,	26	William Hawkins and John D. Hawkins,	Raleigh, North Carolina.
For melting all kinds of ores and metals,	27	Daniel Walworth,	Middletown, Middlesex co.,Ct.
A cheese press,	27	Joseph Goulding,	Worcester, Worcester c.,Mass.
A mode of balancing wheels,	27	John Andrews,	Litchfield, Herkimer c., N. Y.
In manufacturing scythes,	27	Luther Dudley,	Sutton, Worcester co., Mass.
An apparatus for manufacturing salt, boring wells, and pumping water,	28	Richard Deering.	
In making cornices of brick for buildings,	28	Thomas K. Beale,	Alexandria, D. C.
In the German flute,	June 6	William Schaffer,	New York.
A buff or polishing wheel,	6	Aaron Broad,	Litchfield, Connecticut.
In manufacturing screws, ramrods, knives, and forks, &c.	6	Aaron Broad,	Litchfield, Connecticut.
For cutting dye-stuffs, barks, &c.	9	Aaron Broad,	Litchfield, Connecticut.
In manufacturing salt,	10	John I. Cabell,	Lynchburg, Campbell co., Va.
In the bayonet socket,	11	Andrew Wilson,	New York.
The metallic Columbian cup and saucer,	14	John Love,	Baltimore.
For shaving woods for various purposes,	14	Benjamin Hoadley,	Waterbury, Connecticut.
A holdfast for buttons while polishing,	18	Ira Ives,	New Haven, Connecticut.
In machinery for horse boats,	28	David Dunham,	New York.
A bridge and ferry stairs,	28	David Dunham,	New York.
In saddle-trees,	28	Chauncey Stiles, Jun.	Philadelphia.
In boilers,	28	Gabriel N. Philips,	Goshen, New York.
A portable spinning machine,	28	Burgis Allison,	Burlington, New Jersey.
A moveable kitchen,	July 1	George Youle,	New York.
In mould and dipped candles,	1	James Zwisler,	New York.
A machine for shearing cloths,	1	Beriah Swift,	Washington,Dutchess co.,N.Y.
In stove chimneys,	1	Charles Varle,	Fredericktown, Maryland.
In ploughs,	1	Jethro Wood,	Scipio, Cayuga county, N. Y.
In imitating brandy of domestic materials,	2	Henry Moore,	Aurora, New York.
In dies of metals,	2	Benjamin Mead and Giles Richards,	Boston, Massachusetts.
In distilling from grain, &c.	5	Simeon Shirtliff,	Oneida county, New York.
In ploughs,	5	Jonathan Swan,	Scipio, Cayuga county, N. Y.
For pounding rice and other substances,	5	Asa Nourse,	St. Lukes, Beaufort dist. S. C.
In distilling by steam,	5	David Dewey,	Sullivan, Madison co., N. Y.
In carriages,	5	Benjamin Peck,	Philadelphia.
In the stopcock,	5	Daniel Sharman,	Warren, Herkimer co., N. Y.
A machine for weeding corn, and other crops in which the hand hoe is generally used,	7	Charles Hill,	Essex county, Virginia.
In looms,	9	Thomas Siddall,	Bristol township, Philadelphia county, Pennsylvania.
In the head block of the carriage of the saw mill,	9	Joseph Briggs,	Schoharie, New York.
A machine for breaking and dressing flax, hemp, &c.	12	G. H. Rickets & John Kinney, Jun.	Mount Pleasant, Morris county, N. J.
In steam engines,	23	Charles Reynolds,	East Windsor, Hartford, Conn.
An application of various cements for the walls, ceilings, and floors of houses, for the manufacture of sulphuric acid,	Aug. 15	Andrew Scott,	Newbern, North Carolina.
In manufacturing white lead,	15	James Welsh & Thomas Evens,	Philadelphia.
A machine for cleaning clover seed,	16	Henry Spickard,	Fincastle, Botetourt co., Va.
For turning and slitting pinions for wooden clocks.	22	Harris Bronson and Joel Curtis.	H. B. Waterbury, Ct. J. Curtis, of Cairo, Green co., N. Y.
In the time part of the common wooden clock,	22	James Harrison,	Boston.
A machine for pointing wire for clocks, and other purposes,	22	Anson Sperry,	Waterbury, Connecticut.
A mode of boring clock plates,	22	Joel Curtis,	Cairo, Green county, N. Y.
An engine for cutting and pointing the teeth of wheels and pinions for clocks.	22	Joel Curtis and Dimon Bradley.	J. Curtis, Cairo, Green co., N. Y., D. Bradley, Connecticut.
A machine, or engine, for cutting wheels for wooden clocks, and other purposes,	22	Asa Hopkins,	Litchfield, Connecticut.
A machine for making pins used in clothes from the wire at one operation,	22	Moses L. Morse,	Boston.
In chimneys and fire-places,	Sept. 22	Adam Spohn,	Comrio, Berks county, Penn.

LIST OF PATENTEES—Continued.

Inventions.	When issued.	Names of patentees.	Residence.
	1814.		
In making spoons,	Sept. 22	James Ridgway,	Groton, Middlesex co., Mass.
In manufacturing salt,	27	Peter Sarchet, Sen.	Cincinnati, Ohio.
An improvement in Alkana Cobb's machine for making blankets, &c.	30	Jacob Getzendannar,	Frederick county, Maryland.
A wheel mill for grinding tanner's bark,	30	David Pelton,	Lyme, Grafton county, N. H.
In the plough,	Oct. 11	Jedediah Morgan and John B. Harris,	Scipio, Cayuga county, N. Y.
A family loom,	11	Charles Hathaway,	Walton, Delaware co., N. Y.
A machine for shearing cloth,	11	C. Henry Orth and Frederick Strohn,	Steubenville, Jefferson co., Ohio.
For cutting and finishing harness buckles,	12	James Carman,	Hudson, New York.
A composition to be used instead of jostick,	12	Frederick Eckstein & James M'Ilhenney,	Philadelphia.
In the loom,	12	William Wright,	Brookline, N. H.
A machine for making pins and needles,	15	William F. Hill,	New York.
A machine for shaving tanner's bark,	16	Wm. Goodwin & Jonathan Goodwin, Jun.	W. Goodwin, of Lebanon, & J. Goodwin, Jun. Mansfield, Ct.
In suspenders,	17	Martin Nelson,	Philadelphia.
In dyeing silks,	18	Thomas Harrison and Robert Pierpoint,	New York.
For winding spools and bobbins,	18	Augustus C. Sherwood.	
In looms,	18	Seth Craige,	Philadelphia.
In cutting and heading nails,	21	Samuel Rogers,	Bridgewater, Plymouth c., Mas.
In mockasins and socks, called the Tuscarora socks,	21	William Bolton,	Northampton, Massachusetts.
A horn splitting, and comb stamp twining machine.	21	Samuel Hills & Moses Emery, Jun.	Newburyport, Massachusetts.
In cutting, griping, and heading nails,	22	Jesse Reed,	Hanover, Plymouth co., Mass.
In preserving animal and vegetable substances,	24	David Cooley,	New York.
A machine for dressing hemp and flax,	24	G. H. Rickets & John Kinney, Jun.	Morristown, New Jersey.
In the stocking loom,	28	John Bazier, Jun.	Canton, Norfolk county, Mass.
For napping cloth,	28	Daniel Merwin, Jun. and Horace Killogg,	Hudson, New York.
In fanning mills,	29	Samuel Fitch,	Homer, Courtland co., N. Y.
In distilling,	29	Naphtali Hart,	Easton, Northampton co., Pa.
In boilers for, and in making salt,	Nov. 5	Isaac W. Averill,	Salina, Onondago co., N. Y.
In spinning hemp and flax,	8	John Francis Chappins,	New York.
A composition for softening cast or crude iron,	8	Abell Scott, Jun. and Alonzo Selden,	Winchester, Cheshire c., N. H.
A crane, screw, and bale, for raising millstones,	8	Thomas Reynolds,	West Fallowfield, Chester c., Pa.
In the table for the use of ships,	8	George Patrick,	Wilkesbarre, Luzerne c., Pa.
In the bull plough,	9	Rosewell Tousley and Jonathan Swan.	
A machine for sawing shingles,	14	Salmon Fuller,	Indiana Territory.
A heater and condenser for manufacturing spirituous liquors,	18	Thomas Shurley,	Near Madison C. H., Madison county, Virginia.
In cultivating and improving the earth, and raising the largest crops with the greatest facility and celerity,	19	James Hall.	
In temples for looms,	24	Benjamin Rogers,	Beaver creek, Green co., Ohio.
In preparing flax and hemp to be spun into thread,	25	Pinder Antrim,	Philadelphia.
In wheel carriages,	25	HoratioGates Spafford,	Albany, New York.
In looms,	25	Salmon Bronson,	Kent, Litchfield county, Conn.
A magnetic cylinder, called the magnetic separating machine,	25	Samuel Browning,	Franconia, Grafton co., N. H.
A pivot gun carriage,	29	Luke M. Laighton,	Portsmouth, Rockingham co.,
In propelling boats, &c. by steam,	Dec. 1	Nicholas I. Roosevelt,	New Jersey. [N. H.
The farmer's carriage scythe,	2	Theophilus Eaton,	Albany, New York.
In manufacturing cotton wadding,	3	James Beaumont,	Canton, Massachusetts.
A fanning mill,	3	Joel Soper,	Windsor, Hartford co., Conn.
A circular scythe,	6	John Rhodes & Adam Rhodes,	Union township, New York.
A vibrating shearing machine,	7	David Dewey,	Poultney, Rutland county, Vt.
A steam or stove still,	8	John Stone, Jun.	Worthington, Massachusetts.
In the linen wheel head,	8	Brown Smith & Chas. Stewart,	Truxton, Clinton co., N. Y.
A horizontal water wheel for mills,	15	William Cornwell,	Onancock, Accomack co., Va.
In the wheel lathe,	16	Benjamin Hoadley,	New Haven, Connecticut.
A machine for cleaning chimneys,	16	John Bruff,	Baltimore.
In cutting and heading nails,	16	Jesse Reed,	Hanover, Plymouth co., Mass.
In a fishing vessel and nets,	17	James Wills, Jun.	Galloway, Gloucester co., N. J.
In the plough,	17	Henry Shultz,	Lancaster, Pennsylvania.
An alarm bell, to be fixed to a clock or watch,	22	Benj. E. Freymuth,	Philadelphia.
An application of steam to flutter or paddle wheels on the sides of a boat or vessel, as a propelling power,	23	William Thornton,	Washington city, D. C.
In making permanent colors for calicoes,	24	Augustus Boulu,	Philadelphia.
In wooden springs for carriages,	30	Levin Birckhead,	Philadelphia.

13th Congress.] No. 384. [3d Session.

CUMBERLAND ROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 2, 1815.

SIR: TREASURY DEPARTMENT, *January* 26, 1815.

In answer to your letter of the 24th instant, on the subject of the Cumberland road, I have the honor to state—

1st. That the total amount of appropriations made for this object, from the beginning to the year 1814, inclusive, is - - - - - - - $329,861 75

Of which there has been at sundry times carried to the surplus fund, the same not having been actually expended within the time limited by law, sums amounting to - - 42,541 50

$287,320 25

2d. There has been actually paid from the Treasury, as stated in the letter to you from this Department, of February 5, 1814, to the end of the year 1813, sums amounting to $124,307 23

There was paid during the year 1814, - - - 70,324 57

Total amount of payments from the Treasury, - - - - 194,631 80

And there was left, at the end of the year 1814, an unexpended balance of appropriations, of $92,688 45

The contracts which have been already made, and which will carry the road thirty-nine miles from Cumberland to the Big Youghiogeny river, are estimated to require for their completion nearly twenty thousand dollars in addition to the above unexpended balance. This deficiency of appropriation for the contracts already made, arises from the sum of $22,679 75 having been carried to the surplus fund at the end of the year 1813, the expenditures prior to that time not having been as rapid as was expected, and this sum having then remained appropriated and unexpended more than two years. As the contracts now in a state of execution will, perhaps, be completed in the course of the present year, an appropriation of the sum of twenty thousand dollars will be necessary to enable the Treasury to make the payments already stipulated.

It is not probable that any actual expenditures beyond these sums will be required during the year 1815; but as it will be necessary, if the work is to be prosecuted next year, that the contracts for that purpose should be made in the course of the present year; and as those contracts cannot be made unless there be an appropriation to warrant them, it will rest with Congress to decide, by making a further appropriation or not, whether the work shall be prosecuted or abandoned.

If it shall be decided that the work is to go on, the extent to which it is the intention of Congress to authorize it now to be undertaken, or contracted for, will be determined by the amount of the appropriation which shall be made.

For the bridge across the Big Youghiogeny river, if built of wood, twenty thousand dollars would be sufficient; but from the character of permanency and durability which it has been hitherto endeavored to give the whole of this work, and probably from considerations of real economy in the end, one of stone would be preferable, and may be estimated to cost - - - - - - $40,000 00

To carry the road eleven miles beyond the Big Youghiogeny, where it will intersect the road now travelled, and will, if hereafter found necessary, be, from that circumstance, a convenient resting place, and which will, moreover, be probably a year's work, unless more hands are employed than heretofore, will require, at the rate stated by Mr. Shriver of $7,500 a mile to cover all expenses, a further appropriation of - - - - - 82,500 00

And to complete the contracts already made, as above stated, - - - 20,000 00

Total amount to be appropriated under this view of the subject, - $142,500 00

To carry the road seven miles further, to the western foot of Laurel hill, will, at the same rate, require $52,500; and to carry it to Union town, three miles beyond the foot of Laurel hill, would require a further sum of $22,500.

The "provisions necessary for keeping the road in repair, and to prevent abuses to the work by mischievous persons," are such as it is believed Congress are not authorized to make. They can only proceed from the Legislatures of the States through which the road passes; and consist of an authority for the erection of toll-gates, and the collection of a toll sufficient to defray the expenses of repairs, and the infliction of penalties upon persons who shall cut, break up, or otherwise destroy or injure the road. That part of the road already completed is within the State of Maryland. The attempts hitherto made to obtain the requisite provisions upon these points from the Legislature of that State, have not succeeded; but they will be repeated, with the hope of ultimately proving successful.

I have the honor to be, very respectfully, sir, your most obedient servant,

A. J. DALLAS.

Hon. JOHN G. JACKSON, *Chairman of the Committee on the Cumberland road.*

13th Congress.] No. 385. [3d Session.

ROADS FROM NASHVILLE TO NATCHEZ, AND FROM FORT HAWKINS TO ST. STEPHEN'S.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 9, 1815.

Mr. Lattimore, from the committee appointed on the 18th ultimo to inquire into the expediency of repairing, and keeping in repair, the road from Nashville to Natchez, as also the road from Fort Hawkins, in Georgia, to St. Stephen's, in the Mississippi Territory, made the following report:

It appears, by a treaty concluded with the Chickasaws on the 24th of October, 1801, and another with the Choctaws on the 17th of December in the same year, that the consent of these Indians was obtained to the opening of a wagon road through their respective lands; and, by an act of Congress of the 21st of April, 1806, that six thousand dollars was appropriated to this purpose; which was effected, as provided by those treaties and this act, under the direction of the President of the United States. It appears also by a treaty with the Creek Indians, concluded on the 14th of November, 1805, that the United States have a right to a horse path through their lands; and, by the act above mentioned, that six thousand dollars was appropriated for the purpose of opening a road from the frontier of Georgia, on the route from Athens to New Orleans, as far as the thirty-first degree of north latitude; which was likewise effected, as provided, under the direction of the President of the United States.

Although the country through which these roads respectively pass is, naturally, as convenient for the purposes of transportation and intercourse as any other parts of the United States, yet, considering its great extent, it is not presumed that the appropriations heretofore made could have been considered as adequate to any other object than that of merely opening the roads. The necessary bridges over the streams, and the necessary causeways through the swamps on these extensive routes, would, in the opinion of your committee, require, of themselves, larger sums than those mentioned above.

Your committee deem it wholly unnecessary to offer any general remarks to show the great national advantages of an easy and certain intercourse between distant parts of the United States. The sense of Congress on this subject is already well ascertained, from the large and liberal appropriations bestowed on the great western road from the Potomac to the Ohio river. Without entering into comparisons as to which parts of the Union most require the provident attention of Government in relation to this subject, it appears to your committee that the improvement of the roads in question, under the direction and at the expense of the National Government, is at all times recommended by a consideration of the importance of the country to which they lead, as well as the want of both authority and means to make it in the territory through which they pass. At this time the subject is rendered unusually interesting, from the efforts of the enemy to seize upon the emporium of an immense country, as well as other positions in the same quarter of less, though great, importance to the United States. So long as the war continues, New Orleans and other adjacent parts will be liable to invasion, and will, of course, require no inconsiderable force for their defence. During such a state of things, it is highly desirable, indeed necessary, that good roads should facilitate the transmission of intelligence, as well as the march of troops, and the transportation of supplies, when a passage by water may be too tardy or wholly impracticable.

The improvement of these roads being deemed expedient by your committee, the next inquiry is, in what way can this end be best obtained? How far it might be proper to effect this purpose by the incorporation of a turnpike company, your committee are not prepared to say. Several objections have presented themselves in considering such a plan; but whether, under other circumstances, it would be advisable or not, its slow execution would necessarily defer the advantages which, in the present state of affairs, it is desirable promptly to enjoy. As the immediate interest of the public is the particular consideration which induces your committee to recommend the improvement of these roads, and as they believe that it cannot be so well promoted in any other way as by a special appropriation, they have prepared a bill for the purpose of improving the road from Nashville to Natchez, which they ask leave to report.

13th Congress.] No. 386. [3d Session.

NATIONAL OBSERVATORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 18, 1815.

Mr. Nelson, from the committee to whom were referred, during the present session, a memorial of William Lambert, accompanied with astronomical rules and calculations; also, the reports of two select committees of this House, and a report of the Secretary of State, relative to the establishment of a first meridian for the United States at the city of Washington, made the following report:

That the reasons detailed in the said reports appearing to be well founded, your committee have no hesitation in declaring their full assent to them. It is also the opinion of the committee that the plan proposed by the memorialist ought to be carried into complete effect, whenever attention to objects of a pressing nature and more immediate importance to the welfare of our country will permit, by the erection of a national observatory, and providing suitable instruments and apparatus at the public expense, to enable skilful persons to determine the places of the moon, planets, and other heavenly bodies with sufficient accuracy, by repeated and careful observations of the times of their transit over the meridian of the place.

It further appears that the memorialist has made calculations, in addition to those presented to this House in the month of December, 1809, from data afforded by the occultations of two fixed stars by the moon, which happened in January, 1793, and January, 1813; also from the external and internal contacts of the sun and moon, in an annular solar eclipse on the 17th September, 1811, which have all been referred to the Capitol, in the city of Washington; and that the mean result of the longitude is found to be nearly 76° 55′ 45″, or five hours seven minutes and forty-three seconds in time west of Greenwich observatory, in England.

It has been represented that astronomical calculations subsequent to the close of the year 1812 can be depended upon with greater assurance of the accuracy of their results than before that period, in consequence of the publication and introduction into use of improved solar and lunar tables, constructed by M. de Lambre, of Paris, in France, and M. Burg, of Vienna, in Germany. This circumstance will suggest the propriety of authorizing additional experiments to be made, by approved methods of computation, to test the accuracy of the result found by William Lambert. Under this impression, the committee submit to the House the following resolution:

Resolved, That the President of the United States be requested to cause such further observations to be made by competent persons residing at the seat of the National Government as may be deemed most proper to determine the longitude of the Capitol, in the city of Washington, with the greatest practicable degree of exactness, and that the data, with abstracts of the calculations, and the results founded thereon, be laid before Congress at their next session.

[NOTE.—For the reports, &c. referred to in this report, see Nos. 277, 328, 332.]

13th CONGRESS.] No. 387. [3d SESSION.

LIBRARY OF CONGRESS.

COMMUNICATED TO THE SENATE, FEBRUARY 20, 1815.

Mr. GOLDSBOROUGH, from the Library Committee, reported:

That, in pursuance of the act of Congress passed at the present session, they have lodged an order with the Secretary of the Treasury, in favor of Thomas Jefferson, esquire, late President of the United States, for the sum of $23,950 in treasury notes, as the purchase money for his library for the use of Congress.

As the authority of the committee, under the act of December, 1811, by which they are created, does not extend beyond the expenditure of the annual fund of $1,000, and such balances as may have remained on hand, for the purpose of making additions to the library, they respectfully submit to Congress the propriety of providing a library room, and of transporting the library lately purchased to the city of Washington. With this view, they beg leave to present a bill.

13th CONGRESS.] No. 388. [3d SESSION.

ADMISSION OF THE MISSISSIPPI TERRITORY INTO THE UNION AS A STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 23, 1815.

Mr. LATTIMORE, from the committee to whom was referred, on the 21st ultimo, a memorial of the Legislative Council and House of Representatives of the Mississippi Territory, praying that the people of the said Territory may be authorized to elect a convention, with power to form a constitution as preparatory to its admission into the Union as a State, made the following report:

By the articles of cession and agreement between the United States and the State of Georgia, it is provided that the Territory aforesaid shall form a State, and be admitted as such into the Union, as soon as it shall contain sixty thousand free inhabitants, or at an earlier period, if Congress shall think it expedient. Agreeably to the last general census, the population of this Territory, of all descriptions, amounted to forty thousand three hundred and fifty-two souls. Since this was taken, the amount has considerably increased by the annexation of that part of West Florida which lies east of Pearl river, and also, as your committee are informed, by emigrations to the eastern settlements of the Territory from several of the States.

Your committee are in possession of no data from which they can form an estimate of the number to which these accessions of population may amount; but they deem it not an unreasonable presumption that the return of peace, by renewing inducements to emigration, may produce an increase to the amount required by the agreement with Georgia, by the time the usual preparatory steps can be taken towards the actual admission of the Territory into the Union as a State. It would seem, therefore, as if what is now solicited would be obtained, of course, in a few years at most.

The question, then, is, is it expedient to provide for the adoption of this Territory into the Union as a favor, or wait its admission of right?

The expediency of anticipating the admission of this community to the rights of an independent State involves in its consideration as well the particular interest of the Territory as the general interest of the United States. In relation to the former, it is to be presumed that the people themselves, who are best acquainted with their own local condition, can best judge of their ability to bear the additional expense of self-government, and weigh other consequences which may ensue from the change. As it respects the latter, your committee possess no facts which would add to the information, and can offer no reasons which would influence the opinion of the House on this point. Their mere opinion is all they have to submit; and it is, that there would be no impropriety in principle, and no injury in effect, to the interest of the nation, in providing, without further delay, for the admission of the Territory in question into the union of the States.

This Territory has been, as your committee believe, a longer time under the restraints of political minority than any other Territory of the United States; and they can perceive no good reason why its enlargement should still be deferred, merely on account of its present deficiency of numbers, since a like deficiency did not prevent others, or one other at least, from the enjoyment of a similar boon.

Hitherto your committee have considered this subject as though the admission solicited were desired by all the inhabitants of the Territory without delay, but they cannot undertake to state that such is the fact. Whilst it is true that it has been prayed for and urged with much interest and zeal at several successive sessions, it is also true that at the last one at which the subject was brought before Congress there were counter-petitions, praying that it

might be postponed. How far a union of sentiment and wishes may be inferred from the absence of any counter-petition at the present session, when it was known that the memorial under consideration had been forwarded, your committee are not prepared to say. They can, however, judge and act from only what is before them; and it is to be presumed that the representatives of the people express the will of their constituents, unless the contrary appears. To which consideration it may be added, that the extinguishment of the Yazoo claims having removed what was perhaps the most general objection to admission, it is probable that many who were opposed to it are now in favor of it; and, since peace is restored, it is probable, also, that many others will desire to exchange the restrictions of a Territory for the rights of a State. If, however, from local considerations, other than those suggested, a difference of opinion in relation to the expediency of this object should still exist, your committee conceive that the question cannot be more fairly settled than by a convention, which should first decide whether it should form a constitution or not, and which might be chosen with a reference to the respective sentiments of the members on this particular point.

Believing it expedient, therefore, that the people of the Mississippi Territory should be authorized to elect a convention, with powers to form a constitution, as prayed for by the memorialists, your committee have prepared a bill for this purpose, which they ask leave to report.

14th Congress.] No. 389. [1st Session.

CONTESTED ELECTION OF WILLIAM S. SMITH, A REPRESENTATIVE FROM NEW YORK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 11, 1815.

Mr. Taylor, of New York, made the following report:

The Committee of Elections, to whom was referred the memorial of Westel Willoughby, jun., contesting the election of William S. Smith, who is returned as one of the representatives of the State of New York in the present Congress, and praying to be admitted to a seat in his stead, have had the same under consideration, and report:

That the seventeenth congressional district of the State of New York is composed of the counties of Madison and Herkimer; that the whole number of votes given in the said district at the last congressional election was 5,292, of which 2,510 were returned as having been given for William S. Smith, 2,466 for Westel Willoughby, jun., 309 for Westel Willoughby, and 7 scattering votes. On the 23d day of February last, Westel Willoughby, jun. caused notice in writing to be given to William S. Smith of his intention to claim his seat in the present Congress as the representative duly elected in the said district, and appointing a time and place for taking testimony relative thereto. From the affidavit of Thomas Paine, Flavel Clark, and George Fox, inspectors of the said election in the town of German Flats, in the said county of Herkimer, and of Matthew Keith, Benjamin Wood, Stephen Dow, and James Smith, inspectors of the said election in the town of Litchfield, in the same county, taken pursuant to the said notice, it appears that in the said towns of German Flats and Litchfield 299 votes were, through the mistake of the said inspectors, returned for Westel Willoughby, which, in truth and fact, were given for Westel Willoughby, jun., and ought to have been so returned; and that, in the said towns, no votes were given at the said election for Westel Willoughby, without having the word *junior* added thereto.

The 299 votes above mentioned, added to the poll of Westel Willoughby, jun., give him a majority of 255 votes over William S. Smith.

The committee therefore respectfully submit the following resolutions:

Resolved, That William S. Smith is not entitled to a seat in this House.

Resolved, That Westel Willoughby, jun. is entitled to a seat in this House.

14th Congress.] No. 390. [1st Session.

CONTESTED ELECTION OF JOHN ADAMS, A REPRESENTATIVE FROM NEW YORK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 26, 1815.

Mr. Taylor, of New York, made the following report:

The Committee of Elections, to whom was referred the memorial of Erastus Root, contesting the election of John Adams, who is returned as one of the representatives of the State of New York in the present Congress, and praying admission to a seat in his stead, have had the same under consideration, and report:

That the eighth congressional district of the State of New York is composed of the counties of Delaware and Greene; that 4,182 votes were given in the said district at the last congressional election, of which 2,214 were given (and by the inspectors returned to the offices of the clerks of the said counties) for Erastus Root, and 1,968 were given and returned as aforesaid for John Adams. From the certificate of James Bill, late clerk of the said county of Greene, verified by oath, and admitted to be correct by the said John Adams, it appears that an error was committed in the office of the said James Bill, by his deputy clerk, in making transcripts of the returns from the towns of Catskill, New Baltimore, Coxsackie, Durham, and Greenville, in the county of Greene, for the office of the Secretary of State, by writing the name *Rott* instead of *Root*, when, in truth and fact, in the original returns on file in the office of the said clerk, the said name was written *Root*. Five hundred and seventy-six votes were in those towns given to, and returned for, Erastus Root, and ought to have been so certified by the clerk to the Secretary of State. These votes, added to the poll of Erastus Root, give him a majority of 246 votes over John Adams. The committee, therefore, respectfully submit the following resolutions:

Resolved, That John Adams is not entitled to a seat in this House.

Resolved, That Erastus Root is entitled to a seat in this House.

14th Congress.] No. 391. [1st Session.

ADMISSION OF MISSISSIPPI INTO THE UNION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 29, 1815.

Mr. Lattimore made the following report:

The committee, to whom were referred, on the 6th instant, the memorial of the Legislative Council and House of Representatives of the Mississippi Territory, praying for the admission of said Territory into the Union as a State, and, on the 14th instant, the petitions of sundry inhabitants east of Pearl river, in the same Territory, praying that provision may be made for taking a census of its citizens previous to such admission, respectfully submit the following report:

By the articles of agreement and cession between the United States and the State of Georgia, it is provided "that the Territory thus ceded [now Mississippi Territory] shall form a State, and be admitted as such into the Union, as soon as it shall contain sixty thousand free inhabitants, or at an earlier period, if Congress shall think it expedient, on the same conditions and restrictions, with the same privileges, and in the same manner, as is provided in the ordinance of Congress of the 13th of July, 1787, for the government of the Western Territory of the United States; which ordinance shall, in all its parts, extend to the territory contained in the present act of cession, that article only excepted which forbids slavery."

The memorialists, after stating the number of persons taken under the last general census, which was forty thousand three hundred and fifty-two of all descriptions, and adverting to the accession of population produced by the annexation of a part of West Florida, and by subsequent emigrations, conclude that the Territory contained at that time (December, 1814) the number required by the agreement referred to above to entitle it to admission on an equal footing with the original States. As this, however, was a matter of conjecture and uncertainty, they solicit admission as an act of courtesy on the part of the United States.

Your committee possess no means of forming any thing like a satisfactory estimate of the present population of the Territory in question; but they conceive that, unless it be the determination of Congress to defer its admission until it can be claimed in strict conformity to the compact with Georgia, there is no good reason for a further delay on the score of a deficiency of numbers, as such deficiency, if not now questionable, will not probably much longer exist. Without taking into consideration the recent settlers, who are subject to the late proclamation under the "act to prevent settlement being made," &c., the presumption is not unreasonable that, if any considerable part of the lands obtained from the Creeks be prepared for a legal settlement within the time contemplated, the Territory will contain more than the number required before it can be finally erected into a State.

It is known to your committee that the consent of Georgia to a division of this Territory has been asked, and obtained; and, should it be divided before it is admitted, the admission of either part would, from a want of numbers, be subject to additional objection and further delay. But doubts may be entertained whether the Territory can, with strict propriety, be divided without the consent of its inhabitants, as well as that of Georgia and of the United States. Although the people of the Territory had no agency in the agreement above granted, they were the object of it, and as such became a third party to it, and vested by it of a right which is explicitly defined. This agreement provides "that the Territory thus ceded shall form a State, [not one or more States,] and shall be admitted as such into the Union, *as soon as it shall contain sixty thousand free inhabitants.*" If, then, admission shall be deferred in consequence of division, the expectation of the inhabitants will be disappointed, and their right impaired. It is chiefly to avoid such a result that your committee have declined recommending a division of the Territory, which otherwise might be expedient to lessen the inconveniences which, with or without division, the local Government will, for a long time at least, have to sustain.

In relation to the simple question of admission, as presented by the memorialists, precedents are not wanting, either to encourage their application or to grant their request. The State of Ohio was admitted before it possessed the number which the ordinance required, and Louisiana did not come in, as to time or numbers, in virtue of a strict and insuperable claim. It is not improbable that the Mississippi Territory may contain at this time a greater population than either of these States did when they were admitted; and it is believed that its state of political minority and probation has been of longer duration than that of any of the adopted States. If, then, after fifteen years of restraint, the people of this country should evince even an impatient desire for enlargement, it is but just to ascribe it to that sense of independence which is common to the nation, and which should be rather encouraged than depressed. It is a policy worthy of a Government which is constituted and maintained by the public will to foster throughout the Union those feelings which give energy to the national character, and to extend to every portion of it those rights which conduce to the general good. Nor could a period more propitious to these ends be selected than the present, when all American citizens have new cause to approve of their principles, to confide in their institutions, and to be proud of their name.

So far your committee have considered this subject as though an immediate admission of the Territory were desired by all of its inhabitants; but they are not prepared to say that such is the fact. Whilst it is true that such admission has been repeatedly solicited for a succession of years, it is also true that, about four years ago, a small minority of the representative branch of the Territorial Legislature protested against it, and that, about a year thereafter, a considerable number of the people themselves petitioned that all proceedings in Congress on the subject might be postponed. It was on these two occasions only, as your committee believe, that any indisposition to a State Government has been expressed to the National Legislature by any of the people of the Territory, or of their representatives in their behalf. Nor is it understood or believed that the reluctance manifested by a portion of these people arose from a want of a due and equal appreciation of the rights and advantages of an independent State. The causes of opposition, so far as any opposition has been shown, seem to have been, in part, an unwillingness to incur additional expense in supporting a State Government whilst under a peculiar pressure from the war; but chiefly an apprehension that a State Government, with its inseparable appendage a federal district court, would be immediately followed by a great number of expensive and dangerous, if not ruinous, lawsuits for lands, which would grow out of (what are called) the Yazoo and British claims. The war, however, is now at an end, and the Yazoo claims may be considered as quieted; but the British claims still exist, and constitute the subject of several petitions now before Congress, on which it is not the province of your committee to speak.

The petitions of sundry inhabitants east of Pearl river, in the same Territory, which also have been referred to your committee as having relation to the question which has been considered, state that the eastern parts of said Territory have not an equal share of representation with the western in the Territorial Legislature; suggest an appre-

hension that such inequality may continue under a State Government; and pray that provision may be made for taking a census of the people of the Territory, for the purpose of securing to all a representation according to numbers and equal rights. If the interposition of Congress be necessary to effect what the petitioners seem to have principally in view, namely, a fair representation in the convention which will be elected to form a constitution, some general provision to this end will properly belong to the act authorizing the convention to be chosen; and should it nevertheless afterwards appear to the satisfaction of Congress that any part of the Territory has not had its due proportion of representation in such convention, they will no doubt use the corrective which they possess, in rejecting the constitution which may be formed.

Upon a full view of the whole subject which has been referred to the consideration of your committee, they are of opinion that it is expedient to admit the Mississippi Territory into the Union as prayed for by the memorialists, and have prepared a bill for this purpose, which they ask leave to report.

14th CONGRESS.] No. 392. [1st SESSION.

ADMISSION OF INDIANA INTO THE UNION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, ON THE 5TH JANUARY, 1816.

Mr. JENNINGS, from the committee to whom was referred, on the 28th ultimo, the memorial of the Legislative Council and House of Representatives of the Indiana Territory, praying admission into the Union as an independent State, on the same footing with the original States, reported:

That the said Territory is bounded on the east by the State of Ohio; on the south by the State of Kentucky; on the west by the river Wabash, from its mouth to a point opposite the town of Vincennes, and from thence by a due north line until it intersects a due east and west line which shall touch the southern extreme of Lake Michigan; and on the north by the line last described; that the said Territory is a portion of the Territory northwest of the river Ohio, which, by the ordinance for the government thereof, was ordained to constitute not less than three nor more than five States; that the ordinance aforesaid, whenever the Territory of Indiana shall possess sixty thousand free inhabitants, guaranties to those inhabitants the benefit of being admitted into the Union upon an equal footing with the original States; that the ordinance aforesaid having not declared under what authority the population of the said Territory should be ascertained, to complete their title to an admission into the Union, the Legislature thereof, after having, by actual census, ascertained that the Territory of Indiana possesses a population of upwards of sixty thousand free inhabitants, have deemed it the most prudent and respectful to submit to Congress the result of that census, and ask the passage of a law to enable the people of said Territory to form a constitution and State Government.

Your committee, believing the said Territory to possess a population of sixty thousand free inhabitants, at least, deem it unnecessary to offer any further reasons in support of the expediency of granting the principal prayer of the memorialists; and therefore beg leave to report a bill to enable the people of the Territory of Indiana to form a constitution and State Government on conditions not less advantageous and similar to those heretofore granted to other Territories of the United States.

DEAR SIR: CORYDON, *February* 24, 1816.

Agreeably to your request, I embrace the first moment within my power to send you a certified statement of the census of the Indiana Territory, taken from the official returns of the listers, certified by the clerks of the various counties, and forwarded to the House of Representatives of the said Territory, at their session which commenced on the 4th day of December, 1815, to wit:

	White males of 21 and upwards.	Total No.
In the county of Wayne,	1,225	6,407
Franklin,	1,430	7,370
Dearborn,	902	4,424
Switzerland,	377	1,832
Jefferson,	873	4,270
Clark,	1,387	7,150
Washington,	1,420	7,317
Harrison,	1,056	6,975
Knox,	1,391	8,068
Gibson,	1,100	5,330
Posey,	320	1,619
Warrick,	280	1,415
Perry,	350	1,720*
		63,897

* From the county of Perry, no lister's book had been received from the clerk, but the representative of that county says he had the number above stated from good authority.

I, William Hendricks, Clerk of the House of Representatives, do hereby certify that the within statement is correct. Given under my hand the day above written.

W. HENDRICKS, *Clerk of the House of Representatives.*

14th Congress.] No. 393. [1st Session.

EXTENSION OF A PATENT RIGHT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 9, 1816.

Mr. Marsh, from the select committee to whom was referred the petition of Benjamin Tyler, jun. and John Tyler, by a resolution of the House of Representatives passed on the 19th of December, 1815, reported:

That the petitioners represent that, prior to the year 1800, one Benjamin Tyler had invented a new and useful improvement in the construction of flour and other mills; that on that day he obtained a patent, according to law, for the exclusive right of using the said improvement for the term of fourteen years from that date; that afterwards he made an assignment of the said patent to the petitioners in due form. They further represent that several persons interfered with and invaded the right of using the said improvement thus secured to them by the said patent and assignment, by introducing the same into mills without their license; that, in the year 1804, they instituted a suit against one of the persons thus intrenching on their exclusive right to the said improvement; that the defendant in said suit, by means of combinations of various interested individuals, protracted the pendency of said suit until the year 1810; that the court then arrested the verdict found in the said cause for the plaintiffs, on account of some supposed defect in the declaration; that the petitioners, in the prosecution of the said suit, were put to great expense and trouble, and though by the said verdict they established their right to the exclusive use of the said improvement, yet they lost the benefit of the damages and cost awarded to them by the said verdict; and that, by means of the pendency of the said suit during the space of six years, their said improvement was brought into discredit, and they deprived of the benefit and profit of selling the right to others of using the said improvement, while the time for which the same had been patented to them had in some measure expired.

They pray Congress to pass an act granting to them the exclusive right of using, and vending to others to be used, the said improvement for another term of fourteen years after the expiration of their said patent.

The committee report that they find the facts stated in the said petition supported by sufficient testimony, and that the said invention is a new and useful improvement in the construction of mills, and that the prayer of the petitioner ought, in part, to be granted. They recommend to Congress the following resolution:

Resolved, That the prayer of the petitioners ought to be granted; and that the exclusive right of using the said improvement be extended to the said petitioners for the term of seven years from this time.

14th Congress.] No. 394. [1st Session.

LOTTERIES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 15, 1816.

Mr. Tucker, from the Committee for the District of Columbia, to whom was referred the petition of the members of a masonic society in the town of Alexandria, under the name of Washington Lodge, No. 22, made the following report:

That, however meritorious the objects which the petitioners have ultimately in view, and however disposed the committee may be to wish for the prosperity of an institution whose dispositions are charitable, they cannot give their assent to the *means* which are proposed for carrying the objects of the society into effect. The aid asked from Congress is the passage of a law authorizing a sum of money to be raised by way of lottery. Opposed in principle to the existence of lotteries, believing that they should be prohibited rather than encouraged, and that the spirit which gives rise to it should rather be restrained than promoted, your committee cannot, however praiseworthy the object, venture to recommend a mean which, in their estimation, is always prejudicial in its operation upon society. They therefore recommend the following resolution for adoption:

Resolved, That it is inexpedient to grant the petition of the members of the masonic society in the town of Alexandria, under the name and style of the Alexandria Washington Lodge, No. 22, and that the same be accordingly rejected.

14th Congress.] No. 395. [1st Session.

COLONIZATION OF FREE PERSONS OF COLOR WITHIN THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 18, 1816.

Mr. Roberts, from the Committee on the Public Lands, to whom was referred the petition of the Kentucky Abolition Society, reported:

That, according to the petition, great numbers of slaves have been emancipated in different parts of the United States; that the number may be expected to increase daily; that they are not allowed the privileges of free citizens when they are emancipated, and are prohibited by law from emigrating to many of the other States and Territories:

in consequence of all this, and, to use the words of the petition, as they are suffering many privations for the want of room and opportunities for the expansion of genius and encouragement to industry, they pray that a suitable territory may be laid off as an asylum for all negroes and mulattoes emancipated or to be emancipated within the United States; and that such donations, allowances, encouragement, and assistance be afforded them as may be necessary for conveying them thither, and settling them therein. The committee beg leave to observe that the Government is not in the habit of granting such advantages to white citizens, nor can they well perceive why they should be expected in favor of those of any other color. The public lands of the United States are sold or earned by services rendered to the country; and all those who wish to reside on them have heretofore (as most probably they must continue to do) paid their own travelling expenses. The committee, too, cannot but believe that there is no part of our highly favored country where industry and economy will not insure to those who practise them an easy and independent support. The committee can see no cause for the interference of the Government on this subject; they have consequently prepared a resolution, which is respectfully submitted:

Resolved, That the prayer of the petition ought not to be granted.

The honorable the Speaker and Representatives of the United States of America in Congress assembled: The petition of the Kentucky Abolition Society, at their annual meeting, holden in Franklin county, near Frankfort, Kentucky, October 18 *and* 19, 1815, *respectfully showeth:*

That, whereas great numbers of slaves have been emancipated in different parts of these United States, and it may be expected, from the genius of our Government, and from a spirit of benevolence that seems to be taking place among all classes of citizens, that the number will be daily increasing: and whereas they are not allowed the privileges of free citizens where they are emancipated, and most of the States and Territories have passed laws to prevent this class of human beings from emigrating to them, and, from their poor and degraded situation where they at present reside, they are suffering many privations for the want of room and opportunities for the expansion of genius and encouragement to industry: and whereas there are vast tracts of unappropriated lands within the boundaries of the United States, and as we now enjoy a time of peace and prosperity, opening the way and inviting Government to so benevolent a project, we do therefore (and we make no doubt but we substantially speak the language of thousands of our fellow-citizens) most earnestly petition your honorable body that you cause a suitable territory of lands to be laid off as an asylum for all those negroes and mulattoes who have been, and those who may hereafter be, emancipated within the United States; and that such donations, allowances, encouragement, and assistance be afforded them as may be necessary for conveying them thither and settling them therein; and that they be under such regulations and government in all respects as your wisdom shall dictate.

The friendly attention of your honorable body to this our humble address will ever be remembered with gratitude by your petitioners.

Signed by order of the society in annual meeting, as above written.

DAVID BARROW, *President.*

Attest: MOSES MARTIN, *Secretary.*

14th CONGRESS.] No. 396. [1st SESSION.

LIBRARY OF CONGRESS AND THE LIBRARIAN.

COMMUNICATED TO THE SENATE, JANUARY 26, 1816.

Mr. FROMENTIN, from the Joint Library Committee, made the following report:

The first care of the Joint Library Committee, immediately after their appointment, was to inquire into the possibility of removing the library from where it now is to a place more convenient to the members of Congress; but they were not able to accomplish this most desirable object. The Capitol does not afford any room which could in its present state be deemed a safe place of deposite for the library. The room which had been selected for placing the library in the building now occupied by Congress did not appear to your committee to offer the advantages or to promise that security which by your committee was deemed indispensably requisite before they would submit to you a resolution recommending the removal of the library to that room. The efforts of your committee to procure rooms or a house which might have been used temporarily for the library in the neighborhood of the house where Congress now assemble proved likewise unavailing. A sum not less than $1,000 per annum was asked for the rent of the only house which might have answered the object; and, taking into consideration not only the expense of the rent, but the expense of fitting out for temporary purposes only the necessary rooms for the library, the expenses attending this temporary removal, the portion of the session already elapsed, the length of time which would be consumed in the removal, during which, instead of a rather difficult, under present circumstances, no access at all could be had to the library; considering, further, that nothing is more injurious to books than these frequent removals, and considering, likewise, that the library is perfectly safe where it is now, and that within a few weeks, at a period probably not much more distant than that at which the library could again be opened, if it should now be attempted to be removed on Capitol hill, the greatest inconveniences now arising from the distance at which the library is placed will disappear with the season of the year which has created them, your committee are of opinion that the library ought not to be removed this winter, and that their attention should be wholly directed in securing a permanent place in the Capitol for receiving the library, which place ought to be ready before the next session of Congress; and with that view they have inserted a section, which to them appears calculated to obtain the object, in the bill which accompanies this report.

Your committee have received from the librarian several accounts of expenditures, amounting together to the sum of $3,165 67½ exclusive of a sum of $912 37½, paid for packing and transporting the library, and of the sum

of $1,520 77 for fitting up the room where the library is now kept; which several sums were appropriated by the act of the 3d of March, 1815, entitled "An act to provide a library room, and for transporting the library lately purchased." Both the letters received from the Comptroller of the Treasury, as far as respects the expenses of packing and transporting the library, and from the Superintendent of Public Buildings in Washington, so far as respects the expenses for fitting up the room where the library is now kept, and the accounts exhibited by the librarian, are submitted with, and your committee pray that they may be considered as a part of, this their report.

With respect to the account of expenditures delivered to your committee by the librarian, your committee observe that, except the annual appropriation of $800 which has been received by the librarian, there has been no appropriation made by Congress, nor, as far as your committee could ascertain, any authorization given by any person to the librarian. This unauthorized expenditure leaves a deficit to be provided for of $2,365 67½. Your committee submit it to Congress whether the peculiar circumstances in which the librarian was placed justified, in part or in totality, the expenditures incurred by him? They cannot, however, help observing that some of the charges appear to them exorbitant; and, therefore, in the bill which they have reported, they have recommended that an authorization be given to the committee, before payment be made, to have a due investigation made of the several items of the accounts, advising at the same time an appropriation for the whole sum claimed, provided that, if a surplus should be unexpended in consequence of the investigation, it may be added to the annual library fund of $1,000 for this year, to be expended for the purchase of books, under the direction of the Joint Library Committee.

It is enough to cast a rapid glance over the catalogue of the library of Congress to be immediately sensible of the immense *hiatus* which some of the departments of arts and sciences exhibit. Some of the branches of the arts and sciences are swelled to a prodigious size, which, at the same time that it is by no means a certain proof of a greater degree of health in these parasite branches, manifests every symptom of threatening decay in the tree itself. This was observable likewise in the old library of Congress, although in a less degree. This result is not to be wondered at, if we consider that the inconsiderable sums put from time to time at the disposal of the Joint Library Committee precluded the possibility of their availing themselves of the many opportunities which for twenty-five years past were daily offering in Europe of purchasing large collections of very valuable books on reasonable terms. Those opportunities are not yet all gone by; and your committee think that the convulsions of the eastern might, in a literary point of view, be made conducive to the interests of the western world. The present library of Congress is a good foundation; and one-half of the sum which it has cost, judiciously employed under the direction of the Joint Library Committee, would place within the reach of every member of Congress all the most valuable books in every department of arts and sciences, of which there is now such a lamentable deficiency. With that view, your committee propose an appropriation of $10,000 for the purchase of books and maps, independent of the annual appropriation of $1,000 for the same purpose, which they submit to Congress to make perpetual.

The Joint Library Committee have taken into their consideration a resolution referred to them by the House of Representatives on the 15th December last, and, upon the most serious consideration given to the subject, your committee do not deem it necessary to recommend the allowing any additional compensation to the librarian for services performed since the last session of Congress. The librarian has received from the treasury the sum of $480, which (according to the law as it was at the time of his appointment, and as it is yet, by which he is entitled to $2 per day for every day's attendance at the library, computing the number of days during which he was bound to attend at the rate of three days every week during the recess of Congress, and six days every week during the session) exceeds the sum to which he should be entitled by law for his services to this day. By the accounts of expenditures exhibited, it appears that the mechanical part of the duties required by law to be performed by the librarian has been actually performed by people hired by him, and for whose compensation you are now called upon to make an appropriation. The manner in which the scientific part of the duties devolving upon the librarian has been fulfilled do not, in the opinion of your committee, warrant the allowing of an additional compensation, which your committee suppose must be interpreted as conveying on the part of Congress something like an approbation for past conduct. The only evidence of the literary services of the librarian within the knowledge of your committee is, the publication of the catalogue with which we were presented at the beginning of the session; and the merit of this work is altogether due to Mr. Jefferson, and not to the librarian of Congress. Your committee are persuaded that, however ingenious, scientific, philosophical, and useful such a catalogue may be in the possession of a gentleman who (as was the case with the former proprietor of this, now the library of Congress) has classed his books himself, who alone has access to them, and has become, from long habit and experience, as perfectly familiar with every book in his library as a man who has long lived in a city is familiar with every street, square, lane, and alley in it, still this form of catalogue is much less useful in the present state of our library, consisting chiefly of miscellanies not always to be classed correctly under any particular head, than a plain catalogue in the form which had been adopted for the formation of the catalogue of the old library, which probably might not have cost more than $100 (if that much) whilst the catalogue with which we were presented, including three copies of it bound, calf gilt, costs the United States $1,360 50, one-third more than the annual appropriation made heretofore by Congress for the additional increase of the library, and more than one-twentieth of the actual cost of our whole library.

The committee have no hesitation in recommending to Congress to increase the sum appropriated for the salary of the librarian of Congress, and in the bill which they have the honor to submit is to be found a section to that effect.

In looking over the several acts concerning the library of Congress, your committee have observed, not without astonishment, that, by an act passed the 26th January, 1802, the librarian of Congress was to be appointed by the President of the United States solely. It is difficult to conceive why an officer of both Houses of Congress, as much so as the Clerk of the House of Representatives and the Secretary of the Senate are officers of their respective Houses, should not be appointed by the authority to which he ought to be amenable. The case might happen that a librarian should neglect his duties; are the members of Congress, in that case, to complain to the President of the United States? Such a thing need merely being mentioned to demonstrate the impropriety of vesting the President with the sole right of making so inconsiderable an appointment. Accordingly your committee have deemed it their duty to propose in the bill which accompanies this report the repeal of so much of the act concerning the library of Congress, passed January 26, 1802, as provides that the librarian shall be appointed by the President of the United States solely, and to vest in future the appointment of the librarian in the Joint Library Committee, provided that neither the Secretary of the Senate, nor the Clerk of the House of Representatives, nor any of the clerks employed in their offices, or any other officer of either House of Congress, be eligible to the office of librarian.

No. 1.

List of the debts and expenditures of the Library of the United States for 1815.

EXPENDITURES.

1815.		
December 1.	Paid G. Watterston for his services as librarian, commencing the 21st March and ending 31st December, 1815, at $2 per diem, (Sundays excepted,)	$480 00
" "	Paid for five months' hire of negro boy,	20 00
" "	Paid for two months' hire of negro man,	52 00
November 15.	Paid William Elliot, in part, for printing,	190 00
July 14.	Paid Mr. Ferril for wood,	57 75
July 27.	Paid A. Ferril for putting away wood,	3 00
July 20.	Paid J. Bowen for hauling wood,	4 12½
November 8.	Paid Michael Larner for labelling, in part,	2 28
September 14.	Paid E. Shanly for brass fender,	5 00
November 1.	Paid for broom,	0 20
August 1.	Paid Ingle & Co. for shears,	0 25
August 18.	Paid Mr. Weightman for ink,	0 37½
		814 98
	By appropriation,	800 00
	Due me,	14 98

DEBTS.

Due Mr. Rapine for stationary,	4 81¾
Due Mr. Ott for candles, &c.	11 00
Due Mr. Larner for labelling, (balance,)	33 00
Due Mr. Milligan for stationary,	1 12½
Balance due,	$64 92¼

I certify the above to be a true copy.

GEORGE WATTERSTON, *Librarian.*

No. 2.

The Library of Congress to Daniel Rapine, Dr.

1815.				
September 25.	To binding eighteen volumes Encyclopedia, royal quarto, double titles,	at $3 50		$63 00
" "	To binding twenty-five volumes large thick quarto, double titles,	3 00		75 00
" "	To binding eighteen volumes middle size quarto, single title,	2 50		45 00
" "	To binding fifteen volumes thin quarto, single title,	2 00		30 00
October 3.	To lettering five volumes,	0 20		1 00
" 4.	To binding eighteen volumes foolscap folio,	3 00		54 00
" "	To binding eleven volumes medium folio,	4 00		44 00
" "	To binding twenty-one volumes newspapers,	3 00		63 00
" "	To binding three volumes super royal large newspapers,	6 00		18 00
" "	To binding one volume flat foolscap,			2 50
November 17.	To binding ninety-seven volumes octavo, double titles,	0 70		67 90
" "	To binding sixteen volumes duodecimo, single title,	0 37½		6 00
" "	To binding seven volumes quarto demy, half-bound, single title,	1 50		10 50
" "	To binding one hundred and seventeen volumes octavo, single title,	0 65		76 05
" "	To binding one volume quarto royal, single title,			3 00
" "	To binding twenty-one volumes quarto, medium and demy,	2 50		52 50
" "	To binding one volume folio foolscap,			2 50
" "	To binding twenty-six volumes Encyclopedia, royal quarto, double titles,	3 50		91 00
" "	To binding thirteen volumes quarto medium, double titles,	3 00		39 00
" "	To binding six volumes octavo, half-bound, double titles,	0 60		3 60
" "	To binding nine volumes octavo, half-bound, single title,	0 55		4 95
" "	To binding five volumes folio, single title,	3 00		15 00
" "	To binding one volume quarto large royal, single title,			3 50
" "	To lettering one volume folio,			0 25
				$781 25

I certify that the above books were bound by Mr. Rapine.

GEORGE WATTERSTON, *Librarian.*

No. 3.

The United States Library of Congress to William Elliot, Dr.

WASHINGTON, *October* 10, 1815.

September 18.	To printing 11,100 labels, at 50 cents per hundred, for the inside of books,	$55 50
" "	To printing 11,100 labels, at 50 cents per hundred, for the backs of the books,	55 50
" "	To printing 48 different labels, in large types, (each being a separate form,) for shelves, at $1 each form,	48 00
" "	To printing one ream of folio post rule work, done on both sides, (being equal to two reams,) for a bond book,	47 50
		$206 50

I certify that the above work was done by William Elliot, and will be paid when the committee pass the account.

GEORGE WATTERSTON,
Librarian of Congress.

Received the above account, in full, from Alexander Kerr, Esq.

JONATHAN ELLIOT.

OCTOBER 13, 1815.

No. 4.

Library of Congress to William Elliot, DR.

1816.					
January 15.	To printing, paper, and binding 600 copies of catalogues, at $2 25,	-	-		$1,350 00
" "	To binding 140 volumes duodecimo, calf, gilt, at 75 cents,	-	-	$105 00	
" "	To binding 20 octavo volumes duodecimo, at $1,	-	-	20 00	
					125 00
" "	To binding 3 catalogues, calf, gilt,	-	-	-	10 50
					1,485 50
" "	Bill for labels, &c., lodged in the Bank of the Metropolis,	-	-	-	206 00
" "	Bill not presented, for binding three receipt books,	-	-	-	18 00
			Whole amount,	-	1,709 50
			By cash,	-	190 00
					$1,519 50

No. 5.

SIR: TREASURY DEPARTMENT, COMPTROLLER'S OFFICE, *January* 24, 1816.

In reply to your letter of yesterday's date, I have the honor to state that the sum of $584 37 was paid on the 10th, and the sum of $388 on the 30th of May last, to Joseph Milligan, for the expenses of packing, transporting, &c. the library purchased of Thomas Jefferson, Esq.

The fitting up the library room was done under the direction of Thomas Munroe, Esq., superintendent of public buildings, of the expense of which no account has as yet been rendered to this Department.

With great respect,

The Hon. ELIGIUS FROMENTIN, JOSEPH ANDERSON.
Chairman of the Library Committee.

No. 6.

SIR: SUPERINTENDENT'S OFFICE, WASHINGTON, *January* 25, 1816.

In reply to your letter of yesterday, I have the honor to state that the moneys expended in fitting up and furnishing the congressional library room, in the building now occupied by the Post Office Department, including the expense of finishing the staircase and passage in the third story leading thereto, amount to the sum of $1,520 77, that is to say, for materials, principally lumber and lime, $465 29; carpenters, bricklayers, and painters' work, $742 36; furniture, including upholsterers' work, $313 12.

It will of course be understood that these disbursements are such only as I have had an agency in. The expenses attending the transportation of the books from Mr. Jefferson's residence to the city have been adjusted at the Treasury; and there may have been other expenditures under the sanction of the President, or other authority, of which I have no knowledge.

I have the honor to be, with the highest respect, sir, your most obedient servant,

THOMAS MUNROE.

P. S. No part of the amount disbursed by me has been drawn from the treasury under the appropriation for the purpose, as I had other public money remaining in my hands sufficient.

The Hon. ELIGIUS FROMENTIN, *Senate U. S.*

14th CONGRESS.] No. 397. [1st SESSION.

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES PROPOSED BY MASSACHUSETTS AND CONNECTICUT, AND REJECTED BY OHIO.

COMMUNICATED TO THE SENATE, JANUARY 30, 1816.

SIR: EXECUTIVE OFFICE OF OHIO, CHILICOTHE, *January* 20, 1816.

I have the honor to transmit to you a copy of resolutions passed by the Legislature of Ohio.

Very respectfully,

T. WORTHINGTON.

The PRESIDENT *of the Senate of the United States.*

GENERAL ASSEMBLY OF OHIO, *January* 17, 1816.

Whereas the Legislatures of the States of Massachusetts and Connecticut have proposed the following amendments to the constitution of the United States:

"First. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers of free persons, including those bound to serve for a term of years, and excluding Indians not taxed, and all other persons.

"Second. No new State shall be admitted into the Union by Congress, by virtue of the power granted by the constitution, without the concurrence of two-thirds of both Houses.

"Third. Congress shall not have power to lay any embargo on ships or vessels of the citizens of the United States, in the ports or harbors thereof, for more than sixty days.

"Fourth. Congress shall not have power, without the concurrence of two-thirds of both Houses, to interdict the commercial intercourse between the United States and any foreign nation, or the dependencies thereof.

"Fifth. Congress shall not make or declare war, or authorize acts of hostility against any foreign nation, without the concurrence of two-thirds of both Houses, except such acts of hostility be in defence of the territories of the United States when actually invaded.

"Sixth. No person who shall hereafter be naturalized shall be eligible as a member of the Senate or House of Representatives of the United States, nor capable of holding any civil office under the authority of the United States.

"Seventh. The same person shall not be elected President of the United States a second time, nor shall the President be elected from the same State two terms in succession."

Resolved, unanimously, by the General Assembly of the State of Ohio, That it is inconsistent with good policy to adopt the said amendments, and that this General Assembly do not concur therein.

Resolved, That the Governor of this State be requested to transmit a copy of the foregoing preamble and of these resolutions to the President of the Senate, and a copy to the Speaker of the House of Representatives of the Congress of the United States, and a copy to the Governor of each State in the Union, with a request that the same be laid before the Legislature thereof.

MATTHIAS CORWIN,
Speaker of the House of Representatives.

Attest: WM. DOHERTY, *Clerk H. R.*

PETER HITCHCOCK,
Speaker of the Senate.

Attest: C. A. NORTON, *Clerk Senate.*

STATE OF OHIO, SECRETARY OF STATE'S OFFICE,
CHILICOTHE, *January* 18, 1816.

I certify the foregoing preamble and resolutions to be truly copied from the original on file in my office.
JER. McLENE, *Secretary of State.*

14th CONGRESS.] No. 398. [1st SESSION.

ROADS AND CANALS.

COMMUNICATED TO THE SENATE, FEBRUARY 6, 1816.

Mr. MORROW, from the select committee appointed on so much of the President's message as relates to roads and canals, reported:

That a view of the extent of territory, the number and magnitude of navigable lakes, rivers, and bays, the variety of climate, and consequent diversity of productions, embraced by the United States, cannot fail to impose the conviction that a capacity exists in this country to maintain an extensive internal commerce. The variety of productions peculiar to the several parts invites to the prosecution of a commerce of the most interesting kind. A commerce internal, subject solely to the regulations of the country, not dependant on, or materially affected by, the vicissitudes of foreign competition or collisions, the profits on which will rest in the country, and make an addition to the wealth of the nation—such a commerce will, in its natural tendency, create interests and feelings consonant with the great interests of the community. Any practicable scheme, therefore, for the improvement of roads and inland navigation, having for its object the encouragement and extension of a commerce so beneficial, has strong claims to the attention and aid of a Government constituted to promote the general welfare.

Such improvements, executed on an extensive scale, would unquestionably contribute to the general interest and increase of wealth in the nation; for whatever tends to accelerate the progress of industry in its various and particular branches, or to remove the obstacles to its full exertion, must in the result produce that effect. The contemplated improvements in roads and canals, by extending the communication for commercial and personal intercourse to the interior and distant parts of the Union, would bestow common benefits, and give an enlarged facility to the great branches of national industry, whether agricultural, commercial, or manufacturing.

The agricultural products, which at present, from inconvenient distance, their weight, or bulk, are unportable, could then be carried to a distant market; the reduction on the charge for transportation would become an addition to the price, and a ready market and increased price enhance the value, of the lands from which the products were drawn. The general commerce of the country would thereby receive a proportional advantage from the increase of the quantity of articles for exportation, the facility and extension to the vending of imported commodities, as also from a more general consumption arising from an increased ability in the community to purchase such com-

modities. To manufacturers, a reduction on the charge for transportation of the raw material and wrought commodity would be highly beneficial. The beneficial effects on individual interests and the general wealth in society, arising from a system of cheap conveyance by artificial roads and canals, do not rest on speculative opinion or abstract reasonings for confirmation; all doubts as to the advantages have been removed by the test of experience in every country where such improvements have been executed on a liberal scale. To insure to the pursuits of useful industry in a nation a state of the greatest prosperity, it is only necessary to protect their interests from foreign aggression, to leave them unrestrained by artificial provisions, and to remove or meliorate the natural obstacles to their exertion by public works, rendering conveyance practicable and cheap.

Such public works, while they are calculated to subserve the pecuniary interests of every industrious class of the community, are highly important in a political point of view. The citizens in the most remote parts would be brought into closer connexion by a facility to commercial and personal intercourse; the common interests and identity of feelings thence arising would, as a cement to the parts, bind together the whole with the strong bond of interest and affection, giving stability and perpetuity to the Union, and, as a means of security, tend to increase our capacity for resistance to foreign aggression, by rendering less expensive and more effective our military operations. The disadvantages experienced and heavy charges incurred during the late war, for want of inland navigation along the seacoast, connecting the great points of defence, are of too recent date and decisive a character to require any other demonstration that a facility in inland communication constitutes a principal means of national defence.

It is believed that improvements so important to the political and general interest of society stand strongly recommended to the attention of the National Legislature. The General Government alone possess the means and resources to give a direction to works calculated for general advantage, and to insure their complete execution. The particular objects of this kind, to which public aid should be given, the means to be employed, and the mode of applying the public moneys, remain to be considered.

The objects are, such artificial roads and canals as are practicable of execution, and which promise a general or extensive advantage to the community; others, of minor importance, that are local in their nature, and will produce only local benefits, will more properly be left for execution to the means and enterprise of individuals, or to the exertions of particular States. It is, indeed, a political maxim, well attested by experience, that wherever private interests are competent to the provision and application of their own instruments and means, such provision and means should be left to themselves. The great works which are calculated for national advantage, either in a military or commercial view, their execution must depend (at least for aid) on the General Government. Wherever great obstacles are to be overcome, great power and means must be employed. To such works the means of associated individuals are incompetent, and the particular States may not have a sufficient interest in the execution of works of the most essential advantage to other parts of the community. In other cases, where interest might be sufficiently operative, the means or the power may not be possessed, their territorial jurisdiction being limited short of the whole extent of the work.

Among many other objects of improvements in inland navigation and roads, coming within the above description, the following appear to be recommended by their importance to the attention of Congress: 1st. Canals opening an inland navigation along the Atlantic seacoast; 2d. A great turnpike road from north to south; 3d. Turnpike roads forming communications between the Atlantic and the western rivers; 4th. Military roads communicating with the frontier posts; and, 5th. A canal around the falls of Ohio, or opening the bed of the river at that place.

The present state of the national finances, and the effect which engaging in many expensive works at the same time would produce in raising the price of labor, seem to point out the policy of applying the public means to one, or only a few of these objects, in the first instance. The difficulty and delicacy of selecting a particular object from among many others of acknowledged importance and great interest is sensibly felt. In making the decision, general interests must be kept in view, and held superior to local considerations. It appears proper that when the Government authorize the expenditure and application of public moneys to one of these objects, they should at the same time adopt a system calculated to insure in due time the execution of other works requiring their aid.

After due consideration, and that examination which the committee have been able to give to the subject, they respectfully recommend to the first attention of Congress "the Chesapeake and Delaware canal," being in their opinion of the first importance, and requiring the aid of the General Government. It forms the central link in that great chain of inland navigation along the seacoast proposed to be opened. It is believed, from the best evidence, to be practicable of execution, and of itself, unconnected with other improvements, will afford the most extensive advantages. On this the committee will make a special report.

Of the different modes which might be devised of applying public moneys to objects of internal improvements, that of authorizing subscriptions for a limited number of shares of the stock of companies incorporated for the purpose, appears on every consideration to be the most eligible. By limiting the number of shares to be subscribed to a third, or less than one-half of the whole stock, there is more security that the Government shall not become engaged in impracticable projects for improvements, and also for the economical expenditure of the funds, than would be on the plan of a direct application by Government of the public moneys.

The committee, in order to ascertain what funds may be made applicable to the objects of internal improvement, with due regard to the state of the finances and demands on the treasury, requested information from the Treasury Department. The information obtained accompanies this report. It will be observed that the surplus revenue applicable to these objects is hypothetically stated in the Secretary's letter, as necessarily it must be in the present state of the revenue laws. It appears, however, under any contemplated change in the existing system, that the revenue would be sufficient to supply after the present year, and during a state of peace, an annual appropriation of $600,000 for the purpose of internal improvements. That sum would constitute a fund capable of effecting many valuable objects of that kind; and, under prosperous circumstances, the fund might be gradually augmented in the proportion of the decrease of the public debt. But if it shall enter into the policy of Government to authorize expenditures in execution of works calculated for public advantage and general convenience, the same policy will direct to the provision of the means; for it cannot be doubted that the resources of the nation are amply sufficient, when brought in aid of private means, to effect every object of improvement on roads and canals that is of an extensive nature and of national concern.

The committee respectfully propose that an annual appropriation be made to constitute a fund for making roads and opening canals; that the fund shall be put under the direction of the Secretary of the Treasury, who shall, whenever authorized by Congress, subscribe for shares in the stock of companies incorporated for making artificial roads or opening canals, and shall pay out of the aforesaid fund the instalments as they become due on such shares; and that any dividends thence arising, when any work shall be completed, shall be paid into, and become a part of, said fund; and the Secretary shall report, at each session, to Congress, all expenditures, and the general state of the fund, as well as the state of the works, in which the Government are concerned.

The committee have directed a bill to be reported embracing the above provisions.

SIR: TREASURY DEPARTMENT, *January* 20, 1816.

In your letter of the 27th ultimo information is requested upon the two following points: 1. In case the revenue laws should be modified according to the plan proposed by the Secretary of the Treasury, whether the surplus revenue arising from permanent sources would authorize a standing appropriation of moneys, annually, applicable to the construction of roads and canals, and to what amount? 2. In case the creation of stock should be authorized, redeemable at a future period, to be employed in the purchase of shares in the companies formed for making roads and opening canals, what particular branches of the existing revenue would it be most proper to charge, and to what amount, with the redemption of such stock?

In answer to the first inquiry, I have the honor to state that if the revenue were permanently established upon the footing proposed in the report from this Department of the 6th of December last, and if the public expenditures should not exceed the annual amount therein stated, there would be an annual surplus of revenue, which might be estimated during the continuance of the peace at about $4,000,000. Whether the facts assumed, by which this result is produced, will actually exist, can only be ascertained when the intentions of Congress upon these points shall have been developed.

As to the second inquiry, it may be observed that there are no branches of the existing revenue which are not already pledged, either specially or in a general manner, for expenditures already authorized, excepting certain duties which will expire on the 17th of February next, and which, if continued by Congress after that time, will probably be substituted in lieu of other duties which are now pledged, and which will be diminished or entirely abolished. If stock should be issued under any modifications for the purpose of internal improvements, there is therefore no branch of the revenue which could be exclusively charged with its redemption without violating prior appropriations and pledges. But as the aggregate mass of the revenue is estimated after the year 1816 to exceed the aggregate amount of the charges upon it, this surplus, if Congress should think proper, might be applied either directly to the defraying of the expenses of internal improvements, or, if stock should be issued, as a fund for its redemption. No necessity is perceived for issuing stock for this purpose, unless it shall be determined to commence the expenditures before the termination of the present year; during which year there will be no surplus of revenue. After its expiration, when there shall be a surplus, there can be no reason for constituting stock, or, in other words, for borrowing money. The money in hand derived from the surplus revenue can be applied directly to the purposes proposed.

I have the honor to be, very respectfully, sir, your most obedient servant,

A. J. DALLAS.

The Hon. JEREMIAH MORROW,
Chairman of the Committee of the Senate on Roads and Canals.

14th CONGRESS.] **No. 399.** [1st SESSION.

CHESAPEAKE AND DELAWARE CANAL.

COMMUNICATED TO THE SENATE, FEBRUARY 6, 1816.

Mr. MORROW made the following report:

The committee, to whom was referred so much of the President's message as relates to roads and canals, having, in their general report, recommended to Congress the Chesapeake and Delaware canal as an object of first importance requiring the aid of the General Government, beg leave to make a separate report concerning the same.

The Chesapeake and Delaware canal, as an object of high national importance, has for many years claimed the attention of Congress. It was first presented to their consideration in the year 1806, by a memorial of the president and directors, dated the 1st of December, 1805; and, by a report subsequently made, on the 21st of March, 1806, it appears that an enlightened committee of the Senate recommended that aid should be granted to the memorialists. The report of this committee was finally adopted, and one or more bills passed the Senate authorizing a grant of land to the company not exceeding two hundred thousand acres, to be exchanged for the stock of the company. These bills, however, were postponed by the House of Representatives, owing, it is believed, to the peculiar embarrassments of the country at the periods they were sent for concurrence.

In June, 1813, the subject of the Chesapeake and Delaware canal was again brought forward before the Senate, and, on the 12th of July, a committee reported that it would not be expedient to act upon the subject at so late a period of the session, but at the same time earnestly recommended it to the early and attentive consideration of the Senate at the next meeting of Congress. [See No. 348, page 215.] But then, unfortunately, the war and the financial embarrassments of the country forbade an attempt to revive the subject. Now, however, all the pre-existing obstacles would seem to be happily removed, and the present moment appears to your committee highly auspicious for Congress to interpose, and to grant its prompt and efficient aid to the company.

For a full and able exposition of the history of the Chesapeake and Delaware canal, of its utility, of its practicable and easy execution, of the progress and state of the work, of the probable expense, and of the causes which compelled the company to suspend their operations, your committee beg leave to refer the Senate to the said memorial of the president and directors, with their observations accompanying the same; to the report of the Senate, made thereupon, of the 21st of March, 1806, [See vol. i, No. 209, page 454;] and also to the report of the Secretary of the Treasury on roads and canals, made in pursuance of a resolution of the Senate of the 2d of March, 1807; and pray that the same may be taken as a part of this their report.

After this general reference, your committee deem it unnecessary to go into a full discussion of the merits and utility of the Chesapeake and Delaware canal. They will, however, glance at one or two of the most important considerations.

The Chesapeake and Delaware canal may with justice be considered as of first-rate importance in the great proposed line of inland navigation along the Atlantic seaboard from north to south, and its execution as insuring the opening of that great communication at no very distant period.

It embraces within itself a wide extended range of interests from North Carolina, including all the towns and landings on the rivers and waters of that State, emptying into the Albemarle and Pamlico sounds, as well as of the numerous rivers of Virginia and Maryland, which empty into the Chesapeake bay, for a distance of six hundred miles, to Trenton, on the Delaware.

But this is not the most interesting view of this subject. The Chesapeake and Delaware canal is especially calculated to subserve and promote the great interests of the nation. As a military work, it offers facilities of the highest importance.

From the extent and exposure of the Atlantic States to an enemy possessed of a naval superiority, how important is it to have an interior navigation along and near the frontier which will admit of the transportation of an army, with its artillery, &c., in safety, from point to point, with a celerity of movement equal to that of the enemy.

During the revolutionary war it is stated that General Washington often lamented the want of a navigable canal from the Chesapeake to the Delaware. His supplies for the most part were drawn from the Chesapeake, and the difficulties he experienced in procuring the means for transporting them across the isthmus are said to have been inconceivably great.

But what he most lamented was the dangerous and vexatious detention to which he was inevitably subjected, when he arrived at the isthmus on his march to the south, for the want of wagons to transport his stores and heavy artillery from one bay to the other. This detention, at a juncture so critical, under circumstances less favorable, might have proved fatal to him and to his army.

The inconveniences felt and incalculable expense incurred by individuals as well as the public, during the late war, in the vast and heavy transportations across the isthmus, must be fresh in the recollection of every one. So great was the carriage, during this period, of goods, tobacco, flour, cotton, and other bulky articles across the peninsula, that it became necessary to use four distinct lines of transportation from different points of the Chesapeake to corresponding points of the Delaware, at an expense of wagonage estimated for one year at not less than four hundred and fourteen thousand dollars, nearly one-half of the estimated cost of the canal.

The committee further remark that, if it is at any time to enter into the liberal policy of Congress to aid the Chesapeake and Delaware canal, there are reasons in reference to the particular state of the work itself why that aid should be speedily afforded.

For the want of funds the operations of the company have stood suspended for ten years and upwards; and that important and difficult part of the work, the feeder, (nearly completed,) with its several embankments, culverts, and bridges, is exposed to daily injury, and in danger of great dilapidation, if not ruin. Besides, the company not having been able to comply with certain contracts for lands and water rights for the use of the canal, suits have been brought and judgments obtained by the proprietors against them; so that the lands and water rights so purchased are in danger of being sold, and the money actually paid in part for said lands and water rights, amounting to large sums, is in danger of being actually lost.

One other remark the committee have deemed worthy of notice. The Chesapeake and Delaware canal necessarily passes through the extremities of two States, without being so central to either as to command the general interests of either Government. Its peculiar local situation would, therefore, seem to recommend it to the aid and patronage of the General Government, especially in connexion with its acknowledged local and general utility.

The whole expense of the canal is estimated at - - - - -		$850,000
Of which has been paid by the stockholders, and expended on the work, - - -		100,000
Yet wanted to complete the canal, - - - -		750,000
To raise this sum, the committee propose that Congress should authorize a subscription for		
2,000 shares of the stock of the company, at $200 per share, making - -	$400,000	
There remains to be paid in on the stock subscribed and not forfeited, - -	100,000	
		500,000
Leaving a deficit of - - - - - -		$250,000

which it is presumed will be made up by additional individual and other subscriptions.

In fixing upon the sum of $400,000, the committee have had regard to the embarrassments of the company, the magnitude of the work, and the disposition heretofore manifested by the Senate to grant lands to the company equal in value to the sum now proposed.

Upon due consideration, the committee are of opinion that the sum of $400,000 ought to be appropriated, to be applied by way of subscription for the stock of the Chesapeake and Delaware Canal Company, and have accordingly submitted a bill with this report for that purpose.

Observations respecting the Chesapeake and Delaware Canal.

The committee of the president and directors of the Chesapeake and Delaware Canal Company, appointed to present their memorial, and solicit the aid and patronage of Congress, beg leave respectfully to offer to the members of the Senate and House of Representatives the following *facts* and *observations* relative to the said canal, as the ground and reasons for their application:

The utility of canals in every country where they have been introduced is proved by the example of so many great nations, both ancient and modern, that at this period it seems almost unnecessary to enter into an investigation of their general utility, or of their history. In order, however, to show their application to the United States with more force, and to prove the greatness of their importance, a short sketch of their introduction, and subsequent improvement among many distinguished nations, may revive the recollection of the members to numerous facts and principles which must have occurred to them in their general studies.

At a very early period of society, the Egyptians bestowed immense advantages on their country by the canals they executed along the river Nile, and from the Mediterranean to the Red sea, through the isthmus of Suez, by which means the commerce of India and all the maritime parts of Asia was opened to Europe and the countries communicating with the Mediterranean, and was the source of all their great improvements in the arts and power. The accounts of several modern travellers, and particularly the researches of the French and British, who lately visited that country, afford ample testimony of the existence, operation, and advantages of these canals.

From sources no less authentic, and particularly from the late embassy of Lord Macartney, we learn the immense extent and utility of the canals of China, which bring the products of that vast empire from its most distant provinces, interchange those of one region and climate with another, and establish a profound system of political economy through the country.

The Greeks and Romans attempted to intersect the isthmus of Corinth and several other important passes; but, partly from their ignorance of lock navigation, and partly from their genius being less devoted to commerce and manufactures than to war and the luxury of the fine arts, few works of this kind remain in the countries they governed.

No sooner, however, had the spirit of commerce revived, after the barbarous ages, than the nations of Europe began extensive works of this kind; since which, the improvement of those works has continually increased with the civilization of the countries which have adopted them, and has been the chief means of introducing and nourishing their commerce, their manufactures, and those useful arts which have changed the condition of mankind, and promoted the happiness of the people more than all other circumstances.

Some of the first modern canals were undertaken and executed by the free republics of Italy, where lock navigation, which forms an important era in the history of canals, was first used.

France, under her ancient kings, early engaged in enterprises of so much value to the nation: Henry IV. constructed the canal of Briare, and designed many others, which have since been executed. Louis XIV. began and completed the great canal of Languedoc, which, extending from the Mediterranean to Toulouse, opened the communication from that sea to the Bay of Biscay, and has at once furnished incalculable advantages, by saving a circuit of near 2,000 miles of sea navigation, and established a monument of his greatness more durable than all the other transactions of his reign; succeeding kings, in the same manner, added numerous works of the kind; and the nation, both while a republic and under its present emperor, amidst all the wars and calamities it has suffered, has unceasingly devoted itself to the construction of canals.

In Holland and Flanders, still more attention has been bestowed to this important subject. The former nation may indeed be said to owe its political origin and existence to canals, since they not only drain the country, but intersect it so much in every direction as to form the universal means of communication.

In Flanders, so numerous are canals that few of its cities are without them; and the admirable agriculture and manufactures of those provinces have been formed and brought to maturity by the aid which water conveyance affords them.

But the island of Great Britain furnishes a proof of the advantages of canals beyond any other country. That nation has now become the maritime rival, and almost the controller, of every commercial people; her superiority has arisen from her unbounded commerce, and the vast wealth it has introduced, the basis of which wealth is her immense manufactures, which supply the wants of a large portion of the earth: the foundation of these manufactures has again been formed by her internal improvements, and particularly her canals, which, since their introduction by the Duke of Bridgewater, scarce fifty years ago, have been so rapidly extended as to traverse the kingdom in every direction. By these means her mines of coal, iron, limestone, and every other raw material have been opened and dispersed for the purpose of manufacture; while the products of agriculture have been conveyed from province to province, and the demands of one place supplied the resources of another; hence, by her immense inland navigation, universal industry and employment have been everywhere diffused, first, to supply her own wants, and, secondly, to furnish a vast supply for export, to obtain the wealth of other countries.

The United States, both from their present political and natural situation, demand from their Government every aid it can furnish, which renders it dubious whether there is any object which can more highly merit the attention of their rulers. Their soil and the industry of the people have, in a few years, carried their agriculture to an immense extent; and their enterprise has created, with the means it furnishes, a commerce which now vies with the oldest nations of Europe.

But her rapid increase in prosperity has already drawn upon her the envy, the jealousy, and the hostility of other nations, which alone can be counteracted by improving her internal strength, supplying her wants as far as possible by her own produce and manufactures, and extending her agriculture so as to gain from its surplus the wealth of other nations, and furnish her own Government with the support it may require in every exigency.

For all these purposes, her want of population, and the allurements held out by her unsettled territory, form the only obstacle. The price of labor retards her agricultural improvements, and prevents the more rapid increase of her manufactures; and the difficulty of communication from one part of her territory to another adds immensely to these disadvantages. It must be obvious, therefore, that whatever mechanical or other arts can lessen or supply the want of manual labor, or whatever improvements can accelerate internal communication, are of infinitely more importance in the present situation of the country than at a future one, and form at this moment the fairest objects for private exertion and public encouragement.

It is only necessary to examine the produce of the different States, to be convinced how much that produce may be so disposed as to form an incalculable increase of internal resource and foreign wealth.

The southern States furnish abundance of materials, which, if cheaply conveyed to the middle and northern States, would encourage manufactures. Coal, which is the basis of almost every manufacture, abounds on the navigable waters of James river, in Virginia, and is wanted not only in the maritime cities, and along the whole seacoast, but in those interior situations where means exist for forming mills and waterworks; wheat, flour, and corn are produced in the middle States, and wanted both to the southward and eastward; tobacco is the growth only of a few States, and is wanted in the rest; fish, oil, lumber, and a variety of other articles, are produced to the northward, and are all in demand to the southward: in the interior of all the States, there are vast quantities of limestone, iron, copper, lead, and other materials, which are accessible to navigation, and will not bear a carriage by land, but which may be universally diffused by means of interior canals, uniting with a general one through the Union.

The advantages, and indeed the necessity of canals, may be proved by a few simple facts. A ton of goods by weight or measurement (of forty cubic feet) is frequently brought from Europe, a distance of 3,000 miles, for forty shillings sterling, or about nine dollars; this rate admits of salt, coal, stone, lumber, and the most bulky articles being imported from beyond the seas cheaper than they can be conveyed for a very short distance by land, since a ton of goods cannot be carried on good roads for the same price more than thirty miles. Hence the charges of conveyance through the United States are very great, even for fine and valuable articles; but on the bulky products of agriculture, and on mineral productions, they operate as a total exclusion. In England, wherever coal is discovered, it immediately becomes the basis of manufactures, as the materials to be worked into use, such as iron, copper, clay for earthenware, glass, &c., are either conveyed to it, or the coal itself is brought to the places where these articles abound; this can only be effected by canals. A coal mine may therefore exist in the United States not more than ten miles from valuable ores of iron and other materials, and both of them be useless until a canal is established between them, as the price of land carriage is too great to be borne by either.

Nor does the conveyance of produce coastwise by sea lessen the expense in any manner proportioned to that of canals, or even of foreign vessels, for which the following reasons may be assigned: first, the coasting trade is chiefly carried on in vessels which take their produce from, and deliver it into, small ports; these vessels are therefore generally small, and are navigated at a far greater expense in proportion than large vessels: secondly, the danger of coasting voyages is greater, which proportionably increases the risk and prices of insurance: thirdly, the delays of delivery, accident, &c., port charges, repairs, and other expenses, are accumulated on small vessels. Hence goods are frequently brought from Europe nearly as low as they can be conveyed by sea from Baltimore to Philadelphia—cities which by land are not more than 100 miles from each other. This is remarkably the case with respect to coal, which is brought into most of our maritime cities from Liverpool, and sold as cheap as it can be brought to them from James river, which is not one-sixth of the distance.

But canals obviate all these inconveniences; they avoid the risk of a stormy coasting navigation, and render the charge of insurance little or nothing; they reduce the number of hands employed in conveyance, as upon the canals themselves one horse saves the labor of many men; and where river navigation is connected with them, their superior safety and ease require in no degree the expense of coasting vessels: the navigation also is never impeded by winds or tides, but vessels pass on at all times with entire certainty, except from frosts alone; and the arrival of produce to a market may be calculated on with a great degree of exactness: all which circumstances far overbalance the tolls which are paid upon them. By proceeding through the country, also, they open a variety of markets, both for the sale of their produce, and to obtain some other in return. A vessel, for instance, loaded with produce in the Chesapeake bay, would have the advantage of calling at Baltimore, or of proceeding directly on through Delaware to Philadelphia, and from thence to New York, Albany, or Boston, in a direct course, with a choice of all these markets, and the certainty of providing, at some of these, articles in return—a kind of voyage which it would be nearly impossible to perform coastwise.

Upon a survey of any map of the United States, it will appear that the distance from the head of Chesapeake bay, round by sea, to Philadelphia, is nearly 500 miles, which is saved by a canal of 21 miles; the distance again, from Trenton, on the Delaware, to New York, or Brunswick, on the Raritan, is near 300 miles, and will be saved by a canal of 27 miles: such is the saving in point of distance. With respect to time, it may be reckoned as follows:

From New York to Brunswick is a customary passage of one tide, - - -	7 hours.
From Brunswick to Trenton, by a canal, at the rate of 4 miles an hour, is -	7 "
From Trenton to Philadelphia, is - - - - - -	10 "
	24 hours.

This voyage is performed in this time nearly with certainty, whereas coastwise it requires a week, and often longer.

The passage from Philadelphia to the mouth of the intended canal, near Wilmington, is	12 hours.
From thence to the end of the canal, - - - - -	5 "
From the end of the canal, on Elk river, according to the usual time of the packet-boats, to Baltimore, - - - - - - -	9 "
	26 hours.

This voyage requires, on an average, from a week to ten days by sea; indeed, the inconvenience is so great that it is rarely attempted.

Other calculations might be adduced to prove still further advantages; for instance, from Newport, in Rhode Island, and from Albany to New York, is nearly an equal distance of about 180 miles, and the passage from either is made to New York in about 36 hours; so that, adding them to the distance from New York to Baltimore, a passage would be made of 358 miles, nearly with certainty, in about 90 hours.

The Chesapeake and Delaware canal is intended to be made of the depth of 7 feet 6 inches, which will accommodate all the vessels usually plying on the Chesapeake and Delaware, and is such as all vessels employed in the whole interior navigation of the United States may be easily conformed to. When that canal is opened, the communication will be complete from Norfolk or the Capes of Virginia, and from all the towns and landings on the Chesapeake and its numerous waters, for a distance of near 400 miles, to Trenton, on the Delaware; and should the Jersey canal be opened, this distance will be extended 250 miles farther, if to Albany, and nearly 300, if to Newport and Providence.

It is easy, however, to see, by examining any map of the United States, that this extent may be carried much farther. To the southward, the canal through the Dismal Swamp, now in execution, will open the communication to the waters of Albemarle Sound, and from thence, through the inlets, to South Carolina and Georgia. To the northward a communication is now nearly opened from Albany, up the Mohawk river, to Lake Ontario and all the upper lakes; if a similar one be made from the Hudson river to Lake Champlain, it will extend the navigation to Quebec; and to the eastward, if the pass from Buzzard's to Boston bay be opened, which has been contemplated, it will in like manner extend it to Boston and all the coasts of Massachusetts.

Thus, with opening only a few short passes, of which the Chesapeake and Delaware canal is the great and preliminary one, a communication may be made nearly free from all the dangers of the ocean along the whole coast of the United States.

This communication will derive immense advantages, and in turn impart them to the local situations through which it passes in the several States; its general course, particularly from the Chesapeake to New York, will be nearly northeast and southwest, by which the navigation will be aided by the most prevailing winds, especially through the spring and summer; it will either intersect or be blended with all the rivers which lead into the interior of the several States; hence, its shores will form an immediate deposite for all their produce; it will also visit numberless smaller streams on which manufactories are or may be established, supply them with materials, and in turn carry from them their produce.

Such are the advantages of this communication, at all times, whether in peace or war; but, in the latter state, which the country has already, and may again experience, these advantages are increased to an incalculable degree. The principal advantage which the British derived in the revolutionary war arose from the command they possessed of the sea and of our coast by their navy; this advantage may be again obtained for some time, and forms the chief means by which an enemy can injure us, as it requires a considerable navy to guard our extensive coast. The consequences of these advantages were, first, in blocking up our harbors and seizing our seaports, the trade of which being destroyed, the sufferings of all those districts which depended on them for a market and supply of foreign articles became very great; secondly, our trade abroad being destroyed, supplies, though often

obtained in abundance at various parts of our extensive seacoast, in defiance of the vigilance of an enemy, were but very partially dispersed through the country; and, thirdly, by the rapidity with which a naval force could move along our seacoast, their armies were easily conveyed from one port to another, to attack us in numerous points at once, to make incursions, and do great injury before our armies could move against them by land with the necessary baggage, artillery, and stores. Hence, several armies became necessary, and, even with these, the difficulty of communication rendered it by no means easy to form an adequate defence of our extensive country.

But if the communication in question be formed, our defence becomes comparatively easy. In the course of the late war, even in Europe, canals were an immense advantage to the armies who possessed them. In France, Flanders, and Holland, they formed a great and powerful aid; and one instance in Ireland will show the advantages derived from them there. In one of the invasions of that country, when the French had landed in the western counties, upon the intelligence reaching Dublin, an army of 10,000 men, completely equipped, with all their artillery and baggage, embarked on the canal, and, by attaching the cavalry horses to the boats, the whole was conveyed, ready for action, sixty miles in ten hours—a distance which would otherwise have required three or four days, with all the disadvantages arising from the fatigues of a march.

By these means, if an army were stationed in the vicinity of either of the canals in Delaware or Jersey, both of which are central to the United States, they might be conveyed from the Chesapeake to New York, or still further eastward or southward, with as much expedition as an enemy could sail along the coast.

Our late excellent President and commander-in-chief, General Washington, was known often to have expressed and lamented the disadvantages which he sustained for want of such a communication, especially from the Delaware to the Chesapeake; as not only by far the greatest proportion of the supplies for the army at all times were drawn from the Chesapeake, to such an extent as to require four hundred wagons nearly in constant employ, but, in his march to the southward, the baggage, stores, and heavy artillery were conveyed by water, and upwards of one hundred river craft employed for the purpose, from Philadelphia to Christiana bridge, and again on the Chesapeake. Yet such was the difficulty of procuring wagons to convey them across the isthmus that he experienced inconceivable delay in going to the southern army; and if the enemy had embarked again for New York or Jersey, those countries must have been completely invested before he could have returned to their assistance.

As a military work, a canal is in itself of that nature that, while it affords the utmost advantage to an army of the country, it can be of no use to an invading enemy, being a deep ditch; especially when of the size intended to be constructed from the Chesapeake to the Delaware, it presents a strong front against attack, capable of being defended by batteries, and passable only with the same difficulties as rivers and streams, the possession of which is always an object of consequence in defence. If an enemy be likely to gain possession of it, the withdrawing the boats, and letting off the water, which are easily to be accomplished in a retreat, would render it useless to them; while all the injury they could do it could be easily repaired, when it became again in possession of the country. This fact was verified in the attack made by the British army upon Ostend, in 1798, expressly for the purpose of destroying one of the finest canals in Flanders, which had been of great use to the French army in defence of that country; but though they landed and succeeded in destroying the basin and principal works at the entrance of the canal, yet, having no boats to pass into the interior, that army was soon overcome, and the canal in a few weeks completely restored to use.

So sensible are the English nation of the immense benefit of canals as works of defence, that, in addition to the numbers they now possess, they have devoted part of their army to form another, expressly as a protection against invasion. This canal is intended to extend from London to the coast of Kent, near Romney, by which means troops from the metropolis and all the interior of the country may be immediately conveyed to that part of the coast most favorable to the landing of an enemy, while, by strengthening the banks of the canal with forts, a succession of posts would be kept up to annoy and retard the march of any army which should land, and to secure the retreat of their own.

In this view, the situation of the Chesapeake and Delaware canal is one of the most admirable that occurs in the United States, or could be desired in any country. It is placed at a great distance from the ocean. The river Delaware may be easily made defensible below the mouth of the canal by batteries, a small navy, and other means which have already formed an admirable defence of that river. The Chesapeake bay could also be defended by a naval force far less than would be adequate to protect the coast; but if an enemy should force its passage up either bay, or land below, and march to possess themselves of the canal, time would be given to prepare for defence; the facility of communication in the interior would concentrate the forces of the country, and the position of the neighboring grounds would enable them to make a bold and successful stand.

This position is indeed at once so strong and so central that it is highly probable that, in any future attack of the country, it would be selected as the station of an army of defence for the middle States. Along the northwest line of the canal the eminences of Iron hill and Gray's hill form high, bold, insulated points, capable of being fortified against any attack, commanding the whole course of the canal within sight, and but a few miles distant from both the Chesapeake and Delaware bays; while in their rear they have the interior of the upper part of Maryland, Delaware, and Pennsylvania, for drawing supplies, and affording one of the strongest countries for retreat.

The distance of this position is also nearly equal from the State of New York and from Virginia; to either of which an army could be conveyed in a few hours, by the means already pointed out, should an attack be made against them.

The practicability of forming canals is at this period no longer a matter of doubt or speculation. In Europe, every obstacle of nature has been overcome in order to accomplish them; where mountains or hills interpose, they are either ascended and descended again by locks, or they are perforated, and the canals carried through them, often for many miles; valleys are crossed by embankments or by aqueducts; streams and rivers by bridges of masonry, differing from common ones only in their superior strength; morasses are drained or filled up; and, in short, the execution of the numerous works which have been made, or are now making, furnishes at once proofs and models of every kind of work which can occur in effecting canal navigation; so that, at this moment, they do not remain an object of invention, but simply of imitation and perseverance.

The communication over the isthmus of the Chesapeake and Delaware is of that nature to have invited the attention of all men who had just ideas of the important objects of canal navigation, from the earliest settlement of the country. No sooner had the genius of the Duke of Bridgewater planned his great improvements in England, than the spirit and enterprise of the country, even when so young in the arts and feeble in its means, was excited to imitate them. So long ago as the years 1769 and 1770, a committee of the Philosophical Society, consisting of Dr. Franklin, Mr. Rittenhouse, Mr. Hollingsworth, Mr. Thomas Gilpin, and several others, were appointed to survey this country, and they ascertained, in the fullest manner, not only the ease, but the practicability of a canal. The ability of the country, however, was at that period inadequate to undertake it; and, the war occurring soon after, the task of performing it was reserved for the present age, with the immense advantages it possesses in means, and in the numerous examples furnished by other nations.

The operations and surveys which have been made by the company now formed, within the last three years, will appear by the reports they have published, (which will be presented herewith,) and will furnish the fullest confirmation of those formerly made, with a variety of other facts, which the superior knowledge and ability of engineers at the present period enable them to make.

The course of the canal, as now marked out and decided upon, from Welch Point, on Elk river, where vessels of any size may approach it, to bold navigable water on the Christiana, near the Delaware, is twenty-one miles. All this course is over a country wholly unimpeded by hills, rocks, morasses, or any material difficulty whatever. The canal is intended to be supplied by water from Elk river and White Clay creek, taken at positions on each of them sufficient to give the necessary elevation, and conducted by feeders, or canals of supply, to the main canal itself. These feeders are constructed on a smaller scale than the main canal, but are also made sufficient for barge navigation, and promise to afford a considerable augmentation to the profits of the work, as they extend northward nearly to the boundaries of Maryland and Delaware with Pennsylvania—countries affording stone, lime, timber, and many mineral productions in great demand in the southern States, and numerous mill-seats which may be converted into manufactories by the aid the canal will give them.

As the supply of the canal with water was the basis of its navigation, when completed, and afforded great advantages to all the operations of the work itself, by furnishing water carriage for removing the earth, stone, and other necessary materials, the company have been engaged, thus far, in completing the canal of supply from Elk river, which was found to furnish sufficient water for opening the canal, and for navigation upon it. The ground through which this feeder has been constructed presented many difficulties not occurring in the main canal itself, as, in passing upwards to the course of the feeder, it enters a hilly country abounding with ridges of stone, deep valleys, and many other objects of labor; none, however, of more difficulty than yielded to a moderate degree of perseverance; and the board feel a great degree of satisfaction that, in nearly completing it, as they have done, they have had time and opportunity to form and mature a system for their operations, to gain considerable experience, to collect a body of excellent workmen, and, by encountering their greatest difficulties in their outset, to be prepared to enter upon the work of the main canal itself with superior confidence and advantage. The course of the feeder which has already been opened is about five miles, which is completed, except a few short spaces, and the construction of the necessary bridges and other masonry. The work of a few months, therefore, will render this part of the undertaking complete, and confine the future operations of the company to the main canal itself.

As some estimate of the expense of this undertaking may be required, the committee have only to mention that, in all works, whether of a public or private nature, and even in those of the most simple and customary construction, difficulties occur in forming just estimates, and still more in confining the expenditure to them when made. This observation, they are sensible, must forcibly apply to a work nearly new in its kind in these States, and of a nature more complicated than usual; but, in the present instance, the board possess the advantage of considerable experience, which they trust they can apply, with some confidence, to an estimate of their future work; they therefore, with as much certainty as can be expected in an undertaking of the kind, calculate that the completion of the main canal will not exceed $25,000 per mile, or $550,000 altogether.

In the commencement of this undertaking, the private subscriptions amounted to near $400,000, of which about one-fourth has been received and expended in purchases of the water rights and land, and in the preparations necessary to collect and accommodate a large body of workmen, and to supply them with tools and materials, and in the operations of the feeder. From the subscriptions, also, some deduction must be made for losses by bankruptcy, deceased persons, and those casualties which attend the collection of money. After all these are deducted, there remains a large sum of efficient funds for the purpose of continuing the work.

The chief difficulty, however, which the board have experienced, which offers itself as the obstacle to their progress, and forms the basis of their application to Congress, is the despondency of the private subscribers, many of whom are persons of small or moderate fortunes, to whom the amount of their subscriptions is of considerable consequence, and who, therefore, are actuated by fears, and feel the deprivation of capital and interest, for a few years, until the canal can be completed, more forcibly than the just and reasonable hopes that, when completed, the canal, in addition to its great public utility, will afford a large private emolument.

The calculations which have been formed upon this head have been founded upon the knowledge obtained by the board of the vast trade at all times carried on across the peninsula, even under the great inconvenience of carriage by land, a just appreciation of the increase of this trade, and the numerous advantages otherwise offered by the canal.

It therefore appears essentially necessary to the completion of this work that the patronage and support of it should be taken up by the public, and that the hopes of individuals should rest upon something beyond private exertion. In the present moment, it may be considered as one of those children of the public which is struggling for existence, and demanding that aid which may confirm its strength and enable it to advance to maturity. If deprived of this support, it will probably perish, and not only become an object of great public injury and regret, in itself, but, in its example, protract the undertaking of all great works, or load them with despondency if begun. The aid of the Legislature of the United States would completely revive the spirit and hopes of the subscribers, bring forth their exertions, and give to the company that confidence which would enable them to draw resources from their own means, as the subscriptions of the individuals would be immediately obtained whenever a small degree of public protection and support is given them.

Of the advantage of this protection and support, the history of the political economy of all countries furnishes the most ample proof. Every nation has found it necessary, in its first attempts to establish manufactures, roads, canals, and even commerce itself, whether foreign or internal, absolutely to begin them at the public expense, or to cherish the efforts which the enterprise and public spirit of individuals prompt them to make. The states of Holland and of the Low Countries first made, and have ever since supported, their canals with the public money. Henry IV. constructed the canal of Briare, and several others, by the same means. Louis XIV. not only introduced the manufactures of France by his own institutions, but paid the expense of the canal of Languedoc, and afterwards gave it to Mr. Riquet, the engineer, forever: and the whole history of the English nation, and of every session of its Parliament, is replete with donations and acts for granting the public aid and protection to every work which is calculated to promote the general system of political economy; from whence has arisen that enterprise in individuals which attempts every improvement, from the confidence created by so many successful examples, and by the certainty that the Government will, in some way, lend its support where private means are not sufficient.

The Chesapeake and Delaware canal, though so admirable in its natural situation, and of such immense importance, has some difficulties of a political nature to encounter, which particularly places it under the protection of Congress. It passes through the extremities of two States, viz. Delaware and Maryland, and near to that of another, (Pennsylvania,) without being so central to either as to command the general interests of either Government, especially as both Maryland and Pennsylvania have so many objects of a similar kind in the interior of their own

States; and Delaware is possessed of means too limited to give the necessary encouragement. Hence, though the advantages to all those States are undoubtedly great, its importance as a national work, and as an undertaking which one State relies on the other to attempt, prevents its receiving the full support of either, and compels it to look to Congress for aid and protection as a national work.

Of what nature or in what way it may appear expedient for the Federal Legislature to grant its aid to this undertaking, it is by no means proper, or within the province or abilities of the committee to point out: whether in subscribing to a number of shares, or in a specific grant, such as has been given to harbors, roads, light-houses, and works of a similar nature, or in any other manner, must be left wholly to the superior knowledge and discretion of the Legislature. All that the committee wish to impress on the members to whom they respectfully offer these observations is, the immense importance of the undertaking itself; the necessity of public support to insure its progress or save it from ruin; and the certainty that even a very moderate aid will increase its private support, and insure the execution of a work, great, indeed, in its own importance, but still greater as the basis and example of all others which the improvement of our country may require, or the genius and enterprise of its citizens undertake for the general benefit of the Union, detached from the objects of particular States, of which the wisdom of Congress will always form the best judgment and discrimination.

KENSEY JOHNS,
JOSHUA GILPIN,
ROBERT H. GOLDSBOROUGH.

DECEMBER 1, 1805.

14th CONGRESS.] No. 400. [1st SESSION.

CONTESTED ELECTION OF WILLIAM McCOY, A REPRESENTATIVE FROM VIRGINIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 19, 1816.

Mr. TAYLOR, of New York, made the following report:

The Committee of Elections, to whom was referred the petition of Robert Porterfield, contesting the election of William McCoy, who is returned as one of the representatives of the Commonwealth of Virginia in the present Congress, and praying to be admitted to a seat in his stead, have had the same under consideration, and report:

That, at the last election in Virginia, the petitioner and sitting member were opposing candidates in the congressional district composed of the counties of Augusta, Rockingham, Pendleton, and Bath. The whole number of votes given in the district was 2,378, of which 1,213 were returned for the sitting member, and 1,165 for the petitioner. One of the votes given for the sitting member was, by mistake, set down and returned for the petitioner; and three votes offered to be given for the sitting member were improperly rejected by the sheriff, and have been added to his poll by the committee. From these facts, it appears that the sitting member's majority amounts to 53 votes. But, of the votes given at the said election, 745 were objected against as illegal; of which, 390 were given for the petitioner, and 355 for the sitting member. The committee have carefully investigated the titles upon which the said votes were given, and find that there are upon the polls of the petitioner 171, and of the sitting member 149 illegal votes. The difference between these numbers, being added to the 53 votes above mentioned, gives to the sitting member a majority of 75 over the petitioner.

The election in the said district commenced in the county of Pendleton, on the 4th, and closed in the county of Augusta, on the 24th day of April last. On the next day, the petitioner caused a notice, in writing, to be served on the sitting member, communicating the intention of contesting his election.

On the 22d day of May, the petitioner served on the sitting member a list of the votes to the legality of which he objected. On the 9th of June, the sitting member served a similar list on the petitioner, and invited him to a speedy commencement of the investigation. On the 22d of August, the petitioner notified the sitting member of his intention to commence the investigation on the 4th of September then next, at the court-house in the county of Augusta, and to proceed, with as little delay as circumstances would admit, to the other counties in the district. On the last-mentioned day, the sitting member caused to be delivered to the petitioner a protest, in writing, against the legality of his proceedings, and declined attending accordingly. The petitioner proceeded to take testimony in support of his votes, pursuant to the notice. Upon these facts, the sitting member contended that the committee ought not to receive the testimony so taken: 1st. Because it had not been taken within the period limited for that purpose in contested elections for members of the General Assembly of the Commonwealth of Virginia; and, 2d. Because the delay of the petitioner in commencing the investigation for more than four months was unreasonable, and ought not to be allowed.

The committee overruled these objections, and admitted the evidence.

Upon proceeding to a scrutiny of the votes in the county of Rockingham, the petitioner contended that the whole poll ought to be rejected: 1st. Because the election commenced in his absence. 2d. Because the four clerks or writers appointed by the sheriff to keep the poll were not sworn, previous to the commencement of the voting, "*that they would take the poll fairly and impartially;*" but, on the next day after the election, examined and subscribed the poll, and made affidavit thereon "*that the same did contain a just and true account of all the votes taken at the said election, to the best of their knowledge and belief.*" 3d. Because the names of the voters were not written under the names of the candidates, in separate columns, but in the same column, and the votes carried forward and marked under the names of the candidates for whom they respectively voted; and, 4th. Because great noise and confusion prevailed at the election, without any effectual attempt by the sheriff to prevent it.

The first and fourth of these objections were not supported by evidence. The second and third were overruled by the committee. In regard to the second objection, it was proved, by the affidavits of two of the clerks who kept the poll, "that, although they were not sworn before the voting commenced, yet they conducted their poll-book under the impression that they would be sworn after the polls were closed; and that this had been the most usual custom in the county of Rockingham." In regard to the third objection, it not only was proved that it had been usual to keep the poll in that manner in the county of Rockingham, but that the poll in the county of Pen-

dleton, where the election commenced, and in which the petitioner had a majority of the votes, was kept in the same manner, and was not impeached by either party. The errors specified in these objections, in the judgment of the committee, relate more to form than substance. It was not alleged or pretended that the final result had been in anywise varied in consequence of a deviation in these particulars from the letter of the law regulating elections.

In the course of the investigation, the sitting member applied to the committee for permission to avail himself of an agreement entered into between him and the petitioner, at the election in the county of Pendleton, to the following effect: that votes should be admitted on title-bonds for a sufficient quantity of land, accompanied with a possession of six months; that persons having a right to vote in one county, but *happening* to be at an election in another county of the same district, might vote in such other county; and that votes of persons residing out of the district should not be admitted. The petitioner admitted such agreement to have been made, but contended that he was absolved from its obligations, because the sitting member had admitted the votes of two or more persons not residing within the limits of the congressional district to be entered on his poll, and counted among his votes. This allegation was denied by the sitting member.

The committee, being of opinion that the agreement of the parties could not either diminish or enlarge the elective franchise as secured to the freeholders of the district by the laws of the commonwealth, decided: 1st. That the votes of freeholders residing out of the district, but having competent estate and possessions within it, be held legal; 2d. That all votes not given in the county where the land upon which they were respectively given was situate, be rejected; and, 3d. That all votes given by virtue of title-bonds not conveying a legal freehold estate be rejected.

The committee further decided: 1st. That all votes recorded on the poll-lists should be presumed good, unless impeached by evidence; 2d. That certified copies of the commissioners' books or land-lists should be read in evidence, and deemed satisfactory as to the qualification or disqualification of voters, unless corrected by other evidence; and, 3d. That the affidavit of a voter, taken before competent authority, in pursuance of regular and sufficient notice, should be read in evidence to prove his title to vote.

The committee deem it proper to report to the House these decisions, by which it has been regulated in conducting the investigation, and respectfully to submit the following resolution:

Resolved, That William McCoy is entitled to a seat in this House.

14th Congress.] **No. 401.** [1st Session.

EXTENSION OF A PATENT RIGHT.

COMMUNICATED TO THE SENATE, FEBRUARY 27, 1816.

To the honorable the Congress of the United States: The petition of Harriet Fulton, widow and executrix of the late Robert Fulton, humbly represents:

That the said Robert Fulton, on the 11th day of February, 1809, and on the 9th day of February, 1811, obtained two patents from the President of the United States, as the inventor of a method of navigating vessels by the agency of fire and steam; and departed this life on the 23d day of February last, leaving your petitioner and four young children dependant on his said invention for support, and a large debt, which arose from his unwearied and expensive efforts in prosecuting and perfecting this great improvement.

That notwithstanding various attempts have been made to propel vessels by the power of steam, yet he was the first person who established its practical effects in navigation. It is unnecessary to expatiate on the advantages of this important discovery; they are particularly felt and acknowledged in all parts of the civilized world. America, peculiarly favored in the number, magnitude, extent, and importance of her navigable waters, must look for her highest prosperity in her internal communication and trade; and it is now undeniably established that steam-vessels can surmount difficulties heretofore considered insuperable; that neither tide, nor wind, nor current can arrest their course; and that for velocity of progress, economy of transportation, and facility of communication, they are superior to all competition.

It is well known to your honorable body that all great improvements in human affairs are the result of patient investigation and elaborate industry; that, in their origin, their progress, and final perfection, application must be associated with genius; and, particularly in those beneficial inventions which are connected with combinations of mechanical powers, not only extraordinary faculties are required, but heavy expenses must be incurred, great risks must be sustained, and much time must be consumed, before they are brought to any perfection. The greatest benefactors of the human race have generally done but little for themselves; and, after having devoted their lives with indefatigable labor and with disinterested zeal to the general good, they have left no legacy to their posterity but an illustrious reputation.

Your petitioner is fully sensible of the delicacy of her situation; she is conscious that she may expose herself to the imputation of vanity; but surely the partiality of a wife will be pardoned, and the tender affections of a parent consulting the welfare of her children will be an apology. In order to support their cause, it is necessary to speak of their father, and, alas! all her recollections of his worth are imbittered by affliction for her loss.

After the husband of your petitioner had obtained a patent for his invention, several years necessarily elapsed before he derived any revenue from it, and in the intervening time he was exposed to enormous expense. He, in consequence, left a debt exceeding $150,000, which was incurred to raise the capital required for this complicated and expensive operation; neither was he, in his lifetime, able to derive any profit from the sale of his patent right, but incurred great expense in defending it against charges and imputations that the same had not been regularly obtained, or that some formal requisite had been omitted; when, without his enthusiasm, industry, and talents, this great improvement would, probably, have been lost to the world.

If the patronage of Government ought to be in proportion to the benefits diffused, then your petitioner can, without arrogance, appear before you, and solicit, in behalf of herself and her children, a liberal extension of his patent; for, without this indulgence, it will be impossible to derive any essential benefit from it.

It has been the policy of enlightened Governments in modern times to encourage the efforts of genius, and to hasten the progress of discovery, by exclusive privileges for definite periods; a limitation of time is, of course, prescribed as a rule of general application, during which it is presumed that the patentee will obtain a sufficient remuneration for his expenses, and for the benefits he has rendered to society; but, on extraordinary occasions, justice and expediency unite in favor of extending the time of the grant, and cases have frequently occurred where this indulgence has been obtained.

In Great Britain a patent for fourteen years was granted to James Watt for a newly invented method of lessening the consumption of steam and fuel in fire engines; an act of Parliament was, six years thereafter, passed, extending the privileges given by the patent to twenty-five years. Thus Mr. Watt, for an improvement in steam engines, received from the munificence of the British Government exclusive privileges for thirty-one years. The case of Oliver Evans is well known; he obtained a patent for an improvement in the machinery of mills, and Congress afterwards passed a law extending the patent seven years; and, notwithstanding the acknowledged utility of those inventions, no one will contend that they ought to be placed on an equal footing with steam vessels.

But your petitioner's husband did not confine his views to this subject alone. The public defence occupied his utmost attention, and engaged his most anxious solicitude. During the late war he devised a steam frigate for the better protection of our cities and harbors. While superintending the execution of this impregnable fortress, he laid the foundation of the disease which terminated his life in a short period. And ought not the widow and the offspring of the man who has planned the means of protecting his country against its enemies to be placed above the pressure of embarrassment and the humiliation of dependance? For such services he never sought, or intended to receive, any remuneration from the Government.

Your petitioner thus confidently appeals to the justice and the bounty of your honorable body in behalf of the children of a man who died while zealously employed in the service of his country, and who has conferred the most extensive benefits upon the world. Let not the widow and the orphan plead to you in vain.

And your petitioner will ever pray, &c.

HARRIET FULTON.

NEW YORK, *January*, 1816.

DEAR SIR: SENATE CHAMBER, *March* 14, 1816.

An application has been made to Congress, in behalf of the widow and children of the late Mr. Fulton, for an extension of his patents for steamboats. As a popular opinion has existed that Mr. Fulton, before his death, had derived great profits from the privileges secured to him by these patents, and that his family will be likely to derive therefrom further and great emolument during the unexpired term of the patents, I am directed by a committee of the Senate to which the petition from Mr. Fulton's family is referred, to obtain such information as is within our reach respecting the situation of the pecuniary affairs or estate of Mr. Fulton. If Mr. Fulton's family already possess, or are likely to acquire, during the residue of the term of the patents, a liberal remuneration for his invention, there would seem to be no sufficient reason in favor of an extension of the patents; while, on the other hand, if such remuneration has not been, or is not likely to be received, during the unexpired term of the patents, such is the very great public utility of the steamboats which have been brought into use by Mr. Fulton, that a strong motive would be found to exist for a prolonging of the patents for the benefit of Mr. Fulton's family.

As Mr. Fulton lived in New York, the city of your residence, and was well known by you, it has occurred to me that it may be in your power to give to the committee some information on this subject.

With very great respect, I have the honor to be, dear sir, your most obedient servant,

RUFUS KING.

BROCKHOLST LIVINGSTON.

DEAR SIR: WASHINGTON, *March* 14, 1816.

Your favor of this date has just been delivered to me. I have no doubt that the opinion which prevails in respect to the profits made by Mr. Fulton out of his privileges secured by the steamboat patents, however general it may have become, is incorrect; at the same time, it is not at all extraordinary that such an impression should have gone abroad, as the gross receipts of the boats in which he was concerned were very large, and well calculated to excite such a belief. But those who make these calculations are not always competent to make them, and sometimes neglect or are unwilling to take into the computation the very large expenses attending such establishments. I should not have been able to form on this subject a more accurate estimate than others, had it not been for information derived from Mr. Fulton himself a very few weeks before his death. In a conversation with him on this subject, he assured me, and with very considerable emotion, that, notwithstanding the fortune which he was supposed to have made from his concern in steamboats, he had not yet paid for his share of them, but, on the contrary, was involved in so large a debt as to be induced to dispose of a great part of his interest in these patents, although I have since understood that a contract which he had entered into for that purpose had not been carried into effect at the time of his death. This statement has since been confirmed by Captain Bunker, who commanded the steamboat Fulton, who was very well acquainted with his affairs, and who has assured me that that gentleman died insolvent, which is now the general opinion in New York.

Considering the expense of building a steamboat of any size, as well as that of running her, it is not very probable that Mrs. Fulton will derive any great emolument under the present patents, during the residue of their term. Prudent men will hardly be willing to incur so great an expense, when the privilege will so soon expire, and their profits be exposed to considerable diminution. Mrs. Fulton's friends have therefore reason to fear that, unless the extension now contemplated be obtained, but little profit will be made by her during the term yet unexpired of these patents.

With very great respect, I have the honor to be, dear sir, your most obedient servant,

B. LIVINGSTON.

The Hon. RUFUS KING.

14th Congress.] No. 402. [1st Session.

CITY OF WASHINGTON: PUBLIC EXPENDITURES, AND VALUE OF PUBLIC PROPERTY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 11, 1816.

I transmit to the House of Representatives a report of the Secretary of the Treasury, complying with their resolution of the 17th of Febru ary.

JAMES MADISON.

March 11, 1816.

The Secretary of the Treasury, to whom the President of the United States referred the resolution of the House of Representatives of the 17th of February, 1816, requesting a statement of certain expenses which have been incurred for public edifices and improvements in the city of Washington, under the authority of the United States, has the honor to report:

That the annexed schedule A, certified by the superintendent of the city, contains a general abstract of the receipts and expenditures, and of the objects of expenditure, in relation to the city of Washington, under the authority of the United States, so far as the same occurred under the agency of the board of commissioners, or of the superintendent of the city, respectively, from the year 1791 to the 1st of January, 1816.

That the annexed schedule B, certified by the Register of the Treasury, contains a statement of moneys which have been advanced by the United States, and of the objects of expenditure, in relation to the city of Washington, other than those included in the preceding schedule.

That from the schedule A it appears that the aggregate of the expenditures under the board of commissioners and the superintendent of the city, amounted, on the 1st of January, 1816, to the sum of		$1,746,014 46
Of which there was drawn from the treasury the sum of	$970,944 08	
Of which there was received upon donation from the States of Maryland and Virginia the sum of	192,000 00	
Of which there was received from the sale of lots, assigned by the original proprietors as a grant, the sum of	583,070 38	
	$1,746,014 46	
That, from the schedule B, it appears that the aggregate amount of the moneys advanced by the United States, upon specific appropriations and authorized loans, in addition to the above, amounted, on the 1st of January, 1816, to the sum of		261,325 45
The gross amount of expenditures, on the 1st of January, 1816, being the sum of		$2,007,339 91

That the value of the public property remaining on hand is estimated by the superintendent of the city, in a letter dated the 27th of February, 1816, at the sum of $1,724,000.

1. About 5,200 standard and building lots of 5,265 square feet each, which, estimated at $180 per lot, the average price of the lots heretofore sold, would amount to the sum of	$936,000 00
2. Five hundred and forty-one acres of ground in the city of Washington, reserved for the use of the United States, which, estimated at the same rate, though deemed of much greater value, would amount to the sum of	740,000 00
3. Lands and freestone quarries in Virginia, wharves and water lots in the city of Washington, and debts due for property sold, about	48,000 00
	$1,724,000 00

All which is respectfully submitted.

A. J. DALLAS, *Secretary of the Treasury.*

Treasury Department, *March* 6, 1816.

A.

General abstract.—Account of receipts and expenditures in relation to the city of Washington, under the authority of the United States, in which the late Board of Commissioners and the Superintendent of the city, their successor in office, had any agency, from the commencement, in the year 1791, *to the* 1st *of January*, 1816; *prepared in obedience to a resolution of the House of Representatives of the United States, passed on the* 17th *of February*, 1816.

Receipts.		Amount.
Donations from State of Virginia, 1791,	$120,000 00	
Donations from State of Maryland, 1791,	72,000 00	
		$192,000 00
From the Treasury of the United States, viz:		
In the year 1798,	$50,000 00	
In the year 1799,	50,000 00	
In the year 1800,	10,000 00	
In the year 1802,	49,650 93	
In the year 1803,	52,000 00	
In the year 1804,	112,423 91	
In the year 1805,	130,800 00	
In the year 1806,	132,400 00	
In the year 1807,	111,000 00	
In the year 1808,	137,196 24	
In the year 1809,	59,600 00	
In the year 1810,	37,500 00	
In the year 1811,	3,300 00	
In the year 1812,	18,573 00	
In the year 1813,	16,500 00	
		970,944 08
Sales of lots and other property within the District of Columbia, assigned to the United States by the original proprietors thereof, to be applied as a grant, agreeably to the act of Congress establishing the temporary and permanent seat of the Government of the United States,		583,070 38
		$1,746,014 46

Expenditures.	Amount.
On the Capitol, including both wings, foundation of the centre, all alterations, additions, and repairs, temporary buildings, and other works for the accommodation of Congress,	$804,343 22
On the President's house and appurtenant grounds,	334,482 19
On the public offices,	117,184 66
On the grounds in the city of Washington reserved for the use of the United States,	38,697 92
On the stone quarries on Aquia creek, in Virginia, and in the city of Washington on land purchased for and still belonging to the United States,	30,225 31
On surveying the territory and city, and marking and bounding the same, including the expense of engraving maps and plans, planting corner-stones of squares, and of preparing a general system of graduation,	67,469 76
On opening and improving streets,	33,646 82
On a stone bridge, (which fell down,) and the present wooden drawbridge and adjoining causeway at the mouth of Rock creek, deducting $9,333 33, the amount of the sale of a portion of ground on the Georgetown side of said causeway, which was ceded to the commissioners for that purpose,	12,775 40
On a wooden bridge over Tiber creek, in Seventh street west,	1,425 00
On a wooden bridge over James's creek, in N street south,	841 59
On wharves to land freestone and other building materials on, viz: one on the Eastern Branch, one on the Potomac river, and one at the mouth of Rock creek,	9,130 17
On temporary buildings for workmen and laborers, including a house used as a hospital for sick laborers hired by the year, and the expense of medicine and attendance,	4,681 23
On the canal from Tiber creek to James's creek,	5,670 61
On interests, commissions, and discounts on loans and other pecuniary transactions, including those relating to loans of $250,000, by the State of Maryland, of United States six per cent. stock in the years 1797, 1798, and 1799, repaid finally in 1808; this being the amount, after deducting nett proceeds or amount derived from said loans on the sale of the stock so borrowed, or the difference between the *nominal* amount borrowed and repaid with interest, and that *actually received* and applied,	165,533 93
On the city of Washington, embracing all other expenses incurred, and not included in any of the above-enumerated accounts, being for purposes of a general nature, such as salaries of commissioners, superintendents, clerks, and others employed as their permanent agents and assistants; office rent, fuel, stationary, and furniture; printing, drawing, authenticating and recording deeds, plats, and divisions of squares; law proceedings, and awarded valuations of buildings removed out of streets; and the various other subjects of expenditure in the preparatory arrangements and progressive operations in the affairs of the city from 1791 to 1816, not so properly chargeable to any other account,	119,906 65
	$1,746,014 46

OFFICE OF SUPERINTENDENT OF THE CITY OF WASHINGTON, *February* 27, 1816.

E. E.

THOMAS MUNROE, *Superintendent.*

B.

Statement of moneys which have been advanced by the United States in relation to the city of Washington, other than those stated by the Superintendent.

Dates of appropriation.	Years when paid.	Folio of the public accounts.	Object, and to whom paid.	Amount of each object.	Total amount.
			Building a jail in Washington.		
May 3, 1802,	1802	51	Daniel Brent, marshal, - - -	$5,800 00	
March 2, 1803,	1803	45	Daniel Brent, marshal, - - -	5,902 66	
					$11,702 66
			Fire-proof for the Treasury records.		
March 1, 1805,	1805	26	John Lenthall, agent, - - -	4,000 00	
March 1, 1805,	1806	26	John Lenthall, agent, - - -	4,000 00	
March 1, 1805,	1807	27	John Lenthall, agent, - - -	2,000 00	
March 1, 1805,	1808	27	John Lenthall, agent, - - -	3,099 05	
					13,099 05
			Better accommodation of the General Post Office and Patent Office.		
April 28, 1810,	1810	59	Robert S. Bickley, - - -	10,000 00	
March 7, 1812,	1812	57	Gideon Granger, - - -	11,853 91	
					21,853 91
			Preparing a building for the accommodation of Congress, and for the library.		
March 24, 1814,	1814	68	Thomas Munroe, superintendent, - -	6,200 00	
March 3, 1815,	1816	-	Thomas Munroe, superintendent, - -	1,520 87	
					7,720 87
			Repairing the public buildings in Washington.		
Feb. 13, 1815,	1815	-	John P. Van Ness and others, commissioners, -	175,000 00	
Feb. 13, 1815,	1816	-	John P. Van Ness and others, commissioners, -	25,000 00	
					200,000 00
			Interest on loans made to the city of Washington.		
Feb. 13, 1815,	1815	-	Alexander Kerr, cashier of the Bank of the Metropolis,	645 20	
Feb. 13, 1815,	1816	-	Alexander Kerr, cashier of the Bank of the Metropolis,	748 97	
Feb. 13, 1815,	1816	-	Charles T. Chapman, cashier of the Union Bank of Alexandria, - - - -	554 79	
					1,948 96
			New building on Capitol hill, for the accommodation of Congress, (for fixtures, &c.)		
Dec. 8, 1815,	1816	-	Daniel Carroll and others, - - -	-	5,000 00
			Total dollars, -	-	261,325 45

TREASURY DEPARTMENT, REGISTER'S OFFICE, *March* 6, 1816.

JOSEPH NOURSE, *Register.*

14th CONGRESS.] No. 403. [1st SESSION.

CUMBERLAND ROAD.

COMMUNICATED TO THE SENATE, MARCH 13, 1816.

To the Senate and House of Representatives of the United States: MARCH 12, 1816.

I lay before Congress a report of the Secretary of the Treasury, containing a statement of proceedings under the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio, with a statement of past appropriations, and an estimate of required appropriations.

JAMES MADISON.

TREASURY DEPARTMENT, *March* 1, 1816.

The Secretary of the Treasury has the honor to lay before the President of the United States the annual report of David Shriver, jun., the superintendent of the western road from Cumberland to the river Ohio.

The Secretary, having respectfully submitted to the President propositions for accelerating the completion of this great national work, deems it proper, upon the present occasion, to add the following statement and estimates of the appropriations which have been made, and which will be required for that purpose.

1. *Statement of past appropriations.*

In 1806, by the act of the 3d March, 1806,		$30,000 00
1810, by the act of the 14th February, 1810,		60,000 00
1811, by the act of the 3d March, 1811,		50,000 00
1812, by the act of the 6th May, 1812,		30,000 00
1813, by the act of the 3d March, 1813,		140,000 00
1815, by the act of the 14th February, 1815,		100,000 00
Amount of appropriations,		410,000 00
Deduct amount carried to the surplus fund, not re-appropriated,		22,679 75
		387,320 25
The sum expended upon the road prior to 1815 is	$194,631 80	
The sum expended upon the road during 1815 is	73,708 80	
The sum expended upon the road from the 31st of December, 1815, to the 27th of February, 1816, is	17,446 00	
		285,786 60
Leaving the balance of appropriations on the 27th February, 1816, at		$101,533 65

2. *Estimate of appropriations required.*

To carry the road to Uniontown, about the sum of	$117,000 00
To complete the road from Uniontown to Brownsville, about 12 miles, will require, at the rate of $7,500 per mile, according to the estimate heretofore laid before Congress, about the sum of	90,000 00
To make the road at and from Wheeling, on the Ohio, to the 113th mile marked upon the survey of the commissioners, about 12 miles, will require, at the same rate, about the sum of	90,000 00
To survey the course of the road from Brownsville to Wheeling, through Washington and Alexandria, will require about the sum of	3,000 00
	$300,000 00
Upon this general view, it is proposed that, in addition to the above-stated balance of past appropriations,	$101,533 65
There be recommended to Congress a further appropriation to the amount of	300,000 00
Making, together, the amount required for the above purposes,	$401,533 65

All which is respectfully submitted.

A. J. DALLAS, *Secretary of the Treasury.*

SIR: CUMBERLAND, *December* 30, 1816.

In my last report of the progress of the western road, I stated that twenty-eight miles had been nearly completed. At the same time, we have in a similar situation upwards of thirty-five miles, and on the remaining three miles, (which complete the distance to the Big Youghiogeny river,) the contractor is now engaged. The state of the road is substantially as follows:

The 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 11th sections are *finished*, embracing a distance of twenty-three miles. The 9th, 12th, 13th, and 14th sections, about eight miles in length, are so near completion as to have admitted travellers upon it for some time past. The 10th and 15th sections (about four and a half miles) are in a state of considerable forwardness, and on the 16th and 17th sections (about three and a half miles) the work is progressing. The *mason work* upon the whole road to the end of the 17th section (Big Youghiogeny river) has been finished, the accounts adjusted and paid. The contractors on that part of the road last let out, to the end of about forty-seven miles from this place, have made considerable progress, and, from present appearances, I conclude they will be enabled to finish the work within the time specified in their contracts, by which time I confidently believe the whole of the turnpike east of the Big Youghiogeny river will be finished, if it be not sooner.

The contractors for the bridge to be built over the Big Youghiogeny river have commenced the undertaking. They have obtained a rock foundation for the west abutment, about fifteen to eighteen feet below the surface of low water, and have raised the abutment to the ordinary height of the water, in the river. This is the chief part of what has been done, except providing materials for recommencing the ensuing season.

The *repairs* made the past summer upon the first six sections (comprising about sixteen miles) have cost $1,200. These repairs have rendered the road nearly as perfect as when first made. Early next summer a considerable extent of road will be received from the contractors, when the expense of repairs will be much increased, and when it appears to me essential that some regular plan be adopted, as well with a view of keeping the road in perfect order, as to diminish the probable expenditures by the timely application of a remedy.

If this great national undertaking does not progress with a rapidity equal to the wishes of Government or the anxiety of individuals, the cause may be easily traced to their primitive sources, without involving the crimination of any one. The two most prominent of these I shall proceed to name—the inefficiency of the existing mode of letting out contracts, and the very inadequate supply of hands. To the last of these causes is mainly chargeable the tardy completion of that which is now finished, and the incomplete state of some of those sections which are of the old letting. A road thus made by contract may and must frequently get into the hands of men without adequate means, but with every disposition to fulfil their engagements; they are desirous of doing the work, underbid others, and perhaps contract for what will be an eventual loss to them. The consequences are, the retarding the work by the failure of the contractor; the hands lose their wages, and are thus deterred from labor, and in a manner driven from the road. Then, again, contractors, in order to obtain the work, are obliged to do it so low that they cannot offer any advance of price to the laborers, be the demand for them ever so pressing. Thus, men who prefer lighter labor, also prefer the labor of the farm; consequently, the work drags on heavily, and the contractors fail to perform their engagements in the specified time.

I am sensibly alive to the importance of a speedy completion of the road, but have no hope of accomplishing this object under the present system of contracting. If rapidity be desired by Government, a plan more likely to produce that effect, in my estimation, would be to abandon the mode of *separate contracts* altogether, and substitute *day labor.* In this way, rapidity of execution would be combined with faithfulness in performance. All inducements to fraud or deception would be done away; and, from my experience in very extensive *repairs* on other work, in which from two to three hundred men were employed, I do believe the work could be done *better*, certainly with more speed, and with a considerable saving of time, and perhaps of money. The effect of the organization of the whole number of laborers under one efficient head, aided and assisted by the subalterns, may readily be conceived, by making the comparison with a properly organized military force. By this organization, the vigorous and salutary hand of public authority is immediately felt in the security for the prompt payment of hands, and the certain and speedy means of supplying any want of labor by increasing the *per diem.* An increase of twenty-five cents per day, or at most fifty cents, I suppose would produce as many men as we could employ. This price, and the security of the Government for its payment, would give us a choice of all the spare labor of the adjacent country. These are mere suggestions of my own, submitted for your consideration, if the idea is properly embraced by my expression, and you approve of the alteration. If any further explanations are required, I shall attend to your request with promptitude and pleasure.

The ground between the end of the last letting (forty-seven miles from this place) and Uniontown, a distance of about thirteen miles, I have examined; but little time would be requisite to prepare the location. This part of the work might be commenced early next spring. A sum of about $90,000, it is believed, will be sufficient to complete it.

Frequent abuses take place upon the road, such as throwing down the walls, digging down the banks, felling trees, dragging —— along it, locking of wagon wheels, placing fences within the sixty-six feet, and many other improper acts are done; to prevent which some means ought to be speedily provided.

Should it be deemed advisable to make the location near the Ohio, the wish of Congress ought to be expressed. If the road is to be extended beyond the river Ohio, the ground on the other side ought to be viewed, and the bearing known, before the location on this side is made. All which is respectfully submitted by

Sir, your obedient servant,

DAVID SHRIVER, Jun.

The Hon. A. J. Dallas.

14th Congress.] **No. 404.** [1st Session.

MONUMENT TO THE MEMORY OF GENERAL WASHINGTON.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 14, 1816.

Mr. Huger made the following report:

The joint committee of both Houses, appointed under a resolution of the 16th February last, "to examine into the proceedings of a former Congress on the death of George Washington, and to take into consideration what further measures it may be expedient to adopt at the present time in relation to that solemn and interesting subject," respectfully report:

That they have carefully and attentively examined into the subject referred to them, and submit to the consideration of their respective Houses the following resolutions:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in pursuance of the resolution of Congress of the 24th December, 1799, a marble monument be erected by the United States to commemorate the military, political, and private virtues of George Washington.

That the receptacle for his remains be prepared in the foundation of the Capitol, and that the monument be placed over the same, and in the centre of the great hall of the Capitol.

That, on the four sides of the monument, he be represented—

As the defender of his country against the French and Indians in the war before the Revolution.

As the protector of her rights against British invasion, and the captain of her armies in the war of independence.

As the first President of the United States wisely administering the public affairs during eight years of peace, other nations being engaged in war.

As a private citizen voluntarily retired from public office, and engaged in the employments of agriculture.

And be it further resolved, That the President of the United States be, and is hereby, authorized to take measures to carry the foregoing resolution into execution.

14th Congress.] No. 405. [1st Session.

INCREASE OF THE SALARIES OF THE OFFICERS OF GOVERNMENT.

COMMUNICATED TO THE SENATE, MARCH 22, 1816.

Mr. Fromentin made the following report:

The committee appointed to inquire into the expediency of increasing the salaries of all the officers of Government beg leave to report:

That, from the most thorough investigation by them bestowed on the subject referred to them, they can have no hesitation in recommending an increase of salary to all the officers of Government mentioned in the bill which accompanies, and which they pray may be considered as part of this their report. By contrasting the prices of all the necessaries of life at the time at which the salaries of the officers of Government were first fixed with the prices now to be given for the same necessary articles, your committee are satisfied that the expenses of living have been increased in a proportion much greater than the increase contemplated in the bill now submitted to the Senate. At the same time, therefore, that they were persuaded an addition was to be made to the salaries of the officers of Government, they entertained doubts as to the amount of augmentation which it might be proper for them to recommend, having a due regard both to the necessities of the officers to be provided for, and to the principles of a wise and prudent economy. From these doubts your committee feel themselves relieved by the principle of augmentation established in the act lately passed to change the mode of compensating the members of Congress.

From the year 1789, when the Government first went into operation, to the end of the thirteenth Congress, it appears, by a reference to the journals, that Congress have been in session four thousand one hundred and forty-eight days; which number of days, divided by twenty-six, the whole number of years which have elapsed from the beginning of the first to the end of the thirteenth Congress, gives for each year an average number of one hundred and fifty-nine days and a fraction during which Congress have been in session, without making any mention of the additional number of days during which the Senate have been occasionally called upon to sit on executive business.

Had the compensation of members of Congress then been, as it now is, at the rate of $1,500 per annum, instead of six dollars per day, they would have received nine dollars and a fraction, making the increase to their salary, as fixed by the act to change the mode of compensating the members of Congress, about fifty per cent. over the sum at which it was originally fixed in the year 1790—an increase, however, still reduced somewhat below fifty per cent., as no alteration has taken place in the mileage.

Fifty per cent., then, being about the increase made by Congress to the compensation of their own members, may be fairly considered as the standard by which the salaries of the officers of Government ought to be now regulated; and the committee would have reported to you a resolution to that effect had there been no occasional increase of salary to some of the officers whose compensation was originally fixed in the year 1790, and had there not been several offices created since with rather more adequate salaries.

These circumstances preclude, on the part of the committee, the possibility of a compliance with a strict adherence to the principle of increase in every case in absolutely the same exact proportion. Your committee were further induced to sacrifice unimportant fractions to the advantage resulting from adopting a mode of compensation amounting to a round sum. With this view of the subject referred to them, and without losing altogether sight of the principle adopted by Congress in the act providing for the increase of their own compensation, your committee beg leave to add that, except in a few cases, where, from the considerations above mentioned, they have reported below the increase of fifty per cent., they have rather generally gone beyond than remained below the principle of an increase of fifty per cent. to the salaries as they were originally fixed in the year 1790.

A bill providing for the increase of the salaries of the officers of Government therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in lieu of the salaries formerly allowed to the officers of Government mentioned in this act, there shall be allowed to them from the 1st day of January, 1816, the following annual salaries, payable quarterly, at the Treasury of the United States, to wit:

To the Secretary of State,	$6,000
To the Secretary of the Treasury,	6,000
To the Secretary of War,	6,000
To the Secretary of the Navy,	6,000
To the Attorney General,	4,000
To the Comptroller,	4,000
To the Postmaster General,	4,000
To the Auditor,	3,500
To the Treasurer,	3,500
To the Commissioner of the General Land Office,	3,500
To the Commissioner of the Revenue,	3,500
To the Register,	3,500
To the Accountant of War,	3,000
To the Accountant of the Navy,	3,000
To the Paymaster of the Army,	3,000
To the Governors of the several Territories,	2,500
To the Secretaries of the several Territories,	1,500
To a minister plenipotentiary and envoy extraordinary to the courts of Paris, London, and St. Petersburg,	12,000
To a minister plenipotentiary and envoy extraordinary to any other court,	9,000
To a minister resident,	7,600
To a chargé des affaires,	5,500
To a secretary of legation,	2,500

To the Chief Justice of the United States,	$6,000
To the associate justices of the Supreme Court,	5,000
To the chief justice of the District of Columbia,	3,000
To the associate justices of the District of Columbia,	2,500
To the district judge for the district of Maine,	1,500
To the district judge for New Hampshire,	1,500
To the district judge for Vermont,	1,500
To the district judge for Massachusetts,	2,000
To the district judge for Rhode Island,	1,500
To the district judge for Connecticut,	1,500
To the district judges for New York, each,	2,000
To the district judge for New Jersey,	1,500
To the district judge for Pennsylvania,	2,000
To the district judge for Delaware,	1,500
To the district judge for Maryland,	2,000
To the district judge for Virginia,	2,000
To the district judge for Kentucky,	2,000
To the district judge for Tennessee,	2,000
To the district judge for Ohio,	1,500
To the district judge for North Carolina,	2,000
To the district judge for South Carolina,	2,000
To the district judge for Georgia,	2,000
To the district judge for Louisiana,	3,500
To the judges of the several Territories, each,	1,500
To the Secretary of the Senate,	2,500
To the Clerk of the House of Representatives,	2,500
To the principal clerk in the office of the Secretary of the Senate,	1,750
To each of the engrossing clerks in the office of the Secretary of the Senate,	1,500
To the principal clerk in the office of the Clerk of the House of Representatives,	1,750
To each of the engrossing clerks in the office of the Clerk of the House of Representatives,	1,500
To the chaplain to the Senate, at the rate of $1,000 per annum.	
To the chaplain to the House of Representatives, at the rate of $1,000 per annum.	

14th Congress.] No. 406. [1st Session.

CUMBERLAND ROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 23, 1816.

Mr. Jackson, from the committee to whom was referred the message of the President of the United States of the 12th instant, transmitting a report of the Secretary of the Treasury containing a statement of proceedings under the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio, with a statement of past appropriations, and an estimate of required appropriations, reported:

That they have attentively considered the subject confided to them, and respectively submit to the House the following facts and observations:

It appears, by an act of Congress, passed on the 1st of May, 1802, entitled "An act to enable the people of the eastern division of the Territory northwest of the river Ohio to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes," that, on condition that the convention of the said State would provide, by an ordinance irrevocable without the consent of the United States, that each tract of land sold by Congress after the 30th June next ensuing shall be and remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or for any other purpose whatever, for the term of five years from and after the day of sale, the United States, among other stipulations, agreed to apply one-twentieth part of the nett proceeds arising from the sales of said lands, from and after the said 30th of June, to the laying out and making public roads leading from the navigable waters emptying into the Atlantic, to the Ohio, in the said State, and through the same; such roads to be laid out under the authority of Congress, with the consent of the several States through which the same shall pass. It further appears that these conditions were accepted by the State of Ohio on the 29th of November, in the same year, subject, as regards the road fund, to a modification which provides that three per cent. of the nett proceeds arising from the sales aforesaid should be subject to the control of the Legislature of that State, and be applied to making roads within the same. It also appears, by an act passed on the 3d of March, 1803, that this modification received the sanction of Congress; and that, in pursuance of this compact, a law was passed on the 29th of March, 1806, authorizing the President of the United States to appoint commissioners to lay out a road from Cumberland, or a point within its vicinity, to the river Ohio, and on their report to pursue such measures as, in his opinion, were proper to obtain from the States through which the said road was laid out their consent to its location and completion.

It further appears to the committee that the location crossing portions of the States of Maryland, Pennsylvania, and Virginia, applications were made to their respective Legislatures, and permission was given by each, to open and establish the said road.

By the report of the Secretary of the Treasury, referred to the committee, it appears that of the appropriations heretofore made towards completing this road, and amounting in the whole to the sum of - $410,000 00

There have been expended, - - - - -	$285,786 60	
Carried to the surplus fund, - - - - -	22,679 75	
		308,466 35
Leaving a balance on the 27th of February, 1816, of - - - -		$101,533 65

applicable to that object; and that a further appropriation of $300,000 is recommended by that report to complete the road to Brownsville, on the Monongahela river; to cover the expenses of a survey from thence by Washington and Alexandria to Wheeling, and to make the road at and from Wheeling to the 113th mile tree, a distance of about twelve miles.

It also appears, by the letter of the superintendent of the road to the Secretary of the Treasury, that frequent abuses are committed on the road, such as throwing down the walls, digging away the banks, &c.; and he suggests that measures ought to be promptly adopted to prevent and to punish these outrages.

This investigation suggested to the committee two points of inquiry to which their attention has been directed: first, the necessity of protecting the work already completed against lawless violence; and, secondly, the propriety of making an ample appropriation for advancing its progress to completion, in order that the benefits it promises may soon be realized.

In considering the first point, although it appears that the Secretary of the Treasury, in his letter communicated at the last session, doubts the authority of Congress to pass any laws for punishing the offenders, the committee do not perceive any defect of jurisdiction. Without controverting the opinion that the constitution does not, in virtue of any grant of power conferred by that instrument, authorize Congress to open roads and canals in any State, it seems to be admitted by all that, if a compact be made with a State, for which the nation receives an equivalent, as in this case, whereby it is agreed that a road shall be opened by the Government of the Union, and the States through which the road passes grant the right to make it, the performance of such compact is not in contravention of that construction, as it is believed that the exercise of such power has, in no instance, been doubted, notwithstanding the repeated acts of legislation for a period of thirteen years. The permission of the States having been given, it follows, as a necessary consequence, that all the powers obviously necessary and proper to carry the grant into complete effect, and preserve it inviolable, have been conferred also. A different construction would render the consent a nullity, and exempt from punishment as well the individuals who resisted the execution of the work, as those that afterwards destroyed it.

If the right to punish these offences belongs to the National Government, it may be effected without the passage of any law, by indictment or information in the courts of the United States, or by enacting statutory provisions fixing the penalties, it being a fundamental right of the judiciary inherent in every Government to punish all offences against the laws passed in pursuance of a delegated power, independently of express legislative sanctions. Although the committee deem it proper to make this explicit assertion of a right which it may become necessary to exercise on some future occasion, in case of a peremptory refusal by a State to pass any law upon the subject, yet, as they believe that no such disposition exists in relation to the road in question, and that prosecutions under State laws may be most effectual in preventing the practices complained of, because of the distances to the places where the respective federal courts are held, they abstain from recommending at this time the passage of any law upon that subject.

In regard to the second branch of the inquiry, viz: the amount of appropriation proper to be made at the present session, it appears to the committee that, although the fund chargeable with the reimbursement of expenditures has been anticipated, it is growing more productive every year, and will be eventually adequate to defray the expenses of completing the road.

If Congress persevere with becoming spirit in this great public work, we shall soon see one of the best roads in the world over the chains of mountains which separate the western from the Atlantic waters, and which, but a few years since, were supposed to present insurmountable obstacles to a safe and easy intercourse. The committee learn with much satisfaction that the State of Maryland is engaged in extending the turnpike road that reaches from Baltimore to Boonsborough on to Fort Cumberland; and in all probability it will be completed before the national road from that point to the Ohio is finished.

It is not intended to expatiate at large upon the moral, political, and physical advantages of this road to the nation. They doubtless entered fully into the contemplation of the Congress by whom the original law was passed; time and experience have given the fullness of their sanctions to the wisdom of their decision; and it is alike a source of surprise and regret to the committee that the work has been suffered, with the ample means possessed by the Government, to linger for a period of more than nine years.

A vigorous prosecution of it now can alone, in any degree, repair the past neglect; and, in the estimation of the committee, no subject is more deserving the favor of Congress. They are aware of the opinion entertained by some that the western country already holds out sufficient lures to the inhabitants of the Atlantic States to migrate thither, and that it is impolitic to contribute to their increase, which will be the effect, as is supposed, of giving facilities to such removal. The error of this reasoning is proved by the infallible test of experience applied to the past and present population of the States and Territories west of the mountains. The emigrant removes with intention to reside for life in his new habitation; and, when he determines upon such removal, he bestows but little attention upon the inquiry whether the road on which he has to travel is a very good one, or in the condition of the principal State roads now used. This policy, therefore, although it cannot prevent him from going to the West, may, and, if persisted in, soon will, materially affect his future connexions with the eastern country in all the ramifications of a mutually profitable trade and intercourse. The natural advantages of a water over a land communication for the purposes of transporting all articles of merchandise will not be denied by any; and trade will always seek that channel which affords it the fairest prospects of realizing its legitimate profits.

Whenever, therefore, land and water communications are found to possess a fair competition with each other in any country, the improvements on both must be equal, to prevent the monopoly of either. The navigation of the Mississippi and Ohio rivers by steamboats is now in its infancy; its success is no longer doubtful, and it is increasing with a rapidity corresponding to that success. During the last years the sugar and cotton of Louisiana were brought up by water to Pittsburg, and, in consequence of the extraordinary demand, were transported from thence in wagons to the Atlantic cities, and sold at prices affording a profit to the owner. With the great advantages of steam navigation, unless the roads across the mountains be much improved, the merchants of the western country will cease to purchase goods from the importers at New York, Philadelphia, Baltimore, &c., and New Orleans will soon become the sole emporium of their trade.

This result never can be produced if a due attention be paid to the improvement of the means of internal communication. The rivers that take their rise in the mountains may be made navigable. In various sections of the

country the portage between them can be diminished to an inconsiderable distance, and roads passing over the entire route will present an option to the merchants as to the mode of transportation. Their connexions have been formed for a considerable period; these have begotten confidence and a mutuality of interests which bind the parties to a future intercourse, and which will not be changed unless for a positive and unequivocal benefit.

But the advantages of an intimate commercial connexion, though addressed to the interest of the parties, are not the most important. Good roads have an influence over physical impossibilities. By diminishing the natural impediments, they bring places and their inhabitants nearer to each other. They increase the value of lands and the fruits of the earth in remote situations, and, by enlarging the sphere of supply, prevent those sudden fluctuations of prices alike prejudicial to the grower and consumer. They promote a free intercourse among the citizens of remote places, by which unfounded prejudices and animosities are dissipated, local and sectional feelings are destroyed, and a nationality of character, so desirable to be encouraged, is universally inculcated.

The road which is the subject of the particular inquiry of the committee has additional recommendations. It leads as far as Washington in a direct line from the seat of Government to the important frontier of the United States on the upper lakes; and if, as the committee suppose, it be the true policy of the nation to have a direct military communication for the entire distance, a road can be extended from Washington, and, passing as it will through a large extent of public lands, inducements will be held out to the western settlers to purchase them, and by a rapid increase of the population, the necessity of keeping up a considerable military force in that quarter will be diminished, if not entirely superseded.

These constitute a part of the reasons which have induced the committee to recommend an appropriation of $300,000 at this time; and therefore they submit the following resolution:

Resolved, That the bill entitled "An act making appropriations for the support of Government for the year 1816" be amended in the ——— line by inserting the following paragraph:

"For making the road from Cumberland, in the State of Maryland, to the State of Ohio, to be repaid out of the five per cent. fund reserved for that purpose, $300,000."

14th Congress.] **No. 407.** [1st Session.

ALLOWANCES MADE TO ASSISTANT COUNSEL FOR THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 23, 1816.

MARCH 22, 1816.

I transmit to the House of Representatives a report from the Secretary of the Treasury, complying with their resolution of the 29th February last.

JAMES MADISON.

The Secretary of the Treasury, to whom the President of the United States referred the resolution of the 29th February, 1816, requesting that there be laid before the House of Representatives "a statement of the cases in which he has employed, or caused to be employed, counsel to assist the Attorney General prosecuting causes in the Supreme Court of the United States, stating, as nearly as may be, the amount of the property in dispute in each case, the names of the counsel so employed, the period of employing them, and the compensation granted to them in each case; also, the manner of making such compensation, and the fund out of which the same was paid," has the honor to present the following report:

That it appears to have been the practice of the Government to employ counsel to assist the Attorney General, and also the district attorneys, in cases of great importance, either as to the principle or as to the value involved in the controversy. Thus, for example, so early as February term, 1796, of the Supreme Court, Alexander Hamilton received a fee of $500 to assist the Attorney General in maintaining the affirmative upon the question respecting the constitutionality of the carriage tax, and Alexander Campbell and Jared Ingersoll, counsel maintaining the negative, received a fee of $233 33, under an agreement that, for the purpose of obtaining a final decision, the United States should pay all the expenses incident to the transfer of the cause from the circuit court to the Supreme Court.

That, on the 24th March, 1804, in obedience to a resolution of the House of Representatives of the 3d of the same month, the Secretary of the Treasury presented a statement "of all the moneys which, since the establishment of the present Government, had been paid at the Treasury of the United States as fees to assistant counsel, and for legal advice in the business of the United States, in which were distinguished the several sums, when paid, for what services, and to whom paid respectively," amounting, in the whole, to the sum of $5,022 16.

That the statement hereunto annexed, marked A, contains a like specification of all the moneys paid or payable at the Treasury of the United States, from the 24th March, 1804, until the present time, for the employment of counsel to assist or to represent the Attorney General in causes depending in the Supreme Court of the United States, amounting, in the whole, to the sum of $4,540.

That this Department does not possess the means of stating the amount of the property in dispute in each case in which assistant counsel has been employed in the Supreme Court, but it is confidently believed, from general information, that, in every such case, either the value of the property was great, or the principle of the controversy was important, or the employment of assistant counsel, in the cases of sickness or other casualties, was essential to the public interests, as will more particularly appear by the notes accompanying the statement A.

That the manner of making the compensation to the assistant counsel has uniformly been by issuing the warrants of the Secretary of the Treasury, founded upon the official settlement of the Comptroller and Auditor, and by paying the amount, either out of the appropriation annually passed by Congress "for the discharge of such miscellaneous claims against the United States not otherwise provided for as shall have been admitted in due course of settlement at the Treasury," or out of the appropriations annually made "for the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury."

All which is respectfully submitted.

A. J. DALLAS, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *March* 21, 1816.

A.

March 19, 1805.—Alexander James Dallas was employed to assist the Attorney General in the Supreme Court upon the argument of the case of the United States *vs.* the assignees of Blight, a bankrupt, for which he received a compensation of - - - - - $500 00

NOTE.—In this case the claim of a general priority, for the satisfaction of debts due to the United States, occurred. The amount in dispute was considerable, but the principle involved was of much more importance. The Attorney General being indisposed, the assistant counsel argued the case alone.

January 1, 1813.—Alexander James Dallas was employed to assist the Attorney General in the case of the French Government schooner Balou, (formerly the Exchange,) and generally in the business of the United States, February 7, 1812, for which he received a compensation of - 1,200 00

NOTE.—The Balou was a public armed vessel of France, attached in the port of Philadelphia by persons claiming her as their property. The case involved the important question whether such an attachment would lie; and, on the remonstrance of the minister of France, the President directed it to be brought before the Supreme Court. Mr. Pinkney, the Attorney General, being recently appointed, requested, also, some general assistance in the business of the term, to prevent delay. Mr. Dallas argued the case of the Exchange, and ten other cases.

May 14, 1808.—Walter Jones was employed to assist the Attorney General in the Supreme Court, upon the argument of the case of the United States *vs.* the schooner Betsey and Charlotte, Wm. Yeaton claimant, for which he received a compensation of - - - - 200 00

February 7, 1814.—William Pinkney, having resigned the office of Attorney General, was employed as counsel to argue the cases of the United States depending in the Supreme Court at February term, 1814, for which he received a compensation of - - - - 1,000 00

NOTE.—Mr. Pinkney's resignation, though previously intimated, was not received until the term had commenced, and Mr. Rush, who was appointed his successor, could not take the oath of office under his commission, dated the 10th February, 1814, until the 12th of the same month. In accepting his appointment, it was explicitly understood that he did not undertake to argue the causes of the United States during the current term, as it would have been impracticable to read the records, and to make the necessary preparation. It was, therefore, an alternative either to postpone the public business until the next term, or to engage the services of Mr. Pinkney, who had a previous knowledge of the records. He was accordingly engaged, and he procured decisions in many important cases, besides giving a general attention to the interests of the United States throughout the term. Mr. Pinkney's compensation has not been paid at the Treasury, but has been credited in his account as minister at the court of London.

November 14, 1814.—John Law was employed to prepare the statements of the cases depending before the Supreme Court at February term, 1814, for which he received a compensation of - 440 00

NOTE.—Mr. Pinkney having only undertaken to discharge the duty of counsel, it was necessary to engage Mr. Law's services in the solicitor's business.

February term, 1815.—Walter Jones was employed, on account of the extreme indisposition of the Attorney General, to transact the business of the United States in the Supreme Court at February term, 1815, and a compensation has been authorized, but not yet paid, of - - 1,000 00

$4,340 00

14th CONGRESS.] No. 408. [1st SESSION.

ALTERATIONS IN THE PATENT LAWS.

COMMUNICATED TO THE SENATE, APRIL 11, 1816.

To the Senate and House of Representatives of the United States: APRIL 11, 1816.

With a view to the more convenient management of the important and growing business connected with the grant of exclusive rights to inventors and authors, I recommend the establishment of a distinct office within the Department of State, to be charged therewith, under a director, with a salary adequate to his services, and with the privilege of franking communications by the mail from and to the office. I recommend, also, that further restraints be imposed on the issue of patents to wrongful claimants, and further guards provided against fraudulent exactions of fees by persons possessed of patents.

JAMES MADISON.

14th CONGRESS.] No. 409. [1st SESSION.

COMPENSATION OF MINISTERS AND CONSULS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 15, 1816.

SIR: DEPARTMENT OF STATE, *April* 5, 1816.

I have had the honor to receive your letter of March 28th, with a copy of a resolution of the House of Representatives, instructing the Committee of Ways and Means to inquire into the expediency of increasing the annual

allowance to the ministers of the United States in foreign countries, and of allowing salaries to the consuls of the United States in foreign ports, and requesting such information or opinion on the subject as I may be able to communicate.

Considering it my duty to communicate all the information in the possession of the Department, or within its reach, on any public subject before the House, which may be desired by the committee, I have to add that, in performing that duty, I shall always be happy to give, without reserve, such opinion as I may have formed on the subject.

On the first part of the resolution, relating to the expediency of increasing the compensation of our ministers in foreign countries, there is but one opinion among all those who have had the best opportunities of acquiring correct information, which is, that the present allowance is altogether inadequate. In this opinion, especially in respect to the principal courts, I fully concur. Representations to this effect having been made by several of our ministers, I annex a copy of their communications on the subject; well satisfied I am that great losses have been sustained by those who remained any considerable time abroad.

The members of the diplomatic corps at the several courts of Europe live much in the same style. Their household establishment, equipage, number of their servants, expenses in attending court, of intercourse with each other, and of hospitality, are, in the most material circumstances, similar. The habits and propensities of particular members of the corps may increase these expenses considerably; but no degree of economy can reduce them below a certain grade. From the nature of our Government, something may be spared to our ministers in what regards style or mere ostentatious display, but in nothing else. All the other heavy items are as applicable to them as to the ministers of other Powers.

Presuming that a view of the compensation allowed by the Powers of Europe to their representatives at foreign courts may serve to give an idea of the expense of living there in that character, I have annexed a statement of it, as far as it has come within my knowledge.

Having stated the facts which are essential in this case, it is not necessary, and might be improper, for me to communicate any opinion as to the degree of augmentation which ought to be made to the salaries of our ministers in foreign countries. With a knowledge of the facts, every member of the committee is as competent to judge of the proper augmentation as I can be. The United States constitute a distinguished member of the great community of nations. Their citizens, favored by many important circumstances, particularly by the great excellence of their Government, enjoy in the highest degree all the blessings which can be derived from the social compact. It is our duty to perpetuate these blessings, and, with that view, to fortify ourselves at every point where danger of any kind menaces. Is it necessary that the United States should be represented with foreign Powers? That has long ceased to be a question. Shall they maintain a proper station there, not assuming, but dignified, such as the general expectation and common opinion of mankind have given them? That has never been a question. The character of the country, if not its rank, is in some degree affected by that which is maintained by its ministers abroad. Their utility in all the great objects of their mission is essentially dependant on it. A minister can be useful only by filling his place with credit in the diplomatic corps, and in the corresponding circle of society in the country in which he resides, which is the best in every country. By taking the proper ground, if he possesses the necessary qualifications, and is furnished with adequate means, he will become acquainted with all that passes, and from the highest and most authentic sources. Inspiring confidence by reposing it in those who deserve it, and by an honorable deportment in other respects, he will have much influence, especially in what relates to his own country. Deprive him of the necessary means to sustain this ground, separate him from the circle to which he belongs, and he is reduced to a cipher. He may collect intelligence from adventurers and spies, but it will be of comparatively little value; and, in other respects, he had as well not be there.

On the other part of the resolution—the propriety of allowing salaries to our consuls in foreign ports—I have to state that it is deemed advisable to make such allowance, limited, in the commencement, to certain countries, and to the metropolis of each. On several of the Governments of Europe our citizens have claims to a considerable amount still to settle. In many of the ports of each Power we have, almost at all times, destitute seamen, discharged either from our own merchant vessels, or from those of other nations into which they had entered. Neither of these interests will be duly attended to without a special agent, with an adequate compensation. A consul is the fittest person to perform these duties; and, under the superintendence of the minister, whose business it is to settle principles, he may with propriety be charged with them. Our citizens have claims on Great Britain, France, Spain, Denmark, the Netherlands, Sweden, and Naples; and we have often destitute seamen in the ports of most of those countries, especially Great Britain. These duties must be executed with some department of their respective Governments near which our agents must reside. It is therefore proposed to allow salaries at this time to our consuls at London, Paris, Madrid, Amsterdam, Copenhagen, and Stockholm, at which places the fees of office and profits of trade do not afford them a support. As special reasons operate in favor of the allowance to these places, it is thought advisable to confine it to them, without deciding, at this time, on the policy of a general change of the system. That turns on other considerations, many of which are suggested in Mr. Crawford's letter. The duties which it is proposed to vest in these consuls being of a general nature, and, in regard to seamen, co-extensive with the European dominions of each Power, it may be useful to give to their consular functions a corresponding extent. Such an extension of the consular authority in an agent residing at the metropolis of the country to which he is appointed, and paid by his Government, would, it is presumed, be found advantageous to our commerce. It would certainly make them more adequate to the other duties which it is proposed to assign them. It may likewise be observed, in favor of the proposed allowance, that the experiment on this scale would afford useful light as to the policy of a general change of the system, when that subject is entered on.

I have the honor to be, with great respect, sir, your most obedient servant,

JAMES MONROE.

The Hon. WILLIAM LOWNDES,
Chairman of the Committee of Ways and Means.

Great Britain allows to an ambassador—		
At Paris,	£10,000	
A house estimated at,	1,000	£16,000
An outfit,	5,000	
At Vienna, St. Petersburg, and Madrid,	10,000	
In lieu of a house,	1,000	16,000
Outfit,	5,000	

At Constantinople and the Hague,	£9,000	
At the first a house is found.		£14,500
At the Hague, an allowance of	1,000	
Outfit, half the salary,	4,500	
At Berlin and Lisbon,	8,000	
A house,	1,000	13,000
Outfit,	4,000	
Envoy extraordinary and minister plenipotentiary to the United States of America,	6,000	
Outfit,	3,000	9,500
House,	500	
Naples the same as to the United States.		
Stockholm, Copenhagen and Munich, each,	5,000	
Outfit, half the salary,	2,500	8,000
House,	500	

At Madrid, when I was there in 1805, the compensation to the French ambassador was, I understood, a salary of 45,000 crowns; that to the Portuguese, 25,000.

It is understood that the salaries allowed by the Emperors of Russia and Austria, and by the King of Spain, are of the same grade; and that those of Prussia, Denmark, Sweden, and Holland, though lower than are given by the principal Powers, are higher than those given by the United States. A distinction is made between the salaries of ambassadors and envoys extraordinary and ministers plenipotentiary; to the principal courts ambassadors are, for the most part, sent by the great Powers, and not envoys extraordinary and ministers plenipotentiary.

SIR: WASHINGTON, *April* 5, 1816.

I have the honor to acknowledge the receipt of your letter of the 3d instant, enclosing the resolution of the House of Representatives, instructing the Committee of Ways and Means to inquire into the expediency of increasing the annual allowance of ministers of the United States at foreign courts, and of allowing annual salaries to the consuls of the United States at foreign ports. In reply to your request for the communication of such information on that subject as my late residence abroad will enable me to furnish, I have the honor to state that, from my own experience, I am convinced that a considerable increase to the present allowance to our ministers at London and Paris is highly expedient. From every circumstance which has come to my knowledge, the court of St. Petersburg ought to be embraced by the proposed measure. The enclosed extract of a letter from Mr. Erving will show the propriety of extending the measure to the court of Spain.

Annexed is a statement of the salaries of foreign ministers at the different courts of Europe as far as they have come within my knowledge.

The propriety of allowing annual salaries to the consuls of the United States presents a question of more difficult solution. At present, the inducement to seek the appointment of consul is the advantage which it confers in the prosecution of foreign trade. American consuls are generally able to enter into partnership with the most respectable mercantile houses in the ports where they reside, without bringing any thing into the firm except those advantages. It is manifest, therefore, that the strongest temptation will be presented to render their official acts subservient to the commercial interests of their foreign partners. It is more than probable that many of the abuses which were known to exist during the late European war, in relation to American papers, and which were seized as the pretext for the unprincipled spoliations committed by the principal belligerants upon American commerce, originated from this source. This view of the subject presents some inducement to allow American consuls annual salaries, and for prohibiting them from all participation in trade. But the salary must be considerable, or it will be no equivalent for the restriction which ought to be imposed upon them. The commerce of the United States is now prosecuted in almost every part of the world. The number of consuls necessary for the protection of this commerce would, with competent salaries, involve a very great annual expense. To allow salaries to none but the consuls of the capitals of each maritime state would not remove the evil, because, in many cases, the capital is not the principal trading city of the country; and even where it is, there are, in every case, other trading cities in the same state where abuses may be committed to the same extent. To reduce the number of consuls, and to compel vessels, whether American or foreign, to have their papers authenticated by them, in order to obtain admittance into an American port, would present a temptation to foreign nations to make the same regulation with regard to American ports, which might give to the ports of one state an advantage over those of another; but this regulation would be no radical remedy of the evil intended to be removed. The prosecution of commerce under surreptitious papers is carried on most securely in ports which are not much frequented. It is generally carried on between the ports of foreign states, and not between foreign ports and those of the United States. These abuses will occur more extensively in time of European wars than in peace, and will not fail to produce great embarrassments to the fair and legitimate commerce of the United States.

There is, however, some reason to believe that the appointment of a consul general to each of the principal commercial states, with a competent salary, invested with power to superintend the conduct of the other consuls, and to make general regulations for their government, subject to the sanction of the President, might be found beneficial. Residing at the capital, and carrying on an active correspondence with the different ports of the country, abuses would be more likely to be discovered and corrected than at present. If it shall be deemed expedient to give them annual salaries, a fund might be created by levying a small tonnage duty upon all American vessels which enter foreign ports. Where the duty collected in a port exceeds the salary, the surplus might be paid over to another consul in the same state, where there was a deficiency.

This mode of compensation might be adopted, whether salaries are allowed or not; and there is but little doubt that it would be received as an equivalent for the right of carrying on trade. In this case, a maximum ought to be fixed. The surplus might be applied in aid of those whose emoluments were the most below that maximum.

I have the honor to be your most obedient and very humble servant,

WM. H. CRAWFORD.

Hon. JAMES MONROE, *Secretary of State.*

Minister of France in the United States, 15,000 crowns.
The same to the third rate Powers in Europe.
To the secondary Powers in Europe, 25,000 crowns.

Ambassadors to the latter courts, 50,000 crowns.

Ministers plenipotentiary to the principal European courts, viz: London, Vienna, St. Petersburg, and Constantinople, the same as ambassadors at the secondary courts.

Under the Emperor, ambassadors at the latter courts were not limited in their expense.

English ambassadors at Paris, £10,000.

English ambassadors at Lisbon, £8,000.

Extract of a letter from George W. Erving to the Hon. William H. Crawford.

"The raising" of the salary there [St. Petersburg,] would, I presume, be very proper, whoever might go; the including London and Paris in this liberal arrangement may also be proper; but why do they exclude Madrid? It is true that nobody has made any noise about the dearness of living at Madrid, for nobody has been there for ten years but myself, and, before my time, raising salaries was never contemplated as possible. In a great many points of view, Madrid may be considered as the most important mission; it is at this time the most difficult and laborious, and has the greatest and most delicate responsibility belonging to it; ought it in that view to be placed on a footing with Holland, Naples, Sweden, and Brazil? As to expense, I would undertake to *prove* that it is at least twenty-five per cent. dearer than London or Paris. The causes of this difference are evident; almost every thing of superior excellence must be brought from France or England; no one attempts to live upon what is to be found in Spain; from the nature of society there, the *corps diplomatique* is necessarily crowded in upon itself; it makes its own society. This occasions a perpetual round of diplomatic dinners and entertainments, which are not to be avoided; for the same reason, all foreigners of distinction who arrive there are in some sort, as at Constantinople, dependant upon their ministers for society; they are regularly introduced to such member of the *corps diplomatique*, and must be as regularly invited, &c. These, to say nothing of the change of residence, augment the expenses of a minister terribly; in fine, he cannot retire—he must be always *in evidence;* and the more splendid, because he has to compete as it were with the grandees. Add to all these solid considerations, that it is a place, in every view, of *mal-aisé*, and, as I have found it heretofore, it may be again a post of personal danger. I do not write to the Secretary of State or the President on this matter, because I have made a general rule of never pressing upon them money considerations.

From the honorable H. Clay to the Secretary of State.

SIR: WASHINGTON, *April* 5, 1816.

I have the honor to acknowledge the receipt of your letter of the 3d instant.

During my residence in Europe, my place of abode was so frequently changed, and it having been, moreover, principally at provincial towns, that I am not able to furnish much useful information on the subject of your letter, derived from my own personal experience. I was in London rather more than three months, and, expensive as I had previously understood that city to be, I found it, in that respect, greatly exceeding all my anticipations; and yet I kept no house, and was certainly not extravagant in my personal expenses.

My opinion of the style in which an American minister ought to live is, that, avoiding the meanness which provokes ridicule, and the ostentation which challenges observation, it should be one of neat simplicity, regulated by the habits of society in the country where he resides, and admitting of the return of civilities and the dispensation to our respectable countrymen of expected hospitality. I believe the present salary wholly inadequate to sustain the expenses of such a style of living at most, if not all, of the foreign courts at which we have ministers.

I can communicate to you no information of the salaries allowed by other Powers to their ministers at foreign courts, nor as to the propriety of allowing salaries to our consuls.

I am, sir, with great respect, your obedient servant,

H. CLAY.

The Hon. JAMES MONROE.

Extract of a letter from Mr. Barlow to the Secretary of State, dated

PARIS, *November* 21, 1811.

I need not tell you how necessary it is to raise the salary if you do not mean either to ruin your minister or injure your affairs. A man in this situation must either spend double his salary, or keep himself excluded entirely from society and from his duty. I naturally and habitually love simplicity, and have an aversion to luxury; but my duty requires that, in this respect, I should give up my own taste. I am determined, while I stay, to do my duty; and, to do this, I must spend at least fifteen (probably eighteen) thousand dollars a year. In this way I cannot stand it long, and you cannot expect to find many men in our country who are at once willing and able to do it, and who are fit for the place.

Pardon the frankness with which I speak on a subject on which I may appear more selfish than I really am, for I feel myself impelled to it by a sense of duty, and I am not without hopes that you will likewise feel it a part of your duty to use your influence to set this matter right.

Extracts from Mr. Adams's letters to the Secretary of State.

LONDON, *July* 31, 1815.

It is needless to say to you, or to any person having been in the same capacity here, that the annual salary of an American minister is insufficient to support a man with a family—I say not in the style of high official rank, but in the decency becoming a private gentleman.

SEPTEMBER 30, 1815.

An experience of the expense of living here for upwards of four months, even under all the privations to which I have submitted, has confirmed me in the desire to be recalled as early in the spring as the President may find it convenient to replace me, if, upon the construction of the law, the Legislature should refuse an appropriation for the outfit.

JANUARY 9, 1816.

With every expedient of economy that I find possible, I am living at an expense which, at the end of two years from my arrival in this country, would more than absorb the whole salary for those two years, *even* with the allowance for the outfit.

A very few years' residence here must involve my own affairs beyond all power of redemption.

Extracts of a letter from Mr. Adams to the Secretary of State, dated

JANUARY 4, 1816.

It is very desirable that some general revision of the consular establishments should be made, and some regular system concerning them be sanctioned by law. For the port of London a provision for the compensation of the consul must be made, or the office must be given to some wealthy merchant established in the city, to whom it may be acceptable for the facilities of business which he may derive from it. Colonel Aspinwall cannot hold it long without a salary, or without forming a commercial establishment connected with it, and upon which alone he must rely for support.

In one of his late letters to me, (a copy of which has been transmitted to you,) Mr. Beasley expresses the conviction that the provision made by the laws of the United States for the relief of indigent and destitute seamen in foreign ports is liable to great abuse. The late and present excessive numbers of persons claiming the benefit of it, both at London and Liverpool, afford confirmations of that opinion; but, on the other hand, it is obvious that, with the increase of our commerce and navigation, the casualties incident to them must have proportionably multiplied. The opportunities and the chances of imposition must also be much greater, and require more caution to be guarded against in England than in any other country; and I believe it will be uniformly found, in a time of general European peace, that the duty of affording relief to the objects of this class really entitled to it, and that of discriminating between them and the impostors who would prey upon the fund allotted to this honorable purpose, will be the most arduous and important obligation of an American consul. * * * Mr. Bourne, the consul at Amsterdam, has also lately written to me on the same subject, and complains of similar charges. His claims for particular compensation to himself for his long services there, have been often made known to the Government.

The direct commerce between the United States and the port of London is comparatively small. The number of American vessels which come to it is inconsiderable. The official emoluments from year's end to year's end will not pay office rent and the wages of a single clerk. If the support and reconveyance to the United States of destitute seamen be made the duty of the consul, some provision for the payment of the necessary expenses of this service must be made.

14th CONGRESS.] **No. 410.** [2d SESSION.

REGISTER OF THE OFFICERS AND AGENTS OF THE UNITED STATES, AND THE FORCE AND CONDITION OF THE NAVY, SEPTEMBER 30, 1816.

COMMUNICATED TO CONGRESS BY THE SECRETARY OF STATE, ON THE 2D OF DECEMBER, 1816.

Resolution requiring the Secretary of State to compile and print, once in every two years, a register of all officers and agents, civil, military, and naval, in the service of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, once in two years, a register containing correct lists of all the officers and agents, civil, military, and naval, in the service of the United States, made up to the last day of September of each year in which a new Congress is to assemble, be compiled and printed under the direction of the Secretary for the Department of State. And, to enable him to form such register, he, for his own Department, and the heads of the other Departments, respectively, shall, in due time, cause such lists as aforesaid of all officers and agents in their respective Departments, including clerks, cadets, and midshipmen, to be made and lodged in the office of the Department of State; and the said lists shall exhibit the amount of compensation, pay, and emoluments allowed to each officer, agent, clerk, cadet, and midshipman, the state or country in which he was born, and where employed.

2. *Resolved*, That the Secretary of the Navy subjoin to the list of the persons employed in his Department the names, force, and condition of all the ships and vessels belonging to the United States, and when and where built.

3. *Resolved*, That five hundred copies of the said register be printed; and that, on the first Monday in January in each year when a new Congress shall be assembled, there be delivered to the President, the Vice President, each head of a Department, each member of the Senate and House of Representatives of the United States, one copy of such register, and to the Secretary of the Senate and Clerk of the House of Representatives, each, ten copies, for the use of the respective Houses; that twenty-five copies shall be deposited in the library of the United States at the seat of Government, to be used like other books in that library; and that the residue of the said copies be disposed of in such manner as Congress shall from time to time direct.

4. *Resolved*, That, for the information of the present Congress, such register as aforesaid be prepared and distributed as aforesaid on the first day of its next session.

Approved: April 27, 1816.

CIVIL DEPARTMENT—EXECUTIVE.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
James Madison, President of the United States,	$25,000	Virginia,	United States.
(Vacant) Vice President of the United States,	5,000	-	Do.
DEPARTMENT OF STATE.			
James Monroe, Secretary,	5,000	Virginia,	Washington City.
John Graham, chief clerk,	2,000	Do.	Do.
Stephen Pleasonton, clerk,	1,500	Delaware,	Do.
Daniel Brent, do.	1,350	Virginia,	Do.
Richard Forrest, do.	1,150	Maryland,	Do.
John B. Colvin, do.	1,150	Do.	Do.
Josiah W. King, do.	1,150	Do.	Do.
J. H. Purviance, do.	1,150	Pennsylvania,	Do.
John P. Maul, messenger,	410	Germany,	Do.
Joseph Warren, assistant messenger,	264	Maryland,	Do.
William Thornton, Patent Office,	1,400	Tortola,	Do.
William Elliot, clerk in Patent Office,	500	England,	Do.
Benjamin Fenwick, messenger,	72	Maryland,	Do.
TREASURY DEPARTMENT.			
SECRETARY'S OFFICE.			
Alexander J. Dallas, Secretary,	5,000	-	Do.
Edward Jones, chief clerk,	2,000	New York,	Do.
James N. Taylor, clerk,	1,650	Ireland,	Do.
James L. Anthony, do.	1,500	New York,	Do.
Samuel McKean, do.	1,500	Pennsylvania,	Do.
Edward Fox, jun., do.	1,400	Do.	Do.
Thomas Dungan, do.	1,300	Do.	Do.
William Gibson, do.	950	Maryland,	Do.
John Connell, messenger,	410	Do.	Do.
William Eisenbeck, assistant messenger,	300	Germany,	Do.
COMPTROLLER'S OFFICE.			
Joseph Anderson, Comptroller,	3,500	Pennsylvania,	Do.
William G. D. Worthington, clerk,	1,500	Maryland,	Do.
John Laub, do.	1,500	Pennsylvania,	Do.
Andrew Ross, do.	1,300	Ireland,	Do.
Samuel Hanson, of Samuel, do.	1,300	Maryland,	Do.
Charles P. Polk, do.	1,100	Do.	Do.
John Woodside, do.	1,088	Pennsylvania,	Do.
Lund Washington, do.	1,088	Virginia,	Do.
Richard H. Briscoe, do.	1,000	Maryland,	Do.
William Williamson, do.	1,000	Pennsylvania,	Do.
James Larned, do.	900	Massachusetts,	Do.
Benjamin Harrison, do.	850	Maryland,	Do.
John Knapp, do.	850	Ireland,	Do.
Pontius D. Stelle, do.	850	New Jersey,	Do.
David P. Polk, do.	800	Maryland,	Do.
John N. Lovejoy, messenger,	410	Do.	Do.
John N. Lovejoy, assistant clerk,	450	-	Do.
AUDITOR'S OFFICE.			
Richard Harrison, Auditor,	3,000	Maryland,	Do.
Patrick Ferrall, principal clerk,	1,600	Ireland,	Do.
William Parker, clerk,	1,300	England,	Do.
William Morton, do.	1,175	Maryland,	Do.
Ezekiel King, do.	1,150	England,	Do.
John Coyle, do.	1,150	Pennsylvania,	Do.
James Watson, do.	1,150	Maryland,	Do.
William Felch, do.	1,150	Connecticut,	Do.
David Easton, do.	1,100	Scotland,	Do.
Thomas G. Slye, do.	1,100	Maryland,	Do.
Jeremiah Williams, do.	1,100	Do.	Do.
John Coyle, jun., do.	1,000	Pennsylvania,	Do.
John Underwood, do.	850	Do.	Do.
James D. King, do.	800	Maryland,	Do.
James Goddard, do.	850	Do.	Do.
Thomas Barclay, do.	800	Ireland,	Do.
Charles B. Davis, messenger,	410	Maryland,	Do.
REGISTER'S OFFICE.			
Joseph Nourse, Register,	3,000	England,	Do.
Joshua Dawson, clerk,	1,766 66	Ireland,	Do.
Joseph Stretch, do.	1,516 66	Pennsylvania,	Do.
Michael Nourse, do.	1,450	Virginia,	Do.

CIVIL DEPARTMENT—Executive—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
James McClery, clerk,	$1,450	Ireland,	Washington City.
James Laurie, do.	1,400	Scotland,	Do.
William Mackey, do.	1,075	Delaware,	Do.
John S. Haw, do.	1,075	Maryland,	Do.
Charles Dawson, do.	1,000	Pennsylvania,	Do.
John D. Barclay, do.	1,066 66	Dist. Columbia,	Do.
John C. Steiner, do.	928	Pennsylvania,	Do.
Henry M. Steiner, do.	900	Do.	Do.
W. D. Randolph, do.	1,000	Virginia,	Do.
Francis Lowndes, do.	750	England,	Do.
John Stretch, do.	750	Pennsylvania,	Do.
Joseph R. Nourse, do.	675	Kentucky,	Do.
Thos. L. Thruston, do.	625	Do.	Do.
Lewis Salomon, do.	1,000	Switzerland,	Do.
William James, do.	500	Dist. Columbia,	Do.
John R. Nourse, do.	112	Do.	Do.
Alexander McDonald, messenger,	500	Scotland,	Do.
Joseph Wilson, watchman,	300	Ireland,	Do.
John Poor, do.	300	Pennsylvania,	Do.
Peter Knight, laborer,	300	Maryland,	Do.
TREASURER'S OFFICE.			
Thomas Tudor Tucker, Treasurer,	3,000	Bermuda,	Do.
Samuel Brook, principal clerk,	1,700	England,	Do.
Thomas B. Dashiell, clerk,	1,300	Maryland,	Do.
George W. Dashiell, do.	1,240	Do.	Do.
Basil W. Beall, do.	800	Do.	Do.
James Moore, messenger,	410	Ireland,	Do.
James Moore, assistant clerk,	400	Do.	Do.
OFFICE OF COMMISSIONER OF THE REVENUE.			
Samuel H. Smith, Commissioner,	3,000	Pennsylvania,	Do.
Robert Polk, principal clerk,	1,600	Do.	Do.
Joseph Thaw, clerk,	1,300	Do.	Do.
Joseph Cassin, do.	1,200	Do.	Do.
Walter B. Beall, do.	1,100	Maryland,	Do.
Nicholas Harpur, do.	1,100	Ireland,	Do.
Basil Waring, do.	1,000	Maryland,	Do.
Henry W. Ball, do.	800	Virginia,	Do.
John C. Brush, do.	700	New York,	Do.
Littleton Kirkpatrick, do.	600	New Jersey,	Do.
John Frank, messenger,	410	Maryland,	Do.
GENERAL LAND OFFICE.			
Josiah Meigs, Commissioner,	3,000	Connecticut,	Do.
John Gardiner, principal clerk,	1,600	England,	Do.
Robert King, draughtsman,	1,100	Do.	Do.
Frederick T. Tschiffely, clerk,	1,050	Switzerland,	Do.
Nicholas B. Van Zandt, do.	1,050	New York,	Do.
John M. Moore, do.	950	Pennsylvania,	Do.
Joseph S. Collins, do.	900	Delaware,	Do.
Sterling Gresham, do.	850	North Carolina,	Do.
Samuel W. Meigs, do.	850	Connecticut,	Do.
Aaron Benjamin, do.	1,050	Do.	Do.
Daniel Brown, do.	850	New Jersey,	Do.
Caleb P. Gardiner, do.	850	Ireland,	Do.
Thomas Gunton, do.	850	England,	Do.
Joseph Wilson, messenger,	410	Do.	Do.
DEPARTMENT OF WAR.			
William H. Crawford, Secretary,	4,500	Virginia,	Do.
George Graham, chief clerk,	2,000	Do.	Do.
Nathaniel Cutting, clerk,	1,430	Massachusetts,	Do.
Lewis Edwards, do.	1,300	Do.	Do.
George Boyd, do.	1,300	Maryland,	Do.
Jacob Laub, do.	1,000	Pennsylvania,	Do.
Gideon Davis, do.	1,000	Maryland,	Do.
Thomas Mustin, do.	1,000	Virginia,	Do.
William Lambert, do.	1,000	Do.	Do.
Samuel S. Hamilton, do.	1,000	Maryland,	Do.
William S. Stewart, do.	1,000	Virginia,	Do.
James L. Edwards, do.	1,000	Do.	Do.
John H. Beall, do.	800	Maryland,	Do.
David Henley, do.	800	Massachusetts,	Do.
William Hickey, do.	600	Maryland,	Do.
William Markward, messenger,	710	-	Do.
John R. Markward, assistant messenger,			

CIVIL DEPARTMENT—Executive—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
PAYMASTER GENERAL'S OFFICE.			
Robert Brent, Paymaster General,	$2,500	Virginia,	Washington City.
Nathaniel Frye, jun., chief clerk,	1,840	Dist. of Maine,	Do.
Andrew Ramsey, clerk,	1,495	Virginia,	Do.
Thomas L. Washington, clerk,	1,250	Do.	Do.
Timothy P. Andrews, clerk,	1,200	Ireland,	Do.
Nathaniel Ford, clerk,	1,150	Maryland,	Do.
Richard T. Queen, clerk,	1,100	Do.	Do.
Reuben Burdine, clerk,	1,100	Georgia,	Do.
Edward Stephens, clerk,	1,100	Ireland,	Do.
Robert Y. Brent, clerk,	1,000	Dist. Columbia,	Do.
Valentine Welsh, clerk,	1,000	Ireland,	Do.
John C. Brent, clerk,	1,000	Maryland,	Do.
Robert P. Washington, clerk,	1,000	Virginia,	Do.
Samuel McIntire, clerk,	1,000	Delaware,	Do.
Jacob Brodbeck, messenger,	450	Switzerland,	Do.
ACCOUNTANT'S AND ADDITIONAL ACCOUNTANT'S OFFICE.			
Tobias Lear, Accountant,	2,000	-	Do.
Peter Hagner, Additional Accountant,	2,000	Pennsylvania,	Do.
James Eakin, chief clerk to Accountant,	1,600	New Jersey,	Do.
James Thompson, chief clerk to Additional Accountant,	1,600	Maryland,	Do.
Charles Vinson, clerk,	1,300	Do.	Do.
James Hodnet, clerk,	1,300	Ireland,	Do.
John Wells, jun., clerk,	1,300	Maryland,	Do.
John Abbott, clerk,	1,300	New York,	Do.
John Wilson, clerk,	1,200	Virginia,	Do.
James Davidson, clerk,	1,150	Pennsylvania,	Do.
Richard Burgess, clerk,	1,150	Maryland,	Do.
William Stewart, clerk,	1,150	Do.	Do.
Samuel Lewis, clerk,	1,150	England,	Do.
Edward S. Lewis, clerk,	1,050	Pennsylvania,	Do.
Thomas Cook, clerk,	1,000	Maryland,	Do.
Christopher Andrews, clerk,	1,000	Ireland,	Do.
William Ramsay, clerk,	1,000	Virginia,	Do.
William Cook, clerk,	900	Maryland,	Do.
Richard M. Boyer, clerk,	850	Do.	Do.
Ignatius Boone, clerk,	850	Do.	Do.
Lloyd M. Lowe, clerk,	850	Do.	Do.
Charles Dement, clerk,	850	Do.	Do.
Chs. Cruickshank, clerk,	800	Do.	Do.
James Montgomery, clerk,	800	Pennsylvania,	Do.
John Lindsay, clerk,	800	Virginia,	Do.
Robert Ellis, clerk,	800	Pennsylvania,	Do.
Andrew M. Kirk, clerk,	700	Maryland,	Do.
P. G. Washington, clerk,	700	Dist. Columbia,	Do.
James Davidson, jun., clerk,	500	Pennsylvania,	Do.
OFFICE OF SUPERINTENDENT GENERAL OF MILITARY SUPPLIES.			
Richard Cutts, Superintendent General,	3,000	Massachusetts,	Do.
Enoch Reynolds, chief clerk,	1,600	Connecticut,	Do.
John N. Moulder, clerk,	1,200	Pennsylvania,	Do.
Joseph Hinkley, clerk,	1,000	Massachusetts,	Do.
Jonathan Seaver, clerk,	800	Do.	Do.
William Brown, clerk,	800	Do.	Do.
Enoch M. Lowe, clerk,	800	Maryland,	Do.
John Ward, clerk,	800	Nassau, N. P.	Do.
John H. Lowe, clerk,	500	Maryland,	Do.
John Sessford, messenger,	600	England,	Do.
OFFICE OF THE SECRETARY OF THE NAVY.			
Benjamin W. Crowninshield, Secretary,	4,500	Massachusetts,	Do.
Benjamin Homans, chief clerk,	2,000	Do.	Do.
William Blagrove, clerk,	1,300	Virginia,	Do.
Noah Fletcher, clerk,	1,200	Massachusetts,	Do.
John Boyle, clerk,	1,200	Ireland,	Do.
Henry Rich, clerk,	800	Massachusetts,	Do.
William Righter, messenger,	410	Pennsylvania,	Do.
NAVY COMMISSIONERS' OFFICE.			
John Rodgers, Navy Commissioner,	3,500	Maryland,	Do.
Stephen Decatur, Navy Commissioner,	3,500	Do.	Do.
David Porter, Navy Commissioner,	3,500	Massachusetts,	Do.
James K. Paulding, secretary to the board,	2,000	New York,	Do.
Charles W. Goldsborough, clerk,	1,000	Maryland,	Do.
Charles G. Dewitt, clerk,	1,000	New York,	Do.
John Green, clerk,	1,000	Maryland,	Do.
Benjamin G. Bowen, messenger,	410	Do.	Do.

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
OFFICE OF THE ACCOUNTANT OF THE NAVY.			
Constant Freeman, Accountant,	$2,300	Massachusetts,	Washington City.
Thomas H. Gillis, clerk,	1,600	Maryland,	Do.
George Macdaniel, clerk,	1,320	Do.	Do.
Joseph Mechlin, clerk,	1,280	Pennsylvania,	Do.
John Macdaniel, clerk,	1,120	Maryland,	Do.
John Craven, clerk,	1,060	New Jersey,	Do.
Henry Forrest, clerk,	1,060	Maryland,	Do.
Ezekiel Macdaniel, clerk,	1,060	Do.	Do.
Robert Getty, clerk,	1,000	Ireland,	Do.
Alexander Suter, clerk,	1,000	Maryland,	Do.
William Clagett, clerk,	1,000	Do.	Do.
James H. Handy, clerk,	1,000	Do.	Do.
James Cassin, clerk,	1,000	Ireland,	Do.
John B. Martin, clerk,	800	Maryland,	Do.
Thomas I. Sutherland, messenger,	410	Pennsylvania,	Do.
GENERAL POST OFFICE.			
Return J. Meigs, Postmaster General,	3,000	Connecticut,	Do.
Abraham Bradley, jun., Assistant Postmaster General,	1,700	Do.	Do.
Seth Pease, Assistant Postmaster General,	1,600	Do.	Do.
Phineas Bradley, principal clerk,	1,600	Do.	Do.
Andrew Coyle, book-keeper,	1,300	Pennsylvania,	Do.
Thomas B. Dyer, assistant book-keeper,	1,100	Maryland,	Do.
James Hewitt, clerk,	1,200	Do.	Do.
John Campbell, clerk,	1,200	Ireland,	Do.
Toppan Webster, clerk,	1,200	New Hampshire	Do.
James M. Varnum, clerk,	1,200	Massachusetts,	Do.
William H. Beard, clerk,	1,200	England,	Do.
Obadiah B. Brown, clerk,	1,200	New Jersey,	Do.
Joseph W. Hand, clerk,	1,050	Connecticut,	Do.
David Shoemaker, clerk,	1,000	Pennsylvania,	Do.
Aaron T. Crane, clerk,	1,000	New York,	Do.
Bd. H. Tomlinson, clerk,	900	England,	Do.
Andrew Tate, clerk,	900	Pennsylvania,	Do.
Stephen W. Gray, clerk,	800	New York,	Do.
John McLeod, clerk,	600	Scotland,	Do.
Thomas Arbuckle, clerk,	600	Ireland,	Do.
Alexander Dyer, clerk,	500	Maryland,	Do.
Chauncey Bestor, clerk,	500	Connecticut,	Do.
Charles Bell, clerk,	325	Virginia,	Do.
Joseph Borrows, messenger,	410	Pennsylvania,	Do.
Nathaniel Herbert, assistant messenger,	250	Maryland,	Do.
OFFICERS OF THE SENATE OF THE UNITED STATES.			
Charles Cutts, Secretary,	3,000	New Hampshire	Do.
Samuel Turner, principal clerk,	1,800	Maryland,	Do.
John G. McDonald, engrossing clerk,	1,500	Do.	Do.
Lewis H. Machen, engrossing clerk,	1,500	Do.	Do.
Mountjoy Bailey, sergeant-at-arms and doorkeeper,	1,500	Virginia,	Do.
Henry Tims, deputy doorkeeper,	1,450	Pennsylvania,	Do.
OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.			
Thomas Dougherty, Clerk House of Representatives,	3,000	Pennsylvania,	Do.
Samuel Burch, clerk,	1,800	Virginia,	Do.
John T. Frost, clerk,	1,500	New York,	Do.
Benjamin Sprigg, clerk,	1,500	Maryland,	Do.
Brooke M. Berry, clerk,	1,500	Do.	Do.
Thomas Patterson, clerk,	1,500	Pennsylvania,	Do.
Thomas Dunn, sergeant-at-arms,	1,500	-	Do.
Thomas Claxton, doorkeeper,	1,500	New York,	Do.
Benjamin Burch, assistant doorkeeper,	1,450	Maryland,	Do.
James Barron, messenger,	350	Do.	Do.
George Watterston, librarian,	1,000	Russia,	Do.
OFFICE OF COMMISSIONER OF CLAIMS.			
Richard Bland Lee, commissioner,	2,000	Virginia,	Do.
Perrin Willis, clerk,	1,000	Do.	Do.

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
OFFICE OF SUPERINTENDENT OF INDIAN TRADE.			
Thomas L. McKenney, Superintendent of Indian Trade,	$2,000	Maryland,	Georgetown, D. C.
Jere. W. Bronaugh, principal clerk,	1,000	Virginia,	Do.
John W. Rich, clerk,	800	Massachusetts,	Do.
Meade Fitzhugh, clerk,	700	Virginia,	Do.
J. W. Bronaugh, transport agent,	400	Do.	Do.
William Miles, packer and messenger,	360	Maryland,	Do.
GOVERNORS AND SECRETARIES OF THE TERRITORIES OF THE UNITED STATES.			
Mississippi.			
David Holmes, governor,	2,000	Pennsylvania,	Mississippi Territory.
Nathaniel A. Ware, secretary,	1,000	Virginia,	Do.
Missouri.			
William Clark, governor,	2,000	-	Missouri Territory.
Frederick Bates, secretary,	1,000	-	Do.
Illinois.			
Ninian Edwards, governor,	2,000	Maryland,	Illinois Territory.
Nathaniel Pope, secretary,	1,000	-	Do.
Michigan.			
Lewis Cass, governor,	2,000	New Hampshire	Michigan Territory.
William Woodbridge, secretary,	1,000	-	Do.
JUDICIARY OF THE UNITED STATES.			
SUPREME COURT.			
John Marshall, chief justice,	4,000	Virginia,	Seat of Government at Washington, and in their respective circuits.
Bushrod Washington, associate justice,	3,500	Do.	
William Johnson, associate justice,	3,500	South Carolina,	
Brockholst Livingston, associate justice,	3,500	New Jersey,	
Thomas Todd, associate justice,	3,500	Virginia,	
Gabriel Duvall, associate justice,	3,500	Maryland,	
Joseph Story, associate justice,	3,500	Massachusetts,	
Richard Rush, attorney general,	3,000	Pennsylvania,	
Elias B. Caldwell, clerk,	Fees, &c.	New Jersey,	
DISTRICT COURTS.			
For Maine.			
David Sewall, judge,	1,000	Massachusetts,	Maine.
William P. Preble, attorney,	200 &c.	Do.	Do.
Thomas Thornton, marshal,	200 &c.	Do.	Do.
Henry Sewall, clerk,	Fees, &c.	Do.	Do.
For New Hampshire.			
John S. Sherburne, judge,	1,000	New Hampshire	New Hampshire.
Daniel Humphreys, attorney,	200 &c.	Do.	Do.
Michael McClary, marshal,	200 &c.	Do.	Do.
Jonathan Steele, clerk,	Fees, &c.	Do.	Do.
For Massachusetts.			
John Davis, judge,	1,600	Massachusetts,	Massachusetts.
George Blake, attorney,	Fees, &c.	Do.	Do.
James Prince, marshal,	Do.	Do.	Do.
William S. Shaw, clerk,	Do.	Do.	Do.
For Rhode Island.			
David Howell, judge,	1,000	New Jersey,	Rhode Island.
Asher Robbins, attorney,	200 &c.	Connecticut,	Do.
Ebenezer Dexter, marshal,	200 &c.	Rhode Island,	Do.
Edmund T. Ellery, clerk,	Fees, &c.	Do.	Do.
For Vermont.			
Elijah Paine, judge,	800	Connecticut,	Vermont.
Titus Hutchinson, attorney,	200 &c.	Do.	Do.
David Robinson, marshal,	200 &c.	Do.	Do.
Cephas Smith, clerk,	Fees, &c.	Do.	Do.
For Connecticut.			
Pierpont Edwards, judge,	1,000	Do.	Connecticut.
Hezekiah Huntington, attorney,	200 &c.	Do.	Do.
Robert Fairchild, marshal,	200 &c.	Do.	Do.
Henry Edwards, clerk,	Fees, &c.	Do.	Do.

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
For the northern district of New York.			
M. B. Tallmadge, judge,	$1,600	New York,	Northern dist. N. York.
Roger Skinner, attorney,	Fees, &c.	Do.	Do. Do.
John W. Livingston, marshal,	Do.	Do.	Do. Do.
Richard R. Lansing, clerk,	Do.	Do.	Do. Do.
For the southern district of New York.			
William P. Van Ness, judge,	1,600	Do.	Southern dist. N. York.
Jonathan Fisk, attorney,	Fees, &c.	New Hampshire	Do. Do.
[Vacant] marshal,			
Theron Rudd, clerk,	Do.	New York,	Do. Do.
For New Jersey.			
William S. Pennington, judge,	1,200	New Jersey,	New Jersey.
Joseph M. McIlvaine, attorney,	200 &c.	Pennsylvania,	Do.
Oliver W. Ogden, marshal,	200 &c.	New Jersey,	Do.
Robert Boggs, clerk,	Fees, &c.	Do.	Do.
For Pennsylvania.			
Richard Peters, judge,	1,600	Pennsylvania,	Pennsylvania.
Charles J. Ingersoll, attorney,	Fees, &c.	Do.	Do.
John Smith, marshal,	Do.	Do.	Do.
David Caldwell, clerk,	Do.	Do.	Do.
For Delaware.			
John Fisher, judge,	1,200	Maryland,	Delaware.
George Read, jun., attorney,	200	Delaware,	Do.
James Brobson, marshal,	Fees, &c.	Do.	Do.
A. Johns, clerk,	Do.	Maryland,	Do.
For Maryland.			
James Houston, judge,	1,600	Do.	Maryland.
Elias Glenn, attorney,	Fees, &c.	Do.	Do.
Thomas Rutter, marshal,	Do.	Do.	Do.
Philip Moore, clerk,	Do.	Do.	Do.
For Virginia.			
St. George Tucker, judge,	1,800	Bermuda,	Virginia.
William Wirt, attorney,	200	Maryland,	Do.
Andrew Moore, marshal,	Fees, &c.	Virginia,	Do.
Richard Jeffries, clerk,	Do.	Do.	Do.
For North Carolina.			
Henry Potter, judge,	1,500	Do.	North Carolina.
Robert H. Jones, attorney,	200 &c.	Do.	Do.
Beverly Daniel, marshal,	400 &c.	Do.	Do.
William H. Haywood, clerk,	Fees, &c.	Do.	Do.
For South Carolina.			
John Drayton, judge,	1,800	South Carolina,	South Carolina.
Thomas Parker, attorney,	Fees, &c.	Do.	Do.
Morton A. Waring, marshal,	Do.	Do.	Do.
James Jarvey, clerk,	Do.	Do.	Do.
For Georgia.			
William Stevens, judge,	1,500	Georgia,	Georgia.
William Davies, attorney,	200	Do.	Do.
John Eppinger, marshal,	Fees, &c.	Do.	Do.
John J. Bullock, clerk,	Do.	Do.	Do.
For Kentucky.			
[Vacant] judge.			
Robert Wickliffe, attorney,	200	Pennsylvania,	Kentucky.
Robert Crockett, marshal,	200	Kentucky,	Do.
John H. Hanna, clerk,	Fees, &c.	Do.	Do.
For Tennessee, East and West.			
John McNairy, judge,	1,500	Tennessee,	Tennessee.
John M. Campbell, attorney,	200	Do.	East Tennessee.
John E. Beck, attorney,	200	North Carolina,	West Tennessee.
Charles J. Porter, marshal,	200	Tennessee,	East Tennessee.
John Childers, marshal,	200	Virginia,	West Tennessee.
Robert M. Gavock, clerk,	Fees, &c.	Tennessee,	Do.
For Ohio.			
Charles W. Bird, judge,	1,000	Virginia,	Ohio.
Samuel Herrick, attorney,	200 &c.	New York,	Do.
John Hamm, marshal,	200 &c.	-	Do.
Humphrey Fullerton, clerk,	Fees, &c.	-	Do.
For Louisiana.			
Dominic Hall, judge,	3,000	-	Louisiana.
John Dick, attorney,	600	Ireland,	Do.
Michael Reynolds, marshal,	200	Virginia,	Do.
William Claiborne, clerk,	Fees, &c.	Do.	Do.

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
For the circuit court of the United States in the District of Columbia.			
William Cranch, chief judge,	$2,200	Massachusetts,	District of Columbia.
Buckner Thruston, associate judge,	2,000	Virginia,	Do.
James S. Morsell, associate judge,	2,000	Maryland,	Do.
Walter Jones, attorney,	Fees, &c.	Virginia,	Do.
Washington Boyd, marshal,	Do.	Dist. Columbia,	Do.
William Brent, clerk.	Do.	Virginia.	Washington county.
George Deneale, clerk,	Do.	Do.	Alexandria county.
For the district court of Columbia.			
William Cranch, sole judge,	No comp.	Massachusetts,	District of Columbia.
George Deneale, clerk,	Fees, &c.	Virginia,	Do.
JUDICIARY OF THE UNITED STATES IN THE TERRITORIAL GOVERNMENTS.			
Territorial court for Mississippi.			
George Poindexter, judge,	1,200	Do.	Mississippi Territory.
Josiah Simpson, judge,	1,200	Pennsylvania,	Do.
Walter Leake, judge,	1,200	-	Do.
Obadiah Jones, judge,	1,200	-	Do.
Henry Toulmin, judge,	1,200	-	Do.
William Crawford, attorney,	Fees, &c.	-	Do.
John Haynes, marshal,	Do.	-	Do.
For Missouri.			
Silas Bent, judge,	1,200	Massachusetts,	Missouri Territory.
J. B. C. Lucas, judge,	1,200	France,	Do.
William Sprigg, judge,	1,200	-	Do.
George Bullitt, judge,	1,200	-	Do.
John Scott, attorney,	Fees, &c.	-	Do.
Alexander McNair, marshal,	Do.	Pennsylvania,	Do.
For Illinois.			
Jesse B. Thomas, judge,	1,200	Virginia,	Illinois Territory.
Alexander Stewart, judge,	1,200	-	Do.
Thomas Towles, judge,	1,200	-	Do.
William Mears, attorney,	Fees, &c.	Ireland,	Do.
Philip Fanch, marshal,	Do.	-	Do.
The clerks of the courts having made returns but in very few instances, recourse was had to the best means in the power of the compiler for procuring the names of most of these officers, as given above; and it is believed that many of them are likewise clerks of the circuit courts of the United States, who also receive fees of office, and *per diem* allowances for attending court.			
DIPLOMATIC CORPS OF THE UNITED STATES.			
Mission to England.			
John Q. Adams, envoy extraordinary and min'r plenip'y,	$9,000	Massachusetts,	London.
John Adams Smith, secretary,	2,000	New York,	Do.
Mission to France.			
Albert Gallatin, envoy extraordinary and min'r plenip'y,	9,000	Geneva,	Paris.
Daniel Sheldon, secretary,	2,000	Connecticut,	Do.
Mission to Russia.			
Wm. Pinkney, envoy extraordinary and min'r plenip'y,	9,000	Maryland,	St. Petersburg.
Wm. R. King, secretary,	2,000	North Carolina,	Do.
Mission to the Netherlands.			
Wm. Eustis, envoy extraordinary and min'r plenip'y,	9,000	Massachusetts,	The Hague.
Alexander H. Everett, secretary,	2,000	Do.	Do.
Mission to the court of Portugal.			
Thomas Sumpter, minister plenipotentiary,	9,000	South Carolina,	Rio Janeiro.
Mission to Sweden.			
Jonathan Russell, minister plenipotentiary,	9,000	Rhode Island,	Stockholm.
Mission to Spain.			
George W. Erving, minister plenipotentiary,	9,000	Massachusetts,	Madrid.
Thomas L. L. Brent, secretary,	2,000	Virginia,	Do.
CONSULAR DEPARTMENT.			
In Great Britain and its dependencies.			
Thomas Aspinwall, consul, agent, &c.	2,000	-	London.
James Maury, consul,	Fees, &c.	-	Liverpool.

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
Herman Visger, consul,	Fees, &c.		Bristol.
Robert W. Fox, consul,	Do.		Falmouth.
Nathaniel G. Ingraham, jun., consul,	Do.		Plymouth.
Thomas Auldjo, consul,	Do.		Cowes.
Bernard Henry, consul,	Do.		Gibraltar.
Michael Hogan, consul,	Do.		Cork.
James Luke consul,	Do.		Belfast.
Thomas English, consul,	Do.		Dublin.
William Davy, consul,	Do.		Kingston.
In France and its dependencies.			
Isaac Cox Barnett, consul, agent, &c.	$2,000, &c.		Paris.
Daniel Strobel, consul,	Fees, &c.		Nantz.
Henry Wilson, consul,	Do.		L'Orient.
Stephen Cathalan, consul,	Do.		Marseilles.
Robert Sterry, consul,	Do.		Rochelle.
Thomas Johnson, consul,	Do.		Calais.
Philip Depeyster, consul,	Do.		Guadaloupe.
John Mitchell, consul,	Do.		Martinique.
In Russia.			
John Levett Harris, consul,	Do.		St. Petersburg.
Edward Wyer, consul,	Do.		Riga.
In Spain and its dependencies.			
James L. Cathcart, consul,	Do.		Cadiz.
Robert Montgomery, consul,	Do.		Alicante.
Richard McCall, consul,	Do.		Barcelona.
John M. Baker, consul,	Do.		Tarragona, &c.
Thomas L. Halsey, consul,	Do.		Buenos Ayres.
William G. Miller, consul,	Do.		Monte Video.
Obadiah Rich, consul,	Do.		Valencia.
William Kirkpatrick, consul,	Do.		Malaga.
Richard S. Hackley, consul,	Do.		St. Lucar.
John Mullowny, consul,	Do.		Island of Teneriffe.
Andrew Stewart, consul,	Do.		Island of Manilla.
John Warner, consul,	Do.		Island of Porto Rico.
Alexander Hamilton, consul,	Do.		Havana.
In Portugal and its dependencies.			
Israel P. Hutchinson, consul,	Do.		Lisbon.
Robert H. McPherson, consul,	Do.		Island of Madeira.
John B. Dabney, consul,	Do.		Fayal.
Henry Hill, consul,	Do.		St. Salvador.
Joseph Ray, consul,	Do.		Pernambuco.
In Holland and its dependencies.			
Sylvanus Bourne, consul general,	Do.		Amsterdam.
George Joy, consul,	Do.		Rotterdam.
Emanuel Wambersie, consul,	Do.		Ostend.
Samuel Hazard, consul,	Do.		Antwerp.
Abel Boynton, consul,	Do.		Island of Curaçoa.
In Denmark.			
John M. Forbes, consul general, agent, &c.	2,000, &c.		Copenhagen.
Robert M. Harrison, consul,	Fees, &c.		Island of St. Thomas.
Robert Jacques, consul,	Do.		Island of Sta. Cruz.
In Sweden.			
Joseph Ficklin, consul,	Do.		St. Bartholomew's.
Hanseatic Towns.			
Frederick J. Wichelhausen, consul,	Do.		Bremen.
Philip Marck, consul,	Do.		Franconia.
William Clark, consul,	Do.		Embden.
Tuscany.			
Thomas Appleton, consul,	Do.		Leghorn.
Austria.			
William H. Barney, consul,	Do.	Pennsylvania,	Trieste.
China.			
Benjamin C. Wilcox, consul,	Do.		Canton.
In the Kingdom of Naples.			
Alexander Hammet, consul,	Do.		Naples.
John Broadbent, consul,	Do.		Messina.
William Porter, consul,	Do.		Palermo.
In Barbary.			
William Shaler, consul general,	4,000		Algiers.
Thomas D. Anderson, consul,	2,000		Tunis.
William B. Jones, consul,	2,000		Tripoli.
James Simpson, consul,	2,000		Tangier.

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
COMMISSIONERS OF BOUNDARIES.			
Under the 6th and 7th articles of the treaty of Ghent.			
Peter B. Porter, commissioner,	$4,444 44		
Samuel Hawkins, agent,	3,000		
Under the 4th article.			
John Holmes, commissioner,	4,444 44	-	Near the boundary lines, and at such other places as the commissioners may adjourn to.
James Trecothick Austin, agent,	3,000		
Under the 5th article.			
Cornelius P. Van Ness, commissioner,	4,444 44		
OFFICERS OF THE MINT.			
Robert Patterson, director,	2,000	Ireland,	Philadelphia.
James Rush, treasurer,	1,200	Pennsylvania,	Do.
Adam Eckfeldt, chief coiner,	1,500	Do.	Do.
Joseph Richardson, assayer,	1,500	Do.	Do.
Joseph Cloud, melter and refiner,	1,500	Do.	Do.
Robert Scot, engraver,	1,200	Scotland,	Do.
George Ehrenzeller, clerk,	700	Pennsylvania,	Do.
John Reich, assistant engraver,	600	Germany,	Do.
William Stern, doorkeeper and watch,	462	Pennsylvania,	Do.
William McMinn, carpenter and adjuster,	462	Do.	Do.
Philip Summers, melter,	462	Do.	Do.
John Mann, annealer,	387	Do.	Do.
John Schreiner, pressman,	400	Do.	Do.
Thomas Gray, pressman,	362	Scotland,	Do.
COMMISSIONERS OF LOANS.			
William Plumer, jun., commissioner,	1,157	N. Hampshire,	Portsmouth.
Benjamin Austin, commissioner,	2,050	Massachusetts,	Boston.
Thomas Jackson, clerk,	920	Do.	Do.
John T. Loring, clerk,	880	Do.	Do.
John S. Lillie, clerk,	700	Do.	Do.
John Fillebrown, clerk,	$2 per diem,	Do.	Do.
James Greenborn, clerk,	$1 per diem,	Do.	Do.
Christopher Ellery, commissioner,	1,039 12	Rhode Island,	Providence, R. Island.
Jonathan Bull, commissioner,	1,271 69	Connecticut,	Hartford, Connecticut.
George Stanley, clerk,	400	Do.	Do.
Charles Bull, clerk,	400	Do.	Do.
William Few, commissioner,	2,019 07	Maryland,	New York.
William Ovington, clerk,	850	England,	Do.
Joshua Seney, clerk,	750	Do.	Do.
Henry A. Ovington, clerk,	500	Do.	Do.
James Ovington, clerk,	200	Do.	Do.
Nathaniel Thurston, clerk,	200	Do.	Do.
James Erving, commissioner,	1,070 39	New Jersey,	Trenton, New Jersey.
William White, commissioner,	1,921 51	New York,	Philadelphia.
Edward Lane, clerk,	1,000	Pennsylvania,	Do.
John Kerr, clerk,	600	Ireland,	Do.
M. I. O'Conway, clerk,	600	Do.	Do.
James Gaitland, clerk,	600	Do.	Do.
James White, clerk,	500	Pennsylvania,	Do.
John Stockton, commissioner,	650	Maryland,	Wilmington, Delaware.
Edward Hall, commissioner,	-	-	Baltimore, Maryland.
Thomas Nelson, commissioner,	1,642 11	Virginia,	Richmond, Virginia.
Thomas Nelson Page, clerk,	500	Do.	Do.
Hugh Nelson Pendleton, clerk,	500	Do.	Do.
Sherwood Haywood, commissioner,	1,050	North Carolina,	Raleigh, North Carolina.
Thomas Lehre, commissioner,	1,031 26	South Carolina,	Charleston, S. Carolina.
Charles Johnson, clerk,	500	Do.	Do.
Thomas Lehre, jun., clerk,	500	Do.	Do.
William Habersham, commissioner,	728 65	Georgia,	Savannah, Georgia.
CUSTOM-HOUSE DEPARTMENT.			
COLLECTORS.			
Timothy Upham,	-	-	Portsmouth, N. Hamp.
Ephraim H. Mahurin,	-	-	Stewart's town.
Asa Andrews,	-	-	Ipswich, Massachusetts.
William R. Lee,	2,505 58	Massachusetts,	Salem, do.
Henry Warren,	-	Do.	Plymouth, do.
Isaiah L. Green,	150 &c.	Do.	Barnstable, do.
Daniel Coffin,	1,864 01	Do.	Nantucket, do.
John Hawes,	-	Do.	New Bedford, do.
Joseph Marquand,	292	Do.	Newburyport, do.

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
John Kittridge,	$250 & com.	Massachusetts,	Gloucester, Massach'tts.
Joseph Wilson,	800 50	Do.	Marblehead, do.
Henry A. S. Dearborn,	5,000	New Hampshire	Boston, do.
Nathaniel Williams,	-	-	Dighton, do.
Jeremiah Bradbury,	1,192	Massachusetts,	York, do.
Daniel Granger,	325	Do.	Saco, do.
Joshua Wingate, jun.	1,703 62	Do.	Bath, do.
Isaac Ilsley,	2,405 65	Do.	Portland, do.
Francis Cook,	-	Do.	Wiscasset, do.
Josiah Hook,	3,500 31	Do.	Penobscot, do.
Melath. Jordan,	-	Do.	Frenchm. Bay, do.
Jeremiah O'Brien,	1,338 22	Do.	Machias, do.
Lemuel Trescott,	2,799 92	Do.	Passamaq'ddy, do.
Thomas Cook, jun.	-	Do.	Edgartown, do.
Denny McCobb,	-	Do.	Waldoboro', do.
Joseph Storer,	1,063	Do.	Kennebunk, do.
William Ellery,	1½ per cent.	Rhode Island,	Newport, Rhode Island.
Charles Collins,	3,213 60	Do.	Bristol, do.
Thomas Coles,	880 38	Great Britain,	Providence, do.
Thomas H. Cushing,	389 71	Massachusetts,	New London, Conn.
Abraham Bishop,	2,388 47	Connecticut,	New Haven, do.
Alexander Wolcott,	570 83	Do.	Middletown, do.
Walter Bradley,	335 78	Do.	Fairfield, do.
Corn. P. Van Ness,	5,000	New York,	Burlington, Vermont.
Roger Enos,	-	-	Mumphreymagog.
Henry P. Dering,	250	Do.	Sag Harbor, New York.
Peter Sailly,	-	-	Plattsburg, do.
David Gelston,	-	-	New York city.
Reuben Moores,	-	-	Hudson, do.
Nathan Sage,	-	-	Oswego, do.
Alexander Richards,	-	-	Ogdensburg, do.
Robert Fleming,	-	-	Niagara, do.
Oliver Forward,	-	-	Buffalo, do.
Perley Keyes,	500 s. 3 p. c.	New Hampshire	Sackett's Har. do.
Caleb Hopkins,	-	-	Genesee, do.
Aaron Hassert,	-	-	Perth Amboy, N. Jersey.
Lemuel Howell,	-	-	Burlington, do.
Ebenezer Elmer,	-	-	Bridgetown, do.
Gideon Leeds,	416 42	New Jersey,	Great Egg Harbor.
Silas Crane,	-	-	Little Egg Harbor.
Thomas Forster,	-	-	Presqu'isle, Pennsylva.
John Steele,	5,000	Pennsylvania,	Philadelphia, do.
Allen McLane,	Commission,	Philadelphia,	Wilmington, Delaware.
James H. McCulloch,	-	-	Baltimore, Maryland.
John Willis,	324 01	Maryland,	Oxford, do.
Thomas Nicholson,	-	-	Chester, do.
John Ennsall,	-	-	Vienna, do.
Lemuel P. Spence,	-	-	Snow Hill, do.
John Randall,	-	-	Annapolis, do.
George Biscoe,	-	-	Nottingham, do.
Aths. Fenwick,	-	-	St. Mary's, do.
John Barnes,	1,739 74	England,	Georgetown, D. C.
Howes Goldsborough,	-	-	Havre de Grace, Md.
David Brodie,	-	-	Hampton, Virginia.
Charles K. Mallory,	5,000	Virginia,	Norfolk, do.
Joseph Jones,	-	-	Petersburg, do.
James Gibbon,	-	-	Richmond, do.
Thomas Nelson,	-	-	Yorktown, do.
James Spark,	-	-	Matthew's Mouse, Va.
John Haile,	-	-	Tappahannock, Virginia.
John S. Tapcot,	-	-	Yeocomico, Virginia.
William A. Linton,	-	-	Dumfries, do.
Charles Simms,	-	-	Alexandria, do.
Parker Barnes,	350	Do.	Folly Landing, do.
Nathan Holland,	-	-	Cherrystone, do.
Willis W. Parker,	250	Do.	South Quay, do.
Robert Cochran,	-	-	Wilmington, N. Car.
Francis Hawks,	-	-	Newbern, do.
Thomas S. Singleton,	1,034 20	North Carolina,	Ocracoke, do.
Bridges Arendell,	-	-	Beaufort, do.
Thomas H. Blount,	700	Do.	Washington, do.
Samuel Tredwell,	-	-	Edenton, do.
Levi Fagan,	584 65	Do.	Plymouth, do.
Enoch Sawyer,	535 83	Do.	Camden, do.
Thomas Chapman,	-	-	Georgetown, S. Carolina.
William Joyner,	240	England,	Beaufort, do.
Simeon Theus,	-	Do.	Charleston, do.
Archibald S. Bullock,	7,263 14	Georgia,	Savannah, Georgia.
James Holmes,	-	-	Sunbury, do.
John J. Jenkins,	-	-	Hardwick, do.
William J. McIntosh,	300	South Carolina,	Brunswick, do.
Archibald Clark,	1,435 25	United States,	St. Mary's, do.
Amos Spafford,	-	-	Miami, Ohio.

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
Ashbel W. Walworth,	-	-	Erie, Ohio.
Peter P. Ferry,	-	-	Sandusky, do.
William Woodbridge,	-	-	Detroit, Michigan Ter.
John Rogers,	-	-	Mackinac, do.
Adden Lewis,	-	Connecticut,	Mobile, Mississippi Ter.
Peter L. B. Duplessis,	$5,000	Pennsylvania,	New Orleans, Louisiana.
James Miller,	1,400	Maryland,	Teche, do.
NAVAL OFFICERS.			
John F. Parrott,	-	-	Portsmouth, N. Hamp.
Henry Elkins,	898 58	Massachusetts,	Salem, Massachusetts.
Daniel Swett,	470	Do.	Newburyport, do.
Thomas Melville,	3,500	Do.	Boston, do.
Walter Nichols,	150 &c.	Rhode Island,	Newport, Rhode Island.
Samuel Brown,	-	-	Providence, do.
John Ferguson,	-	England,	New York.
Samuel Clarke,	3,500	Pennsylvania,	Philadelphia, Penn.
Nathaniel Ramsay,	-	-	Baltimore, Maryland.
Philemon Gatewood,	3,500	Virginia,	Norfolk, Virginia.
Carlton Walker,	-	-	Wilmington, N. C.
Thomas Waring,	-	-	Charleston, S. C.
Hampden McIntosh,	-	-	Savannah, Georgia.
Edwin Lorrain,	1,061 36	Maryland,	New Orleans, La.
SURVEYORS.			
George Wentworth,	-	-	Portsmouth, N. Hamp.
George Hodges,	-	-	Salem, Massachusetts.
Jona. Smith,	191 36	Massachusetts,	Beverley, do.
William Cross,	592	Do.	Newburyport, do.
Samuel Calder,	250 & com.	Do.	Gloucester, do.
Joshua Prentiss,	-	-	Marblehead, do.
Tristram Dalton,	3,000	Do.	Boston, do.
Isaac Carter,	-	-	Augusta, do.
James Charles Jewett,	701 47	Do.	Portland, do.
Joseph Carr,	-	-	Bangor, do.
William M. Daws,	-	-	Thomastown, do.
John Slocum,	250 &c.	Rhode Island,	Newport, Rhode Island
William Hammond,	-	-	N. Kingston, do.
Thomas Arnold,	-	-	E. Greenwich, do.
Thomas Durfee,	-	-	Tiverton, do.
Sylvester Gavet,	-	-	Pawcatuck, do.
Samuel Bosworth,	792 72	Do.	Bristol, do.
Nathaniel Phillips,	619 75	Massachusetts,	Warren, do.
John B. Barton,	-	-	Providence, do.
Joseph Aborne,	-	-	Patuxet, do.
Oliver Champlain,	462 65	Connecticut,	New London, Conn.
Elijah Palmer,	201 38	Do.	Stonington, do.
William Munson,	672 37	Do.	New Haven, do.
William Van Deursen,	315 15	New York,	Middletown, do.
George Wolcott,	407 05	Connecticut,	Saybrook, do.
Solomon Porter,	373 85	Do.	Hartford, do.
John Haff,	3,000	New York,	New York city.
John Vernon,	-	-	Albany, New York.
Isaac Dayton,	-	-	Hudson, do.
Henry Coffin,	-	-	Cape St. Vincent.
Bernard Smith,	-	-	New Brunswick, N. J.
Philip Williams,	-	Do.	Jersey.
James Glentworth,	3,000	-	Philadelphia.
William Lowry,	-	-	Baltimore, Maryland.
Benjamin Wilmot,	150	Maryland,	Easton, do.
Charles Chilton,	-	-	Town Creek, do.
Robert Chesley,	-	-	St. Mary's, do.
Lewis Ford,	-	-	Leonardtown, do.
Massey Simms,	-	-	Nanjemoy, do.
Copeland Parker,	3,000	Virginia,	Norfolk, Virginia.
Joseph Prentiss,	-	-	Suffolk.
Robert Butler,	250 25	Do.	Smithfield.
J. H. Peterson,	-	-	Petersburg.
Andrew Torborn,	-	-	City Point.
Ryland Randolph,	-	-	Richmond.
Eugene Sullivan,	-	-	West Point.
William White,	-	-	East River.
Anthony New,	-	-	Urbana.
William Gray,	-	-	Port Royal.
Adam Cooke,	-	-	Fredericksburg.
Ezekiel G. Shearman,	-	-	Carter's creek.
Bathurst Daingerfield,	700	Do.	Alexandria.
Thomas Callendar,	-	-	Wilmington, N. C.
Dempsey Jones,	-	-	Swansborough.
Benjamin Barney,	-	-	Slade's creek.
Josiah Townsend,	-	-	Hertford.

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
Peterson Gurley,	..	- -	Winton.
Jehu Nicholls,	$265 50	North Carolina,	Edenton.
James Morgan,	-	.. -	Murfreesborough.
William H. Ruffin,	150	Do. -	Windsor.
Henry Hunter,	150	Do. -	Plymouth.
Samuel Matthew,	150	Virginia, -	Nixonton.
Thomas C. Ferebee,	150	North Carolina,	Indiantown.
Malachi Jones,	150	Do. -	Currituck inlet.
David Richardson,	150	Do. -	Pasquotank.
Thomas L. Shannonhoust,	150	Do. -	Newbiggen creek.
Thomas Hall Jervey,	-	- -	Charleston, S. C.
Thomas Bourke,	-	Georgia, ..	Savannah, Geo.
McQueen McIntosh,	-	Do. -	Darien.
Thomas L. Butler,	-	- -	New Orleans.
Louis Blanc,	-	- -	Bayou St. John, La.
Joseph Wilcox,	-	- -	Marietta, Ohio.
William H. Beaumont,	-	- -	Natchez, Miss. Ter.
Gideon D. Cobb,	..	- -	Massac, Illinois.
James W. Moss,	-	- -	Limestone, Ky.
Richard Ferguson,	-	- -	Louisville.
John Andrews,	-	- -	Cincinnati, Ohio.

NOTE.—The compensation, pay, and emoluments of the officers of the custom-house department, as given above, are stated upon the authority of a report from the Comptroller's office. The principal source of their compensation is to be found in fees and commissions. In some instances they receive, in addition, certain salaries. In most of those cases where no definite sums are stated in the second column, the officers, it is believed, receive only fees and commissions.

REVENUE DEPARTMENT.

COLLECTORS OF DIRECT TAX.

				For 1815.		
Edward Cutts,	collector	1 district,	- -	$2,259 32	N. Hampshire,	Rockingham, N. H.
Hateril Knight,	do.	2	- -	1,006 74	Do. -	Strafford, do.
Jedediah K. Smith,	do.	3	- -	545 12	Do. -	Hillsborough, do.
Samuel Dinsmoor,	do.	4	- -	1,616 32	Do. -	Cheshire, do.
Ezra Bartlett,	do.	5	- -	967 52	Do. -	Grafton, do.
Gideon O'Brien,	do.	1	- -	445 08	Massachusetts,	Washington, Mass.
John Wilkins,	do.	2	- -	972 79	N. Hampshire,	Hancock, do.
Ezekiel Thompson,	do.	3	- -	1,301 12	Massachusetts,	Lincoln, do.
Daniel Evans,	do.	4	- -	895 19	N. Hampshire,	Kennebeck, do.
Amos Townsend,	do.	5	- -	543 76	Massachusetts,	Somerset, do.
Joseph Howard,	do.	6	- -	1,038 51	Do. -	Oxford, do.
Woodbury Storer,	do.	7	- -	1,461 97	Do. -	Cumberland, do.
Josiah W. Seaver,	do.	8	- -	828 73	Vermont, -	York, do.
Robert Farley,	do.	9	- -	2,309 49	Massachusetts,	Essex, do.
Levi Thaxter,	do.	10	- -	3,094 69	Do. -	Middlesex, do.
Edward Jones,	do.	11	- -	6,191 97	- -	Suffolk, do.
Ebenezer Seaver,	do.	12	- -	1,141 86	Do. -	Norfolk, do.
Howard Carey,	do.	13	- -	937 01	Do. -	Plymouth, do.
Nathaniel Morton, jr.	do.	14	- -	1,242 06	Do. -	Bristol, do.
Braddock Dimmick,	do.	15	- -	1,306 27	Do. -	Barnstable, do.
William Eaton,	do.	16	- -	1,250 85	Do. -	Worcester, do.
Thomas Shepherd,	do.	17	- -	2,926 75	Do. -	Hampshire, do.
Joshua Danforth,	do.	18	- -	698 34	Do. -	Berkshire, do.
Isaac Burton,	do.	1	- -	1,979 88	Connecticut, -	Bennington, Vermont.
John Phelps,	do.	2	- -	666 20	Do. -	Windham, do.
Thomas Leveret,	do.	3	- -	2,305 25	Massachusetts,	Windsor, do.
George Cleaveland,	do.	4	- -	1,155 69	Connecticut, -	Addison, do.
Asahel Langworthy,	do.	5	- -	618 36	Do. -	Franklin, do.
Israel P. Dana,	do.	6	- -	898 27	Vermont, -	Caledonia, do.
Christopher R. Perry,	do.	1	- -	1,969 32	Rhode Island,	Newport, R. Island.
Nehemiah R. Knight,	do.	2	- -	2,183 30	Do. -	Providence, do.
James Helme,	do.	3	- -	1,012 17	Do. -	Washington, do.
Seth P. Beers,	do.	1	- -	896 90	Connecticut, -	Litchfield, Conn.
Jesup Wakeman,	do.	2	- -	2,185 94	Do. -	Fairfield, do.
Andrew Hull, jr.	do.	3	- -	2,161 43	Do. -	New Haven, do.
John T. Peters,	do.	4	- -	4,562 72	Do. -	Hartford, do.
Nicoll Fosdick,	do.	5	- -	1,335 58	New York, -	New London, do.
Joshua Stow,	do.	6	- -	1,176 04	Connecticut, -	Middlesex, do.
Charles Taintor,	do.	7	- -	1,419 10	Do. -	Windham, do.
Nicoll Floyd,	do.	1	- -	1,555 38	New York, -	Suffolk, New York.
Jonathan Thompson,	do.	2	- -	7,810 44	Do. -	New York, do.
St. John Constant,	do.	3	- -	863 98	Connecticut, -	Westchester, do.
Nathan Myers,	do.	4	- -	1,281 27	New York, -	Dutchess, do.
Elias Gurnee,	do.	5	- -	1,877 45	- -	Rockland, do.
William Tremper,	do.	6	- -	839 66	Do. -	Ulster, do.
John Swart,	do.	7	- -	694 00	Do. -	Schoharie, do.

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
Adam Van Alstyne, collector 8 district,	$1,085 61	New York,	Columbia, New York.
James Mallory, do. 9	1,314 97	Connecticut,	Rensselaer, do.
Josiah Sheldon, do. 10	835 06	-	Washington, do.
Thomas Palmer, do. 11	830 94	New York,	Saratoga, do.
Dean Edson, do. 12	1,183 23	N. Hampshire,	Essex, do.
Law. L. Van Kleeck, do. 13	3,486 74	New York,	Albany, do.
Charles Morris, do. 14	1,144 52	Connecticut,	Montgomery, do.
David Holt, do. 15	889 60	-	Herkimer, do.
Thomas Walker, do. 16	707 48	Massachusetts,	Oneida, do.
John M. Canfield, do. 17	1,602 84	Connecticut,	Jefferson, do.
Stephen Mather, do. 18	1,220 57	Do.	Otsego, do.
Silas Holmes, do. 19	983 13	Do.	Chenango, do.
Charles T. Dering, do. 20	1,159 47	New York,	Madison, do.
Henry Smith, do. 21	809 06	Connecticut,	Steuben, do.
Luther Marsh, do. 22	1,599 20	N. Hampshire,	Onondaga, do.
Roswell Tousley, do. 23	1,317 62	Connecticut,	Cayuga, do.
Stephen Bates, do. 24	2,500 02	Massachusetts,	Ontario, do.
Jonas Harrison, do. 25	1,030 36	New Jersey,	Niagara, do.
Jacob Crocheron, do. 26	528 67	New York,	Richmond, do.
Robert K. Moulton, do. 27	795 96	Do.	Greene, do.
Isaac Ogden, do. 28	694 16	New Jersey,	Delaware, do.
Joseph T. Baldwin, do. 1	3,047 32	Do.	Essex, New Jersey.
Edward Condict, do. 2	3,097 63	Do.	Morris, do.
Nathan Price, do. 3	3,050 38	Do.	Hunterdon, do.
James F. Randolph, do. 4	1,235 00	Do.	Middlesex, do.
Ephraim Miller, do. 5	2,615 86	Do.	Gloucester, do.
Samuel L. James, do. 6	1,438 24	Massachusetts,	Salem, do.
John White, do. 1	7,387 49	New York,	Philadelphia, Penn.
William Duncan, do. 2	2,550 63	Pennsylvania,	Do. do.
Jacob Neiler, do. 3	1,273 14	Do.	Delaware, do.
Thomas Humphrey, do. 4	880 62	Do.	Montgomery, do.
William Long, do. 5	1,008 79	Do.	Bucks, do.
James Humes, do. 6	5,694 87	Do.	Lancaster, do.
George Kerr, do. 7	4,927 01	Ireland,	York, do.
Nicholas Kern, do. 8	1,971 42	Pennsylvania,	Northampton, do.
Matthias Richards, do. 9	3,311 22	Do.	Berks, do.
William Moorhead, do. 10	1,669 42	Ireland,	Dauphin, do.
George Clark, do. 11	3,471 13	-	Franklin, do.
John Snyder, do. 12	1,882 62	Pennsylvania,	Northumberland, do.
Samuel Maclay, do. 13	1,190 34	Do.	Mifflin, do.
Joseph S. Morrison, do. 14	-	Do.	Bedford, do.
William Cunningham, do. 15	1,255 77	Do.	Fayette, do.
George Morgan, do. 16	1,831 78	New Jersey,	Washington, do.
James Patterson, do. 17	1,578 51	Virginia,	Allegany, do.
Samuel M. Reed, do. 18	988 75	Pennsylvania,	Westmoreland, do.
William H. Patterson, do. 19	639 94	Do.	Centre, do.
Andrew Beaumont, do. 20	629 32	Connecticut,	Luzerne, do.
Michael Ross, do. 21	557 22	Pennsylvania,	Lycoming, do.
John Findley, do. 22	879 33	-	Mercer, do.
Richard Bean, do. 23	555 59	N. Hampshire,	Crawford, do.
John Merritt, do. 1	1,176 34	Delaware,	Newcastle, Delaware.
Thomas Peterkin, do. 2	1,212 10	Do.	Kent, do.
William D. Waples, do. 3	1,082 67	Virginia,	Sussex, do.
George Brown, do. 1	1,632 57	Do.	Somerset, Maryland.
William Chambers, do. 2	1,204 64	Pennsylvania,	Queen Anne, do.
John S. Maffit, do. 3	983 83	-	Cecil, do.
Stephen H. Moore, do. 4	6,415 53	Maryland,	Baltimore, do.
Richard Duvall, do. 5	1,053 17	Do.	Pr. George's, do.
Francis Newman, do. 6	1,117 11	England,	Charles, do.
Joseph Swearingen, do. 7	1,915 98	Maryland,	Frederick, do.
Thomas B. Hall, do. 8	2,423 10	Do.	Washington, do.
Asa Beall, do. 9	696 12	Do.	Allegany, do.
William Tate, do. 1	980 53	Virginia,	Washington, Virginia.
Garnet Peyton, do. 2	1,037 27	Do.	Montgomery, do.
Jesse Mays, do. 3	620 48	Do.	Greenbrier, do.
Daniel Kincheloe, do. 4	724 59	Do.	Harrison, do.
Salathiel Curtis, do. 5	1,245 38	Do.	Ohio, do.
Samuel B. Hall, do. 6	580 00	Do.	Pendleton, do.
Michael Garber, jr. do. 7	3,918 77	Pennsylvania,	Augusta, do.
Joseph Fawcett, do. 8	2,078 68	Virginia,	Rockingham, do.
William Davison, do. 9	2,772 18	Pennsylvania,	Frederick, do.
James Callaway, do. 10	1,083 84	Virginia,	Franklin, do.
Josiah P. Moon, do. 11	1,375 63	Do.	Campbell, do.
James Wyche, do. 12	1,073 33	Do.	Brunswick, do.
Samuel Jones, do. 13	1,085 40	Do.	Buckingham, do.
Charles Russell, do. 14	1,539 00	Do.	Dinwiddie, do.
Thomas B. Ellis, do. 15	1,205 76	-	Surry, do.
Holt Wilson, do. 16	2,186 00	North Carolina,	Norfolk, do.
Seervant Jones, do. 17	601 69	-	York, do.
William D. Taylor, do. 18	3,332 58	Virginia,	Henrico, do.
Thomas J. Randolph, do. 19	1,175 35	Do.	Albemarle, do.
Armistead Long, do. 20	1,427 14	Do.	Culpeper, do.
John Moncure, do. 21	1,330 10	Do.	Stafford, do

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
John Littlejohn, collector 22 district, - -	$888 44	England, -	Loudoun, Virginia.
William Jones, do. 23 - -	1,089 24	Virginia, -	Caroline, do.
George Johnson, do. 24 - -	846 04	Do. -	King George, do.
Benjamin P. Hoomes, do. 25 - -	1,193 09	Do. -	King & Queen, do.
William P. Custis, do. 26 - -	1,034 04	Do. -	Accomack, do.
Wills Cowper, do. 1 - -	1,679 47	Do. -	Gates, North Carolina.
Rhesa Reed, do. 2 - -	1,079 83	North Carolina,	Warren, do.
Slade Pearce, do. 3 - -	855 53	Do. -	Beaufort, do.
John S. West, do. 4 - -	1,210 99	Do. -	Craven, do.
Solomon Green, do. 5 - -	1,123 25	Do. -	Warren, do.
Andrew McIntire, do. 6 - -	892 13	Do. -	Duplin, do.
William R. Pickett, do. 7 - -	1,294 25	Do. -	Cumberland, do.
John Van Hook, jun. do. 8 - -	1,168 52	Do. -	Orange, do.
Nathaniel Scales, do. 9 - -	2,107 76	Do. -	Rockingham, do.
Robert Locke, do. 10 - -	1,854 61	Do. -	Rowan, do.
Archibald Frew, do. 11 - -	1,038 17	Do. -	Mecklenburg, do.
John H. Alley, do. 12 - -	1,138 62	Virginia, -	Rutherford, do.
Nathan Chaffin, jun. do. 13 - -	1,115 25	Do. -	Surry, do.
Robert Howard, do. 1 - -	3,495 11	- -	Charleston, S. Carolina.
Andrew H. Jones, do. 2 - -	624 65	South Carolina,	Colleton, do.
John Bynum, do. 3 - -	-	- -	Richland, do.
James Calhoun, jun. do. 4 - -	1,221 62	Do. -	Abbeville, do.
Francis Adams, do. 5 - -	1,212 79	Do. -	Greenville, do.
John Buchanan, do. 6 - -	1,322 20	Ireland, -	Fairfield, do.
John S. Rice, do. 7 - -	1,160 49	Virginia, -	Chester, do.
John Cantey, do. 8 - -	872 45	South Carolina,	Kershaw, do.
Morgan G. Brown, do. 9 - -	838 91	Do. -	Marlborough, do.
John Stevens, do. 1 - -	1,106 02	Georgia, -	Liberty, Georgia.
John A. Cobb, do. 2 - -	1,214 10	Virginia, -	Jefferson, do.
Charles W. Callier, do. 3 - -	1,026 77	North Carolina,	Greene, do.
John W. Freeman, do. 4 - -	870 67	Do. -	Wilkes, do.
James Meriwether, do. 5 - -	1,077 00	Do. -	Clark, do.
Hines Holt, do. 6 - -	1,388 48	Virginia, -	Baldwin, do.
Matthias Ross, do. 1 - -	1,936 30	New Jersey, -	Warren, Ohio.
Thomas Constant, do. 2 - -	1,113 29	Virginia, -	Greene, do.
Charles R. Sherman, do. 3 - -	1,061 79	Connecticut, -	Fairfield, do.
John Peebles, do. 4 - -	891 93	Pennsylvania, -	Ross, do.
James Hampson, do. 5 - -	996 96	Virginia, -	Muskingum, do.
John C. Wright, do. 6 - -	1,209 84	Connecticut, -	Jefferson, do.
Samuel Coulter, do. 7 - -	687 65	Pennsylvania,	Starke, do.
Thomas D. Webb, do. 8 - -	797 14	Connecticut, -	Trumbull, do.
Erastus Miles, do. 9 - -	706 44	Vermont, -	Geauga, do.
George W. Bolts, do. 1 - -	1,226 15	Virginia, -	Fleming, Kentucky.
John H. Morton, do. 2 - -	2,467 29	Do. -	Fayette, do.
Samuel Theobald, do. 3 - -	1,475 43	Kentucky, -	Scott, do.
John Coburn, do. 4 - -	1,460 32	Pennsylvania,	Mason, do.
Benjamin Field, do. 5 - -	878 66	Virginia, -	Ohio, do.
Amos Edwards, do. 6 - -	1,216 71	Do. -	Logan, do.
Robert Rodes, do. 7 - -	1,557 23	Do. -	Madison, do.
Isaac Miller, do. 8 - -	1,357 59	Pennsylvania,	Jefferson, do.
David Shanks, do. 9 - -	964 98	Virginia, -	Lincoln, do.
William Bard, do. 10 - -	1,247 03	Kentucky, -	Nelson, do.
Richard Mitchell, do. 1 - -	1,027 24	North Carolina,	Hawkins, Tennessee.
James P. H. Porter, do. 2 - -	1,276 23	Virginia, -	Sevier, do.
Thomas Brown, do. 3 - -	1,346 00	North Carolina,	Roane, do.
George Matlock, do. 4 - -	1,640 85	Virginia, -	Smith, do.
Nicholas T. Perkins, do. 5 - -	2,915 20	North Carolina,	Williamson, do.
Henry H. Bryan, do. 6 - -	1,340 49	Do. -	Montgomery, do.
William Marshall, do. 1 - -	-	Virginia, -	Rapides, Louisiana.
John Thompson, do. 2 - -	295 58	Do. -	Opelousas, do.
Francis A. Blanc, do. 3 - -	2,652 00	Louisiana, -	Orleans, do.
Moses Horn, do. 4 - -	359 74	North Carolina,	New Feliciana, do.
Richard Smyth, do. - - -	401 34	Ireland, -	Michigan Territory.
Allan D. Thom, do. - -	896 01	Virginia, -	Indiana.
John Hays, do. - - -	656 16	New York, -	Illinois.
John W. Thompson, do. - - -	845 87	Pennsylvania,	Missouri.
John M. Taylor, do. 1 - -	800 54	Virginia, -	Mississippi.
Samuel L. Winston, do. 2 - -	906 19	North Carolina,	Do.
Samuel Smith, do. 3 - -	511 48	Pennsylvania,	Do.
James H. Blake, do. - - -	3,380 10	Maryland, -	District of Columbia.

N. B. The compensation includes the amounts paid to deputies and clerks. In cases where the collectors now in office have been recently appointed, the amount is that received by their predecessors in 1815.

PRINCIPAL ASSESSORS.

Clement Storer,	principal assessor	1 district, -	-	-	Maine, -	Rockingham, N. Hamp.
Andrew Pierce,	do.	2 -	-	-	N. Hampshire,	Strafford, do.
William Frisk,	do.	3 -	-	-	Massachusetts,	Hillsborough, do.
Aaron Matson,	do.	4 -	-	-	Connecticut, -	Cheshire, do.
John Page, jun.	do.	5 -	-	-	Do. -	Grafton, do.

CIVIL DEPARTMENT—Continued.

Names and offices.			Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
John Balkham,	principal assessor	1 district,	- -	Massachusetts,	Washington, Mass.
David Perham,	do.	2	- -	Do. -	Hancock, do.
William Vinall,	do.	3	- -	Do. -	Lincoln, do.
Joshua Wingate,	do.	4	- -	Do. -	Kennebeck, do.
William Kendall,	do.	5	- -	- -	Do. do.
Ebenezer Poor,	do.	6	- -	Do. -	Oxford, do.
James Irish, jun.	do.	7	- -	Do. -	Cumberland, do.
Daniel Wood,	do.	8	- -	Do. -	York, do.
John Burley,	do.	9	- -	N. Hampshire,	Essex, do.
Samuel Hoar,	do.	10	- -	Massachusetts,	Middlesex, do.
William Little,	do.	11	- -	Connecticut, -	Suffolk, do.
Ebenezer Fisher,	do.	12	- -	Massachusetts,	Norfolk, do.
Seth Sprague,	do.	13	- -	Do. -	Plymouth, do.
Josiah Deane,	do.	14	- -	Do. -	Bristol, do.
Isaiah L. Green,	do.	15	- -	Do. -	Barnstable, do.
Nathan Fisher,	do.	16	- -	Do. -	Worcester, do.
Daniel Wright,	do.	17	- -	Do. -	Hampshire, do.
Simon Larned,	do.	18	- -	Connecticut, -	Berkshire, do.
John D'Wolf,	do.	1	- -	Rhode Island, -	Bristol, Rhode Island.
Samuel Brown,	do.	2	- -	Do. -	Providence, do.
William Hammond,	do.	3	- -	Do. -	Washington, do.
Homer Boardman,	do.	1	- -	Connecticut, -	Litchfield, Connecticut
James Stevens,	do.	2	- -	Do. -	Fairfield, do.
William Law,	do.	3	- -	Do. -	New Haven, do.
Nathaniel Goodwin,	do.	4	- -	Do. -	Hartford, do.
Moses Warren,	do.	5	- -	Rhode Island,	New London, do.
Isaac Spencer, jun.	do.	6	- -	Connecticut, -	Middlesex, do.
Elijah House,	do.	7	- -	Do. -	Tolland, do.
John Mason,	do.	1	- -	Do. -	Rutland, Vermont.
Paul Holland,	do.	2	- -	Massachusetts,	Windham, do.
Josiah Dana,	do.	3	- -	Do. -	Orange, do.
John Peck,	do.	4	- -	Do. -	Chittenden, do.
Jedediah Hyde, jun.	do.	5	- -	Connecticut, -	Grand Isle, do.
Samuel C. Crafts,	do.	6	- -	Do. -	Orleans, do.
Silvester Dering,	do.	1	- -	Massachusetts,	Suffolk, New York.
Garrat N. Bleecker,	do.	2	- -	New York, -	New York, do.
Daniel Delavan,	do.	3	- -	Do. -	Westchester, do.
Jacob Van Ness,	do.	4	- -	Do. -	Dutchess, do.
Isaac Belknap,	do.	5	- -	Massachusetts,	Orange, do.
Levi Jansen,	do.	6	- -	- -	Ulster, do.
Peter J. Hoes,	do.	7	- -	New York, -	Schoharie, do.
John P. Jenkins,	do.	8	- -	Massachusetts,	Columbia, do.
William L. Marcy,	do.	9	- -	Do. -	Rensselaer, do.
Nathaniel Pitcher,	do.	10	- -	Connecticut, -	Washington, do.
Esek Cowen,	do.	11	- -	Rhode Island,	Saratoga, do.
Platt Newcomb,	do.	12	- -	New York, -	Clinton, do.
Gideon Hawley,	do.	13	- -	Connecticut, -	Albany, do.
Albert Veeder,	do.	14	- -	New York, -	Montgomery, do.
Walter Fish,	do.	15	- -	Connecticut, -	Herkimer, do.
Nathan Williams,	do.	16	- -	Massachusetts,	Oneida, do.
Chillas Doty,	do.	17	- -	Do. -	Lewis, do.
John Russell,	do.	18	- -	New York, -	Otsego, do.
Perez Randall,	do.	19	- -	Connecticut, -	Chenango, do.
Perry G. Childs,	do.	20	- -	Massachusetts,	Madison, do.
Henry Wells,	do.	21	- -	New York, -	Tioga, do.
Asa Wells,	do.	22	- -	Connecticut, -	Onondaga, do.
Richard Smith,	do.	23	- -	Do. -	Seneca, do.
Lot Rew,	do.	24	- -	Massachusetts,	Ontario, do.
Aaron Van Cleve,	do.	25	- -	New Jersey, -	Genesee, do.
Jacob Tysen,	do.	26	- -	New York, -	Richmond, do.
William Tolley,	do.	27	- -	Do. -	Greene, do.
Asahel E. Paine,	do.	28	- -	Connecticut, -	Delaware, do.
John Dodd,	do.	1	- -	New Jersey, -	Essex, New Jersey.
Joseph Coryell,	do.	2	- -	Pennsylvania,	Sussex, do.
John Haas,	do.	3	- -	New Jersey, -	Hunterdon, do.
Robert Arnold,	do.	4	- -	Do. -	Middlesex, do.
Joseph Budd,	do.	5	- -	Do. -	Burlington, do.
Ebenezer Elmer,	do.	6	- -	Do. -	Cumberland, do.
Andrew Geyer,	do.	1	- -	Pennsylvania,	Philadelphia, Penn.
Joseph Starne,	do.	2	- -	Do. -	Do. do.
John Reese,	do.	3	- -	Do. -	Chester, do.
John Wentz,	do.	4	- -	Do. -	Montgomery, do.
Thomas B. Montanye,	do.	5	- -	New York, -	Bucks, do.
Daniel Moore,	do.	6	- -	Do. -	Lancaster, do.
Matthew Clark,	do.	7	- -	Maryland, -	York, do.
James H. Horner,	do.	8	- -	Pennsylvania,	Northampton, do.
Nicholas Seitzinger,	do.	9	- -	Do. -	Berks, do.
William Allison,	do.	10	- -	Ireland, -	Dauphin, do.
John McGinnis,	do.	11	- -	Pennsylvania,	Cumberland, do.
Thomas Smith,	do.	12	- -	Ireland, -	North'berland, do.
Arthur Moore,	do.	13	- -	Pennsylvania,	Huntingdon, do.
John Fleming,	do.	14	- -	New Jersey, -	Somerset, do.
David Breading,	do.	15	- -	Maryland, -	Fayette, do.

CIVIL DEPARTMENT—Continued.

Names and offices.			Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
Robert Anderson,	principal assessor	16 district,	-	Pennsylvania,	Washington, Penn.
Richard Robinson,	do.	17	-	Do. -	Allegany, do.
Richard E. Caruthers,	do.	18	-	New Jersey, -	Westmorel'd, do.
William A. Petrikin,	do.	19	-	Pennsylvania,	Centre, do.
Joseph Tuttle,	do.	20	-	New Jersey, -	Luzerne, do.
Joseph Wood,	do.	21	-	Pennsylvania,	Lycoming, do.
William Leet,	do.	22	-	New Jersey, -	Beaver, do.
Hugh Andrews,	do.	23	-	Ireland, -	Crawford, do.
Leonard Van Degrift,	do.	1	-	Delaware, -	Newcastle, Delaware.
William Keith,	do.	2	-	Do. -	Kent, do.
Peter Hall,	do.	3	-	Do. -	Sussex, do.
Levin Derrickson,	do.	1	-	- -	Worcester, Maryland.
Samuel Tenant,	do.	2	-	Maryland, -	Talbot, do.
Thomas Williams,	do.	3	-	Do. -	Cecil, do.
Thomas Bailey,	do.	4	-	Do. -	Baltimore, do.
Thomas H. Hall,	do.	5	-	Do. -	Ann Arundel, do.
James Dixon,	do.	6	-	Do. -	Calvert, do.
Patrick McGill,	do.	7	-	Do. -	Frederick, do.
William Kreps,	do.	8	-	Pennsylvania,	Washington, do.
Samuel Smith,	do.	9	-	Do. -	Allegany, do.
Hugh McGavock,	do.	1	-	Virginia, -	Wythe, Virginia.
Lewis Amiss,	do.	2	-	Do. -	Montgomery, do.
Andrew Parks,	do.	3	-	Maryland, -	Mason, do.
Benjamin Reeder,	do.	4	-	Do. -	Harrison, do.
Felix Scott,	do.	5	-	Virginia, -	Monongalia, do.
Jacob Hull,	do.	6	-	Do. -	Pendleton, do.
William Abney,	do.	7	-	Do. -	Augusta, do.
Jacob D. Williamson,	do.	8	-	Do. -	Shenandoah, do.
David Ridgway,	do.	9	-	Do. -	Frederick, do.
William R. Porter,	do.	10	-	Pennsylvania,	Bedford, do.
Josiah Legrand,	do.	11	-	Virginia, -	Charlotte, do.
William Mason,	do.	12	-	Do. -	Lunenburg, do.
Thomas Clarke,	do.	13	-	Do. -	Pr. Edward, do.
Richard N. Thweatt,	do.	14	-	Do. -	Dinwiddie, do.
Samuel Blunt,	do.	15	-	Do. -	Southampton, do.
Benjamin B. Baker,	do.	16	-	Do. -	Nansemond, do.
John B. Clopton,	do.	17	-	- -	New Kent, do.
William E. Hill,	do.	18	-	- -	Charles City, do.
William Armistead,	do.	19	-	Do. -	Amherst, do.
Thomas Jenkins,	do.	20	-	Maryland, -	Orange, do.
George Love,	do.	21	-	Virginia, -	Fauquier, do.
Stacy Taylor,	do.	22	-	Pennsylvania,	Loudoun, do.
James Poindexter,	do.	23	-	Virginia, -	Louisa, do.
Samuel Templeman,	do.	24	-	Do. -	Westmorel'd, do.
William B. Browne,	do.	25	-	Do. -	King William, do.
William P. Moore,	do.	26	-	Do. -	Accomack, do.
Joseph Reddick,	do.	1	-	North Carolina,	Gates, North Carolina.
John Nicholson,	do.	2	-	Do. -	Halifax, do.
Frederick Phillips,	do.	3	-	Do. -	Edgecombe, do.
H. J. G. Ruffin,	do.	4	-	Do. -	Greene, do.
George Tunstall,	do.	5	-	Virginia, -	Franklin, do.
Richard Parish,	do.	6	-	North Carolina,	Cumberland, do.
James Gaines,	do.	7	-	Virginia, -	Moore, do.
Joseph Gales,	do.	8	-	England, -	Wake, do.
James Yancey,	do.	9	-	- -	Caswell, do.
George Mumford,	do.	10	-	Connecticut, -	Rowan, do.
Henry Foster,	do.	11	-	South Carolina,	Mecklenburg, do.
John Patton,	do.	12	-	- -	Buncombe, do.
Colin Campbell,	do.	13	-	Scotland, -	Iredell, do.
John G. Mayor,	do.	1	-	South Carolina,	Charleston, S. Carolina.
(Vacant)	do.	2			
William W. Williams,	do.	3	-	- -	Edgefield, do.
Thomas Anderson,	do.	4	-	Do. -	Abbeville, do.
(Vacant)	do.	5			
John A. Elmore,	do.	6	-	Virginia, -	Lawrence, do.
Hugh Means,	do.	7	-	North Carolina,	Union, do.
(Vacant)	do.	8			
Thomas Shrine,	do.	9	-	Do. -	Georgetown, do.
Ebenezer S. Rees,	do.	1	-	Georgia, -	Chatham, Georgia.
(Vacant)	do.	2			
Dennis L. Ryan,	do.	3	-	Maryland, -	Warren, do.
Benjamin Taliaferro,	do.	4	-	Virginia, -	Wilkes, do.
George Moore,	do.	5	-	Do.	Oglethorpe, do.
Elijah Moseley,	do.	6	-	North Carolina,	Putnam, do.
Francis McCormick,	do.	1	-	Virginia, -	Hamilton, Ohio.
Benjamin Van Cleve,	do.	2	-	New Jersey, -	Montgomery, do.
Richard Douglass,	do.	3	-	Connecticut, -	Pickaway, do.
Edward W. Tupper,	do.	4	-	Massachusetts,	Gallia, do.
John Reynolds,	do.	5	-	Pennsylvania,	Muskingum, do.
David Moore,	do.	6	-	New Jersey, -	Belmont, do.
David Scott,	do.	7	-	Maryland, -	Columbiana, do.
Lyman Potter,	do.	8	-	Vermont, -	Trumbull, do.
Stephen Mason,	do.	9	-	Connecticut, -	Portage, do.

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
Samuel L. Williams, principal assessor 1 district, -	-	Virginia, -	Montgomery, Kentucky.
Thomas B. Scott, do. 2 -	-	Pennsylvania,	Jessamine, do.
William Henry, do. 3 -	-	Virginia, -	Scott, do.
Walker Baylor, do. 4 -	-	Do. -	Bourbon, do.
Maxwell Sharp, do. 5 -	-	Do. -	Christian, do.
Thomas A. Covington, do. 6 -	-	North Carolina,	Warren, do.
George Robertson, do. 7 -	-	- -	Garrard, do.
Levi Tyler, do. 8 -	-	Kentucky, -	Jefferson, do.
Henry James, do. 9 -	-	Virginia, -	Pulaski, do.
Samuel Grundy, do. 10 -	-	Do. -	Washington, do.
William Rockhold, do. 1 -	-	Maryland, -	Sullivan, Tennessee.
Joseph Love, do. 2 -	-	North Carolina,	Knox, do.
Quin Morton, do. 3 -	-	Virginia, -	Anderson, do.
Samuel K. Blythe, do. 4 -	-	North Carolina,	Sumner, do.
Nicholas Scales, do. 5 -	-	Virginia, -	Williamson, do.
Joseph Herndon, do. 6 -	-	Do. -	Maury, do.
John Casson, do. 1 -	-	- -	Natchitoches, Louisiana.
Joseph R. Martin, do. 2 -	-	France, -	La Fourche, do.
D. R. D. Dessesserts, do. 3 -	-	Do. -	Orleans, do.
James Neilson, do. 4 -	-	Pennsylvania,	Feliciana, do.
James McGuire, do. - -	-	Maryland, -	Alexandria, D. C.

N. B. Agreeably to law, each principal assessor receives an annual salary of $200, and $3 for every hundred taxable persons contained in the tax lists delivered to the collector; besides which, the reasonable expenses incurred for books and stationary are paid; but no allowances are made to principal assessors in States which have assumed the payment of their respective quotas of the direct tax.

As the accounts of principal assessors have in but a few instances been rendered for the present year, the materials do not exist at the Treasury for stating the respective aggregate amounts payable to each officer.

SUPERINTENDENTS AND KEEPERS OF LIGHT-HOUSES.

Timothy Upham, superintendent, - -	-	New Hampshire	Portsmouth, N. Hamp.
David Duncan, keeper, - - -	$300	Massachusetts,	Do.
John Hawes, superintendent, - - -	-	Do. -	Massachusetts.
Ebenezer Skiff, keeper, - - -	300	Do. -	Gay Head, Massach'tts.
David Wilber, keeper, - - -	225	Do. -	Clark's Point, do.
H. A. S. Dearborn, superintendent, - -	-	- -	Massachusetts.
Jonathan Bruce, keeper, - - -	333 33	Do. -	Boston, Massachusetts.
George Swain, keeper, - - -	266 67	Do. -	Nantucket, do.
Jonathan Coffin, keeper, - - -	166 67	Do. -	Nant'ket beacon, do.
Aaron Wheeler, keeper, - - -	350	Do. -	Thatcher's Isl'd, do.
Joseph Perkins, keeper, - - -	266 67	Do. -	Baker's Island, do.
Lewis Lowell, keeper, - - -	266 67	Do. -	Plumb Island, do.
Constant Hopkins, keeper, - - -	225	Do. -	Cape Cod, do.
Matthew Mayhew, keeper, - - -	225	Do. -	Cape Poge, do.
Barzillai Delano, keeper, - - -	300	Do. -	Portland, do.
Joseph Burges, keeper, - - -	250	Do. -	Plymouth, do.
Jonathan Delano, keeper, - - -	200	Do. -	Seguin, do.
George Day, keeper, - - -	200	Do. -	Wigwam Point, do.
Charles Haskell, keeper, - - -	200	Do. -	Whitehead, do.
John Lowell, keeper, - - -	200	Do. -	Franklin Island, do.
Philip Goldthwait, keeper, - - -	225	Do. -	Wood Island, do.
Peter Godfrey, keeper, - - -	300	Do. -	Passamaquoddy, do.
Joseph Loveland, keeper, - - -	250	Do. -	Chatham, do.
Eliphalet Grover, keeper, - - -	400	Do. -	Boon Island, do.
Simeon Bates, keeper, - - -	260	Do. -	Scituate, do.
William Ellery, superintendent, - -	-	Rhode Island,	Rhode Island.
George Sherman, keeper, - - -	300	Do. -	Newport, Rhode Island.
Jonathan Nash, keeper, - - -	200	Do. -	Watch Hill Point, R. I.
John P. Whitford, keeper, - - -	260	Do. -	Point Judith, R. Island.
Thomas H. Cushing, superintendent, - -	-	Massachusetts,	Connecticut.
Griswold Harris, keeper, - - -	250	Connecticut, -	New London, Conn.
Solomon Stone, keeper, - - -	225	Do. -	Faulkner's Isl'd, do.
Philip Grumley, keeper, - - -	175	Ireland, -	Lynde Point, do.
Jonathan Finch, keeper, - - -	225	Connecticut, -	Five Mile Point, do.
Joshua Lester, keeper, - - -	225	Do. -	Fairweather Island, Ct.
David Gelston, superintendent, - -	-	- -	New York.
William P. Schenck, keeper, - - -	400	New Jersey, -	Sandy Hook, N. York.
William King, keeper, - - -	333 33	New York, -	Eaton's Neck, do.
Noah Mason, keeper, - - -	250	Massachusetts,	Sands's Point, do.
Henry P. Dering, superintendent, - -	-	New York, -	New York.
Henry Baker, keeper, - - -	333 33	Do. -	Montauk, do.
Giles Holt, keeper, - - -	333 33	Connecticut, -	Little Gull Isl'd, do.
Samuel Clarke, superintendent, - -	-	Pennsylvania,	Delaware.
John Ware, keeper, - - -	400	Do. -	Cape Henlopen, Del.
Charles K. Mallory, superintendent, - -	-	Virginia, -	Virginia.
Travy Burroughs, keeper, - - -	400	Do. -	Cape Henry, Virginia.
Paul Luke, keeper, - - -	250	Do. -	Old Point Comfort, Va.
Thomas Blackwell, keeper, - - -	250	Do. -	Smith's Point, Virginia.

CIVIL DEPARTMENT—Continued.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
James B. R. Johnson, keeper,	$250	Virginia,	New Point Comfort, Va.
Robert Cochran, superintendent,	-	North Carolina,	North Carolina.
Sedwick Springs, superintendent,	400	Do.	Bald Head, N. Carolina.
Samuel Tredwell, superintendent,	-	New York,	North Carolina.
Joseph Farrow, keeper,	400	North Carolina,	Cape Hatteras, N. C.
John Taylor, keeper,	250	Do.	Shell Castle, do.
Bridges Arundell, superintendent,	-	-	South Carolina.
James Falford, keeper,	300	-	Cape Lookout, N. C.
Simeon Theus, superintendent,	-	South Carolina,	South Carolina.
John Colhoun, keeper,	400	New York,	Charleston, S. Carolina.
Thomas Chapman, superintendent,	-	South Carolina,	South Carolina.
Benjamin T. Howland, keeper,	400	North Carolina,	Georgetown, S. Carolina.
Archibald S. Bullock, superintendent,	-	Georgia,	Georgia.
James McAnnully, keeper,	433 33	Ireland,	Tybee, Georgia.
William I. McIntosh, superintendent,	-	South Carolina,	Georgia.
James Gould, keeper,	400	Massachusetts,	St. Simon's Island, Ga.
P. L. B. Duplessis, jun., superintendent,	-	-	Orleans, Louisiana.
Commanding officer of the fort, keeper,	180	-	Bayou St. John, do.
Winslow Lewis,* superintendent,	-	Do.	
*For fitting up the light-houses with his patent lamps, agreeably to contract of the 26th of March, 1812,	500		
For distributing the oil among the several light-houses, inspecting the same, &c., agreeably to contract of November 14, 1815,	1,200		
N. B. Each superintendent receives a commission of two and a half per cent. on the amount of his disbursements.			
REGISTERS AND RECEIVERS OF PUBLIC MONEYS, AND SURVEYORS.			
Edward Tiffin, surveyor general northwest of Ohio,	2,000	England.	
Samuel Williams, clerk,	700	Pennsylvania.	
Alexander Bourne, clerk,	600	Massachusetts.	
Joseph Tiffin, clerk,	600	England.	
William Tiffin, clerk,	200	Ohio.	
Thomas Freeman, surveyor general south of Tennessee,	2,000	Ireland.	
Maxfield Ludlow, clerk,	1,000		
Ben. L. C. Wailes, clerk,	500		
William Rector, surveyor general Missouri and Illinois,	1,000	Virginia.	
Fred. Bates, recorder of land titles Missouri,	500	Do.	
Louis Babien, clerk and translator land offices,	$1 per claim,	Louisiana,	New Orleans, Louisiana.
Joseph Wood, register land office,	$200, and 1 per cent.	New Jersey,	Marietta, Ohio.
Willys Silliman, register land office,		Connecticut,	Zanesville, do.
David Hoge, register land office,	$500, and 1 per cent. on entries,	Pennsylvania,	Steubenville, do.
Jesse Spencer, register land office,		Do.	Chilicothe, do.
Reasin Beall, register land office,		Maryland,	Wooster, do.
Daniel Symmes, register land office,	Do.	New York,	Cincinnati, do.
Samuel Gwathmey, register land office,	Do.	Virginia,	Jeffersonville, Indiana.
John Badollet, register land office,	Do.	Switzerland,	Vincennes, do.
John Read, register land office,	Do.	Virginia,	Huntsville, Alabama.
Nicholas Gray, register land office,	Do.	Ireland,	Washington, Mississippi.
Lewis Sewall, register land office,	Do.	Maryland,	St. Stephen's, do.
Samuel H. Harper, register land office,	Do.	Virginia,	New Orleans, Louisiana.
Levin Wailes, register land office,	Do.	-	Opelousas, do.
Michael Jones, register land office,	Do.	Pennsylvania,	Kaskaskia, Illinois.
Thomas Sloo, register land office,	Do.	-	Shawneetown, do.
Peter Audrain, register land office,	Do.	-	Detroit, Michigan Ter.
Alexander McNair, register land office,	Do.	Do.	St. Louis, Missouri Ter.
William McKee, register land office,	Do.	-	Edwardsville, Illinois.
Levi Barber, receiver of public moneys,	$200, and 1½ per cent.	Connecticut,	Marietta, Ohio.
Isaac Van Horne, receiver of public moneys,		Pennsylvania,	Zanesville, do.
Peter Wilson, receiver of public moneys,	$500, and 1½ per ct. on receipts,	Do.	Steubenville, do.
Samuel Finley, receiver of public moneys,		Do.	Chilicothe, do.
John Sloane, receiver of public moneys,		Do.	Wooster, do.
James Findley, receiver of public moneys,	Do.	Do.	Cincinnati, do.
Edmond H. Taylor, receiver of public moneys,	Do.	Virginia,	Jeffersonville, Indiana.
Nathaniel Erving, receiver of public moneys,	Do.	Pennsylvania,	Vincennes, do.
John Brahan, receiver of public moneys,	Do.	Virginia,	Huntsville, Alabama.
Parke Walton, receiver of public moneys,	Do.	Do.	Washington, Mississippi.
Samuel Smith, receiver of public moneys,	Do.	-	St. Stephen's, do.
Alfred Lorrain, receiver of public moneys,	Do.	-	New Orleans, Louisiana.
William Garrard, receiver of public moneys,	Do.	-	Opelousas, do.
Shadrack Bond, receiver of public moneys,	Do.	Maryland,	Kaskaskia, Illinois.
John Caldwell, receiver of public moneys,	Do.	-	Shawneetown, do.
James Abbott, receiver of public moneys,	Do.	Michigan Ter.	Detroit, Michigan Ter.
Samuel Hammond, receiver of public moneys,	Do.	Virginia,	St. Louis, Missouri Ter.
Benjamin Stephenson, receiver of public moneys,	Do.	-	Edwardsville, Illinois.

MILITARY DEPARTMENT.

Names.	Grade.	State or country where born.
GENERAL STAFF.		
Jacob Brown,	Major general,	Pennsylvania.
Andrew Jackson,	Do.	South Carolina.
Alexander Macomb,	Br. general and major general bvt.	Mich. Territory.
Edmund P. Gaines,	Do.	Virginia.
Winfield Scott,	Do.	Do.
Eleazer W. Ripley,	Do.	N. Hampshire.
Daniel Parker,	Adj. and ins. gen. and br. gen. bvt.	Massachusetts.
Robert Butler,	Adjutant general and colonel bvt.	Pennsylvania.
Charles K. Gardner,	Do.	New Jersey.
Arthur P. Hayne,	Inspector general and colonel bvt.	South Carolina.
John E. Wool,	Do.	New York.
James N. Barker,	Assistant adj. gen. and major bvt.	Pennsylvania.
Charles J. Nourse,	Do.	New York.
Clinton Wright,	Do.	Maryland.
R. M. Kirby,	Do.	Connecticut.
G. H. Manigault,	Assistant ins. gen. and major bvt.	South Carolina.
John M. Davis,	Do.	Pennsylvania.
Francis S. Belton,	Do.	Maryland.
William McDonald,	Do.	Pennsylvania.
John Anderson,	Top. engineers and major bvt.	Connecticut.
Isaac Roberdeau,	Do.	Pennsylvania.
John J. Abert,	Do.	Maryland.
James Kearney,	Do.	
Stephen H. Long,	Do.	N. Hampshire.
James R. Mullany,	Quartermaster general and col. bvt.	Ireland.
George Gibson,	Do.	Pennsylvania.
C. Vandeventer,	D. quartermaster gen. and maj. bvt.	New York.
William Linnard,	Do.	Pennsylvania.
Benjamin Gardner,	Ass. dep. qr. mr. gen. and capt. bvt.	Massachusetts.
Milo Mason,	Do.	Vermont.
Mark Hardin,	Do.	North Carolina.
William L. Robeson,	Do.	Do.
ORDNANCE DEPARTMENT.		
Decius Wadsworth,	Colonel,	Connecticut.
George Bomford,	Lieutenant colonel,	New York.
A. R. Wooley,	Major,	New Jersey.
James Dalaby,	Do.	Connecticut.
John Morton,	Captain,	New York.
George Talcott, jr.	Do.	Connecticut.
John H. Margart,	Do.	South Carolina.
R. D. Richardson,	Do.	Virginia.
Thomas L. Campbell,	Do.	Scotland.
Edwin Tyler,	Do.	Connecticut.
J. H. Rees,	Do.	Pennsylvania.
Jeremiah D. Hayden,	Do.	New Jersey.
William Wade,	Do.	Do.
M. J. Magee,	Do.	
Rufus L. Baker,	First lieutenant,	Connecticut.
William C. Lyman,	Do.	Massachusetts.
Joseph S. Nelson,	Captain by brevet,	Maryland.
David T. Welsh,	Do.	Connecticut.
James Baker,	First lieutenant,	Do.
Nehemiah Baden,	Do.	Maryland.
Christopher Keiser,	Do.	Do.
J. Livingston,	Do.	
William Anderson,	Do.	
James Hall,	Do.	Pennsylvania.
John W. Thompson,	Second lieutenant and first by bvt.	Maryland.
T. P. McMahon,	Do.	Ireland.
Thomas T. Stephenson,	Second lieutenant,	Dist. Columbia.
J. C. De Hart,	Do.	New Jersey.
John Wilson,	Do.	New York.
R. C. Pomeroy,	Do.	Vermont.
Charles F. Morton,	Do.	New York.
J. W. Phillips,	Do.	South Carolina.
O. O. Bangs,	Do.	Massachusetts.
William F. Rigal,	Do.	
James Simonson,	Third lieutenant,	New York.
John Hills,	Do.	Massachusetts.
John Symington,	Do.	Delaware.
W. E. Williams,	Do.	
W. B. Davidson,	Do.	Virginia.
Joshua Howard,	Do.	Massachusetts.
Charles Ward,	Do.	N. Hampshire.
MEDICAL DEPARTMENT.		
James Mann,	Hospital surgeon,	Massachusetts.
David C. Kerr,	Do.	Virginia.
Samuel Shaw,	Do.	

MILITARY DEPARTMENT—Continued.

Names.	Grade.	State or country where born.
Benjamin Waterhouse,	Hospital surgeon,	Rhode Island.
Tobias Watkins,	Do.	Maryland.
James C. Bronaugh,	Do.	Virginia.
Joseph Lovell,	Do.	Massachusetts.
E. H. Bell,	Do.	North Carolina.
J. Stevenson,	Hospital surgeon's mate,	Virginia.
William H. Buckner,	Do.	Do.
Edward Purcell,	Do.	
Joseph Wallace,	Do.	Maryland.
William Williams,	Do.	Pennsylvania.
William Stewart,	Do.	N. Providence.
William Marshall,	Do.	South Carolina.
Joseph Eaton,	Do.	Massachusetts.
B. Delevan,	Do.	New York.
Robert Archer,	Do.	Virginia.
James Trimble,	Do.	Pennsylvania.
Thomas Russell,	Do.	Massachusetts.
Albion T. Crow,	Do.	Maryland.
George W. Maupin,	Post surgeon,	Virginia.
Joseph Goodhue,	Do.	
James H. Sargeant,	Do.	Massachusetts.
Lemuel B. Clark,	Do.	New York.
William T. Davidson,	Do.	Pennsylvania.
Cornelius Cunningham,	Do.	Ireland.
William Ballard,	Do.	Massachusetts.
Alexander Wolcott,	Do.	Connecticut.
William Turner,	Do.	New Jersey.
Hanson Catlett,	Do.	Maryland.
John H. Sackett,	Do.	New York.
Samuel A. Walsh,	Do.	Do.
Foster Swift,	Do.	Massachusetts.
John Trevett,	Do.	N. Hampshire.
Arnold Elzy,	Do.	Maryland.
German Senter,	Do.	
W. C. Lane,	Do.	
William N. Mercer,	Do.	Do.
T. I. C. Monroe,	Do.	Virginia.
M. H. Elliot,	Do.	
Francis Le Barron,	Apothecary general,	Massachusetts.
Christopher Backus,	Assistant apothecary,	Connecticut.
James Cutbush,	Do.	Pennsylvania.
James T. Dent,	Judge advocate,	Maryland.
R. H. Winder,	Do.	Do.
W. O. Winston,	Do.	Virginia.
Thomas Hanson,	Do.	Dist. Columbia.
John L. Leib,	Do.	Pennsylvania.
Samuel A. Storrow,	Do.	N. Hampshire.
Robert Elliot,	Chaplain,	Ireland.
Aaron I. Booge,	Do.	Connecticut.
Cave Jones,	Do.	New York.
W. L. Macalla,	Do.	Kentucky.
Callender Irvine,	Commissary general,	Pennsylvania.
John McKinney,	Deputy commissary,	New Jersey.
Darby Noon,	Do.	Ireland.
Robert Irvine,	Assistant commissary,	Do.
James E. Herron,	Do.	Pennsylvania.
Maurice Prevost,	Do.	St. Domingo.
Joseph W. Pindar,	Do.	Georgia.
Edwin Starke,	Do.	Virginia.
Archibald Steele,	Military storekeeper,	Pennsylvania.
Samuel Devens,	Do.	Massachusetts.
Synott Bloodgood,	Do.	New York.
John Fellows,	Do.	Massachusetts.
Jonathan Snowden,	Do.	
Thomas Martin,	Do.	
Robert Wilson,	Do.	Pennsylvania.
John Chaffee,	Do.	Connecticut.
Lloyd Beall,	Do.	Maryland.
Thomas B. Rutter,	Do.	Do.
James Gibson,	Do.	Ireland.
George Hatchett,	Do.	Pennsylvania.
Jacinct Laval,	Do.	France.
Robert Brent,	Paymaster general,	Virginia.
Satterlee Clark,	Battalion paymaster,	Vermont.
A. H. Sneed,	Do.	North Carolina.
Joseph Woodruff,	Do.	Georgia.
David Gwynne,	Do.	Maryland.
David S. Townshend,	Do.	Massachusetts.
Thomas Montgomery,	Do.	
W. D. Lawrence,	Do.	Rhode Island.
Leroy Opie,	Do.	Virginia.
CORPS OF ENGINEERS.		
Joseph G. Swift,	Colonel and brig. gen. brevet,	Massachusetts.
Walker K. Armistead,	Lieutenant colonel,	Virginia.

MILITARY DEPARTMENT—Continued.

Names.	Grade.	State or country where born.
William McRee,	Major and colonel brevet,	North Carolina.
Charles Gratiot,	Do.	Missouri Ter.
Alden Patridge,	Captain,	Vermont.
J. G. Totten,	Do.	
Samuel Babcock,	Do.	Massachusetts.
Sylvanus Thayer,	Captain and major brevet,	Do.
William Cutbush,	Captain,	Pennsylvania.
E. De Russey,	Do.	
Frederick Lewis,	First lieutenant,	Massachusetts.
James Gadsden,	Do.	South Carolina.
T. W. Maurice,	Do.	Virginia.
Hipol. Dumas,	Do.	
David B. Douglass,	First lieutenant and captain brevet,	New Jersey.
George Trescott,	First lieutenant,	South Carolina.
J. L. Smith,	Second lieutenant.	
Hor. C. Story,	Second lieut. and first lieut. brevet,	Massachusetts.
John Wright,	Second lieutenant,	Vermont.
George Blaney,	Do.	
Thomas J. Leslie,	Do.	
William S. Evelith,	Do.	Dist. Columbia.
William H. Chase, } Robert W. Pooler, }	Cadets attached to the engineer corps.	
LIGHT ARTILLERY.		
Moses Porter,	Colonel and brig. general brevet,	Massachusetts.
John R. Fenwick,	Lieut. colonel and colonel brevet,	South Carolina.
Abram Eustis,	Major and lieut. colonel brevet,	Virginia.
Andrew McDowell,	Captain,	N. Hampshire.
Luther Leonard,	Do.	Vermont.
A. S. Brooks,	Captain and major brevet,	Massachusetts.
Nathan Towson,	Captain and lieut. colonel brevet,	Maryland.
Samuel D. Harris,	Do. do.	Massachusetts.
Arthur W. Thornton,	Captain,	Virginia.
J. L. Eastman,	Do.	N. Hampshire.
Armstrong Irvine,	Do.	Pennsylvania.
Henry K. Craig,	Do.	Do.
John R. Bell,	Do.	New York.
W. F. Hobart,	First lieutenant,	N. Hampshire.
G. N. Morris,	Do.	Connecticut.
J. H. Wilkins,	Do.	Pennsylvania.
John Gates, jun.,	Do.	New York.
John A. Shaw,	Do.	Pennsylvania.
N. Clark,	Do.	Georgia.
William Lyman,	Do.	Massachusetts.
Henry Saunders,	Do.	Virginia.
S. M. Mackay,	Do.	Vermont.
George E. Wells,	Do.	Massachusetts.
E. Lyon,	Second lieutenant,	Do.
S. Washburn,	Do.	Vermont.
H. Stanton,	Do.	Do.
G. Drane,	Do.	Maryland.
W. Smith,	Do.	New York.
H. F. Evans,	Do.	Maryland.
R. F. Massie,	Do.	Virginia.
J. Irvine,	Do.	Pennsylvania.
W. Wells,	Do.	Massachusetts.
John A. Webber,	Second lieutenant brevet,	Do.
Thomas J. Gardner,	Do.	New York.
B. L. E. Bonneville,	Do.	France.
James R. Stubbs,	Do.	Kentucky.
Edward S. Gantt,	Do.	Do.
C. Davies,	Do.	Connecticut.
Richard M. White,	Do.	South Carolina.
Samuel Cooper,	Do.	New York.
Lewis Dunham,	Surgeon,	New Jersey.
W. H. Livingston,	Surgeon's mate,	New York.
CORPS OF ARTILLERY.		
George E. Mitchell,	Lieut. colonel and colonel brevet,	Maryland.
James House,	Lieutenant colonel,	Connecticut.
William Lindsay,	Do.	Virginia.
William Macrea,	Do.	Pennsylvania.
George Armistead,	Major and lieutenant colonel brevet,	Virginia.
James B. Many,	Major,	Delaware.
J. Hindman,	Major and colonel brevet,	Maryland.
James Bankhead,	Major,	Virginia.
Charles Wolstoncraft,	Captain and major brevet,	England.
John B. Walbach,	Captain and lieut. colonel brevet,	Germany.
Moses Swett,	Captain,	Massachusetts.
William Wilson,	Do.	Maryland.
E. Humphreys,	Captain and major brevet,	Connecticut.
James Reed,	Captain,	Pennsylvania.
J. B. Crane,	Captain and major brevet,	New Jersey.

MILITARY DEPARTMENT—Continued.

Names.	Grade.	State or country where born.
Roger Jones,	Captain and lieut. colonel brevet,	Virginia.
S. B. Archer,	Captain and major brevet,	Do.
S. Donoho,	Captain,	North Carolina.
Thomas Biddle, jun.,	Captain and major brevet,	Pennsylvania.
J. T. B. Romayne,	Captain,	New York.
William O. Allen,	Do.	Virginia.
Thomas Stockton,	Captain and major brevet,	Delaware.
Thomas Murray,	Captain,	Maryland.
William Gates,	Do.	Massachusetts.
A. C. W. Fanning,	Captain and major brevet,	Do.
J. M. O'Conner,	Captain,	Pennsylvania.
J. Roach, jun.,	Do.	Do.
J. F. Heileman,	Do.	Massachusetts.
H. Yeaton,	Do.	N. Hampshire.
Thomas Bennet,	Do.	New Jersey.
Robert G. Hite,	Do.	Virginia.
S. Churchill,	Do.	
B. K. Pierce,	Do.	
John Biddle,	Do.	Pennsylvania.
G. P. Peters,	Do.	N. Hampshire.
M. M. Payne,	Do.	Virginia.
Ethan A. Allen,	Do.	Vermont.
Nathaniel N. Hall,	Do.	Massachusetts.
M. P. Lomax,	Do.	Virginia.
Milo Mason,	Do.	Vermont.
Adrian Niel,	First lieutenant,	St. Domingo.
John Farley,	Do.	N. Hampshire.
William M. Read,	Do.	Pennsylvania.
L. Brown,	Do.	South Carolina.
Luther Scott,	First lieutenant and captain brevet,	Connecticut.
R. R. Ruffin,	First lieutenant,	Virginia.
Kenneth McKenzie,	First lieutenant and captain brevet,	Maryland.
J. Erving, jun.	First lieutenant.	
A. L. Sandes,	Do.	Connecticut.
Thomas I. Beall,	First lieutenant and captain brevet,	Maryland.
Richard A. Zantzinger,	Do.	Pennsylvania.
W. R. Duncan,	First lieutenant,	Do.
Chester Root,	First lieutenant and captain brevet,	Massachusetts.
T. Randall,	Do.	Maryland.
Gus. Loomis,	First lieutenant,	Vermont.
Philip D. Spencer,	Do.	New York.
J. Mountford,	First lieutenant and captain brevet,	Massachusetts.
F. Whiting,	First lieutenant,	Do.
Edwin Sharp,	Do.	North Carolina.
G. Dearborn,	Do.	Massachusetts.
Felix Ansart,	Do.	Do.
T. C. Legate,	Do.	Do.
D. Frazer,	First lieutenant and major brevet,	New York.
S. Armstrong,	First lieutenant,	Massachusetts.
R. McClelland,	Do.	New York.
S. Spotts,	First lieutenant and captain brevet,	Pennsylvania.
L. Whiting,	First lieutenant,	Massachusetts.
W. H. Nicoll,	Do.	Georgia.
J. W. Kincaid,	Do.	Virginia.
Robert Goode,	Do.	Do.
Francis O. Byrd,	Do.	
George D. Snyder,	Do.	Pennsylvania.
J. W. Lent, jun.	Second lieutenant,	New York.
Æneas Mackay,	Second lieutenant and first lieut. bvt.	Do.
William Coffie,	Do.	Ireland.
Joseph Bosque,	Second lieutenant.	
Joseph P. Prince,	Do.	South Carolina.
Richard Bache,	Second lieutenant and first lt. brevet,	Pennsylvania.
P. J. Neville,	Second lieutenant,	Do.
M. S. Massey,	Do.	Do.
T. W. Denton,	Second lieutenant and first lt. brevet,	New York.
Charles Anthony,	Second lieutenant,	Rhode Island.
W. McClintock,	Do.	Massachusetts.
L. H. Osgood,	Do.	New Hampshire.
J. Henderson,	Do.	Ireland.
P. Melendy,	Do.	N. Hampshire.
Joseph Taylor,	Second lieutenant and first lt. brevet,	Kentucky.
James D. Brown,	Do.	Vermont.
H. M. Campbell,	Second lieutenant and captain brevet,	Pennsylvania.
Robert Beall,	Second lieutenant.	
John A. Dix,	Do.	N. Hampshire.
G. W. Boyd,	Do.	Do.
R. Lyman,	Do.	Massachusetts.
J. L. Gardner,	Do.	Do.
T. J. Harrison,	Do.	Virginia.
G. W. Gardiner,	Do.	
C. S. Merchant,	Do.	New York.
Nathaniel G. Dana,	Do.	N. Hampshire.
John Monroe,	Do.	Scotland.
J. S. Allanson,	Do.	New York.

MILITARY DEPARTMENT—Continued.

Names.	Grade.	State or country where born.
L. G. De Russey,	Second lieutenant,	New York.
Thomas Childs,	Do.	
Jacob Schmuck,	Second lieut. and first lieut. brevet,	Pennsylvania.
Thomas V. Earle,	Second lieutenant,	New York.
Charles Mellon,	Do.	Pennsylvania.
John S. Pierce,	Do.	
Allen Lowd,	Do.	Massachusetts.
G. S. Wilkins,	Do.	Pennsylvania.
P. A. Dennis,	Do.	France.
J. Ripley,	Do.	Connecticut.
Erastus Roberts,	Do.	Vermont.
Timothy Green,	Do.	Massachusetts.
Isaac E. Craig,	Do.	Pennsylvania.
C. M. Thruston,	Do.	Kentucky.
H. W. Fitzhugh,	Do.	Virginia.
Jacob Davis,	Do.	N. Hampshire.
E. Humphrey,	Do.	New York.
D. S. Andrews,	Do.	New Jersey.
N. G. Wilkinson,	Do.	Georgia.
Elisha Brimhall,	Second lieut. and first lieut. brevet,	Massachusetts.
H. H. Minton,	Second lieutenant,	New Jersey.
Hugh K. Mead,	Do.	Pennsylvania.
H. M. Simons,	Do.	South Carolina.
A. C. Fowler,	Do.	
J. S. Abeel,	Second lieut. and first lieut. brevet,	Pennsylvania.
W. T. Willard,	Second lieutenant,	Vermont.
James Gigniliat,	Do.	Georgia.
M. F. De Graffenreidt,	Do.	Louisiana.
R. H. Lee,	Second lieut. and first lieut. brevet,	Maryland.
Jesse McIlvain,	Second lieutenant,	Pennsylvania.
W. L. Booth,	Do.	
Thomas I. Baird,	Do.	
Jabez Parkhurst,	Do.	Vermont.
R. L. Armstrong,	Do.	New York.
James Badolet,	Do.	Pennsylvania.
G. W. Gardner,	Do.	Massachusetts.
B. S. A. Lowe,	Third lieutenant,	Maryland.
T. R. Broome,	Do.	Delaware.
Patrick Galt,	Do.	Virginia.
Upton S. Frazer,	Do.	New York.
B. H. Rutledge,	Do.	South Carolina.
John R. Sloo,	Do.	Kentucky.
Henry Griswold,	Do.	
James Monroe,	Do.	Virginia.
Robert C. Brent,	Do.	Do.
A. Wendell,	Do.	New York.
George A. Washington,	Do.	Virginia.
Robert I. Scott,	Do.	
Alon. Brewer,	Do.	
F. N. Berrier,	Do.	Maryland.
George Cooper,	Do.	
A. F. Cochrane,	Do.	
Milo Johnson,	Do.	Connecticut.
Aaron G. Gano,	Do.	Ohio.
R. M. Forsyth,	Do.	Georgia.
Thomas W. Lendrum,	Do.	Virginia.
Henry R. Dulany,	Do.	Do.
FIRST REGIMENT OF INFANTRY.		
Daniel Bissell,	Colonel and brig. general brevet,	Connecticut.
George Croghan,	Lieutenant colonel,	Kentucky.
Thomas S. Jesup,	Major and colonel brevet,	Virginia.
Alexander Gray,	Captain,	North Carolina.
Isaac L. Baker,	Captain and major brevet,	Kentucky.
W. O. Butler,	Do.	Do.
John Jones,	Captain.	
Henry Chotard,	Captain and major brevet.	
William Laval,	Do.	South Carolina.
Joseph I. Miles,	Captain,	Maryland.
Anatole Peychaud,	Do.	St. Domingo.
Ferdinand L. Amelung,	Do.	Germany.
W. Christian,	Do.	Virginia.
William C. Beard,	First lieutenant and captain brevet,	Maryland.
William Sumpter,	First lieutenant,	South Carolina.
S. Farrow, jun.	Do.	
William Gibbs,	First lieutenant and captain brevet,	Denmark.
John Tarrant,	First lieutenant,	Virginia.
Archimedes Donoho,	Do.	
Richard K. Call,	First lieutenant and captain brevet,	Do.
J. F. Ross,	First lieutenant.	
James Smith,	Do.	South Carolina.
Robert L. Coomb,	Do.	Do.
Thomas Rogers,	Second lieutenant,	Georgia.
Waddy V. Cobbs,	Do.	Virginia.

MILITARY DEPARTMENT—Continued.

Names.	Grade.	State or country where born.
Samuel Houston,	Second lieutenant.	
William K. Pauling,	Do.	
Charles Cooper,	Do.	England.
Truman Cross,	Do.	Maryland.
Robert W. Ewing,	Do.	Kentucky.
James Scallan,	Do.	Ireland.
Benjamin F. Harney,	Surgeon,	Delaware.
C. G. Gerrard,	Surgeon's mate,	Virginia.
SECOND REGIMENT OF INFANTRY.		
Hugh Brady,	Colonel,	Pennsylvania.
Ninian Pinkney,	Lieutenant colonel,	Maryland.
Henry Leavenworth,	Major and colonel brevet,	Connecticut.
Robert Gray,	Captain and major brevet,	Ireland.
John Sproul,	Do.	New York.
George G. Steele,	Do.	Virginia.
Stephen W. Kearney,	Captain,	New Jersey.
Henry Shell,	Do.	Pennsylvania.
Alexander R. Thompson,	Do.	New York.
G. D. Smith,	Captain and major brevet,	Do.
W. J. Worth,	Do.	Do.
Henry Whiting,	Captain.	
James Bailey,	Do.	
W. Browning,	First lieutenant and captain brevet,	Massachusetts.
W. Hoffman,	First lieutenant,	New York.
B. A. Boynton,	Do.	
Owen Ransom,	Do.	Connecticut.
James Young,	Do.	Pennsylvania.
William G. Belknap,	Do.	New York.
S. B. Griswold,	Do.	Do.
Walter Bicker,	Do.	Do.
John G. Munn,	Do.	
James Palmer,	Do.	Do.
John Wood,	Second lieutenant,	Do.
Joseph Hopkins,	Do.	
William Kendall,	Second lieut. and first lieut. brevet.	
R. M. Harrison,	Second lieutenant,	Do.
Elisha Clark,	Do.	Connecticut.
Seth Johnson,	Second lieut. and first lieut. brevet,	New Jersey.
Joshua B. Brant,	Second lieutenant,	Connecticut.
Joseph Clitz,	Do.	New York.
Henry Smith,	Do.	Do.
J. W. Albright,	Paymaster,	Pennsylvania.
Walter V. Wheaton,	Surgeon,	New York.
Samuel H. Littlejohn,	Surgeon's mate,	Virginia.
Josiah Everett,	Do.	Massachusetts.
THIRD REGIMENT OF INFANTRY.		
John Miller,	Colonel,	Virginia.
Matthew Arbuckle,	Lieutenant colonel,	Do.
Zachariah Taylor,	Major.	
Daniel Baker,	Captain and major brevet.	
William I. Adair,	Captain,	Kentucky.
John T. Chunn,	Captain and major brevet.	
Charles Larabee,	Do.	Connecticut.
William Whistler,	Captain,	Maryland.
Benjamin Desha,	Do.	Kentucky.
Her. Bradley,	Do.	Virginia.
George H. Grosvenor,	Do.	New York.
George Gray,	Do.	Virginia.
John Green,	Do.	Ireland.
James Hackley, jun.	First lieutenant,	Kentucky.
John Garland,	Do.	Virginia.
Charles S. Cass,	Do.	
J. Culbertson,	Do.	
Robert Sturgus,	Do.	
Daniel Curtis,	Do.	N. Hampshire.
Henry Conway,	Do.	
Lawrence Taliaferro,	Do.	Virginia.
Turbly F. Thomas,	Do.	Georgia.
Colin McCloud,	Do.	
Asher Phillips,	Second lieutenant.	
John B. Clarke,	Do.	Kentucky.
Edward E. Brooks,	Do.	New Jersey.
Andrew Lewis,	Do.	Massachusetts.
James Dean,	Do.	New York.
Hillary Brunot,	Do.	
Gab. I. Floyd,	Do.	
Edmund Hopkins,	Do.	Ireland.
Britton Evans,	Do.	
William S. Madison,	Surgeon,	Kentucky.
John Gale,	Surgeon's mate,	N. Hampshire.
Alfred Foster,	Do.	

MILITARY DEPARTMENT—Continued.

Names.	Grade.	State or country where born.
FOURTH REGIMENT OF INFANTRY.		
William King,	Colonel,	Delaware.
Duncan L. Clinch,	Lieutenant colonel,	North Carolina.
George M. Brooke,	Major and colonel brevet,	Virginia.
Enoch Cutler,	Captain and major brevet,	Massachusetts.
P. Muhlenburg,	Do.	Pennsylvania.
James Dinkins,	Do.	South Carolina.
J. N. McIntosh,	Captain,	Georgia.
A. Cummings,	Do.	Ireland.
John A. Burd,	Captain and major brevet,	Pennsylvania.
William Taylor,	Captain,	South Carolina.
C. Crawford,	Do.	Virginia.
G. W. Melvin,	Do.	Georgia.
James H. Hook,	Do.	Maryland.
Thomas Karney,	First lieutenant and captain brevet.	
William Neilson,	First lieutenant,	Ireland.
Otho W. Callis,	Do.	Virginia.
Lewis Yancey,	Do.	North Carolina.
William T. Pendleton,	Do.	Virginia.
J. McGavock, jun.	Do.	Do.
James H. Gale,	Do.	
J. M. Glassell,	Do.	Do.
E. B. Randolph,	Do.	Do.
F. L. Dade,	Do.	Do.
Philip Wager,	Second lieutenant,	Do.
J. Shommo,	Do.	Pennsylvania.
Henry Wilson,	Do.	Do.
George B. McClaskey,	Do.	
R. M. Sands,	Do.	Maryland.
John L. Elbert,	Do.	Do.
Adam G. Goodlet,	Surgeon.	
R. C. Lane,	Surgeon's mate,	Virginia.
FIFTH REGIMENT OF INFANTRY.		
James Miller,	Colonel and brig. general brevet,	N. Hampshire.
Joseph L. Smith,	Lieutenant colonel,	Connecticut.
J. McNeal, jun.	Major and colonel brevet,	N. Hampshire.
Josiah H. Vose,	Captain and major brevet,	Massachusetts.
S. Burbank,	Do.	Do.
George Bender,	Captain,	Do.
M. Marston,	Captain and major brevet,	N. Hampshire.
W. L. Foster,	Captain,	Massachusetts.
Peter Pelham,	Do.	North Carolina.
J. Fowle, jun.	Do.	Massachusetts.
E. Childs,	Do.	
David Perry,	Do.	Do.
James Pratt,	Do.	Do.
Henry Whiting,	First lieutenant and captain brevet,	Do.
George Gooding,	Do. do.	Do.
William B. Adams,	Do. do.	Pennsylvania.
J. Plympton,	First lieutenant,	Massachusetts.
G. W. Hovey,	Do.	Do.
Otis Fisher,	Do.	Do.
Joseph Gleason,	First lieutenant and captain brevet,	Do.
J. W. Holding,	Do. do.	Maryland.
Benjamin F. Larned,	Do. do.	Massachusetts.
S. Butterfield,	First lieutenant,	N. Hampshire.
Robert A. McCabe,	Second lieuten't and first lieut. brvt.	Pennsylvania.
Nathan Clark,	Second lieutenant,	Massachusetts.
Edmund Kirby,	Do.	Connecticut.
O. Martin,	Second lieuten't and first lieut. brvt.	Pennsylvania.
T. Hunt,	Second lieutenant,	Massachusetts.
Arnold B. Dake,	Do.	Vermont.
R. H. Hammon,	Do.	
P. R. Green,	Do.	New York.
John McCartney,	Do.	Ireland.
William Downey,	Do.	
Sylvester Day,	Surgeon,	Vermont.
Elisha L. Allen,	Surgeon's mate,	Massachusetts.
J. P. Russell,	Do.	Vermont.
SIXTH REGIMENT OF INFANTRY.		
Henry Atkinson,	Colonel,	North Carolina.
Josiah Snelling,	Lieutenant colonel,	Massachusetts.
James V. Ball,	Major and lieutenant colonel brevet,	Virginia.
Gad Humphreys,	Captain and major brevet,	Connecticut.
Turner Crooker,	Do.	Massachusetts.
W. S. Foster,	Do.	N. Hampshire.
Thomas M. Read,	Captain,	Rhode Island.
John Bliss,	Do.	
Benjamin Watson,	Captain and major brevet,	Connecticut.

MILITARY DEPARTMENT—Continued.

Names.	Grade.	State or country where born.
George McGlassin,	Captain and major brevet.	
Daniel Ketchum,	Do.	Connecticut.
Thomas Hamilton,	Captain.	
Newman S. Clarke,	Do.	Do.
Elisha Boardman,	First lieutenant and captain brevet,	Do.
William Hale,	First lieutenant,	Vermont.
Ephraim Shaylor,	Do.	Massachusetts.
G. McChain,	Do.	New York.
Frederick A. Sawyer,	Do.	Vermont.
J. P. Livingston,	First lieutenant and captain brevet,	New York.
Alphonso Wetmore,	First lieutenant,	Connecticut.
Thomas Staniford,	Do.	Do.
J. Clark, jun.	Do.	Vermont.
Delafayette Wilcox,	Do.	Connecticut.
John Ellison,	Second lieutenant,	Ireland.
Thomas Tupper,	Do.	
S. Keeler, jun.	Do.	Connecticut.
Hazen Bedell,	Do.	
James McIlvain,	Do.	Delaware.
Benjamin Fitch,	Do.	Connecticut.
Jacob Brown,	Do.	Massachusetts.
John Mansfield,	Do.	Maryland.
Thomas G. Mowers,	Surgeon,	Massachusetts.
Charles Loring,	Surgeon's mate,	Dist. of Maine.
William Sterne,	Do.	N. Hampshire.
SEVENTH REGIMENT OF INFANTRY.		
James McDonald,	Colonel,	Virginia.
David Brearley,	Lieutenant colonel and colonel brevet,	New Jersey.
John Nicks,	Major,	North Carolina.
R. Whartenby,	Captain and major brevet,	Pennsylvania.
Francis W. Armstrong,	Do.	Virginia.
D. E. Twiggs,	Do.	Georgia.
Richard H. Bell,	Captain,	Virginia.
George Vashon,	Do.	Maryland.
Elijah Montgomery,	Do.	Virginia.
J. S. Allison,	Do.	Do.
George Birch,	Do.	England.
John R. Corbally,	Do.	
William Baily,	Do.	Virginia.
J. H. Mallory,	First lieutenant,	Do.
William Bee, jun.	Do.	South Carolina.
J. J. Clinch,	Do.	North Carolina.
J. Gassaway,	Do.	Maryland.
T. Blackston,	Do.	Virginia.
A. Ross,	Do.	Canada.
Jacob Tipton,	Do.	Tennessee.
Edmund Hall,	Do.	
F. S. Gray,	Do.	Virginia.
Micajah Crupper,	Second lieutenant,	Do.
J. W. Allston,	Do.	South Carolina.
H. L. O'Neale,	Do.	Georgia.
R. H. Goodwyn,	Do.	South Carolina.
G. Leftwich,	Do.	Virginia.
R. W. Scott,	Do.	Do.
Lewis Lawshe,	Do.	Pennsylvania.
Benjamin R. Christian,	Do.	
Thomas Lawson,	Surgeon,	Virginia.
R. C. Walmsey,	Surgeon's mate,	New York.
EIGHTH REGIMENT OF INFANTRY.		
Robert C. Nicholas,	Colonel,	Virginia.
William A. Trimble,	Lieutenant colonel,	Kentucky.
William Lawrence,	Major and lieutenant colonel brevet.	
Uriah Blue,	Captain and major brevet,	Virginia.
J. Dorman,	Do.	
James McKeon,	Captain,	Ireland.
White Youngs,	Captain and major brevet.	
W. Davenport,	Captain.	
Willis Foulk,	Do.	
A. Brownlow,	Do.	
L. Austin,	Captain and major brevet,	Massachusetts.
Lewis Bissell,	Captain,	Connecticut.
Lewis B. Willis,	Do.	Virginia.
David Riddle,	First lieutenant and major brevet,	Pennsylvania,
T. Mountjoy,	First lieutenant.	
Robert Houston,	Do.	Virginia.
J. Whistler,	Do.	
Charles B. Hopkins,	Do.	Pennsylvania.
Thomas Wright,	Do.	
John R. Guy,	Do.	Maryland.
William Arnold,	Do.	
Luther Hand,	Do.	

MILITARY DEPARTMENT—Continued.

Names.	Grade.	State or country where born.
R. B. Hyde,	First lieutenant,	Vermont.
C. Stephens,	Second lieut. and first lieut. brevet.	
George Kennerly,	Do.	
R. Humphreys,	Second lieutenant,	New York.
T. C. Hindman,	Do.	
Nathaniel Young,	Do.	Delaware.
G. R. Horter,	Do.	
Samuel Riddle,	Do.	Pennsylvania.
John Brady,	Second lieut. and first lieut. brevet,	Do.
John Maul,	Second lieutenant,	Do.
William Elgin,	Do.	Virginia.
P. Woodbury,	Surgeon,	N. Hampshire.
Clajon Reily,	Surgeon's mate.	
S. C. Muir,	Do.	Dist. Columbia.
RIFLE REGIMENT.		
Thomas A. Smith,	Colonel and brigadier general brevet,	Virginia.
William S. Hamilton,	Lieutenant colonel,	North Carolina.
Talbot Chambers,	Major and lieutenant colonel brevet,	Pennsylvania.
Willoughby Morgan,	Captain and major brevet,	Virginia.
William Bradford,	Do.	Do.
Joseph Selden,	Captain and lieutenant colonel brevet,	Do.
Thomas Ramsey,	Captain.	
Joseph Kean,	Do.	
W. Martin,	Do.	
John O. Fallan,	Do.	Kentucky.
Benjamin Birdsall,	Captain and major brevet,	New York.
Edmund Shipp,	Captain.	
W. L. Dufphey,	Do.	
Lewis Laval,	First lieutenant,	South Carolina.
J. S. McIntosh,	Do.	Georgia.
J. Calhoun, jun.	Do.	South Carolina.
J. H. Ballard,	Do.	
Lewellen Hickman,	Do.	
Stoughton Gantt,	Do.	
J. McGunnegle,	Do.	
S. V. Hamilton,	Do.	
J. Heddleston,	Do.	
W. Armstrong,	Do.	
Thomas Griffith,	Second lieutenant.	
A. Harrison,	Do.	
John Hollingsworth,	Do.	Virginia.
Bennet Riley,	Do.	
W. Markle, jun.	Do.	
James S. Gray,	Do.	Kentucky.
T. F. Smith,	Do.	
T. F. Hunt,	Do.	North Carolina.
Samuel P. Hugo,	Surgeon.	
W. H. Pierson,	Surgeon's mate,	New Jersey.

PAY, &c. OF THE ARMY.

Rank or grade.	Pay per month.	No. rat'ns per day.	Remarks.
Major general,	$200	15	
Aid-de-camp to a major general,	24	-	In addition to pay, &c. as a subaltern in line.
Brigadier general,	104	12	
Aid-de-camp to a brigadier general,	20	-	In addition to pay, &c. as a subaltern in line.
Adjutant and inspector general,	-	-	Rank and pay of brigadier general.
Adjutant general,	90	6	Colonel.
Inspector general,	75	6	
Quartermaster general,			
Assistant adjutant general,	60	4	Major.
Assistant inspector general,			
Deputy quartermaster general,			
Topographical engineer,			
Assistant topographical engineer,	40	3	Captain.
Assistant deputy quartermaster general,			
Judge advocate,	50	4	
Chaplain,			
Hospital surgeon,	75	6	
Hospital surgeon's mate,	40	2	
Post surgeon,	40	2	
Hospital steward,	20	2	
Ward master,	16	2	
Colonel of ordnance,	90	6	
Lieutenant colonel of ordnance,	75	5	

MILITARY DEPARTMENT—Continued.

Rank or grade.	Pay per month.	No. rat'ns per day.	Remarks.
Major of ordnance,	$60	4	
Captain of ordnance,	50	3	
First lieutenant of ordnance,	33 1/3	3	
Second lieutenant of ordnance,	33 1/3	3	
Third lieutenant of ordnance,	30	3	
Colonel,	75	6	
Lieutenant colonel,	60	5	
Major,	50	4	
Captain,	40	3	
First lieutenant,	30	3	
Second lieutenant,	25	3	
Second lieutenant as conductor of artillery,	10	-	
Third lieutenant,	23	3	
Adjutant, (regiment and battalion,)	10	-	Of engineers, light artillery, artillery, infantry, and riflemen.
Quartermaster, (regiment and battalion,)	10	-	
Paymaster, (regiment and battalion,)	50	4	
Regimental surgeon,	45	3	
Regimental surgeon's mate,	30	2	
Sergeant major,	9	1	
Quartermaster sergeant,	9	1	
Principal musician,	8	1	
Sergeant,	8	1	
Corporal,	7	1	
Musician,	6	1	
Artificer of light infantry,	10	1	
Private,	5	1	
Principal wagonmaster,	40	3	
Assistant wagonmaster,	30	2	
Principal foragemaster,	40	3	Of the quartermaster general's department.
Assistant foragemaster,	30	2	
Principal barrackmaster,	40	3	
Deputy barrackmaster,	30	2	
Master armorer,	30	1 1/3	
Master carriage-maker,	30	1 1/3	
Master blacksmith,	30	1 1/3	
Armorer,	16	1 1/3	
Carriage-maker,	16	1 1/3	Of the ordnance department.
Blacksmith,	16	1 1/3	
Artificer,	13	1	
Laborer,	9	1	
Paymaster general,	-	-	$2,500 per annum.
Commissary general of purchases,	-	-	3,000 per annum.
Deputy commissary,	-	-	2,000 per annum.
Assistant commissary of issues,	-	-	1,300 per annum.
Military storekeeper,	-	-	Salary not to exceed the pay and emoluments of a captain of infantry.
Apothecary general,	-	-	$1,800 per annum.
Assistant apothecary,	-	-	The pay and emoluments of a regimental surgeon's mate.
MILITARY ACADEMY.			
Professor of natural and experimental philosophy,	-	-	The pay and emoluments of lieutenant colonel of engineers.
Assist. professor of natural and experimental philosophy,	-	-	The pay and emoluments of captain.
Professor of mathematics,	-	-	The pay and emoluments of major.
Assistant professor of mathematics,	-	-	The pay and emoluments of captain.
Professor of engineering,	-	-	The pay and emoluments of major.
Assistant professor of engineering,	-	-	The pay and emoluments of captain.
Teacher of French language,	-	-	The pay and emoluments of captain.
Teacher of drawing,	-	-	The pay and emoluments of captain.
Master of the sword,	26 2/3	2	
Cadet,	16	2	

SIR: ADJUTANT AND INSPECTOR GENERAL'S OFFICE, *November* 8, 1816.

Agreeably to the orders of the War Department of July 23, and conformably to a resolution of Congress dated April 27, 1816, I have the honor to lay before you a corrected list of the officers of the army, arranged by departments, and corps, and lineal seniority, showing the *State or country in which each was born*, so far as I have been able to obtain reports, together with a statement of the pay and subsistence of every description of troops in the army of the United States.

I have also to state that John M. Hepburn, born in Maryland, and Brooke Williams, born in the District of Columbia, are employed as clerks in this office; the former receives $1,200, and the latter $1,100 per annum.

I have the honor to be, sir, with perfect respect, your obedient servant,

D. PARKER,
Adjutant and Inspector General.

The SECRETARY OF WAR.

MILITARY DEPARTMENT—Continued.

OFFICERS OF THE MILITARY ACADEMY.

Names.	Grade.	Place of birth.
Jared Mansfield,	Professor natural and experim'l phil.	Connecticut.
David B. Douglass,	Assistant do. do.	New Jersey.
Andrew Ellicott,	Professor of mathematics,	Pennsylvania,
J. Wright,	Assistant do.	
Alden Partridge,	Professor of art of engineering,	Vermont.
Samuel Walsh,	Surgeon,	New York.
Adam Empie,	Chaplain,	Do.
Claudius Berard,	Teacher of the French language,	France.
C. E. Zoeller,	Teacher of drawing,	Germany.
Péré Thomas,	Sword-master,	Switzerland.

CADETS.

Names.	Place of birth.	Names.	Place of birth.
Charles E. Cutts,	New Hampshire.	Ming Valleau,	New York.
Nathaniel Johnston, jun.	Do.	James H. Rogers,	Do.
Isaac A. Adams,	Massachusetts.	Constantine M. Eakin,	Do.
William H. Swift,	Do.	John P. Emmett,	Do.
Henry H. Loring,	Do.	William S. Maitland,	Do.
Nathaniel H. Loring,	Do.	Edward Butler,	Do.
Ward Marston,	Do.	Francis A. Barbarin,	Do.
John Smith,	Do.	Jacques Ruden,	Do.
William S. Bacon,	Do.	William W. Morris,	Do.
John H. Bacon,	Do.	Henry Giles,	Do.
John C. Russell,	Do.	William E. Cruger,	Do.
Granville J. Cooper,	Do.	William E. Sykes,	Do.
Charles M. Watson,	Do.	Jason Rogers,	Do.
Joseph D. Rupp,	Do.	James A. Williams,	Do.
Elijah Stoddart,	Do.	Oliver S. Wolcott,	Do.
William Malcolm,	Do.	Edward D. Mansfield,	Do.
F. W. C. Story,	Do.	Nicholas I. Cruger,	Do.
John R. Bowes,	Do.	Edmund O'Flyng,	Do.
Andrew Talcott,	Do.	James H. Clinton,	Do.
Isaac C. Easton,	Do.	Oscar Bullus,	Do.
George James,	Do.	Lewis N. Morris,	Do.
William Kittridge,	Do.	Vincent M. Lowe,	Do.
John R. Vinton,	Rhode Island.	Cornelius Ogden,	New Jersey.
Henry I. Feltus,	Do.	Daniel Jacott,	Do.
Geo. W. Tallmadge,	Connecticut.	William C. Dehart,	Do.
Daniel Tyler,	Do.	James M. Cooper,	Do.
Milton Partridge,	Vermont.	Henry H. Baker,	Do.
Jasper Strong,	Do.	James Cooper,	Do.
Moses Hall,	Do.	Thomas A. Ogden,	Do.
Justin Dimick,	Do.	Harvey Brown,	Do.
Ethan A. Hitchcock,	Do.	Aaron K. Woolley,	Do.
Horace Webster,	Do.	David Risley,	Do.
Roswell Conant,	Do.	Lewis Rivardi,	Pennsylvania.
James K. Armstrong,	New York.	John Armstrong,	Do.
George D. Brewerton,	Do.	William B. Weed,	Do.
Henry Brewerton,	Do.	John H. Cappele,	Do.
Charles L. A. Despenville,	Do.	Hartman Bache,	Do.
Bloomfield Webb,	Do.	Thomas Symington,	Do.
George K. Gibbs,	Do.	Louis A. Roumford,	Do.
Augustus S. Tompkins,	Do.	Daniel Mulhallon,	Do.
Alexander O. Spencer,	Do.	Edwin R. Alberti,	Do.
Theodore Spencer,	Do.	Joseph Strong,	Do.
John C. Kirk,	Do.	Wiliam C. Lindsay,	Do.
Giles Porter,	Do.	Dryden Lacock,	Do.
Sylvanus Sears,	Do.	W. Muschett,	Delaware.
Frederick A. Underhill,	Do.	Thomas M. Rodney,	Do.
Zebina J. D. Kinsley,	Do.	Samuel S. Smith,	Do.
Henry Inman,	Do.	Benjamin C. Vining,	Do.
Alexander C. Antil,	Do.	Charles R. Vining,	Do.
John M. Tufts,	Do.	James B. Blaney,	Do.
Richard Delafield,	Do.	Joseph Smoot,	Maryland.
Ethan C. Sickles,	Do.	Joseph N. Chambers,	Do.
Southerland German,	Do.	George O. Carrick,	Do.
Edmund Morton,	Do.	William H. Van Wyck,	Do.
Alexander H. Morton,	Do.	Jacob A. Dumeste,	Do.
William J. Oakley,	Do.	Edwin E. Little,	Do.
Daniel D. Tompkins, jun.	Do.	Christopher Stoddart,	Do.
Edward Livingston,	Do.	John H. Winder,	Do.
William S. Hamilton,	Do.	Thomas Noell,	Do.
William G. McNeill,	Do.	Edward L. Nicholson,	Do.
Edgar S. Hawkins,	Do.	James A. Chambers,	Do.
Julius A. D'Lagnel,	Do.	Robert Wright,	Do.
James S. Heburne,	Do.	William G. Hall,	Do.
Morgan L. Livingston,	Do.	Leonard O. Brook,	Do.
Aaron B. Skinner,	Do.	George Webb,	Do.

MILITARY DEPARTMENT—Continued.

Names.	Place of birth.	Names.	Place of birth.
John Schwartze,	Maryland.	Samuel McMillen,	South Carolina.
Thomas E. Sudler,	Do.	Charles Parker,	Do.
Robert B. Taylor,	Do.	Edward Holmes,	Do.
William Turnbull,	Do.	Edward R. Pinckney,	Do.
Thomas I. Bailey,	Do.	John N. C. L'Engle,	Do.
Edward Harding,	Do.	William H. James,	Do.
Samuel Ringgold,	Do.	Rawlins Lowndes,	Do.
William Whetcroft, jun.	Do.	William T. Brown,	Do.
Joshua Barney,	Do.	Richard D. Miller,	Do.
Thomas E. Tilghman,	Do.	Charles H. Ward,	Do.
Henry A. Thompson,	Do.	Charles Floyd,	Do.
George S. Watkins,	Do.	James Spencer,	Kentucky.
Zachariah F. Johnston,	Do.	—— Combs,	Do.
William Wright,	Do.	William Johnson,	Do.
W. C. N. Armistead,	Virginia.	John Paine,	Do.
William M. Graham,	Do.	William B. Orr,	Do.
Thomas P. Gwynn,	Do.	John D. Orr,	Do.
James D. Graham,	Do.	John Pratt,	Do.
Benjamin L. Beall,	Do.	John Letcher,	Do.
Alfred Lee,	Do.	William B. McClellan,	Tennessee.
Richard B. Lee,	Do.	Edward W. Butler,	Do.
Frederick L. Griffith,	Do.	Alexander B. Bradford,	Do.
John R. Berryman,	Do.	Alexander Barrow,	Do.
Edward Alexander,	Do.	Eli W. Kerr,	Ohio.
Austin Brockenborough,	Do.	Benjamin Gorham,	Do.
Titus T. Jameson,	Do.	John Hutt,	Do.
James Newton,	Do.	James T. Worthington,	Do.
William Y. Jenners,	Do.	Richard R. Corbin,	Do.
Joseph Dangerfield,	Do.	Thomas J. McArthur,	Do.
George W. Corprew,	Do.	Samuel W. Hunt,	Michigan Ter.
Angus McDonald, jun.	Do.	George W. Whistler,	Do.
John M. Gough,	Do.	Robert A. Forsyth,	Do.
Charles Forest,	Do.	Wm. H. Vanderburg,	Indiana.
Henry Berryman,	Do.	Emanuel Dubois,	Do.
John R. Wallace,	Do.	John F. Hamtramck,	Missouri Ter.
Landon N. Carter,	Do.	William McIntire,	District of Col.
John M. Washington,	Do.	George W. Swift,	Do.
Hay Taliaferro,	Do.	George D. Ramsay,	Do.
Lucius Jones,	Do.	Edward Polk,	Do.
John J. Jackson,	Do.	William S. Newton,	Do.
Charles Marshall,	Do.	Benedict Maul,	Do.
John M. Edwards,	Do.	John H. Pleasonton,	Do.
Thomas Ragland,	Do.	Edward Lambert,	Do.
Charles Guerrant,	Do.	Thomas O. Bruff,	Do.
Robert A. Lacy,	Do.	John Coolidge,	Do.
Thomas Mason,	Do.	Charles W. Simmons,	Do.
William M. C. Fairfax,	Do.	William H. Kerr,	Do.
Ambrose Madison,	Do.	William A. Eliason,	Do.
James Breckenridge, jun.	Do.	Joseph Hodgson,	Do.
Richard W. Ashton,	Do.	William A. W. O'Neal,	Do.
Robert Brook,	Do.	Robert W. O'Neal,	Do.
William P. Buchannan,	Do.	Andrew Ramsay,	Do.
Samuel McKenzie,	North Carolina.	George F. Lindsay,	Do.
John McKenzie,	Do.	John C. Jones,	Do.
Edward Bernard,	Do.	Edward T. Taylor,	Do.
Samuel McRee,	Do.	Catesby Ap H. Ball,	Do.
Thomas Nixon,	Do.	Matthew Blanco,	Valparaiso.
Richard Nixon,	Do.	Lewis A. Blanco,	Do.
John C. Pickens,	Do.	Henry Gilbert.	
Samuel B. Dusenbury,	Do.	William C. Boardly.	
William H. Bell,	Do.	Joshua Baker,	Louisiana.

OFFICE OF COMMISSARY GENERAL OF PRISONERS.

Names and offices.	Compensation.	Place of birth.
John Mason, commissary general of prisoners,	$1,500	Maryland.
Asbury Dickins, chief clerk,	1,400	North Carolina.
John Smith, clerk,	1,000	Maryland.
Richard Smith, money agent, &c.	500	

INDIAN DEPARTMENT.

Names and offices.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
INDIAN AGENTS, &c.			
George C. Sibley, factor,	$1,000	Massachusetts,	Fort Osage.
M. Ely, assistant factor,	500	-	Do.
John W. Johnson,	1,000	Maryland,	Prairie du Chien.
Robert B. Belt, assistant factor,	500	Do.	Do.
Isaac Rawlings, factor,	1,000	Do.	Chickasaw Bluffs.
Matthew Irwin, "	1,000	Pennsylvania,	Green bay.
Jacob B. Varnum, "	800	Massachusetts,	Chicago.
Thos. M. Linnard, "	1,000	Pennsylvania,	Natchitoches.
George S. Gaines, "	1,000	Virginia,	Choctaw nation.
Thomas Malone, assistant factor,	500	-	Do.
Daniel Hughes, factor,	1,000	Canada,	Fort Hawkins.
James Kennerly, assistant factor for transportation,	400	Virginia,	St. Louis.
John Jamison, Indian agent,	1,200	Pennsylvania,	Natchitoches.
Nicholas Boilvin, do.	1,200	France,	Prairie du Chien.
William Coche, do.	-	-	Chickasaw agency.
Erastus Granger, do.	600	Connecticut,	Buffalo.
Benj. F. Stickney, do.	750	Massachusetts,	Fort Wayne.
John Johnston, do.	750	-	Piqua.
Return J. Meigs, do.	1,200	Connecticut,	Cherokee agency.
John McKee, do.	1,200	Virginia,	Choctaw agency.
Charles Jouett, do.	1,000	-	Chicago.
John Bowyer, do.	1,000	-	Green bay.
Peter Chouteau, do.	1,200	Louisiana,	Missouri.
William L. Lovely, do.	1,100	Ireland,	Do.
Benjamin O'Fallon, do.	1,200	Kentucky,	Do.
William H. Puthuff, do.	1,000	-	Mackinaw.
Richard Graham, do.	1,200	Virginia,	Peoria.
Maurice Blondeau, sub-agent,	800	Illinois Territ'y,	Missouri Territory.
Thomas Fonyth, do.	819	Michigan do.	Do.
Peter Menana, do.	600	Canada,	Do.
Manuel Lisa, do.	547 50	Louisiana,	Do.
Gabriel Godfrey, do.	500	Michigan Ter.	Michigan Territory.
Whitmore Knaggs, do.	500	Do.	Do.
John Johnson, do.	300	-	Fort Madison.
Jasper Parish, do.	450	Connecticut,	Six Nations.
Benjamin Parke, do.	480	New Jersey,	Illinois Territory.
Philemon Hawkins, do.	500	North Carolina,	Fort Hawkins.

NOTE.—Indian agents have been allowed from two to eight rations per day in addition to their annual compensation, or an allowance of money in lieu thereof, and in some cases a servant and forage have been allowed.

NAVY DEPARTMENT.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
CAPTAINS.				
Alexander Murray,	$100	16	Maryland,	Philadelphia.
John Rodgers,	3,500 per an.	-	Do.	President Navy Board.
James Barron,	Half-pay,	-	Virginia,	Absent from U. States.
William Bainbridge,	100	16	New Jersey,	Commanding at Boston.
Hugh G. Campbell,	100	16	South Carolina,	Charleston, S. C.
Stephen Decatur,	3,500 per an.	-	Maryland,	Commiss'r Navy Board.
Thomas Tingey,	100	16	England,	Washington city.
Charles Stewart,	100	16	Pennsylvania,	Franklin 74.
Isaac Hull,	100	16	Connecticut,	Charlestown, Mass.
Isaac Chauncey,	100	16	Do.	Mediterranean.
John Shaw,	100	8	-	United States 44.
John H. Dent,	-	-	Maryland,	Unemployed.
David Porter,	3,500 per an.	-	Massachusetts,	Commiss'r Navy Board.
John Cassin,	100	16	Pennsylvania,	Gosport, Virginia.
Samuel Evans,	100	16	New Jersey,	New York.
Charles Gordon,	100	8	Maryland,	Constellation 36.
Jacob Jones,	100	8	Delaware,	Guerriere 44.
Charles Morris,	100	8	Connecticut,	Congress 36.
Arthur Sinclair,	100	8	Virginia,	Constitution 44.
Oliver H. Perry,	100	8	Rhode Island,	Java 44.
Thomas Macdonough,	100	16	Delaware,	Portsmouth, N. H.
Lewis Warrington,	100	8	Virginia,	Macedonian 36.
Joseph Bainbridge,	100	8	New Jersey,	Steam frigate Fulton.
William M. Crane,	75	6	Do.	Sloop Erie.
James T. Leonard,	100	16	New York,	Lake Champlain.
James Biddle,	75	6	Pennsylvania,	Sloop Cyane.
Charles G. Ridgely,	75	6	Maryland,	Mediterranean.
Robert T. Spence,	75	8	N. Hampshire,	Baltimore.

NAVY DEPARTMENT—Continued.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
Daniel T. Patterson,	$75	8	-	New Orleans.
Samuel Angus,	60	5	Pennsylvania,	Recruiting, New York.
Melancthon T. Woolsey,	100	16	New York,	Lake Ontario.
John Orde Creighton,	75	8	-	Washington 74.
MASTERS COMMANDANT.				
Edward Trenchard,	60	5	New Jersey,	John Adams.
John Downes,	60	5	Massachusetts,	Sloop Ontario.
John D. Henley,	60	5	Virginia,	Recruiting, Baltimore.
Jesse D. Elliott,	60	5	Maryland,	Recruiting, Norfolk.
Robert Henley,	-	-	Virginia,	On furlough.
Stephen Cassin,	60	5	Pennsylvania,	Newport, R. I.
Daniel S. Dexter,	60	5	Rhode Island,	Lake Erie.
James Renshaw,	60	5	Pennsylvania,	New York.
David Deacon,	60	5	New Jersey,	Boston.
Louis Alexis,	60	5	-	New Orleans.
Michael B. Carroll,	60	5	Maryland,	Do.
Sidney Smith,	60	5	New York,	Plattsburg.
Thomas Brown,	60	5	Delaware,	Philadelphia.
Nathaniel Haraden,	60	5	Massachusetts,	Washington city.
Samuel Woodhouse,	60	5	Pennsylvania,	On furlough.
Charles C. B. Thompson,	60	5	Virginia,	Philadelphia.
Alexander S. Wadsworth,	60	5	Massachusetts,	Brig Prometheus.
George W. Rodgers,	60	5	Maryland,	Sloop Peacock.
George C. Read,	60	5	Ireland,	Brig Chippewa.
Henry E. Ballard,	60	5	Maryland,	Ship Cornet.
Thomas Gamble,	-	-	New Jersey,	On furlough.
William Carter, jun.	60	5	North Carolina,	New York.
LIEUTENANTS.				
Francis J. Mitchell,	Half-pay,	-	Virginia,	On furlough.
George Merrill,	Do.	-	Massachusetts,	Not on duty.
Joseph Nicholson,	Do.	-	Do.	On furlough.
John Pettigrew,	40	3	Pennsylvania,	Portsmouth, N. H.
Joseph J. Nicholson,	50	4	Maryland,	Brig Spark.
Walter Stewart,	50	4	England,	Ship Alert.
Wolcott Chauncey,	40	3	Connecticut,	Philadelphia.
John H. Elton,	50	4	New Jersey,	Brig Saranac.
Edmund P. Kennedy,	-	-	Maryland,	Mediterranean.
Jesse Wilkinson,	40	3	Virginia,	Norfolk.
Alexander J. Dallas, jun.	40	3	Pennsylvania,	Not on duty.
John B. Nicholson,	50	4	Virginia,	Schooner Nonsuch.
Beekman V. Hoffman,	50	4	New York,	Brig Tom Bowline.
George Budd,	-	-	Pennsylvania,	On furlough.
Thomas A. C. Jones,	40	3	Virginia,	Mediterranean.
Joseph S. Macpherson,	40	3	Pennsylvania,	Frigate Java.
John Porter,	50	4	Maryland,	Brig Boxer.
William Finch,	40	3	England,	Independence 74.
William B. Shubrick,	40	3	South Carolina,	Washington 74.
Henry Wells,	-	-	Massachusetts,	Unemployed.
Benjamin W. Booth,	-	-	Virginia,	New York.
Alexander Claxton,	50	4	Pennsylvania,	Schooner Hornet.
Enos R. Davis,	-	-	New York,	Unemployed.
Charles W. Morgan,	40	3	-	Franklin 74.
Samuel P. Macomber,	40	3	Rhode Island,	Charlestown, Mass.
Raymond H. I. Perry,	40	3	Do.	Newport, R. I.
Lawrence Kearney,	50	4	New Jersey,	Brig Enterprise.
William H. Watson,	-	-	Virginia,	On furlough.
Thomas Kennedy, jun.	-	-	New Jersey,	Do.
Foxhall A. Parker,	-	-	Virginia,	Unemployed.
Edward R. McCall,	40	3	South Carolina,	Frigate Java.
Daniel Turner,	40	3	Rhode Island,	Do.
William H. Allen,	-	-	New York,	Unemployed.
David Conner,	40	3	Pennsylvania,	Ship Hornet.
John Gallagher,	40	3	Do.	Frigate Congress.
Thomas H. Stevens,	Half-pay,	-	South Carolina,	Unemployed.
James H. Dudley,	40	3	Do.	Washington 74.
James P. Oellers,	Half-pay,	-	Pennsylvania,	On furlough.
William M. Hunter,	Do.	-	Do.	Do.
John D. Sloat,	Do.	-	-	Do.
John Packett,	40	3	Virginia,	Lake Erie.
William H. Cocke,	40	3	Do.	Washington 74.
Matthew C. Perry,	Half-pay,	-	Rhode Island,	On furlough.
Charles H. Skinner,	40	3	Pennsylvania,	Washington 74.
Joseph Wragg,	40	3	South Carolina,	John Adams.
James Saunders,	40	3	Pennsylvania,	Franklin 74.
Samuel W. Adams,	40	3	New Hampshire	Lake Ontario.
John R. Madison,	40	3	Massachusetts,	Brig Prometheus.
Dugomier Taylor,	40	3	North Carolina,	Frigate Java.
George Pearce,	40	3	Virginia,	Washington 74.
Frederick W. Smith,	40	3	New Jersey,	Franklin 74.
Henry S. Newcomb,	Half-pay,	-	New Hampshire	On furlough.
Nathaniel D. Nicholson,	40	3	Massachusetts,	Sloop Peacock.

NAVY DEPARTMENT—Continued.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
Otho Norris,	$40	3	Maryland,	Washington 74.
John T. Newton,	40	3	Dist. Columbia,	Ship Hornet.
P. A. I. P. Jones,	Half-pay,	-	Massachusetts,	Unemployed.
Samuel Henley,	40	3	Virginia,	Macedonian.
A. H. M. Conklin,	40	3	Do.	Lake Erie.
Joseph Smith,	40	3	Massachusetts,	Constellation.
Lawrence Rousseau,	40	3	Louisiana,	Sloop Erie.
George W. Storer,	50	4	New Hampshire	Schooner Lynx.
Henry B. Rapp,	40	3	Maryland,	New Orleans.
Lewis German,	40	3	New York,	Sackett's Harbor.
Joseph Cassin,	40	3	Pennsylvania,	Constellation.
Robert M. Rose,	40	3	Virginia,	Independence 74.
Beverly Kennon,	40	3	Do.	Washington 74.
Edward Shubrick,	40	3	South Carolina,	Brig Chippewa.
Charles A. Budd,	40	3	Pennsylvania,	Lake Champlain.
Francis H. Gregory,	40	3	Connecticut,	United States 44.
John M. Maury,	40	3	Virginia,	Mediterranean.
Benjamin Cooper,	40	3	New Jersey,	New York.
Philip F. Voorhees,	40	3	Do.	Frigate Congress.
John H. Clack,	40	3	Virginia,	Do.
Isaac Mayo,	40	3	Maryland,	Sloop Hornet.
William L. Gordon,	40	3	Dist. Columbia,	Independence 74.
James Ramage,	Half-pay,	-	Ireland,	On furlough.
Robert F. Stockton,	40	3	New Jersey,	Washington 74.
Thomas M. Newell,	40	3	Georgia,	Collecting timber.
Dulany Forrest,	40	3	Dist. Columbia,	Frigate Java.
Elie A. F. Vallette,	Half-pay,	-	New Jersey,	On furlough.
Silas Duncan,	Do.	-	-	Unemployed.
Thomas Cunningham,	40	3	-	Schooner Firebrand.
Isaac McKeever,	40	3	-	New Orleans.
Paul Zantzinger,	40	3	Pennsylvania,	United States 44.
Henry Gilliam,	-	-	Virginia,	On furlough.
William D. Salter,	40	3	New York,	Independence 74.
William A. Spencer,	-	-	Do.	
Silas H. Stringham,	40	3	Do.	Brig Spark.
William Laughton,	40	3	-	Ship Peacock.
Edward Haddaway,	40	3	Maryland,	New Orleans.
Nelson Webster,	40	3	New Hampshire	United States 44.
William Mervine,	40	3	Pennsylvania,	Sackett's Harbor.
Charles T. Stallings,	40	3	Maryland,	Constellation 36.
Richard Dashiell,	40	3	Do.	Gunboat New Orleans.
Richard Winter,	-	-	-	Unemployed.
John Percival,	40	3	-	Macedonian 36.
William V. Taylor,	40	3	Rhode Island,	Java 44.
Mervine P. Mix,	40	3	-	On furlough.
Bladen Dulany,	-	-	Virginia,	Unemployed.
Thomas W. Magruder,	40	3	Dist. Columbia,	Franklin 74.
John Tayloe,	40	3	Maryland,	Sloop Peacock.
Robert Spedden,	40	3	Do.	Baltimore, recruiting.
Thomas T. Webb,	40	3	Virginia,	Macedonian.
James McGowan,	-	-	-	On furlough.
Nathaniel L. Montgomery,	40	3	-	Mediterranean.
Charles E. Crawley,	40	3	South Carolina,	New Orleans.
William A. C. Farragut,	-	-	-	On furlough.
Gustavus W. Spooner,	40	3	Virginia,	Washington 74.
William H. Brailsford,	-	-	South Carolina,	On furlough.
William Elliott,	40	3	Maryland,	Frigate Java.
Thomas Crabb,	40	3	Do.	Do.
John T. Wade,	-	-	Pennsylvania,	On furlough.
George B. McCulloch,	40	3	-	United States 44.
Walter G. Anderson,	40	3	Virginia,	Gosport, Virginia.
Stephen Champlin,	40	3	Rhode Island,	Lake Erie.
William Lowe,	-	-	-	On furlough.
Walter N. Monteith,	40	3	New Jersey,	Portsmouth, N. H.
David Geisinger,	40	3	Maryland,	Independence.
Charles S. McCauley,	40	3	Pennsylvania,	Sloop Erie.
John H. Bell,	40	3	North Carolina,	Do.
Francis B. Gamble,	40	3	New Jersey,	Brig Spark.
John H. Aulick,	40	3	-	Brig Saranac.
Charles T. Clark,	40	3	Maryland,	Independence.
George Vancleave,	40	3	-	Macedonian.
Richard G. Edwards,	-	-	North Carolina,	On furlough.
William K. Latimer,	40	3	Maryland,	Sloop Erie.
Edward B. Babbitt,	40	3	Massachusetts,	Brig Chippewa.
George Hammersley,	40	3	Maryland,	Brig Saranac.
Thomas Paine, jun.	40	3	Rhode Island,	Charleston, S. Carolina.
John Hill, jun.	-	-	Massachusetts,	Unemployed.
James Armstrong,	40	3	Virginia,	Washington 74.
Joseph Smoot,	40	3	Maryland,	Schooner Nonsuch.
Robert B. Randolph,	40	3	Virginia,	Do.
William Berry,	40	3	Maryland,	Frigate Congress.
Samuel L. Breese,	40	3	-	Washington 74.
John Evans,	40	3	New Jersey,	Ship Alert.
Richard S. Heath,	-	-	Virginia,	On furlough.
Benjamin Page, jun.	40	3	England,	Philadelphia.

NAVY DEPARTMENT—Continued.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
John T. Ritchie,	$40	3	Maryland,	Guerriere.
John A. Wish,	40	3	South Carolina,	Erie, Pennsylvania.
John Gwinn,	40	3	-	Brig Saranac.
William A. Weaver,	40	3	Maryland,	Brig Tom Bowline.
Thomas W. Wyman,	40	3	Massachusetts,	Frigate Congress.
James L. Morris,	40	3	New York,	Sloop Alert.
John A. Belsches,	40	3	Virginia,	Baltimore.
James Mork,	-	-	S. Finland,	On furlough.
Andrew Fitzhugh,	40	3	Virginia,	Frigate Congress.
William M. Caldwell,	40	3	Massachusetts,	Brig Prometheus.
John K. Carter,	40	3	New York,	New York.
Joseph Cross,	-	-	Maryland,	Unemployed.
Abraham S. Ten Eick,	40	3	New York,	United States 44.
Thomas Hammersley,	40	3	Maryland,	Constellation.
John White,	-	-	Massachusetts,	Unemployed.
William M. Robins,	40	3	Maryland,	Portsmouth, N. H.
Robert Field,	40	3	New Jersey,	Ship Alert.
Hiram Paulding,	-	-	New York,	On furlough.
Enoch Lowe,	40	3	Maryland,	Brig Chippewa.
Jonathan D. Williamson,	-	-	New Jersey,	Unemployed.
Charles L. Springer,	40	3	Maryland,	John Adams.
William A. Lee,	40	3	Virginia,	New Orleans.
SURGEONS.				
Edward Cutbush,	50	2	Pennsylvania,	Washington city.
Peter St. Medard,	-	-	France,	Boston.
Samuel R. Marshall,	50	2	Pennsylvania,	New York.
Lewis Heerman,	50	2	-	New Orleans.
Joseph G. L. Hunt,	50	2	New York,	New York.
Jonathan Cowdery,	50	2	Massachusetts,	Norfolk.
Samuel D. Heap,	50	2	Pennsylvania,	Philadelphia.
Robert L. Thorn,	50	2	New York,	Portsmouth, N. H.
Samuel R. Trevett, jun.	50	2	Massachusetts,	Charlestown, Mass.
William P. C. Barton,	50	2	Pennsylvania,	Philadelphia.
Joseph S. Scholfield,	50	2	Virginia,	Gosport, Virginia.
George Logan,	50	2	South Carolina,	Charleston, S. Carolina.
Amos A. Evans,	50	2	Maryland,	Independence 74.
Robert S. Kearney,	50	2	Ireland,	United States 44.
James Page, jun.	50	2	Maryland,	Baltimore.
John D. McReynolds,	50	2	-	Mediterranean.
Thomas Harris,	50	2	Pennsylvania,	Philadelphia.
William Turk,	50	2	New York,	Lake Champlain.
Hyde Ray,	50	2	-	Sloop Erie.
William Baldwin,	50	2	Pennsylvania,	Savannah, Georgia.
Walter W. Buchanan,	50	2	New Jersey,	Sackett's Harbor.
Samuel Ayer,	50	2	New Hampshire	Portland, Maine.
E. L. Lawton,	-	-	Delaware,	On furlough.
Charles Cotton,	50	2	Massachusetts,	Newport, Rhode Island.
Gerard Dayers,	50	2	Flanders,	Frigate Congress.
William Caton, jun.	-	-	Maryland,	Unemployed.
Robert R. Barton,	-	-	Virginia,	On furlough.
Benjamin P. Kissam,	50	2	New York,	Steam frigate Fulton.
John A. Kearney,	50	2	Ireland,	Franklin 74.
Richard C. Edgar,	-	-	Maryland,	On furlough.
Bailey Washington,	50	2	-	Washington 74.
Thomas Chidester,	-	-	-	On furlough.
George T. Kennon,	50	2	Virginia,	Constellation.
Walter W. New,	-	-	Do.	On furlough.
Samuel Horsley,	-	-	Do.	Do.
Robert C. Randolph,	50	2	Do.	Brig Saranac.
Charles B. Hamilton,	50	2	Do.	Washington city.
Usher Parsons,	50	2	-	Frigate Java.
William Swift,	50	2	Massachusetts,	New York.
Josephus M. S. O'Conway,	50	2	-	New Orleans.
Richard K. Hoffman,	-	-	-	On furlough.
Richmond Johnson,	50	2	Maryland,	Brig Boxer.
Thomas P. Salter,	-	-	New Jersey,	Unemployed.
William Barnwell, jun.	50	2	Ireland,	Philadelphia.
William C. Whittelsey,	-	-	-	On furlough.
Peter Christie,	50	2	New Jersey,	Lake Erie.
Charles M. Reese,	50	2	South Carolina,	Philadelphia.
John C. Wallace, acting surgeon,	50	2	Pennsylvania,	Erie, Pennsylvania.
Elnathan Judson,	50	2	Massachusetts.	
SURGEON'S MATES.				
John Harrison,	30	2	Maryland,	Washington city.
Gustavus R. Brown,	-	-	Do.	On furlough.
Manuel Phillips,	-	-	Pennsylvania,	Do.
William Belt,	-	-	Maryland,	Do.
John D. Armstrong,	30	2	Ireland,	Franklin 74.
Samuel Jackson,	30	2	-	Brooklyn, New York.
Andrew B. Cook,	30	2	New York,	Sackett's Harbor.
James C. Garrison,	30	2	-	Do.

NAVY DEPARTMENT—Continued.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
E. D. Morrison,	$30	2	-	Wilmington, N. C.
John H. Gordon, acting surgeon,	50	2	Pennsylvania,	Brig Chippewa.
Samuel M. Kissam,	30	2	New Jersey,	Ship Hornet.
Leonard Osborne,	-	-	Maryland,	On furlough.
Thomas Williamson,	30	2	-	Brig Prometheus.
John Dix, acting surgeon,	50	2	Massachusetts,	Sloop Alert.
Benjamin Austin, jun.,	-	-	Do.	Unemployed.
Thomas Cadle,	30	2	-	Sloop Peacock.
Leuco Mitchell,	-	-	-	On furlough.
Silas D. Wickes,	30	2	-	Congress frigate.
Wilmot F. Rogers,	-	-	-	On furlough.
George S. Sproston,	30	2	England,	Independence 74.
John C. Richardson,	30	2	-	Mediterranean.
John W. Peaco,	30	2	Maryland,	Sloop Erie.
Archimedes Smith,	-	-	Kentucky,	On furlough.
Alexander M. Montgomery,	30	2	New Jersey,	Brig Spark.
Oliver Le Chevalier,	30	2	France,	Charlestown, Mass.
William Butler, jun.,	30	2	South Carolina,	Schooner Nonsuch.
John Wise,	-	-	Massachusetts,	On furlough.
Thomas I. H. Cushing,	30	2	Do.	Franklin 74.
John H. Steele,	-	-	Pennsylvania,	On furlough.
S. B. Whittington,	30	2	Maryland,	Constellation.
Francis Gerrish,	30	2	N. Hampshire,	Washington 74.
Edward Woodward,	30	2	-	United States 44.
Benjamin A. Welles,	-	-	Maryland,	Unemployed.
Frederick P. Markham,	-	-	Massachusetts,	Do.
William D. Conway,	30	2	Ireland,	Baltimore hospital.
James N. Tunstall,	-	-	Virginia,	On furlough.
Robert C. Wardwell,	-	-	New York,	Unemployed.
James Norris,	30	2	N. Hampshire,	Washington 74.
Thomas C. Gardner,	-	-	Massachusetts,	On furlough.
William F. Bradbury,	-	-	Do.	Do.
Benajah Tickner,	-	-	Vermont,	Unemployed.
William P. Jones,	-	-	Virginia,	Do.
Thomas G. Peachy,	30	2	Do.	Mediterranean.
John McAdam,	-	-	Do.	Unemployed.
John S. Mershon,	-	-	New Jersey,	Do.
Charles Chase,	30	2	Massachusetts,	Washington 74.
Thomas W. Wiesenthal,	30	2	Maryland,	Frigate Java.
George B. Doane,	30	2	Massachusetts,	Mediterranean.
Pliny Morton,	-	-	Do.	On furlough.
Nathaniel W. Miller,	-	-	Virginia,	Do.
William Birchmore,	30	2	England,	Frigate Congress.
Solomon D. Townsend,	30	2	Massachusetts,	Independence 74.
David H. Frazer,	30	2	-	Brig Tom Bowline.
James R. Boyce,	30	2	Virginia,	Constellation.
John S. Wiley,	30	2	Maryland,	New York.
PURSERS.				
Isaac Garretson,	-	-	Do.	On furlough.
Clement S. Huntt,	40	2	Do.	Newport, Rhode Island.
Gwinn Harris,	40	2	Do.	Franklin 74.
John H. Carr,	40	2	England,	Lake Erie.
Nathaniel Lyde,	40	2	Massachusetts,	Portsmouth, N. H.
James R. Wilson,	-	-	Maryland,	On furlough.
Samuel Robertson,	40	2	Do.	Gosport, Virginia.
Samuel Hambleton,	-	-	Do.	On furlough.
Robert C. Ludlow,	-	-	New York,	Do.
Robert Pottinger,	40	2	Maryland,	Accounting.
John B. Timberlake,	40	2	Virginia,	Do.
Thomas I. Chew,	40	2	Massachusetts,	Washington 74.
Thomas Shields,	40	2	Delaware,	New Orleans.
Richard C. Archer,	40	2	Maryland,	Norfolk.
Lewis Deblois,	40	2	Massachusetts,	Charlestown, Mass.
George S. Wise,	40	2	Virginia,	New York.
Francis A. Thornton,	-	-	Do.	On furlough.
James M. Halsey,	-	-	New York,	Do.
Edward Fitzgerald,	40	2	Pennsylvania,	Java 44.
Alexander P. Darragh,	40	2	Delaware,	Constitution 44.
Edwin W. Turner,	40	2	North Carolina,	Constellation.
Robert Ormsby,	-	-	Ireland,	On furlough.
Henry Denison,	40	2	Connecticut,	Congress 36.
Ludlow Dashwood,	-	-	New York,	On furlough.
William S. Rogers,	40	2	Rhode Island,	Independence 74.
Henry Fry,	40	2	Do.	Washington, to settle
John R. Shaw,	40	2	Maryland,	their accounts.
Samuel P. Todd,	40	2	Pennsylvania,	Philadelphia.
Nathaniel W. Rothwell,	-	-	Maryland,	Unemployed.
George Beale, jun.,	40	2	Virginia,	Sloop Peacock.
James H. Clark,	40	2	New York,	United States 44.
William P. Zantzinger,	40	2	Pennsylvania,	Baltimore.
Joseph North,	40	2	Do.	Macedonian.
Joseph Wilson, jun.,	40	2	Massachusetts,	Brig Saranac.
Herman Thorn,	40	2	New York.	

NAVY DEPARTMENT—Continued.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
Thomas Waine,	$40	2	Massachusetts,	Sloop Hornet.
Joseph B. Wilkinson,	40	2	Maryland,	New Orleans.
Ezekiel Salomon,	-	-	Pennsylvania,	On furlough.
Benjamin F. Bourne,	40	2	Rhode Island,	Guerriere.
William Sinclair,	40	2	Massachusetts,	Charleston, S. C.
Samuel Livermore,	40	2	N. Hampshire.	
Matthew C. Atwood,	40	2	Maryland,	Ship Erie.
Groeme K. Spence,	40	2	N. Hampshire,	Ship Ontario.
John N. Todd,	40	2	Pennsylvania,	Brig Prometheus.
Timothy Winn,	40	2	Massachusetts,	Washington.
William M. Sands,	40	2	New York,	Sackett's Harbor.
Thomas Breese,	40	2	Rhode Island,	Brig Boxer.
Joseph H. Terry,	-	-	New York,	On furlough.
Gardner Thomas,	40	2	Massachusetts,	Brig Chippewa.
A. Y. Humphreys, (acting,)	40	2	Pennsylvania,	Brig Spark.
CHAPLAINS.				
Andrew Hunter,	40	2	Pennsylvania,	Washington city.
David P. Adams,	40	2	-	Chesapeake bay.
Colden Cooper,	40	2		
Cheever Felch,	40	2	Massachusetts,	Charlestown, Mass.
John Cook,	40	2		
Charles Folsom,	40	2	N. Hampshire,	Washington 74.
Nathaniel Andrews,	40	2	England,	Congress 36.
MIDSHIPMEN.				
Albert A. Alexander,	19	1	Maryland,	Sloop Ontario.
Walter Abbot, acting lieutenant,	40	3	Massachusetts,	Charlestown, Mass.
Joel Abbot,	19	1	Do.	Congress 36.
Samuel Wardwell Adams,	19	1	Rhode Island,	Lake Erie.
Joseph H. Ashbridge,	-	-	Pennsylvania,	On furlough.
Henry A. Adams,	-	-	Do.	Do.
Alexander McKim Andrew,	-	-	Maryland,	Do.
Robert Armistead,	19	1	Virginia,	Constellation.
Nathaniel Alexander,	19	1	Do.	Java 44.
William H. Armstrong,	19	1	-	United States 44.
Thomas C. Abbot,	19	1	Massachusetts,	Washington 74.
Roderick R. Adams,	-	-	North Carolina,	On furlough.
Thomas S. Brown,	19	1	Connecticut,	United States 44.
James A. D. Brown,	19	1	Do.	Do.
Charles Boarman,	19	1	Maryland,	Sloop Erie.
William I. Belt,	19	1	Do.	Washington 74.
William Boerum,	19	1	New York,	Sloop Hornet.
Samuel Barron,	19	1	Virginia,	Gosport, Virginia.
Thomas H. Bowyer,	-	-	Do.	On furlough.
Horatio Beatty,	19	1	Dist .Columbia,	New Orleans.
Richard B. Brashears,	-	-	Maryland,	On furlough.
William Baldwin,	-	-	-	Do.
Yorick Baker,	19	1	Do.	Schooner Nonsuch.
Charles H. Bell,	-	-	New York,	On furlough.
Eliphalet Ball,	-	-	Do.	Do.
Abraham Bigelow,	-	-	Massachusetts,	Do.
William Boden,	-	-	Do.	Do.
Russell Baldwin,	-	-	New York,	Do.
Thomas H. Brown,	-	-	Pennsylvania,	Do.
Henry Bruce,	19	1	Massachusetts,	Mediterranean.
John Bubier,	19	1	Do.	Washington 74.
Edmund Byrne,	19	1	Pennsylvania,	Sloop Alert.
John D. Bird,	19	1	Delaware,	Schooner Nonsuch.
Timothy G. Benham,	-	-	Connecticut,	On furlough.
Benjamin Brewster,	-	-	Pennsylvania,	Do.
Cyrus A. Branch,	19	1	Virginia,	Charlestown, Mass.
Benjamin Bartholomew,	-	-	Pennsylvania,	On furlough.
John P. Babbidge,	-	-	Massachusetts,	Do.
James S. Boughan,	19	1	Virginia,	Sloop Erie.
Franklin Buchanan,	19	1	Maryland,	Java 44.
Arthur Bainbridge,	19	1	New Jersey,	Washington 74.
John M. Boardley,	19	1	Maryland,	Java 44.
Joseph Bowman,	19	1	Pennsylvania,	New Orleans.
Littleton M. Booth,	19	1	Virginia,	United States 44.
Archibald R. Bogardus, (acting,)	19	1	New York,	Brig Spark.
Richard Caton, jun.,	-	-	Maryland,	On furlough.
Charles H. Caldwell,	-	-	-	Do.
John A. Cook,	19	1	Dist. Columbia,	Constellation.
John T. Chauncey,	19	1	New York,	Washington 74.
Thomas A. Conover,	19	1	New Jersey,	Constellation.
Archibald S. Campbell,	19	1	Virginia,	Firebrand.
Lodowick Crarey,	-	-	-	On furlough.
Joseph S. Cornwall,	19	1	New York,	New Orleans.
Lachlan A. I. Cuthbert,	-	-	Georgia,	On furlough.
Harrison H. Cocke,	19	1	Virginia,	Brig Boxer.
Enos R. Childs,	19	1	-	New Orleans.
James F. Curtis,	-	-	Massachusetts,	On furlough.

NAVY DEPARTMENT—Continued.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
John P. Cambreleng,	$19	1	North Carolina,	Washington 74.
Nathaniel Carter, jun.,	-	-	Massachusetts,	On furlough.
James Conner,	-	-	Pennsylvania,	Do.
James M. Cutts,	-	-	Massachusetts,	Unemployed.
Thomas B. Curtis,	-	-	Do.	On furlough.
John L. Cummings,	19	1	New Jersey,	Mediterranean.
Edward W. Carpender,	19	1	New York,	Sloop Alert.
Benjamin Carpender,	-	-	Do.	On furlough.
John M. Channing,	19	1	Connecticut,	United States 44.
Augustus Cutts,	19	1	Maine,	Independence 74.
John Cremer,	19	1	Maryland,	Mediterranean.
John Chew, (of Benj.)	19	1	Pennsylvania,	Do.
Robert Carson,	-	-	Do.	On furlough.
David Conyngham,	-	-	Do.	Do.
Joshua W. Cochran,	19	1	North Carolina,	Sloop Alert.
Joseph S. Cannon,	19	1	Delaware,	Schooner Nonsuch.
Robert B. Cunningham,	19	1	Virginia,	Constellation.
Joseph Cutts, jun.	-	-	Maine,	On furlough.
James S. Cox,	19	1	Pennsylvania,	Schooner Despatch.
Richard Cochrane,	-	-	Do.	On furlough.
William E. Cambridge,	19	1	South Carolina,	Schooner Nonsuch.
Jacob Crowninshield,	19	1	Massachusetts,	Washington 74.
James H. Clinton,	19	1	New York,	Do.
Benjamin Clapp,	-	-	Do.	On furlough.
William Campbell,	19	1	Maryland,	Mediterranean.
James E. Calhoun,	-	-	South Carolina,	Unemployed.
John T. W. H. Dayton,	-	-	New York,	On furlough.
Samuel W. Downing,	19	1	New Jersey,	Franklin 74.
James W. Delany,	-	-	Pennsylvania,	Unemployed.
Maximilian De Vaux,	-	-	New York,	On furlough.
Peleg K. Dunham,	19	1	Rhode Island,	Java 44.
John M. Dale,	19	1	Pennsylvania,	Washington 74.
John Dennis, jun.	19	1	-	Unemployed.
Thomas W. Daily,	19	1	Louisiana,	On furlough.
Charles P. Derby,	19	1	Massachusetts,	Washington 74.
Daniel S. Desaussure,	19	1	South Carolina,	Mediterranean.
Owen Davis,	19	1	North Carolina,	Independence 74.
Mahlon M. Downing,	-	-	New Jersey,	On furlough.
Richard Dominick,	-	-	New York,	Do.
Samuel Dusenberry,	-	-	Do.	Do.
Charles Dana,	-	-	Massachusetts,	Do.
George D. Dods,	-	-	Rhode Island,	Unemployed.
Gaston De Castera Davezac,	19	1	Louisiana,	New Orleans.
Hugh Dulany,	-	-	South Carolina,	On furlough.
Henry Dyson,	-	-	Massachusetts,	Do.
Thomas Dornin,	19	1	-	Mediterranean.
Samuel F. Dupont,	-	-	New Jersey,	Unemployed.
Henry J. Dickenson,	19	1	N. Hampshire,	Congress 36.
Edwin Essex,	-	-	Maryland,	On furlough.
Alexander Eskridge,	19	1	Virginia,	Independence.
Frank Ellery,	19	1	Rhode Island,	Constellation.
Samuel A. Eakin,	19	1	France,	Do.
Charles Ellery,	19	1	Rhode Island,	Sloop Erie.
Christopher T. Emmet,	19	1	Ireland,	Congress.
Frederick Engle,	-	-	Pennsylvania,	On furlough.
David G. Farragut,	19	1	Tennessee,	Washington 74.
French Forrest,	19	1	Dist. Columbia,	Mediterranean.
Edgar Freeman, acting lieutenant,	40	3	New Jersey,	Brig Chippewa.
John D. Fischer,	19	1	Maryland,	Peacock.
Thomas W. Freelon,	-	-	New York,	On furlough.
Thomas E. Finnemore,	-	-	Pennsylvania,	Do.
James M. Freeman,	19	1	Massachusetts,	Prometheus.
Benjamin Follett,	19	1	Do.	Independence.
Rufus Fletcher,	-	-	N. Hampshire,	Unemployed.
Robert Y. Fairlie,	19	1	Maryland,	Peacock.
Edward Greenwell, acting lieutenant,	40	3	Virginia,	Lake Erie.
Frederick S. Gibbon,	-	-	New Jersey,	Unemployed.
Charles Gaunt,	19	1	Maryland,	Mediterranean.
Allen R. W. Griffin,	19	1	Virginia,	Peacock.
Peterson Goodwin,	-	-	Do.	Unemployed.
Henry Gray,	19	1	-	Mediterranean.
James Greenlaw,	19	1	Do.	Schooner Nonsuch.
James Goodrum,	19	1	Do.	Constellation.
John H. Graham, acting lieutenant,	40	3	Vermont,	New York.
Lewis M. Goldsborough,	19	1	Dist. Columbia,	Independence 74.
Jacob Gilmeyer,	19	1	Maryland,	Sloop Erie.
Thomas Greeves, jun.	-	-	Pennsylvania,	On furlough.
Daniel Goodwin,	-	-	Maine,	Do.
Benjamin S. Grimke,	-	-	South Carolina,	Do.
Willis M. Green,	19	1	Kentucky,	Sackett's Harbor.
Thomas R. Gerry,	-	-	Massachusetts,	Mediterranean.
Walter Gardner,	19	1	Do.	Independence 74.
William H. Gardner,	19	1	Maryland,	Sloop Ontario.
Thomas R. Gedney,	19	1	South Carolina,	Mediterranean.
Timothy Gay,	19	1	Massachusetts,	Brig Boxer.

NAVY DEPARTMENT—Continued.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
James T. Gerry,	$19	1	Massachusetts,	Washington.
Thomas P. Harrison,	-	-	Virginia,	Unemployed.
Richard S. Hunter,	19	1	New Jersey,	Washington 74.
Benjamin Harrison,	-	-	Virginia,	On furlough.
Joseph L. Harper,	-	-	-	Unemployed.
Moses H. Hunter,	-	-	New Jersey,	Do.
David Hunter,	-	-	Do.	Do.
Delozier Higginbotham,	19	1	Maryland,	Independence.
Levi M. Harby,	-	-	South Carolina,	Unemployed.
Joseph L. C. Hardy,	-	-	-	Do.
Edward W. Hamilton,	-	-	Do.	Do.
James Hodges,	19	1	Pennsylvania,	Brig Spark.
Joseph Hull,	19	1	Connecticut,	Washington 74.
Thomas B. Handy,	-	-	Rhode Island,	Unemployed.
John F. Howell,	-	-	Pennsylvania,	On furlough.
George N. Hollins,	19	1	Maryland,	Washington 74.
John L. Hopkins,	-	-	Georgia,	Unemployed.
Thomas Hayes,	-	-	Pennsylvania,	On furlough.
John Heth,	19	1	Virginia,	Schooner Nonsuch.
William H. Homer,	19	1	Massachusetts,	Congress.
Samuel Horton,	-	-	Do.	Unemployed.
Harry D. Hunter,	19	1	Pennsylvania,	Java.
William S. Harvey,	-	-	North Carolina,	Unemployed.
John Hunt,	19	1	Virginia,	New Orleans.
John L. Harris,	-	-	Tennessee,	Unemployed.
William S. Harris,	19	1	Kentucky,	Lake Ontario.
William L. Howard,	-	-	New York,	Unemployed.
Hubbard H. Hobbs,	19	1	Virginia,	Mediterranean.
Alexander Hosack,	19	1	New York,	Congress.
Enoch H. Johns,	-	-	Maryland,	Unemployed.
William Jameson,	19	1	Virginia,	Alert.
William Inman,	19	1	New York,	Congress frigate.
James T. Jackson,	-	-	Do.	Unemployed.
George W. Isaacs,	-	-	Connecticut,	Do.
Joseph R. Jarvis,	19	1	Massachusetts,	Brig Prometheus.
Skeffington S. Jamesson,	-	-	Maryland,	On furlough.
Richard A. Jones,	-	-	-	Do.
Duncan N. Ingraham,	-	-	South Carolina,	Do.
Israel Israel,	19	1	Pennsylvania,	Sloop Peacock.
Frederick Jarrett,	19	1	Do.	Washington 74.
Walter F. Jones,	19	1	Virginia,	Mediterranean.
Joshua H. Justin,	-	-	Rhode Island,	Unemployed.
Edward S. Johnson,	-	-	Do.	Do.
Lewis Keene,	-	-	New Jersey,	Do.
Adam S. Kuhn,	19	1	Pennsylvania,	Frigate Congress.
John Kelly,	19	1	Do.	Washington 74.
John R. Keasbey,	-	-	New Jersey,	On furlough.
James D. Knight,	19	1	South Carolina,	Charleston, S. C.
Matthew Keogh,	-	-	Ireland,	On furlough.
Charles Lacey,	19	1	Dist.Columbia,	Franklin 74.
Green Lynch,	19	1	North Carolina,	United States 44.
James H. Ludlow,	19	1	New York,	Washington 74.
Thomas I. Leib,	-	-	Pennsylvania,	Unemployed.
John Loveday,	-	-	Maryland,	Do.
Samuel W. Lecompte,	19	1	Do.	Lake Erie.
William G. Lewis,	19	1	-	Mediterranean.
George H. Leverett,	19	1	N. Hampshire,	Sloop Peacock.
John C. Long,	19	1	Do.	Brig Boxer.
John H. Lee,	19	1	Virginia,	Washington 74.
Edward A. Lansing,	19	1	New York,	Sloop Alert.
James E. Legare,	-	-	South Carolina,	Unemployed.
William R. Lord,	-	-	Connecticut,	On furlough.
James R. Lyman,	-	-	-	Unemployed.
Stephen B. Lassalle,	-	-	Pennsylvania,	On furlough.
Charles Lowndes,	19	1	South Carolina,	Mediterranean.
Richard P. Livingston,	19	1	New York,	Do.
William E. McKinney,	19	1	Do.	Sloop Hornet.
William McChesney,	-	-	Pennsylvania,	Suspended.
John McCaw,	19	1	Virginia,	Schooner Nonsuch.
George McCawley,	19	1	Pennsylvania,	Franklin 74.
James M. K. McIntosh,	-	-	Georgia,	Unemployed.
Charles W. Minchin,	19	1	Maryland,	Mediterranean.
William J. McCluney,	-	-	-	On furlough.
William McLean,	-	-	New York,	Unemployed.
Richard Mackall,	19	1	Maryland,	Lake Erie.
William H. Motts,	19	1	Pennsylvania,	Brig Tom Bowline.
Archibald McNeall,	19	1	South Carolina,	Frigate Congress.
John B. Montgomery,	19	1	New York,	Mediterranean.
David Mitchell,	19	1	-	Unemployed.
James Mason,	-	-	-	Do.
Henry M. McClintock,	-	-	N. Hampshire,	On furlough.
Daniel H. Mackey,	19	1	New York,	United States 44.
John Marston, jun.	19	1	Massachusetts,	Washington 74.
Joseph Moorhead,	19	1	Ohio,	United States 44.
David W. McRorie,	19	1	North Carolina,	Sloop Peacock.

NAVY DEPARTMENT—Continued.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
Daniel S. McCauley,	-	-	Pennsylvania,	On furlough.
Sharp D. Moore,	$19	1	Virginia,	Mediterranean.
James E. McDonald, acting lieutenant,	-	-	England,	On furlough.
Michael Mahony,	-	-	Massachusetts,	Do.
Joseph Mattison,	19	1	New Jersey,	Brig Spark.
William W. McKean,	19	1	Pennsylvania,	Mediterranean.
William McKenzie,	-	-	North Carolina,	Unemployed.
William A. McIntosh,	19	1	Georgia,	New York.
Nicholas Marchand,	19	1	Louisiana,	New Orleans.
Joseph Myers,	19	1	North Carolina,	Constellation.
Samuel Mercer,	19	1	Maryland,	Mediterranean.
Robert F. Martin,	-	-	Do.	
Robert Marshall,	-	-	New York,	Unemployed.
James J. Nicholson,	19	1	Pennsylvania,	New Orleans.
Robert H. Nichols,	19	1	New York,	Sackett's Harbor.
James Nicholson,	19	1	Massachusetts,	United States 44.
Walter Newcomb,	19	1	N. Hampshire,	Congress 36.
Zachariah W. Nixon,	-	-	New York,	On furlough.
Henry C. Newton,	19	1	Virginia,	Constellation.
William C. Nicholson,	19	1	Maryland,	Congress.
William D. Newman,	19	1	New York,	Brig Chippewa.
Joseph B. Nones,	-	-	Pennsylvania,	On furlough.
William B. Nicholson,	-	-	Maryland,	Do.
Armistead Nelson,	19	1	Virginia,	Mediterranean.
John S. Nicholas,	19	1	Do.	Washington 74.
J. M. Nicholson,	19	1	Maryland,	Sloop Alert.
Henry Ogden,	19	1	Pennsylvania,	Washington 74.
Richard O'Neal,	-	-	England,	On furlough.
Patrick H. Overton,	19	1	North Carolina,	Frigate Java.
James A. Perry,	19	1	Rhode Island,	Mediterranean.
William Pottenger,	19	1	Maryland,	Lake Erie.
Hugh N. Page,	-	-	Virginia,	On furlough.
Richard M. Potter,	19	1	Pennsylvania,	Brig Spark.
Garret J. Pendergrast,	19	1	Kentucky,	Franklin 74.
Thomas Pettigrew,	19	1	South Carolina,	Schooner Nonsuch.
Nathaniel A. Prentiss,	19	1	Massachusetts,	Brig Chippewa.
Charles T. Platt,	-	-	New York,	Unemployed.
Edward Price,	19	1	Do.	Sloop Peacock.
Samuel B. Phelps,	19	1	Connecticut,	Congress.
John E. Prentiss,	-	-	Massachusetts,	On furlough.
Jott S. Paine,	19	1	Maine,	Independence 74.
Thomas Patten,	19	1	Do.	Frigate United States.
William Peterson,	-	-	Pennsylvania,	On furlough.
William Pollard,	19	1	Do.	Mediterranean.
John F. Pelot,	-	-	North Carolina,	Unemployed.
Alexander B. Pinkham,	19	1	Massachusetts,	Washington city.
Richard S. Pinckney,	19	1	South Carolina,	Sloop Ontario.
David H. Porter,	19	1	Delaware,	Franklin 74.
Richard Pickett,	-	-	Massachusetts,	On furlough.
Edward P. Postell,	-	-	South Carolina,	Do.
John W. Palmer,	19	1	-	Mediterranean.
William H. Potter,	19	1	Do.	Frigate Java.
Robert Potter,	19	1	North Carolina,	Frigate Congress.
George F. Pearson,	19	1	Massachusetts,	Mediterranean.
William H. Pennock,	19	1	Virginia,	United States 44.
Edward Pinkney,	19	1	Maryland,	Mediterranean.
John Pope,	19	1	Massachusetts,	Brig Chippewa.
Samuel Renshaw,	-	-	Pennsylvania,	Unemployed.
William W. Ramsay,	19	1	Dist. Columbia,	Washington 74.
James W. H. Ray,	-	-	Maryland,	On furlough.
James Roberts,	19	1	Do.	Mediterranean.
Ebenezer Ridgeway,	19	1	Massachusetts,	Franklin 74.
Edmund M. Russell,	19	1	Do.	Brig Chippewa.
Charles C. Russell,	19	1	Do.	Frigate Congress.
Henry Randall,	-	-	Maryland,	Unemployed.
Samuel Rogers,	-	-	New Jersey,	Do.
William T. Rogers,	-	-	New York,	On furlough.
William Rice,	19	1	Maine,	Independence 74.
Robert Ritchie,	19	1	Maryland,	Sloop Peacock.
Solomon Rutter,	19	1	Do.	Mediterranean.
Clement S. Rogers,	-	-	Delaware,	On furlough.
V. M. Randolph,	19	1	Virginia,	Constellation.
John Rudd,	19	1	Rhode Island,	Frigate Congress.
William Roane,	19	1	North Carolina,	Mediterranean.
Herman Rutgers,	19	1	New York,	Washington 74.
W. W. Rittenhouse,	19	1	Pennsylvania,	Franklin 74.
Edward C. Rutledge,	19	1	South Carolina,	Washington 74.
John Reed, jun.	19	1	Pennsylvania,	Frigate Congress.
Isaac H. Rand,	19	1	Massachusetts,	Independence 74.
Burwell S. Randolph,	19	1	Virginia,	Schooner Nonsuch.
Thomas M. Randolph,	19	1	Do.	Do.
John L. Saunders,	-	-	Do.	Unemployed.
Richard Stewart,	-	-	Maryland,	On furlough.
Charles Smith,	-	-	Do.	Unemployed.
Clement Stevens,	19	1	Do.	Mediterranean.

NAVY DEPARTMENT—Continued.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
Augustus Swartwout,	$19	1	New York,	Mediterranean.
Robert Searcy,	19	1	Tennessee,	Independence 74.
Robert L. Snelson,	19	1	Virginia,	Mediterranean.
William Steele,	-	-	South Carolina,	Unemployed.
Lewis E. Simonds,	19	1	Massachusetts,	Congress 36.
Horace B. Sawyer,	19	1	Vermont,	Brig Prometheus.
Miles Street,	19	1	Virginia,	Mediterranean.
Cornelius Stribling,	-	-	North Carolina,	Unemployed.
Joshua R. Sands,	19	1	New York,	Washington 74.
Otho Stallings,	19	1	Maryland,	Sloop Erie.
Hugh S. Sweeney,	-	-	-	Unemployed.
John M. Sullivan,	-	-	New York,	Do.
John B. Shute,	-	-	New Jersey,	On furlough.
William Skiddy,	-	-	New York,	Do.
James Spalding,	19	1	Georgia,	Charlestown, Mass.
John Swartwout,	19	1	New York,	Mediterranean.
Matthew W. Stout,	19	1	New Jersey,	Do.
John Stevenson,	-	-	Pennsylvania,	On furlough.
David R. Stewart,	19	1	Maryland,	Sloop Erie.
Robert M. Summers,	19	1	Pennsylvania,	Mediterranean.
William F. Shields,	19	1	Georgia,	United States 44.
Irvine Shubrick,	19	1	South Carolina,	Sloop Alert.
Joshua B. Stearns,	-	-	Massachusetts.	
Egbert Shaler,	-	-	Connecticut,	On furlough.
Jonathan W. Sherburne,	19	1	N. Hampshire,	Baltimore.
Roger C. Shaw,	-	-	Georgia.	
Merit Scott,	19	1	Kentucky,	Mediterranean.
George W. Somerville,	19	1	Tennessee,	Do.
Francis Sanderson,	19	1	Maryland,	Sloop Erie.
Jesse Smith,	19	1	Massachusetts,	United States 44.
Frederick W. C. Story,	19	1	Do.	Brig Spark.
Henry D. Scott,	-	-	Maryland.	
William D. Shaler,	19	1	Connecticut,	Brig Chippewa.
John H. Smith,	19	1	New York,	Constellation.
Thomas A. Tippett,	-	-	Dist. Columbia.	
William Temple,	19	1	Virginia,	Mediterranean.
Ira Titus,	-	-	New York,	On furlough.
James B. Taylor,	19	1	-	Independence 74.
Joseph Thompson,	-	-	Virginia.	
William Taylor,	19	1	Do.	Congress 36.
Nehemiah Tilton,	-	-	Delaware,	On furlough.
Henry Tardy,	-	-	France,	Suspended.
Messidor Toscan,	19	1	N. Hampshire,	Congress 36.
John S. Townsend,	19	1	New York,	Sloop Peacock.
John P. Tuttle,	19	1	Connecticut,	Mediterranean.
Henry E. Turner,	19	1	Rhode Island,	Do.
John Toole,	19	1	North Carolina,	Do.
John Tompkins,	19	1	Kentucky,	Franklin 74.
William F. Thornily,	-	-	Ohio,	On furlough.
Thomas B. Tilden,	19	1	Maryland,	Mediterranean.
Benjamin Tallmadge, jun.	19	1	Connecticut,	Washington 74.
William G. B. Taylor,	19	1	North Carolina,	Brig Saranac.
Ralph Voorhees,	19	1	New Jersey,	Mediterranean.
Frederick Varnum,	19	1	Massachusetts,	United States 44.
James K. Valette,	19	1	Pennsylvania,	Washington 74.
Daniel R. Walker,	19	1	Maryland,	Peacock.
James Williams,	-	-	Do.	On furlough.
Charles L. Williamson,	-	-	New Jersey,	Unemployed.
Albert G. Wall,	19	1	Virginia,	Mediterranean.
Ephraim D. Whitlock,	19	1	New Jersey,	Franklin 74.
Stephen B. Wilson,	19	1	New York,	Lake Erie.
W. S. I. Washington,	19	1	Virginia,	Do.
William C. Wetmore,	19	1	-	Washington 74.
Clement S. Whittington,	19	1	Maryland,	Lake Erie.
Frederick Wolbert,	19	1	Pennsylvania,	Sloop Erie.
Edward Watts,	19	1	N. Hampshire,	Washington 74.
Pardon M. Whipple,	19	1	Rhode Island,	Do.
Joshua White,	-	-	Maryland,	Unemployed.
Henry R. Warner,	-	-	New York,	On furlough.
Henry Ward,	-	-	Massachusetts,	Do.
Seth Wheaton,	19	1	Rhode Island,	United States 44.
William S. Walker,	19	1	N. Hampshire,	Portsmouth, N. H.
Oliver W. Wood,	-	-	Rhode Island,	Unemployed.
Cæsar R. Wilson,	-	-	Delaware,	Do.
Edward Wright,	-	-	Virginia,	Do.
Erasmus Watkins,	-	-	New York,	On furlough.
Thomas V. Wilson,	-	-	Virginia,	Do.
George T. Weaver,	19	1	Do.	Brig Spark.
John Jay Young,	19	1	New York,	Schooner Nonsuch.
SAILINGMASTERS.				
Edward Barry,	40	2	Ireland,	Washington city.
Eli Brown,	-	-	Massachusetts.	
Abraham B. Bloodgood,	40	2	New York,	New York.

NAVY DEPARTMENT—Continued.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
Cornelius Bennett,	-	-	Massachusetts.	
Philip Brum,	-	-	Pennsylvania,	On furlough.
James Bassett.				
Salvadore Catalano,	$40	2	Sicily,	Washington city.
Richard J. Cox,	-	-	Bermuda,	On furlough.
James B. Cooper, acting lieutenant,	40	2	New Jersey,	Philadelphia.
John Clough,	40	2	Massachusetts,	Fulton steam frigate.
J. P. Chamberlain.				
John Carlton,	40	2	Do.	Frigate Congress.
Alexander Cunningham,	-	-	South Carolina.	
Briscoe S. Doxey,	40	2	Maryland,	Schooner Asp.
Marmaduke Dove,	40	2	Do.	Washington city.
Daniel Dobbins,	40	2	Pennsylvania,	Lake Erie.
J. H. Dill,	-	-	Do.	On furlough.
George F. De la Roche,	-	-	-	Do.
Shubal Downes,	-	-	Massachusetts.	
John Drew,	-	-	Do.	Do.
Francis H. Ellison,	40	2	England,	New York.
James Ferguson,	-	-	New York.	
William Foster, acting,	40	2	New Jersey,	Sloop Alert.
George Fitzhugh,	-	-	Virginia.	
Augustus Ford,	-	-	-	Lake Ontario.
Samuel R. Gerry,	-	-	Massachusetts,	On furlough.
Thomas Godfrey,	40	2	-	Sloop Erie.
John Hubbard.				
Henry Henry, acting lieutenant.				
George A. Hallowell,	-	-	Rhode Island.	
Samuel C. Hixon,	-	-	Massachusetts.	
Henry D. Hill,	-	-	South Carolina.	
Daniel Jones,	40	2	England,	New York.
William Johnson,	-	-	-	On furlough.
Simon Kingston,	40	2	Do.	Philadelphia.
Robert Knox,	40	2	Massachusetts,	Charlestown, Mass.
Sylvester Kemper,	40	2	-	Brig Spark.
John Kitts,	-	-	Pennsylvania.	
Uriah P. Levy,	40	2	Do.	Franklin 74.
Jairus Loomis,	-	-	Connecticut.	
Alexis Luckett,	-	-	Virginia,	On furlough.
Joseph Lindsay,	40	2	Massachusetts,	Lake Champlain.
William Lee,	-	-	Do.	
William Landen.				
Jacob Mull.				
Henry Moliere, jun.	-	-	Pennsylvania,	On furlough.
Francis Mallaby,	40	2	New York,	Sackett's Harbor.
William T. Malbone,	40	2	Rhode Island,	Independence 74.
Philip S. Meyer,	40	2	New York,	Macedonian.
Philip McLachlin,	-	-	Virginia,	On furlough.
William Miller,	40	2	Scotland,	Schooner Corporation.
Edwards Mount, acting,	40	2	New Jersey,	Sloop Erie.
John Nantz,	40	2	Ireland,	Baltimore.
Thomas Nichols,	40	2	-	Washington 74.
David Phipps,	40	2	Massachusetts,	Steam frigate Fulton.
Lewis B. Page,	-	-	Virginia,	Gosport, Virginia.
James B. Potts,	-	-	England,	Do.
William W. Polk,	-	-	Maryland.	
James Rogers.				
Edward Rumney,	-	-	Massachusetts,	On furlough.
Samuel Rinker,	40	2	Pennsylvania,	Franklin 74.
Thomas Rutter,	-	-	Maryland,	On furlough.
John Robinson,	-	-	-	Sackett's Harbor.
Joseph Stevens.				
Thomas W. Story,	-	-	Massachusetts.	
William W. Sheed,	-	-	Pennsylvania.	
Nathaniel Stoodley,	-	-	N. Hampshire,	On furlough.
D. S. Stellwagen,	40	2	Pennsylvania,	Brig Chippewa.
David Shoemaker, jun.	-	-	North Carolina,	On furlough.
James Spilman,	-	-	Virginia,	Do.
James Trant,	-	-	Ireland,	Gosport, Virginia.
Joseph Taylor,	-	-	Delaware.	
Robert S. Tatem,	-	-	Pennsylvania.	
James Terry,	40	2	New York,	Brig Spark.
Henry Tew, sen.	40	2	Rhode Island,	Newport, R. I.
James Tewksbury,	40	2	Massachusetts,	Sloop Erie.
William Vaughan,	40	2	Pennsylvania,	Sackett's Harbor.
George M. Wilson,	-	-	Maryland,	On furlough.
Charles F. Waldo,	40	2	Massachusetts,	Charlestown, Mass.
Joseph Williston,	40	2	Do.	Sloop Peacock.
Nahum Warren,	40	2	N. Hampshire,	Washington city.
Henry Worthington,	-	-	Maryland.	
Edward L. Young.				
BOATSWAINS.				
William Brown.				
William Berry,	20	2	England,	New York.

NAVY DEPARTMENT—Continued.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
John Bligh.				
John Briggs.				
Westly Cunningham,	-	-	-	Brig Spark.
John Dawson.				
Benjamin Evans,	-	-	-	Mediterranean.
William Henry,	$20	2	-	Frigate Congress.
Edward Linscot,	20	2	Massachusetts,	Gosport, Virginia.
John Longuil.				
John McCloud.				
Colin McCloud.				
John McFate.				
John McNally.				
Thomas R. Smith,	20	2	-	Washington 74.
Abraham Walton.				
John Wood,	20	2	New Jersey,	Franklin 74.
David Eaton,	20	2	Pennsylvania,	Ship Hornet.
John Robeson,	20	2	Do.	Ship Alert.
Stephen G. Clark.				
GUNNERS.				
Thomas Barry,	20	2	Do.	Philadelphia.
John Baker,	20	2	Germany,	Lake Champlain.
James Bogman,	20	2	-	Charlestown, Mass.
Antonio Correia,	20	2	Portugal,	Portsmouth, N. H.
James Cosgrove,	20	2	-	New York.
Robert Conklin,	20	2	-	Mediterranean.
James Foster.				
John Fair.				
William Fowler.				
Henry Hunt.				
Charles Hay.				
George Jackson.				
John Johnson,	20	2	-	Lake Erie.
William Johnson.				
Joseph Lala.				
George Marshall.				
John Myrick.				
John Nelson.				
Matthew Rogers,	20	2	-	Sackett's Harbor.
Clement Shannon.				
John S. Wilson.				
James Andrews,	20	2	Massachusetts,	Frigate Congress.
William Deevers, acting,	20	2	-	Washington 74.
Joseph Lum,	20	2	Connecticut,	Gosport, Virginia.
Stephen Jones,	20	2	-	Brig Spark.
CARPENTERS.				
Samuel Brown,	20	2	Rhode Island,	Franklin 74.
Breasted Barnes,	20	2	-	Brig Spark.
Peter Demeritt,	20	2	-	Frigate Congress.
Horatio Ewart.				
Zaccheus R. Fuller.				
Jonathan Gedney.				
William Gates.				
David Hortsman.				
Samuel F. Holbrook.				
Samuel Humphreys.				
Isaac Irish.				
George Miller.				
John Nicholson.				
William Robertson.				
James Stephens.				
Richard Thomas.				
Samuel Phillips,	20	2	New Jersey,	Ship Hornet.
Baruch Evans,	20	2	-	Lake Erie.
SAILMAKERS.				
Samuel F. Adams.				
John L. Brown,	20	2	Massachusetts,	Frigate Congress.
Robert Davidson.				
Samuel Dodget.				
William Edwards.				
Thomas Hewitt.				
William Landen.				
Samuel Pierce.				
David Smith.				
Charles Ware.				
Amos Cutter,	20	2	-	Washington 74.

NAVY DEPARTMENT—Continued.

Names.	Pay per month.	No. of rations per day.	State or country where born.	Where employed.
MASTER'S MATES.				
Benjamin Kirby,	$20	1	-	Franklin 74.
James Bell,	20	1	-	Do.
Elias Taylor,	20	1	-	Do.
Robert Long,	20	1	-	Do.
MARINE CORPS.				
LIEUTENANT COLONEL COMMANDANT.				
Franklin Wharton,	-	-	Pennsylvania,	Head-quarters.
MAJORS.				
Daniel Carmick,	50	4	Do.	New Orleans.
John Hall,	50	4	South Carolina,	Mediterranean.
CAPTAINS.				
Anthony Gale, brevet major,	40	3	Ireland,	Philadelphia.
Arch. Henderson, do.	40	3	Virginia,	Portsmouth, N. H.
Richard Smith, do.	40	3	Maryland,	New York.
R. D. Wainwright, do.	40	3	South Carolina,	Boston.
William Anderson, do.	40	3	Pennsylvania,	Sackett's Harbor.
Thomas R. Swift, do.	40	3	Do.	Norfolk, Virginia.
Samuel Miller, brevet major and adjutant,	66	3	Massachusetts,	Head-quarters.
John Crabb, paymaster,	66	3	Pennsylvania,	Do.
John M. Gamble, brevet major,	40	3	New Jersey,	New York.
Charles S. Hanna,	40	3	-	Washington 74.
Alfred Grayson, quartermaster,	66	3	Kentucky,	Head-quarters.
William Strong,	40	3	Pennsylvania,	Philadelphia.
John Heath,	40	3	Virginia,	Java 44.
H. B. Breckenridge,	40	3	Do.	Washington 74.
William Hall,	40	3		
Francis W. Sterne,	40	3	Do.	Unemployed.
FIRST LIEUTENANTS.				
F. B. De Bellevue,	30	3	Louisiana,	New Orleans.
John R. Montegut,	30	3	Do.	Do.
P. B. De Grandpré,	30	3	Do.	Do.
Lyman Kellogg,	30	3	New York,	Sackett's Harbor.
Samuel E. Watson,	30	3	Virginia,	Portsmouth, N. H.
William L. Brownlow,	30	3	Do.	New York.
Thomas W. Legge,	30	3	South Carolina,	Independence 74.
W. H. Freeman,	30	3		
Joseph L. Kuhn,	30	3	Maryland.	
Henry Olcott,	30	3		
Charles R. Broome,	30	3	Delaware,	Philadelphia.
Benjamin Richardson,	30	3	Maryland,	Head-quarters.
Francis B. White,	30	3	Massachusetts.	
William Nicoll,	30	3	New York,	Do.
Charles Lord,	30	3	Connecticut,	Do.
Levi Twiggs,	30	3	Georgia.,	
Edmund Brooke,	30	3	Virginia,	Do.
John Harris,	30	3	Pennsylvania.	
Samuel B. Johnston,	30	3	New York,	Lake Erie.
Leonard J. Boone,	30	3	Maryland,	New York.
SECOND LIEUTENANTS.				
Thomas A. Linton,	25	2	Virginia,	Head-quarters.
Richard Auchmuty,	25	2	Rhode Island,	Washington 74.
Joseph Bosque,	25	2	Louisiana.	
James Edelin,	25	2	Maryland,	Head-quarters.
Christopher Ford,	25	2	Virginia,	Washington 74.
James I. Mills,	25	2	Maryland.	
Francis A. Bond,	25	2	Do.	Philadelphia.
Parke G. Howle,	25	2	Virginia.	
George B. English,	25	2	Massachusetts,	Sloop Peacock.
Henry W. Kennedy,	25	2	Pennsylvania,	Philadelphia.
Richard D. Green,	26	2	Massachusetts,	Gosport, Virginia.
James G. Singletary,	25	2	South Carolina,	Do.
William F. Swift,	25	2	Pennsylvania.	
Edward S. Nowell,	25	2	South Carolina,	Newport, R. I.
Robert M. Desha,	25	2	Kentucky,	Head-quarters.
John S. Page,	25	2	Maryland,	Independence 74.
Henry E. Dix,	25	2	Massachusetts.	
Augustus A. Nicholson,	25	2	South Carolina.	

NAVY DEPARTMENT—Continued.

Names.	Compensation, pay, and emoluments per annum.	State or country where born.	Where employed.
NAVY AGENTS.			
Amos Binney,	-	Massachusetts,	Boston.
John Bullus,	-	England,	New York.
James Beatty,	-	Maryland,	Baltimore.
Archard S. Bulloch,	-	Georgia,	Savannah.
Jeremiah Brown,	-	-	Newbern, N. C.
George Harrison,	-	Pennsylvania,	Philadelphia.
Joseph Hull,	-	Connecticut,	Middletown, Conn.
Miles King,	-	Virginia,	Norfolk, Virginia.
Henry S. Langdon,	-	N. Hampshire,	Portsmouth, N. H.
James Morrison,	-	Maryland,	Lexington, Kentucky.
John Morgan,	-	-	Hartford, Conn.
Joshua Potts,	-	Virginia,	Wilmington, N. C.
James Riddle,	-	Delaware,	Newcastle, Delaware.
John Robertson,	-	North Carolina,	Charleston, S. C.
John Randall,	-	Maryland,	Annapolis, Md.
John L. Storer,	-	Maine,	Portland, Maine.
John K. Smith,	-	Maryland,	New Orleans.
Constant Taber,	-	-	Newport, Rhode Island.
NOTE.—Navy agents receive one per cent. on their expenditures, not to exceed $2,000 per annum.			
NAVAL STOREKEEPERS.			
Samuel T. Anderson,	$1,700	Maryland,	New York.
Tunis Craven,	-	New Jersey,	Portsmouth, N. H.
Thomas Dulton,	1,200	England,	Gosport, Virginia.
Edward W. Duval,	1,700	Maryland,	Washington city.
Caleb Gibbs,	1,450	Rhode Island,	Charlestown, Mass.
Robert Kennedy,	850	Pennsylvania,	Philadelphia.
NAVAL CONSTRUCTOR.			
William Doughty,	2,300	Do.	Washington city.
MECHANICS.			
Thomas Murray,	-	Maryland,	Do.
Benjamin Moore, clerk,	-	Massachusetts,	Do.
George McCauley,	-	Pennsylvania,	Do.
John Floyd,	-	Massachusetts,	New York.
INSPECTOR AND MEASURER OF TIMBER.			
James Carbery,	-	Maryland,	Washington city.

Exhibit showing the names, force, and condition of all the ships and vessels of the navy of the United States, and also when and where built.

Names.	Force.	Condition.	When built.	Where built.
Alert,	No armament,	In good order pr. tr.,	1804,	In England.
Asp,	No armament,	In good order; rec. ves.	-	United States.
Block ship,	No armament,	Unfinished,	-	Tchifuncta, Louisiana.
Boxer,	16 guns,	In good order,	1815,	Middletown, Conn.
Constitution,	44	Repairing,	1797,	Boston, Massachusetts.
Constellation,	36	In good order,	1797,	Baltimore.
Congress,	36	Equipping for service,	1799,	Portsmouth, N. H.
Chippewa,	74	Unfinished,	-	Sackett's Harbor.
Chippewa,	16	In good order,	1815,	Warren, Rhode Island.
Corporation,	No armament,	Dismantled; in good ord.	1813,	Philadelphia.
Confiance,	32 guns,	In good order,	-	Lower Canada.
Cyane,	18	Requiring repairs,	1806,	England.
Detroit,	18	Do.	-	Upper Canada.
Despatch,	2	In good order,	-	United States.
Erie,	18	Do.	1813,	Baltimore.
Enterprise,	Bomb,	Requiring repairs,	1799,	Baltimore.
Etna,	Bomb,	In good order,	-	United States.
Eagle,	12 guns,	Do.	1814,	Vergennes, Vermont.
Franklin,	74	Partly equipped,	1815,	Philadelphia.
Fulton 1st,	-	In good order,	1814,	New York.
Firebrand,	6	Do.	-	United States.
Fox,	4	Requiring repairs,	-	United States.
Guerriere,	44	In good order,	1814,	Philadelphia.
General Pike,	24	Dismantled,	1813,	Sackett's Harbor.
Ghent,	1	In good order,	1815,	Erie, Pennsylvania.

NAVY DEPARTMENT—Continued.

Names.	Force.	Condition.	When built.	Where built.
Hornet,	18 guns,	Requiring repairs,	1805,	Baltimore.
Hornet,	5	In good order,	-	United States.
Independence,	74	Do.	1814,	Charlestown, Mass.
Java,	44	Do.	1814,	Baltimore.
John Adams,	No armament,	Requiring rep.; trans.,	1799,	Charleston, S. C.
Jefferson,	18 guns,	Dismantled,	1814,	Sackett's Harbor.
Jones,	18	In good order,	1814,	Sackett's Harbor.
Louisiana,	No armament,	Much decayed,	-	New York.
Lawrence,	20	Dismantled,	1813,	Erie, Pennsylvania.
Linnet,	16	In good order,	-	Lower Canada.
Lynx,	5	Do.	1814,	Washington, D. C.
Lady of the Lake,	1	Do.	1813,	Sackett's Harbor.
Macedonian,	36	Requiring repairs,	1810,	England.
Mohawk,	32	Dismantled,	1814,	Sackett's Harbor.
Madison,	18	Do.	1813,	Sackett's Harbor.
New Orleans,	74	Unfinished,	-	Sackett's Harbor.
Niagara,	18	Requiring repairs,	1813,	Erie, Pennsylvania.
Nonsuch,	6	In good order,	-	United States.
Ontario,	18	Do.	1813,	Baltimore.
Oneida,	14	Much decayed,	1809,	Sackett's Harbor.
Peacock,	18	In good order,	1813,	New York.
Prometheus,	12	Do.	-	United States.
Porcupine,	1	Do.	1813,	Erie, Pennsylvania.
Queen Charlotte,	14	Dismantled,	-	Upper Canada.
Ranger,	No armament,	Much decayed,	-	Baltimore.
Raven,	No armament,	In tolerable order,	-	United States.
Superior,	44 guns,	Dismantled,	1814,	Sackett's Harbor.
Saratoga,	22	In good order,	1814,	Vergennes, Vermont.
Sylph,	16	Dismantled,	1813,	Sackett's Harbor.
Saranac,	16	In good order,	1815,	Middletown, Conn.
Spark,	12	Do.	-	United States.
Spitfire,	Bomb,	Unfit for service,	-	Connecticut.
Surprise,	6 guns,	In good order,	-	United States.
Tom Bowline,	12	Do.	-	United States.
Ticonderoga,	14	Do.	1814,	Vergennes, Vermont.
Tickler,	Small arms,	Do.	-	United States.
Torpedo,	No armament,	Do.	1815,	New York.
United States,	44 guns,	Do.	1797,	Philadelphia.
Vesuvius,	Bomb,	Condemned,	-	Newburyport, Mass.
Vengeance,	Bomb,	Unfit for service,	-	Connecticut.
Washington,	74 guns,	In good order,	1814,	Portsmouth, N. H.
GUN-BOATS, BARGES, &c.				
At Sackett's Harbor.				
Fifteen barges,	No armament,	In good order,	1814,	Sackett's Harbor.
At Whitehall.				
Six galleys,	2 guns each,	In tolerable order,	1814,	Vergennes, Vermont.
At Boston.				
One anchor hoy,	-	Do.	-	Charlestown, Mass.
At Newport.				
Gun-boat No. 95,	-	Do.	1814,	New York.
At New York.				
Gun-boat No. 8,	-	Requiring repairs,	1804,	Boston, Mass.
At Baltimore.				
Fourteen barges,	-	In good order,	1814,	Maryland.
At Norfolk.				
Gun-boat No. 72,	-	Do.	1808,	Washington, D. C.
Gun-boat No. 76,	-	Do.	1808,	Washington, D. C.
At Charleston, South Carolina.				
Gun-boat No. 9,	-	In tolerable order,	1805,	Charleston, S. C.
Gun-boat No. 10,	-	Requiring repairs,	1804,	Washington, D. C.
Gun-boat No. 158,	-	Repairing,	1808,	Charleston, S. C.
Gun-boat No. 168,	-	In good order,	1808,	Smithville, N. C.
At New Orleans.				
Gun-boat No. 149,	-	Dismantled,	1808,	Norfolk, Virginia.
Gun-boat No. 154,	-	Do.	1808,	Norfolk, Virginia.
Gun-boat No. 155,	-	Do.	1808,	Norfolk, Virginia.
Bulldog, (felucca,)	2 guns,	In good order,	-	United States.
Two barges,	-	Do.	1815,	New Orleans.
Two launches,	-	Do.	-	New Orleans.

POST OFFICE DEPARTMENT.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Achor, Ohio,	Jacob Young,	Pennsylvania.	
Adams, North Carolina,	John Adams,	North Carolina,	$3 80
Agawam, Massachusetts,	John Norman,	Connecticut,	2 79
Albany, Maine,	Asa Cummings,	Massachusetts,	1 12
Allen, Kentucky,	Daniel M. Jones.		
Amenia Union Society, New York,	Thomas Hitchcock,	Connecticut,	14 86
Amwell, New Jersey,	John Lambert,	-	16 74
Andalusia, Pennsylvania,	Thomas H. Morgan,	England.	
Anderson's Store, North Carolina,	Quinton Anderson,	North Carolina,	9 09
Andersonville, South Carolina,	James Harrison,	South Carolina.	
Ann Boor, Tennessee,	Albert Russell.		
Antwerp, or Oxbow, New York,	Silvius Hoard,	Massachusetts,	15 64
Aaronsburg, Pennsylvania,	James Duncan,	Ireland,	70 64
Abbeville, Court-house, South Carolina,	Moses Taggart,	Do.	87 72
Abbottstown, Pennsylvania,	Samuel Fahnestock,	Pennsylvania,	11 93
Abingdon, Virginia,	John McClellan,	Do.	348 39
Abington, Massachusetts,	Elihu Hobart,	Massachusetts,	20 69
Abington, Pennsylvania,	John Miller,	Connecticut,	3 60
Absecombe, New Jersey,	Joseph Sharp,	-	10 64
Accomack Court-house, Virginia,	William Kendall,	Virginia,	106 87
Ackworth, New Hampshire,	Samuel Slader,	Connecticut,	13 19
Acquasco, Maryland,	James Kemp,	Virginia,	12 77
Adair Court-house, Kentucky,	John Field,	Do.	68 36
Adams, New York,	Lyman Munson,	Vermont,	70 28
Adams, Massachusetts,	William P. Briggs,	Massachusetts,	14 79
Addison, Vermont,	Gideon Seeger, jun.	Vermont,	10 90
Adelphi, Ohio,	George Will, sen.	Prussia,	24 16
Albany, New York,	Solomon Southwick,	Rhode Island,	2,000 00
Albright's, North Carolina,	Daniel Albright,	North Carolina,	12 84
Aldie, Virginia,	Tim. Carrington,	Virginia,	32 33
Alexander's, South Carolina,	Obadiah Alexander,	Maryland,	7 49
Alexandria, Pennsylvania,	John Scott,	Pennsylvania,	64 28
Alexandria, Columbia,	Josiah Watson,	Ireland,	1,653 33
Alexandria, Louisiana,	Isaac Parkins, jun.	Virginia,	116 66
Alexandriana, North Carolina,	J. McAlexander,	North Carolina,	6 77
Alford's Store, Georgia,	Colin Alford,	Do.	12 88
Alfordsville, North Carolina,	Warren Alford,	-	1 56
Alfred, Maine,	Jeremiah Goodwin,	Massachusetts,	15 95
Allemance, North Carolina,	James Dick,	-	13 34
Allen's Ferry, Indiana,	John Allen,	New Jersey,	7 99
Allen's Fresh, Maryland,	Walter Latimer,	Maryland,	43 76
Allentown, New Jersey,	James B. Sandford,	Ireland,	53 40
Allentown, Pennsylvania,	Charles L. Hutter,	Pennsylvania,	91 90
Allentown, North Carolina,	John McAulay,	North Carolina,	15 66
Allison's Store, Georgia,	John Hundley,	-	14 56
Alna, Maine,	Josiah Stebbins,	Massachusetts,	10 87
Alstead, New Hampshire,	Enoch Darling,	-	14 26
Amboy, New Jersey,	Robert Arnold,	New Jersey,	61 44
Amelia Court-house, Virginia,	William T. Egleston,	-	34 72
Amenia, New York,	Abiah Palmer,	-	24 22
Amherst, New Hampshire,	Aaron Whitney,	Massachusetts,	109 02
Amherst, Massachusetts,	Rufus Kellogg,	Do.	37 26
Amherst Court-house, Virginia,	Jesse Kennedy,	Virginia,	35 93
Amissville, Virginia,	Thomas Amiss,	Do.	10 55
Amity, Pennsylvania,	Ezekiel Clark,	New Jersey,	18 73
Amsterdam, New York,	James Downs,	New York,	75 05
Andover, New Hampshire,	Ebenezer Chase,	N. Hampshire,	12 40
Andover, Massachusetts,	Isaac Abbott,	Massachusetts,	107 82
Andover, Connecticut,	Simon House,	Connecticut,	18 95
Angelica, New York,	Alex. D'Autremont,	France,	63 33
Annapolis, Maryland,	John Monroe,	Maryland,	516 09
Annsville, Virginia,	William P. Pryor,	-	14 69
Anson, Maine,	James Collins,	N. Hampshire,	24 77
Antrim, New Hampshire,	James Campbell,	-	9 96
Anville, Pennsylvania,	Daniel Henning,	Pennsylvania,	20 37
Aquackanonck, New Jersey,	Peter Jackson,	New York,	8 52
Aquia, Virginia,	Withers Waller,	Virginia,	99 31
Argyle, New York,	Joseph Rouse,	-	35 28
Arkport, New York,	Christ. Hurlbut,	Connecticut,	6 56
Arlington, Vermont,	Martin C. Denning,	Vermont,	44 72
Armagh, Pennsylvania,	James Elliot,	Ireland,	25 40
Arnold's Old Place, Virginia,	Thomas W. Barber,	Virginia,	2 83
Asbury, New Jersey,	Johnson Dunham,	Massachusetts,	10 13
Ashburnham, Massachusetts,	Joseph Jewett,	Do.	10 86
Ashby, Massachusetts,	Alex. T. Willard,	Do.	
Ashborough, or Randolph Court-house, North Carolina,	Thomas Harvey,	North Carolina,	40 75
Ashfield, Massachusetts,	Levi Cook,	Massachusetts,	20 84
Attlebury, New York,	Jacob Hermance,	New York,	15 28
Attica, New York,	Caius B. Rich,	Do.	20 15
Avoyelles Parish, Louisiana,	Robert Morrow,	Ireland.	
Austin, Ohio,	Theophilus Cotton,	Massachusetts,	1 05
Ashford, Connecticut,	David Bolles,	Connecticut,	41 70
Ashtabula, Ohio,	Gideon Leet,	Do.	22 90
Ashville, North Carolina,	George Swain,	Massachusetts,	469 72

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Assonet, Massachusetts,	Robert Strobridge,	Massachusetts,	$28 84
Assumption, Louisiana,	Augustus Peytivan,	-	6 44
Asylum, Pennsylvania,	Stephen Charlotte,	New Jersey.	2 06
Athens, New York,	Castle Seely,	Vermont,	76 35
Athens, Ohio,	Eliphaz Perkins,	Connecticut,	130 41
Athens, Pennsylvania,	David Paine,	Massachusetts,	135 58
Athens, Georgia,	James D. Cole,	Virginia,	67 57
Athol, Massachusetts,	Joseph Proctor,	-	21 78
Atkinson, New Hampshire,	James Dow,	N. Hampshire,	9 16
Attleborough, Massachusetts,	Israel Hatch,	Massachusetts,	51 00
Attleborough, Pennsylvania,	Phineas Paxton,	Pennsylvania,	8 81
Averysville, Georgia,	R. H. Meriwether,	Georgia,	10 85
Averysborough, North Carolina,	James P. Wilson,	North Carolina,	22 99
Avon, New York,	A. S. Hosmer,	Connecticut,	76 98
Augusta, Maine,	Robert C. Vose,	Massachusetts,	174 32
Augusta, New York,	Samuel Chandler,	Connecticut,	29 25
Augusta, New Jersey,	John Gustin,	New York,	10 96
Augusta, Georgia,	James Fraser,	Do.	1,687 81
Augusta, Kentucky,	Wm. Tomlinson,	Maryland,	70 13
Aurelius, New York,	George B. Throop,	New York,	328 79
Aurora, New York,	Eleazer Burnham,	Vermont,	104 37
Aurora, Ohio,	Samuel Forward,	Connecticut,	15 38
Austinburg, Ohio,	Eliphalet Austin,	Do.	15 35
Austinville, Virginia,	Adam Sanders,	Virginia,	13 99
Aylett's, Virginia,	Benjamin Pollard,	Do.	24 19
Bacon Castle, Virginia,	J. Hunnicutt, jun.	-	17 62
Bainbridge, Ohio,	Elisha Kelly,	Connecticut,	38 89
Baird's Forge, North Carolina,	Matthew Baird,	North Carolina,	4 76
Baird's Tavern, Virginia,	John Raine,	Virginia.	
Bairdstown, Kentucky,	Peter W. Grayson,	Kentucky,	254 37
Bakersfield, Vermont,	Asa Dean,	-	8 54
Baldwin, Maine,	Richard Fitch,	Massachusetts,	3 13
Balize, Louisiana,	William Allen.		
Ballston, New York,	Joseph Taylor,	New York,	64 64
Ballston Springs, New York,	Joel Lee,	Connecticut,	207 54
Ballsville, Virginia,	Isham Ball,	-	13 05
Baltimore, Maryland,	John S. Skinner,	Maryland,	2,000 00
Bangor, Maine,	W. D. Williamson,	Connecticut,	132 44
Bangor, New York,	Henry Blanchard,	-	3 87
Barbary, North Carolina,	Elias Barber,	-	1 58
Barber's, Virginia,	John W. Barber.		
Barboursville, Virginia,	M. C. Darnall,	Virginia,	17 27
Barbourville, Kentucky,	W. N. Woodson,	-	43 63
Barefield's or Newsom's, South Carolina,	John Newsom,	North Carolina,	6 40
Barkhampstead, Connecticut,	Judah Roberts,	Connecticut,	10 89
Bargaintown, New Jersey,	Daniel Edwards,	New Jersey,	16 50
Barnard, Vermont,	Solomon Aikens,	-	16 96
Barnardston, Massachusetts,	Gideon Ryther,	Massachusetts,	20 01
Barnesville, Ohio,	William Philpot,	Ireland,	36 97
Barnet, Vermont,	David Goodwillie,	Scotland,	15 92
Barnstable, Massachusetts,	Richard Bourne,	Massachusetts,	95 74
Barn Tavern, Virginia,	Richard H. Simonds,	Virginia,	6 82
Barnwell Court-house, South Carolina,	Joseph Eastland,	South Carolina,	38 11
Barre, Vermont,	John Baker,	Massachusetts,	27 96
Barre, Massachusetts,	Elijah Caldwell.		
Barrington, New Hampshire,	Samuel Cutts.		
Barrington, Rhode Island,	Josiah Kinnicutt,	Rhode Island,	8 16
Bartlett, New Hampshire,	Obed Hall, 2d,	N. Hampshire,	4 34
Barton, Vermont,	Asa Kimball,	Rhode Island,	8 19
Baskenridge, New Jersey,	John Hill,	New Jersey,	41 13
Bason Harbor, Vermont,	Jacob Rogers.		
Batavia or Genesee Court-house, New York,	Trumbull Carey,	Connecticut,	292 02
Bachelor's Retreat, South Carolina,	John Lee,	England,	17 63
Bath, Maine,	David Stinson,	Maine,	327 65
Bath, New Hampshire,	Ira Goodall,	Vermont,	55 90
Bath, New York,	Daniel Cruger,	-	95 18
Bath Court-house or Warm Springs, Virginia,	John Mayse,	Virginia,	71 12
Bath, North Carolina,	James R. Hoyle,	Rhode Island,	2 61
Baton Rouge, Louisiana,	Ezekiel Alexander,	Georgia,	167 59
Battletown, Virginia,	Daniel Annin,	New Jersey,	109 16
Beach Grove, Pennsylvania,	Nathan Beach,	-	9 25
Bean's Station, Tennessee,	Ethelred Williams,	North Carolina,	22 20
Beard's Mill, North Carolina,	J. S. Travise,	-	2 12
Bear Gap, Pennsylvania,	Henry Fisher,	-	9 50
Beattiesford, North Carolina,	Henry Conner,	-	24 33
Beavertown, Pennsylvania,	James Alexander,	Ireland,	94 78
Beauford, North Carolina,	Bridges Arendell,	North Carolina,	82 74
Beaufort, South Carolina,	James Clark,	Pennsylvania,	217 26
Becket, Massachusetts,	Asa Baird,	Massachusetts,	12 89
Beckamsville, South Carolina,	Samuel Johnston, jun.	-	15 50
Bedford, New York,	Aaron Reed,	Connecticut,	24 59
Bedford, Pennsylvania,	John Schell, jun.	Pennsylvania,	220 02
Belair, Maryland,	John Reardon, jun.	-	58 91
Belchertown, Massachusetts,	Henry Mellen,	Massachusetts,	34 14

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Belfast, Maine,	Benjamin Whittier,	Maine,	$123 46
Belfast, South Carolina,	William W. Simpson,	-	34 60
Belford or Sill's Store, North Carolina,	David Sills,	Virginia,	12 47
Belair, South Carolina,	John Hutchinson,	Ireland,	2 25
Bellefonte, Pennsylvania,	Robert T. Stewart,	Pennsylvania,	125 39
Belleville, New Jersey,	Jeremiah T. Brower,	New York,	32 76
Belleville, Pennsylvania,	John Read,	-	10 97
Bellows Falls, Vermont,	Jabez Hills,	-	33 78
Belpre, Ohio,	William Browning,	Massachusetts,	25 19
Belvidere, New Jersey,	John Kinney, jun.	-	34 02
Benedict, Maryland,	Samuel Gott,	-	18 35
Bengal, New York,	William Smith,	Connecticut,	4 08
Bennington, Vermont,	William Haswell,	Vermont,	271 40
Bensborough, North Carolina,	Bennet Bunn,	North Carolina,	15 71
Benson, Vermont,	John Kellogg,	Massachusetts,	27 17
Bent Creek, Virginia,	Richard Clarke,	-	23 36
Berkley Springs, Virginia,	John Sherrard,	Virginia,	45 92
Berkshire, Vermont,	Josiah Wheeler,	N. Hampshire,	10 45
Berkshire, or Westville, New York,	Joseph Waldo, 2d,	Connecticut,	25 28
Berkshire, Ohio,	Nijah Royce,	Massachusetts,	25 20
Berlin, Connecticut,	Samuel Porter, 2d,	Connecticut,	87 53
Berlin, Adams, Pennsylvania,	Christian Picking,	Pennsylvania,	27 39
Berlin, Somerset, Pennsylvania,	John Fletcher,	Ireland,	13 25
Berlinsville, Pennsylvania,	Jacob Stern,	-	6 42
Berry's Lick, Kentucky,	Richard B. Dallam,	-	7 85
Berwick, Pennsylvania,	John Snyder,	Pennsylvania,	31 17
Bethania, North Carolina,	Christian Lash,	North Carolina,	20 25
Bethany, Pennsylvania,	Solomon Moore,	Vermont,	26 22
Bethlehem, New York,	Henry L. Mead,	New York,	4 17
Bethlehem, Pennsylvania,	Joseph Rice,	-	165 00
Bethlehem, Connecticut,	Samuel Church, jun.	Connecticut,	20 11
Bethlehem Cross Roads, Virginia,	Spratley Williams,	Virginia,	6 32
Bettsburg, New York,	Peter Betts,	Connecticut,	13 73
Beverly, Massachusetts,	John Burley,	N. Hampshire,	123 62
Beverly, or Randolph Court-house, Virginia,	Ezekiel S. Paxson,	New Jersey,	23 41
Bickley's Store, South Carolina,	Joseph Bickley,	Virginia,	14 25
Big Flats, New York,	Robert Miller,	Pennsylvania,	6 04
Big Lick, Virginia,	John Muse,	-	21 99
Big Springs, Maryland,	James Kirkpatrick,	Do.	18 50
Billerica, Massachusetts,	Jonathan Bowers,	-	23 92
Birdsville, Georgia,	Samuel Bird,	Connecticut,	19 52
Blackburn's Springs, Tennessee,	Benjamin Blackburn.		
Birdstown, Mississippi Territory,	Joseph Seawell.		
Black Heath, Illinois Territory,	William Alexander,	Pennsylvania,	3 72
Black Horse, New Jersey,	John Aaronson,	-	8 64
Black Horse Tavern, Pennsylvania,	Wallace Boyd,	Do.	
Black Lick, Pennsylvania,	Andrew Brown,	-	11 93
Blacks and Whites, Virginia,	John S. Morgan,	Virginia.	11 25
Blackstocks, South Carolina,	William McDonald,	-	14 24
Black Swamp, South Carolina,	William H. Lawton.		
Bladensburg, Maryland,	William Ross,	Ireland,	112 11
Blandford, Massachusetts,	Amos M. Collins,	Connecticut,	22 94
Bledsoe Court-house, Tennessee,	Samuel Terry,	Virginia,	25 55
Blenheim, New York,	Nathan P. Tyler,	Connecticut,	9 68
Bloody Run, Pennsylvania,	John Reiley,	-	31 90
Brookville, Maryland,	Caleb Bentley,	Pennsylvania,	54 49
Broome, New York,	Elijah Hawley,	Connecticut,	15 55
Brownfield, Maine,	Joseph Howard,	Massachusetts,	88
Blooming Grove, New York,	Samuel Moffat,	New York,	10 53
Bloomingsburg, New York,	James Lockwood,	Connecticut,	38 68
Bloomsburg, Pennsylvania,	John Park,	-	43 41
Bloomsburg, Virginia,	Samuel Watkins,	Virginia,	11 18
Blountsville, or Sullivan Court-house, Tennessee,	James Rhea,	Maryland,	119 96
Blue Hill, Maine,	Andrew Witham,	Massachusetts,	13 04
Boardman, Ohio,	Samuel Swan,	Connecticut,	10 31
Boat Run, Ohio,	Ebenezer Newton,	-	7 79
Boat Yard, or Rossville, Tennessee,	John Lynn,	Ireland,	60 81
Bolton, Vermont,	James Whitcomb,	-	4 44
Bolton, Massachusetts,	Amos Parker,	Massachusetts,	20 45
Bolton, Connecticut,	Saul Alvord,	Do.	11 73
Boone Court-house, Kentucky,	Willis Graves,	Virginia.	
Boonville, New York,	Peter Schuyler,	New Jersey,	8 93
Boonsborough, Maryland,	Henry Locker, jun.	-	42 46
Boon's Station, Kentucky,	Henry Moore.		
Boothbay, Maine,	Edmund Wilson,	Maine,	13 79
Bordentown, New Jersey,	Thomas Laurence,	-	25 98
Boscawen, New Hampshire,	Timothy Dix,	Massachusetts,	19 30
Boston, Massachusetts,	Aaron Hill,	Do.	2,000 00
Bottle Hill, New Jersey,	Abraham Brittin,	-	17 18
Boundbrook, New Jersey,	John H. Vorhees,	New Jersey,	28 93
Bowdoinham, Maine,	Syms Gardner,	N. Hampshire,	44 30
Bowler's, Virginia,	William Smith,	-	6 57
Bowling Green, Virginia,	Wilson Allen,	Virginia,	70 76
Bowling Green, Kentucky,	Samuel Campbell,	Pennsylvania,	142 36

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Boyd's, South Carolina,	Archibald Boyd,	-	$3 23
Boyle, New York,	Samuel Felt,	Connecticut,	63 30
Boxford, Massachusetts,	Parker Spafford,	-	6 95
Bradford, Vermont,	David Hartwell,	-	25 62
Bradford, Massachusetts,	William Greenough, jun.	Massachusetts,	12 37
Bradford, New Hampshire,	Daniel Moore,	N. Hampshire,	7 78
Bradleysville, Connecticut,	H. Wadsworth,	-	4 32
Brainard's Bridge, New York,	Samuel Morton,	New York,	39 10
Braintrem, Pennsylvania,	Daniel Sterling,	-	11 42
Brandon, Vermont,	John Conant,	Massachusetts,	22 22
Branford, Connecticut,	Jonathan Barker,	Connecticut,	43 82
Brattleborough, Vermont,	Asa Green,	Massachusetts,	586 84
Brewer, Maine,	John Brewer,	Do.	15 74
Brewer, Massachusetts,	Joseph Sampson,	Do.	34 02
Briceland's Cross Roads, Pennsylvania,	James Briceland,	Pennsylvania,	34 08
Brick Church, Virginia,	D. P. Courtney,	Virginia,	9 45
Brick Meeting-house, Maryland,	Israel White.	Maryland,	19 03
Bridge Branch, or Bridgeville, Delaware,	William Hudson,	Delaware.	
Bridgehampton, New York,	Samuel H. Rose,	New York,	27 22
Bridgeport, Connecticut,	Jesse Sterling,	Connecticut,	171 74
Bridgeton, Maine,	Samuel Andrews,	Massachusetts,	20 59
Bainbridge, New York,	James Houtching,	-	23 96
Baldwinsville, New York,	Jonas C. Baldwin,	Do.	7 76
Barnet's Tavern, Virginia,	Samuel Gordon.		
Barron's, Virginia,	Hendley Barron,	Maryland,	16 12
Barrysville, North Carolina,	Richard Barry.		
Bath, Pennsylvania,	Jacob Vogle,	-	4 46
Bean's Creek, Tennessee,	Jacob Van Zandt,	North Carolina,	1 40
Beavertown, Pennsylvania,	John C. Weiser,	Pennsylvania,	1 06
Beckmansville, New York,	John Beckman.		
Bedford, New Hampshire,	James Parker,	Massachusetts,	6 10
Beeler's Ferry, Pennsylvania,	Francis Beeler,	Germany,	1 29
Belleville, Illinois Territory,	James R. Eastes,	Virginia.	
Belleville, Virginia,	Samuel Weld,	Connecticut,	2 08
Benjaminville, New York,	Cyrus Benjamin,	Massachusetts,	76
Bentleysville, Virginia,	Miles Hall,	Virginia,	3 90
Benton, New York,	Martin Gage.	New York.	
Bergen, New York,	William H. Ward,	Connecticut,	45 48
Berkshire Valley, New Jersey,	William F. Kerr,	New Jersey.	
Berne, New York,	Henry Brown,	Connecticut.	
Bethel, Maine,	Moses Mason, jun.	N. Hampshire,	6 81
Bethel, New York,	William Brown,	Ireland,	10 34
Bethel, Ohio,	Moses Warden,	Virginia,	3 31
Bethlehem, Indiana Territory,	W. G. Armstrong,	Ohio.	
Big Bay Settlement, Ohio,	James Whiteside.		
Big Meadows, Virginia,	Edward Sims,	Virginia,	1 79
Big Muddy Creek, Illinois Territory,	Cem. Davis,	South Carolina.	
Black Walnut, Virginia,	James Adkisson,	Virginia.	
Blairsville, South Carolina,	John Blair,	Ireland.	
Bloom, Pennsylvania,	Thomas Miller.		
Bloomfield, Maine,	Joseph Locke,	Massachusetts,	24 79
Bloomfield, Ohio,	Ephraim Brown,	N. Hampshire.	
Bloomingsville, Ohio,	Abner Young,	Massachusetts.	
Bluff Springs, M. Territory,	Armstrong Ellis,	Ireland.	
Bold Fountain, Virginia,	James Snead.		
Booneton, New Jersey,	Richard B. Faesch,	New Jersey.	
Boyd's Creek, Tennessee,	Andrew Cowan.		
Braden's Store, Virginia,	Robert Braden.		
Bradley Hall, Virginia,	Samuel G. Hancock,	Virginia,	17 88
Bradleysville, South Carolina,	Robert Muldrow,	South Carolina,	13 29
Breakabeen, New York,	Lewis I. Patchin,	New York,	2 52
Brentwood, New Hampshire,	Ephr. Robinson,	N. Hampshire.	
Brick House, New Jersey,	Samuel Hall.	-	1 02
Bridgeport, Virginia,	Peter Link,	Maryland,	9 03
Bridgewater, New Hampshire,	Moses H. Bradley.		
Brinkleysville, North Carolina,	Jephtha Prichett.		
Bristol, New York,	Joel M. Parks,	Massachusetts.	
Britton's Store, North Carolina.	John Murdaugh,	North Carolina.	
Brookhill, Tennessee,	William Trigg,	Virginia.	
Brownsville, South Carolina,	James R. Ervin,	South Carolina.	
Brutus, New York,	Rufus Sheldon,	Connecticut.	
Buckhorn Falls, North Carolina,	George Luther.		
Buskirk's Bridge, New York,	Solomon Smith,	New York,	9 93
Bula, Pennsylvania,	Francis Wilson,	Pennsylvania,	1 98
Brownstown, Indiana,	John Mehoy.		
Bachelor's Hall, Pennsylvania,	Amos B. Hollabud.		
Bridgetown, New Jersey,	Curtis Ogden,	New Jersey,	100 37
Bridgewater, Massachusetts,	John M. Goodwin,	Massachusetts,	29 19
Bridgewater, New York,	Willard Crafts,	Connecticut,	23 96
Bridgewater, Pennsylvania,	Isaac Post,	New York,	41 35
Bridport, Vermont,	Rufus Harris,	Massachusetts,	32 00
Brimfield, Massachusetts,	Stephen Pynchon,	Do.	29 28
Bristol, Maine,	Aaron Blaney,	Do.	45 61
Bristol, Vermont,	Josiah Otis,	Connecticut,	10 88

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Bristol, Rhode Island,	David A. Leonard,	Massachusetts,	$268 61
Bristol, Connecticut,	Lot Newell,	Connecticut,	36 38
Bristol, Pennsylvania,	John Priestley,	Pennsylvania,	265 72
Broadalbin, New York,	Doddridge Smith,	New York,	35 11
Broad Creek, Maryland,	Isaac Parker,	-	8 82
Broadfield, Virginia,	John Redmon,	-	43 08
Brook Court-house, Virginia,	William McCluney,	Ireland,	85 03
Brookfield, Massachusetts,	Cheney Reid,	Massachusetts,	67 31
Brookfield, Connecticut,	Robert B. Ruggles,	-	18 01
Brookfield, Madison, New York,	Henry Clarke, jun.	Rhode Island,	17 36
Brookfield, Essex, New York,	William Rolfe,	-	5 34
Brookfield, Ohio,	Isaac Flower,	-	5 19
Brookhaven, New York,	Benjamin Hutchinson,	New York,	12 27
Brooklyn, Connecticut,	Adams White, jun.	Connecticut,	32 77
Brooklyn, New York,	Joel Bunce,	New York,	63 59
Brownington, Vermont,	Jasper Robinson,	Connecticut,	10 24
Brownsburg, Virginia,	Andrew Finley,	Pennsylvania,	48 41
Brown's Mill, Pennsylvania,	William Brown, jun.	Do.	13 99
Brown's Store, Virginia,	Ber'd G. Hendrick,	-	15 00
Brown's Store, North Carolina,	John H. Brown,	-	18 02
Brown's Turnpike, Virginia,	Thomas H. Brown,	Virginia,	8 00
Brownsville, Pennsylvania,	Jacob Bowman,	Maryland,	221 52
Brownsville, New York,	George Brown,	Pennsylvania,	104 57
Brunswick, Maine,	Jotham Stone,	Massachusetts,	147 61
Brunswick, Georgia,	Thomas Winn,	Georgia,	52 49
Bryan Court-house, Georgia,	Joseph Stillwell.		
Bryant's Cross Roads, North Carolina,	Henry Abbington,	North Carolina,	25 67
Brydie's Store, Virginia,	Charles Brydie,	Scotland,	14 54
Buckfield, Maine,	Benjamin Spalding,	Massachusetts,	9 80
Buchannon, Virginia,	Edward H. Jackson,	-	9 09
Buckingham, Pennsylvania,	Elisha Wilkinson.		
Buckingham Court-house, Virginia,	Robert Shaw,	Virginia,	63 92
Buckland, Virginia,	William Brooks,	Pennsylvania,	19 93
Buckstown, Maine,	Henry Little,	N. Hampshire,	68 72
Buffalo, New York,	Erastus Granger,	Connecticut,	505 55
Buffalo, Virginia,	L. A. Washington,	Virginia,	13 05
Buford's Bridge, South Carolina,	Matthew Moye.		
Bulletsburg, Kentucky,	John Huser.		
Burgettstown, Pennsylvania,	David Wilkin,	Pennsylvania,	65 43
Burke, Vermont,	Asahel Burrington,	Connecticut,	5 24
Burkesville, Kentucky,	Milton King,	Kentucky.	
Burlington, Vermont,	Elijah D. Harman,	-	474 53
Burlington, Massachusetts,	John Walker,	Massachusetts,	9 44
Burlington, Connecticut,	Wait Lowrey,	-	18 27
Burlington, New York,	Artemas Sheldon.	-	37 47
Burlington, New Jersey,	Stephen C. Ustick,	New York.	
Burton, Ohio,	Peter B. Beall,	Massachusetts,	20 14
Burtonsville, Virginia,	Benjamin Burton,	Virginia.	
Butler, Pennsylvania,	William Gibson,	-	82 92
Butler, Kentucky,	John B. Howard,	Kentucky,	10 65
Butternuts, New York,	Benajah Davis,	Connecticut,	72 07
Buxton, Maine,	Samuel Cutts,	-	20 47
Cabell Court-house, Virginia,	Benjamin Maxey,	Virginia,	19 60
Cabin Point, Virginia,	Walter Spratley,	Do.	46 36
Cabot, Vermont,	Nicheson Warner,	-	5 41
Cadiz, Ohio,	Joseph Harris.		
Cahokia, Indiana,	John Hays,	New York,	12 00
Ca Ira, Virginia,	Henry Rives,	-	27 30
Cairo, or Canton, New York,	Daniel Sayre,	Do.	28 53
Cairo, or Cragfont, Tennessee,	John Brown,	Virginia,	76 56
Calais, or Schoodic Falls, Maine,	Stephen Brewer,	Massachusetts,	27 03
Caledonia, New York,	Donald McDonald,	Halifax,	65 54
Callaghan's, Virginia,	John Callaghan,	-	8 51
Calland's Store, Virginia,	Bowker Calland,	Virginia,	4 66
Cambray, or Gouverneur, New York,	Richard Townsend,	New York,	10 40
Cambridge, Vermont,	Isaac Warner, jun.	Massachusetts,	15 32
Cambridge, Massachusetts,	Joseph S. Read,	Do.	220 42
Cambridge, New York,	Paul Dennis,	Do.	110 17
Cambridge, Maryland,	James Chaplain,	Maryland,	138 11
Cambridge, South Carolina,	John McKellar,	Scotland,	98 57
Cambridge, Ohio,	Cyrus P. Beatty,	Maryland,	63 06
Campville, South Carolina,	James Camp,	-	1 53
Canaan, Maine,	Isaac Adams,	Massachusetts,	13 48
Canaan, New York,	Caleb M. Fitch.		
Canasauga, New York,	David Beecher,	Connecticut.	
Candia, New Hampshire,	Moses Titts,	N. Hampshire,	84
Candor, New York,	Abel Hart,	Connecticut,	1 98
Caneadea, New York,	Levi Benjamin,	Massachusetts.	
Canterbury, New York,	Nathaniel Barton,	New York,	9 47
Capitina Creek, Ohio,	Jonah Dillon,	Virginia.	
Carmel, New York,	Walker Todd,	Connecticut,	5 03
Carter's Store, Virginia,	Samuel Carter,	Virginia.	
Carthage, New York,	Chester Hoadley,	Massachusetts.	
Cassell's Store, Virginia,	John St. Clair.		

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Castleton, New York,	James Guyon,	New York.	
Cat's Creek Mills, Ohio,	Daniel W. Wheelock.		
Cavesville, Virginia,	Robert Cave,	Virginia.	
Centreville, Ohio,	John Archer,	New Jersey,	$82 45
Chambers's Store, Illinois Territory,	Samuel Chambers.		
Chanceford, Pennsylvania,	Richard Porter,	Pennsylvania,	17 35
Chardon, Ohio,	Edward Paine, jun.	Connecticut,	3 16
Charlestown, Massachusetts,	John Kettell,	Massachusetts.	
Camden, Maine,	Benjamin Cushing,	Do.	73 97
Camden, Delaware,	Henry McClyment,	Delaware,	87 50
Camden, South Carolina,	Isaac Smith,	Virginia,	272 90
Camillus, New York,	David Munro,	Massachusetts,	32 58
Campbell Court-house, Virginia,	Nathaniel Venable,	Virginia.	
Campbell's Grove, North Carolina,	Arch. A. Campbell,	North Carolina,	5 81
Campbell's Mills, South Carolina,	James Cobb,	Virginia,	14 10
Campbell's Station, Tennessee,	David Campbell,	Do.	24 75
Campbelltown, New York,	Robert Campbell,	Connecticut,	5 29
Canaan, New Hampshire,	James Arvin,	New Hampshire,	13 10
Canaan, Vermont,	Benjamin F. Ingham,	Vermont,	2 34
Canaan, Connecticut,	William Douglass,	Connecticut,	35 47
Canadaway, New York,	John French,	Massachusetts,	7 45
Canajoharie, New York,	Martin Roof,	New York,	73 37
Canandaigua, New York,	John C. Spencer,		455 96
Canfield, Ohio,	Edward Wadsworth,	Connecticut,	33 86
Canisteo, New York,	George Hornell,	New York,	9 85
Canoe Camp, Pennsylvania,	Amos Spencer,	Do.	2 56
Canonsburg, Pennsylvania,	Andrew Munro,	Ireland,	106 12
Canterbury, New Hampshire,	Joseph M. Harper,	Massachusetts,	5 71
Canterbury, Connecticut,	Gad Bulkley,	Connecticut,	31 62
Canterbury, Delaware,	Benedict Anderson,	Delaware,	18 44
Canton, Massachusetts,	Silas Kinsley.		
Canton, or West Simsbury, Connecticut,	Jared Mills, jun.	Connecticut,	25 11
Canton, New York,	Daniel Campbell,	Massachusetts,	20 68
Canton, Ohio,	Samuel Coulter,	Pennsylvania,	93 72
Cantwell's Bridge, Delaware,	John Moody,	Delaware,	73 09
Cape Girardeau, Missouri Territory,	Joseph McFerron,	Ireland,	46 52
Cape May Court-house, New Jersey,	Nathaniel Holmes,	Do.	20 47
Carlin Settlement, Louisiana,	Alfred Thurston,		68 38
Carlisle, New York,	Elijah Huntington,	Connecticut,	11 66
Carlisle, Pennsylvania,	Robert Lamberton,	Pennsylvania,	705 80
Carnesville, or Franklin Court-house, Georgia,	William Terrell,	North Carolina,	45 74
Cartersville, Virginia,	John Daniel,	Do.	82 62
Carthage, Tennessee,	Andrew Allison,		126 88
Carver, Massachusetts,	James Ellis,	Massachusetts,	15 14
Cash Clapp Settlement, Louisiana,	John B. Murray,		5 40
Cassedy's Creek, Kentucky,	James W. Gellaspie.		
Castine, Maine,	Benjamin Hook,		150 25
Castleton, Vermont,	Sam. Moulton,	Vermont,	79 63
Caswell Court-house, North Carolina,	Thomas Graves,	North Carolina,	48 43
Catahoola, Louisiana,	Robert Hall,		49 48
Cattaraugus, New York,	John Mack, jun.	New York,	12 09
Catawissa, Pennsylvania,	John Clark,	Pennsylvania,	24 76
Catherinestown, New York,	George Mills, jun.		
Catlettsburg, Kentucky,	Horatio Catlett,	Maryland,	14 48
Catskill, New York,	Th. O. H. Crosswell,	Connecticut,	202 39
Caughnawaga, New York,	Thomas Edwards,	New York,	28 97
Cavendish, Vermont,	Addison Fletcher,	Vermont,	33 24
Cayuga, New York,	Emmory Willard,	Massachusetts,	94 48
Cazenovia, New York,	J. N. M. Hurd,	Connecticut,	133 77
Cedarville, New Jersey,	Amos Westcott,	New Jersey,	13 80
Centre Furnace, Pennsylvania,	James Johnson,	Pennsylvania,	9 18
Centre Harbor, New Hampshire,	Jonathan S. Moulton,		3 08
Centreville, Maryland,	William H. Blake,	Maryland,	140 98
Centreville, Virginia,	Benedict M. Lane,	Virginia,	55 88
Centreville, South Carolina,	Elias Earle,		12 02
Centreville, Kentucky,	Hiram McDaniel,	North Carolina,	8 90
Chagrin River, Ohio,	John M. Henderson,	Vermont,	9 01
Chalk Level, Virginia,	John Dickinson,	Virginia,	14 60
Chambersburg, Pennsylvania,	John Brown,	Ireland,	1,012 15
Champion, New York,	Alfred Lathrop,	Connecticut,	30 88
Champlain, New York,	Samuel Hicks,	Massachusetts,	33 67
Chapel Hill, North Carolina,	Edward Robson,	England,	102 19
Chaptico, Maryland,	Philip Key,	Maryland,	70 74
Charlemont, Massachusetts,	Samuel Rathbone,	Connecticut,	20 06
Charles City Court-house, Virginia,	Talbott Parrish,		37 82
Chatham Four Corners, New York,	William Thomas,	New York,	21 24
Chenango Forks, New York,	Simeon Rogers,	Connecticut,	1 83
Cherryville, Pennsylvania,	John Appleback,	Pennsylvania.	
Chesapeaketown, Maryland,	Robert H. Archer,	Maryland.	
Chestnut Hill, Pennsylvania,	George Hood,		3 29
Chesterfield, Massachusetts,	Phineas Parsons, jun.		15 27
Clarendon, Vermont,	Caleb Hall,	N. Hampshire.	
Clarksville, Pennsylvania,	David Burson,	Pennsylvania,	10 54
Cobleskill, New York,	Ph. Van Steenburg,	New York.	

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Cochecton, New York,	Pierre A. Barker,	-	$21 37
Cod's Ferry, Illinois Territory,	Peter Wilkerson.		
Coffee's Ferry, Kentucky,	Joel Whiteside,	-	2 64
Colchester, New York,	Abel Downs,	Connecticut,	6 61
Colesville, Maryland,	James Voldinier,	Maryland.	
Columbia, New Hampshire,	Charles Thompson,	Connecticut.	
Columbia, Connecticut,	Stephen T. Hosmer,	Do.	
Columbia, North Carolina,	James Hoskins,	-	22 10
Columbia, Indiana,	John W. Gusson,	South Carolina,	13 75
Conkling's, Ohio,	Freeman Conkling.		
Conrad's Store, Virginia,	George Conrad.		
Conway, Massachusetts,	Christopher Armes,	Massachusetts,	30 87
Cornwall Bridge, Connecticut,	William Lewis,	Connecticut,	8 84
Cortlandt Village, New York,	Oliver Wiswall,	Massachusetts,	14 82
Cortlandt, New York,	Luther Rice.		
Coventry, New York,	Russell Waters,	Connecticut.	
Courtright, Ohio,	Jesse D. Courtright,	Pennsylvania,	3 04
Covington, Kentucky,	Henry M. Buckner,	Virginia.	
Covington, Louisiana,	Jonathan Gilmore.		
Crab Orchard, Kentucky,	Archibald Shanks.		
Crichton's Store, Virginia,	James Crichton,	Scotland,	4 31
Croghan's Gap, Pennsylvania,	John Clarke,	Pennsylvania.	
Cross Roads, South Carolina,	Joseph McCuiston,	North Carolina,	100 00
Crowsville, South Carolina,	Isaac Crow,	South Carolina,	7 11
Cunningham's Store, North Carolina,	John Garner,	Virginia.	
Cutchogue, New York,	Benjamin Case,	New York,	3 99
Cragie's Mills, Massachusetts,	Cyrus Shaw.		
Calais, Vermont,	Gideon Wheelock.		
Campbellsville, Kentucky.			
Charleston, New Hampshire,	Frederick A. Sumner,	N. Hampshire,	84 89
Charleston, New York,	Adam Smith,	Pennsylvania,	29 28
Charleston, Pennsylvania,	Samuel Lane.		
Charleston, Virginia,	Humphrey Keys,	Virginia,	182 99
Charleston, South Carolina,	Thomas W. Bacot,	South Carolina,	2,980 10
Charleston, Indiana,	John Douthill,	Pennsylvania,	59 87
Charleston, Rhode Island,	John C. Hoxey,	-	5 39
Charlotte, New York,	Frederick Bushnell,	Connecticut,	1 32
Charlotte, Vermont,	Hezekiah Barnes,	Massachusetts,	48 29
Charlotte, North Carolina,	Archibald Frew,	North Carolina,	97 01
Charlotte, Tennessee,	Cyprian Farrar,	-	63 66
Charlotte Court-house, Virginia,	John Morton, jun.	Virginia,	132 09
Charlotte Hall, Maryland,	Elkanah Edwards,	Maryland,	29 87
Charlottesville, Virginia,	John Winn, jun.	Virginia,	123 17
Cahrlton, Massachusetts,	William P. Rider,	Massachusetts,	29 13
Charlton, New York,	Samuel Belding,	-	38 56
Chatauque, New York,	James McMahan,	Pennsylvania,	25 69
Chateaugay, New York,	Amasa Fairman,	Massachusetts.	7 44
Chatham, Massachusetts,	Ezra Crowell,	Do.	28 85
Chatham, New York,	Calvin Pardee.		
Chatham, New Jersey,	Elias Day,	New Jersey,	14 85
Chatham, Pennsylvania,	James Monaghan,	Ireland,	25 11
Chatham, South Carolina,	James Coit,	Connecticut,	32 54
Chazy, New York,	Elisha Ransom,	-	33 34
Cheek's Cross Roads, Tennessee,	David Wendel,	Virginia,	49 45
Chelmsford, Massachusetts,	Joel Adams,	Massachusetts,	25 38
Chelsea, Vermont,	D. A. Burch,	-	36 65
Chelsea Landing, Connecticut,	John De Witt,	Connecticut,	213 17
Chemung, New York,	Elijah Buck,	New York,	6 50
Chenango Point, New York,	Jacob McKinney,	New Jersey,	93 02
Chepacket, Rhode Island,	Amherst Kimball,	Rhode Island,	15 41
Cheraw Court-house, South Carolina,	James Wright,	-	141 01
Cherry Valley, New York,	Joseph B. Walton,	Vermont,	113 29
Cheshire, Massachusetts,	Edmund Foster,	Massachusetts.	
Cheshire, Connecticut,	A. Hitchcock, jun.	Connecticut,	48 81
Chester, New Hampshire,	Daniel French,	N. Hampshire,	33 95
Chester, Vermont,	C. L. Rockwood,	Massachusetts,	47 66
Chester, Massachusetts,	Harvey Bordortha,	Do.	8 15
Chester, Connecticut,	Benjamin Denison,	Connecticut,	11 38
Chester, Orange, New York,	Anthony Yelverton,	New York,	40 78
Chester, Washington, New York,	Lewis Newman,	Do.	13 43
Chester, New Jersey,	Richard Hunt,	New Jersey,	17 47
Chester, Pennsylvania,	Mary Davenport,	-	121 44
Chester Court-house, South Carolina,	George Kennedy,	-	131 11
Chesterfield, New Hampshire,	Eben. Harvey, jun.		
Chesterfield, New York,	Alvah Bosworth,	Connecticut,	18 61
Chesterfield Court-house, Virginia,	John P. Crump,	Virginia,	15 28
Chesterfield Court-house, South Carolina,	John Craig,	-	22 96
Chestertown, Maryland,	John Somerville,	South Carolina,	200 98
Chesterville, Maine,	Joshua B. Lowell,	Maine,	3 60
Chickasaw Agency, Mississippi Territory,	Wighton King,	-	18 84
Chickasawhay, Mississippi Territory,	Elisha Morgan,	Georgia,	12 26
Chilicothe, Ohio,	William Creighton, sen.	Virginia,	762 91
China Grove, South Carolina,	Benjamin N. Pitman,	North Carolina,	11 95
Choctaw Agency, Mississippi Territory,	John McKee,	Virginia,	21 36

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Christiana, Delaware,	George Pratt,	Scotland,	$188 98
Christiansville, Virginia,	William Redd,	Virginia,	38 24
Church Hill, Maryland,	William Jacobs.		
Church Hill, South Carolina,	William Shackleford.		
Churchtown, Pennsylvania,	Edward Davis,	Pennsylvania,	20 60
Cincinnatus, New York,	James Tanner,	Rhode Island,	24 65
Cincinnati, Ohio,	William Burke,	Virginia,	943 53
Cynthiana, Kentucky,	James Finley,	-	125 42
Circleville, Ohio,	Peter Apple,	-	94 10
City Point, Virginia,	John H. Peterson,	Do.	11 72
Claremont, New Hampshire,	John Tappan,	N. Hampshire,	51 44
Clarence, New York,	Otis R. Hopkins,	Massachusetts,	28 97
Clarksburg, Maryland,	William Wilson, of Jn.	Maryland,	56 60
Clarksburg, Virginia,	William Williams,	Pennsylvania,	237 41
Clarksborough, Georgia,	Asa Varnum,	Virginia,	5 92
Clark's Ferry, Pennsylvania,	Joseph Duncan,	Pennsylvania,	23 13
Clarkston, New York,	Peter D. W. Smith,	New York,	4 20
Clarksville, Tennessee,	James Elder,	Pennsylvania,	106 50
Clay Court-house, or Manchester, Kentucky,	John H. Slaughter,	-	20 58
Cleveland, Ohio,	A. W. Walworth,	Connecticut,	71 80
Clementtown, Virginia,	Thomas Mumford.		
Clermont, New York,	William Wilson,	Scotland,	45 87
Clifford, Pennsylvania,	John Kent,	-	10 25
Clinton, Maine,	Gershom Flagg,	Massachusetts,	18 71
Clinton, New York,	Eben. Griffin,	New York,	105 23
Clinton, Ohio,	Samuel H. Smith,	Do.	17 85
Clinton, or Burville, Tennessee,	Arthur Crozier,	Ireland,	11 21
Clough Mills, South Carolina,	Rebecca Mills,	-	3 90
Cloverdale, Virginia,	William Gordon,	Virginia,	10 49
Clover Garden, North Carolina,	Richard Freeman,	-	2 69
Coal Mines, Virginia,	David Mead.		
Coatesville, Pennsylvania,	Isaac Coates,	Pennsylvania,	49 13
Cochran's Store, North Carolina,	William McKissack,	North Carolina,	19 95
Cochransville, Pennsylvania,	Samuel Cochran,	Pennsylvania,	23 35
Coeymans, New York,	Levi Blaisdell,	Massachusetts,	35 31
Cohasset, Massachusetts,	Joel Wilcut,	Do.	14 80
Colchester, Connecticut,	Samuel A. Peters,	Connecticut,	63 96
Cold Spring, New Jersey,	Ezekiel Stevens,	New Jersey,	8 32
Coldstream Mills, Virginia,	Samuel P. White,	-	10 64
Colebrook, Connecticut,	Selah Treat,	Connecticut,	23 58
Coleraine, Massachusetts,	Samuel Coolidge,	Massachusetts,	36 70
Coleraine, North Carolina,	Josiah Holley,	-	17 44
Colesville, New York,	Nathaniel Cole,	-	18 17
Colesville, Virginia,	Joseph F. Branch,	-	10 80
Columbia, Maine,	Thomas Ruggles,	Do.	14 74
Columbia, New York,	Asa Lord.		
Columbia, Pennsylvania,	John Matheot,	Pennsylvania,	178 68
Columbia, Virginia,	August. Shephard,	Virginia.	
Columbia, Ohio,	Thomas Mears,	England,	9 79
Columbia, South Carolina,	Samuel Green,	-	621 09
Columbia, Tennessee,	Horatio Depriest,	Virginia,	289 84
Columbia Court-house, Georgia,	Garah Davis,	-	86 80
Columbiana, Ohio,	John Dixson,	-	2 44
Columbus, New York,	Joshua Lamb,	Massachusetts,	24 55
Columbus, Ohio,	Joel Buttles,	Connecticut,	74 89
Columbus Court-house, North Carolina,	James B. White,	North Carolina.	
Concord, New Hampshire,	Joseph Law,	N. Hampshire,	129 73
Concord, Vermont,	John Fry.		
Concord, Massachusetts,	John Keyes,	Massachusetts,	77 00
Concord, Delaware,	Thomas Adams,	Delaware,	25 66
Concord, Pennsylvania,	Edward Doyle,	-	14 00
Concord, Virginia,	Moses Carson,	-	14 00
Concord, or Cabarras Court-house, North Carolina,	John Travis,	North Carolina,	54 74
Concordia, Louisiana,	Samuel Thornberry,	-	7 37
Conneaut, Ohio,	Joshua Z. Cozens,	New Jersey,	17 89
Connellsville, Pennsylvania,	Caleb Trevor,	England,	126 39
Constable, New York,	John Hundson.		
Conway, New Hampshire,	John Hill,	-	12 23
Conwayborough, South Carolina,	Henry Durant.		
Conyngham, Pennsylvania,	Archibald Murray,	-	16 75
Cook's Law Office, Georgia,	John Tate,	Virginia,	7 58
Cooper's Ferry, New Jersey,	Richard M. Cooper,	-	23 36
Cooperstown, New York,	Lawrence McNamee,	-	224 09
Coosawhatchie, South Carolina,	Abm. I. Roberts,	-	211 87
Cootstown, Pennsylvania,	Henry Heist,	-	21 59
Corinth, Vermont,	Jacob Brown,	-	15 29
Cornish, Maine,	Simeon Pease,	N. Hampshire,	7 83
Cornish, New Hampshire,	Harvey Chase,	-	32 35
Cornwall, Connecticut,	George Wheaton,	Connecticut,	6 00
Corydon, Indiana,	Richard M. Heth,	Virginia,	53 62
Coshocton, Ohio,	William Whittier,	Connecticut,	33 23
Coventry, Connecticut,	Silas Hibbard,	Do.	25 54
Coweta, Georgia,	Micajah Hurley,	-	28 10
Cowper's Hill, North Carolina,	Malcolm McNair,	North Carolina,	10 46

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Coxsackie, New York,	Ralph Barker,	Connecticut,	$49 32
Crab Bottom, Virginia,	Nathaniel Pendleton,	Virginia,	5 73
Crab Orchard, Virginia,	John Thompson, jun.	Do.	19 08
Craftsbury, Vermont,	Augustus Young,	Vermont,	14 16
Cranberry, New Jersey,	Nathaniel Hunt,	New Jersey,	23 89
Creek Agency, Georgia,	Benjamin Hawkins,	-	7 04
Cresapsburg, Maryland,	Marcus Moore,	Virginia,	10 18
Crewsville, Virginia,	Lemuel Crew,	Do.	16 78
Crooked Creek Bridge, Pennsylvania,	Robert C. Preble,	-	2 28
Cross Anchor, South Carolina,	Burrel Bobo,	North Carolina,	10 82
Crosby, Ohio,	Israel Buell,	Vermont,	8 42
Cross Keys, Virginia,	Samuel Johnson.		
Cross Keys, South Carolina,	Barnum Bobo,	-	15 99
Cross River, New York,	Thomas Smith,	New York,	4 59
Crugerstown, Maryland,	Frederick C. Hase,	Germany,	20 12
Cuckooville, Virginia,	Robert Barrett,	Virginia,	12 48
Culpeper Court-house, Virginia,	John C. Williams,	Do.	161 41
Cumberland, Maryland,	Samuel Smith,	Pennsylvania,	175 86
Cumberland Court-house, Virginia.			
Cumberland Gap, Tennessee,	William Hogan, (acting)	Kentucky,	181 57
Currituck Court-house, North Carolina,	John Mackie,	North Carolina,	14 65
Dagsborough, Delaware,	George Truit,	Maryland,	35 45
Dalton, New Hampshire,	Edward Reid,	-	3 15
Dalton, Massachusetts,	J. Chamberlain, jun.	Connecticut,	18 81
Danbury, Connecticut,	Zalmon Wildman,	Do.	84 25
Danby, Vermont,	Augustus Mulford,	Do.	13 01
Dancey's Store, North Carolina,	James T. Sykes,	-	14 00
Dandridge, Tennessee,	Hugh Martin,	Ireland,	67 68
Danielsville, Virginia,	John Daniel,	-	6 43
Danielsville, Georgia,	James Long,	Pennsylvania,	13 92
Danville, Vermont,	Israel P. Dana,	Vermont,	37 52
Danville, New York,	James Faulkner,	New York,	32 47
Danville, Pennsylvania,	Rudolph Suhler,	Pennsylvania,	47 93
Danville, Virginia,	John Ross,	Ireland,	39 51
Danville, Kentucky,	Daniel Barba,	-	169 96
Darien, Georgia,	Mark Hardin,	North Carolina,	126 72
Darlington Court-house, South Carolina,	Joshua Lazarus,	South Carolina,	14 34
Darnes, Maryland,	John Candler,	Maryland,	14 22
Dartmouth, Massachusetts,	Abraham Tucker,	Massachusetts,	27 72
Davis, Virginia,	West Gregory,	Virginia,	13 77
Davis's Tavern, Virginia,	William W. Davis,	Do.	10 76
Dayton, Ohio,	Benjamin Van Cleve,	New Jersey,	181 22
Deering, New Hampshire,	Russell Tubbs,	N. Hampshire,	4 48
Deatonville, Virginia,	John W. Foster,	Virginia,	5 47
Dedham, Massachusetts,	Jeremiah Shuttleworth,	Massachusetts,	80 68
Deerfield, New Hampshire,	Enoch Butler,	-	23 38
Deerfield, Massachusetts,	Epaphras Hoyt,	Do.	40 18
Deerfield, Ohio,	Lewis Day,	Do.	10 92
Deerfield Street, New Jersey,	Thomas Stratten,	N. Hampshire,	14 48
De Kalb, New York,	Potter Goff,	Vermont,	18 56
Delaware, Ohio,	Leon. H. Coles,	Connecticut,	27 87
Delhi, New York,	William H. Elting,	New York,	78 38
Denmark, or Harrisburg, New York,	Charles Squire,	Massachusetts,	24 16
Denmark, Ohio,	John Dibell, jun.	-	1 73
Dennysville, Maine,	William Kilby,	-	123 93
Dennis, Massachusetts,	Nathan Stone, jun.	Do.	23 82
Dennis's Creek, New Jersey,	James Diverty,	Scotland.	
Denton, Maryland,	William Mullikin,	Maryland,	59 78
Deposite, New York,	William Butler,	-	25 84
Derby, Vermont,	Nehemiah Colly,	N. Hampshire,	33 05
Derby, Connecticut,	Russell Hitchcock,	Connecticut,	52 45
Derby, Pennsylvania,	Benjamin Pearson,	Pennsylvania,	51 62
Derby, (creek,) Ohio,	James Ewing,	New Jersey,	15 18
De Ruyter, New York,	Hubbard Smith,	Connecticut,	27 61
Detroit, Michigan Territory,	James Abbott,	Michigan Ter.	271 52
Danby, New York,	Jabez Beers,	Connecticut,	14 81
Darby, Georgia,	Jeremiah Darby,	South Carolina,	4 43
Darling's, Ohio,	Abraham Darling.		
Darvill's, Virginia,	William Featherston.		
Davis', Tennessee,	Isham F. Davis,	Virginia.	
Deckerstown, New Jersey,	Evi A. Sayre,	New York.	
Deep Creek, Virginia,	Samuel Proctor,	-	3 35
Delphi, New York,	S. Van Rensselaer,	Do.	21 27
Dennis', Virginia,	Francis Dennis,	-	3 00
Dickinson's Store, Virginia,	H. H. Dickenson,	-	22 31
Dillsburg, Pennsylvania,	William Gillelen,	Pennsylvania.	
Dill's Ferry, Pennsylvania,	Henry Dill,	Do.	
Donaldson's, North Carolina,	John Donaldson.		
Douglass', Massachusetts,	Paul Dudley,	Massachusetts,	5 50
Dover, Pennsylvania,	Andrew Klein,	Pennsylvania.	
Dover Mills, Virginia,	Joseph S. Watkins,	-	17 39
Dromore, Pennsylvania,	Ph. Housekeeper.		
Dublin, Maryland,	George McCausland,	-	9 25
Duff's Forks, Ohio,	Jehiel Gregory,	Connecticut.	

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Dummerstown, Vermont,	Charles Miller,	Vermont,	$9 70
Dunklin's, South Carolina,	James Dunklin.		
Dunning Street, New York,	John Dunning,	Connecticut.	
Duty's, Tennessee,	William Duty.		
Dighton, Massachusetts,	John Hathaway,	Massachusetts,	31 10
Dingman's Ferry, Pennsylvania,	Henry Jackson.		
Dinwiddie Court-house, Virginia,	William Dunn,	Virginia,	34 83
Dividing Creek, New Jersey,	Asa Douglass,	-	10 23
Dix Hills, New York,	Lewis Wicks,	New York,	9 21
Dixmont, or Collegetown, Maine,	Benjamin Butman,	Massachusetts,	11 90
Dixon's Springs, Tennessee,	Robert Black,	North Carolina,	44 66
Dixville, Virginia,	Thomas Dix,	-	8 43
Dobson's Cross Roads, North Carolina,	Nathaniel Shober,	Do.	12 87
Dorchester, South Carolina,	Daniel Cahill,	New Jersey,	21 00
Dorset, Vermont,	Zachary Booth,	-	21 05
Double Bridge, Virginia,	Joseph Yarborough,	Virginia,	4 33
Doughty's Falls, Maine,	Sylvanus Hatch,	-	4 83
Douglass's Mills, Pennsylvania,	David Moreland,	Ireland,	15 03
Dover, New Hampshire,	John Wheeler,	Massachusetts,	114 14
Dover, New York,	James Hetcham,	New York,	16 77
Dover, Delaware,	Aug. M. Schee,	Delaware,	166 32
Dover, or Stuart Court-house, Tennessee,	James H. Russell,	-	44 09
Dover, Ohio,	Asahel Porter,	Massachusetts,	5 04
Downingtown, Pennsylvania,	William Frame,	-	83 10
Doylestown, Pennsylvania,	Asher Miner,	Connecticut,	71 75
Doylesville, Louisiana,	Joshua F. Doyle,	-	14 47
Dracut, Massachusetts,	John Blanchard,	Massachusetts,	22 53
Dresden, Maine,	Thomas Johnson,	Do.	22 59
Dripping Springs, Kentucky,	David Maxwell,	-	11 35
Drown Meadow, New York,	Zachariah Hawkins,	New York,	19 40
Dryden, New York,	Parley Whitmore,	Connecticut,	20 34
Duanesburg, New York,	John Titus,	-	27 24
Dublin, Georgia,	Jonathan Sawyer,	Massachusetts,	57 74
Dubose's Ferry, South Carolina,	Samuel Scott.		
Dudley, Massachusetts,	Amasa Nichols,	Connecticut,	30 97
Dumfries, Virginia,	Timothy Brundidge,	New York,	293 93
Duncansville, South Carolina,	Hanson B. Duncan,	-	9 89
Dunkirk, Virginia,	John Vass,	Virginia,	25 82
Dunlopville, Tennessee,	Hugh Dunlop,	-	3 26
Dunnsburg, Pennsylvania,	James Grier,	-	13 40
Dunstable, New Hampshire,	Noah Lovewell,	N. Hampshire,	17 87
Duplin Court-house, North Carolina,	George McGowan,	-	17 19
Duplin Old Court-house, North Carolina,	Daniel Kenan,	North Carolina,	22 50
Durham, New Hampshire,	George Frost,	-	17 12
Durham, Connecticut,	James Robinson, jun.	-	36 15
Durham, or Freehold, New York,	Platt Adams,	Connecticut,	35 85
Durham, Pennsylvania,	Morgan Long,	Pennsylvania,	24 21
Dutotsburg, Pennsylvania,	Anthony Dutot.		
Duxbury, Massachusetts,	Thomas Winsor,	Massachusetts,	63 07
East Bloomfield, New York,	Elisha Beach,	Connecticut,	93 72
East Falls of Machias, Maine,	John C. Talbot,	Massachusetts,	23 11
East Greenwich, Rhode Island,	John G. Mauney,	-	61 60
East Haddam, Connecticut,	Timothy Green,	Connecticut,	50 90
Eastham, Massachusetts,	Joseph Mayo,	Massachusetts,	12 42
East Hartford, Connecticut,	Lemuel White,	Connecticut,	46 01
Easton, No. 1, Massachusetts,	Daniel Wheaton,	Massachusetts,	37 59
Easton, No. 2, Massachusetts,	Israel Alger,	Do.	97
Easton, New York,	John Gale,	-	26 39
Easton, Pennsylvania,	Philip H. Mattes,	Germany,	365 87
Easton, Maryland,	Thomas P. Smith,	Virginia,	229 05
East Sudbury, Massachusetts,	Nathaniel Reeves,	-	19 97
East Windsor, Connecticut,	Aaron Bissell,	Connecticut,	44 44
Eaton, New Hampshire,	Alden Snell,	Massachusetts,	2 51
Eaton, New York,	Charles W. Hull,	-	19 56
Eaton, Ohio,	Alexander C. Lanier,	North Carolina,	34 90
East Chester, New York,	George Failee,	England,	51 65
East Guilford, Connecticut,	Curtis Wilcox,	-	28 52
East Whiteland, Pennsylvania,	Campbell Harris,	Connecticut,	18 34
Edmeston, New York,	Erastus Waldo,	Do.	
Elbridge, New York,	Gideon Wilcoxson,	Do.	31 92
Elysian Fields, Missouri Territory,	Micajah Davis,	Virginia,	7 12
Everett's House, Kentucky,	John D. Everett,	Do.	6 43
Eatonton, Georgia,	John I. Smith,	Do.	118 12
Ebensburg, Pennsylvania,	John Lloyd,	Wales,	29 35
Eddington, Maine,	John Whiting.		
Eddy Grove, Kentucky,	Elijah G. Galusha,	-	8 64
Eddyville, Kentucky,	Matthew Lyon, jun.	Vermont,	59 02
Edenton, North Carolina,	Henry Wills,	New York,	217 44
Edgartown, Massachusetts,	Beriah Norton,	Massachusetts,	37 04
Edgecomb, Maine,	Stephen Parsons,	-	7 57
Edgefield Court-house, South Carolina,	John Martin,	South Carolina,	122 57
Elberton, Georgia,	William Woods,	Virginia,	54 88
Elizabeth City, North Carolina,	Anthony Butler,	England,	154 18
Elizabeth Court-house, New York,	Nor. Nicholson,	-	33 84

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Elizabethtown, New Jersey,	James Chapman,	England,	$402 28
Elizabethtown, Pennsylvania,	Michael Coble,	-	61 66
Elizabethtown, North Carolina,	John B. Cowan,	North Carolina,	14 30
Elizabethtown, or Carter Court-house, Tennessee,	William B. Carter,	-	32 90
Elk Marsh, Virginia,	John Suddoth,	Virginia,	13 46
Elk Run Church, Virginia,	Benjamin Bronaugh,	Do.	16 06
Elkton, Maryland,	Joshua Richardson,	Maryland,	326 08
Elktown, Tennessee,	John Hawkins,	Virginia,	19 75
Ellicott's, Maryland,	James Harvey,	Maryland,	104 16
Ellis's Ferry, Michigan Territory,	Stephen Duncan,	-	13 06
Ellisville, North Carolina,	John Dowlind,	-	3 72
Ellisville, or Lower Blue Lick, Kentucky,	Richard Ellis,	Kentucky,	43 23
Ellsworth, Maine,	Alfred Langdon,	Massachusetts,	42 16
Ellsworth, Connecticut,	Daniel St. John,	Connecticut.	
Elmira, or Newtown, New York,	Aaron Konkle,	New Jersey,	74 28
Emaus, Pennsylvania,	William Horsefield,	-	4 83
Emersonville, Indiana,	Jesse Emerson,	-	10 82
Emmetsburg, Maryland,	Joseph Hughes,	Pennsylvania,	111 99
Enfield, New Hampshire,	Robert Cochran,	-	17 94
Enfield, Connecticut,	Lorrain T. Pease,	-	37 32
Enfield, North Carolina,	James Overstreet,	North Carolina,	37 09
Enosburg, Vermont,	Solomon Williams,	Massachusetts,	10 19
Epping, New Hampshire,	William Plumer, jun.	N. Hampshire,	13 48
Epsom, New Hampshire,	Samuel Morrill,	Do.	12 09
Erie, or Presque Isle, Pennsylvania,	Robert Knox,	Ireland,	278 30
Erwinna, Pennsylvania,	Hugh Erwin,	Do.	
Erwinsville, North Carolina,	Hugh Quin,	South Carolina,	3 85
Essex, New York,	Dean Edson,	N. Hampshire,	44 01
Estill Court-house, Kentucky,	James Trimble.		
Estopatchy River, Michigan Territory,	Laughn. McKay.		
Evesham, New Jersey,	Samuel Swain,	-	8 16
Euclid, Ohio,	William Coleman,	-	11 87
Ewingville, Kentucky,	Finis Ewing,	Virginia,	27 25
Exeter, New Hampshire,	John W. Gilman,	-	130 89
Exeter, New York,	Jared Munson,	Connecticut,	11 18
Exeter, Pennsylvania,	William Barnes,	-	3 68
Factories, Massachusetts,	Uriah Ferre,	Massachusetts,	7 23
Fair Bluff, North Carolina,	John Macgill,	North Carolina,	2 80
Fairfield, or Roberts', Georgia,	John Lamar,	Georgia,	9 95
Fairfield, Georgia,	Francis Shepperd.		
Falling Waters, Virginia,	John Gregg,	Pennsylvania.	
Fall's River, New York,	Abraham Bowen,	New York.	
Farmer, New York,	Peter Rappleye,	-	3 90
Farmington, New Hampshire,	Nehe. Eastman,	N. Hampshire.	
Fairfax, Maine,	Joel Wellington,	-	12 53
Fairfax, Vermont,	Hamp. Lovegrove,	Connecticut,	21 57
Fairfax Court-house, Virginia,	John Ratcliffe,	-	52 16
Fairfield, Maine,	Ebenezer Lawrence,	Massachusetts,	8 09
Fairfield, Vermont,	Bradley Barlow,	Connecticut,	15 89
Fairfield, Connecticut,	David Judson,	Do.	157 53
Fairfield, New York,	William D. Ford,	Rhode Island,	45 78
Fairfield, or Miller's, Pennsylvania,	Ezra Blythe,	Pennsylvania,	20 82
Fairfield, Virginia,	James Scott,	Virginia,	30 77
Fairfield, Ohio,	John Crozer,	Pennsylvania,	24 82
Fairhaven, Vermont,	George Warren,	Massachusetts,	21 61
Fairlee, Vermont,	Lance. H. Granger,	Connecticut,	5 02
Fairtown, New Jersey,	James Clark,	New Jersey,	13 40
Fair Vale, or New Granville, New York,	John Kirtland,	Connecticut,	14 00
Fairview, Pennsylvania,	James Dunn.		
Fallstown, North Carolina,	William Falls,	Pennsylvania,	6 32
Falmouth, Massachusetts,	Charles Sandford,	Massachusetts,	77 37
Falmouth, Virginia,	Philip Alexander,	Virginia,	198 43
Falmouth, or Pendleton Court-house, Kentucky,	John Bennett,	Do.	20 74
Fannetsburg, Pennsylvania,	James Sweney,	Pennsylvania,	56 01
Farley Mills, Virginia,	James C. New.		
Farmington, Maine,	Timothy Johnson,	-	41 20
Farmington, Connecticut,	Samuel Richards,	Connecticut,	70 61
Farmville, Virginia,	Thomas A. Morton,	Virginia,	32 53
Farnham, Virginia,	John Burke.		
Fauquier Court-house, Virginia,	Richard Baker,	-	123 72
Fawcettstown, Ohio,	William C. Larwill.		
Fayette, Maine,	Solo. Bates, jun.	-	5 36
Fayetteville, Tennessee,	J. P. McConnell,	-	134 28
Fayetteville, North Carolina,	Duncan McRae,	Scotland,	1,535 57
Feeding Hills, Massachusetts,	Charles Culver,	Massachusetts,	7 49
Feestown, Ohio,	Arthur Fee,	-	19 94
Felixville, Virginia,	Newton Ford,	Virginia,	7 30
Ferry Hill, Virginia,	James Yancey.		
Field's Mills, Virginia,	Wilson Turbyfill,	Do.	2 12
Fincastle, Virginia,	T. M. Patterson,	-	254 76
Findlaysville, North Carolina,	John Findlay,	Pennsylvania,	10 32
Fireplace, New York,	Nathaniel Miller,	-	3 47
Fishing Creek, North Carolina,	J. Conyngham,	Virginia,	3 31
Feliciana Court-house, Louisiana,	Frederick A. Browder,	Do.	

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Ferguson's Ferry, Ohio,	Thomas Ferguson.		
Fisher's, Mississippi Territory,	George Fisher,	-	$19 81
Fishing Creek, Virginia,	Prestley Martin,	Virginia,	1 50
Flatbush, New York,	Abr. Vandeveer,	New York,	4 48
Fleming's, Indiana Territory,	Peter Fleming.		
Floyd Court-house, Kentucky,	John Havens.		
Fork, South Carolina,	John Falconer,	Maryland.	
Fort Claiborne, Mississippi Territory,	Andrew Mitchell,	Pennsylvania.	
Fort Jackson, Mississippi Territory,	Walter R. Ross,	Virginia,	8 39
Fort Meigs, Ohio,	Almon Gibbs,	New York,	14 48
Fort Montgomery, Mississippi Territory,	John Pearce.		
Foster, Rhode Island,	Theodore Foster.		
Foster's Ferry, New Jersey,	Julius Foster.		
Foulkstown, Ohio,	Samuel Creswell,	Pennsylvania,	2 66
Four Mile Branch, South Carolina,	James Wilson,	-	2 00
Franklin Court-house, Indiana,	Nathan D. Gullion,	Maryland,	57 68
Franklin, Connecticut,	Amasa Hyde,	Connecticut,	11 54
Franklin Court-house, Mississippi Territory,	John Shaw.		
Fishingford Cross Roads, Tennessee,	Richard Hooper,	Virginia,	4 80
Fishkill, New York,	Joseph I. Jackson,	New York,	142 90
Fishkill Landing, New York,	Thomas Lawrence,	Do.	45 96
Fitchburg, Massachusetts,	Calvin Willard,	Massachusetts,	24 59
Fitzwilliam, New Hampshire,	Jonas Robeson,	Do.	13 97
Fleming Court-house, Kentucky,	A. E. Ballard,	Do.	167 95
Flemington, New Jersey,	John Maxwell, jun.	-	48 49
Flinn's Fork, Kentucky,	J. B. Pemberton.		
Florida, Orange, New York,	Samuel S. Seward,	New Jersey,	25 14
Florida, Montgomery, New York,	George Smith,	Scotland,	34 24
Flood's, Virginia,	Thomas Trent,	Virginia,	42 15
Ford's, Mississippi Territory,	John Ford,	-	13 61
Fork, or Reedy River Shoals, South Carolina,	John H. Harrison,	South Carolina,	15 82
Fort Ann, New York,	Joseph M. Bull,	New York,	26 60
Fort Blount, or Williamsburg, Tennessee,	S. Williams,	-	52 06
Fort Defiance, North Carolina,	Edmund Jones,	Virginia,	6 18
Fort Edward, New York,	John F. Gandall,	New York,	14 27
Fort George, New York,	William Smith,	Do.	29 30
Fort Hawkins, Georgia,	John Jerrison,	-	131 52
Fort Miller, New York,	Seneca G. Bragg,	Do.	5 74
Fort St. Philip, Louisiana,	G. W. Carmichael.		
Fort Stoddert, Mississippi Territory,	Harry Toulmin,	England,	42 35
Fort St. Stephens, Mississippi Territory,	George S. Gaines,	North Carolina,	121 01
Franklinton, Ohio,	Jacob Keller,	Pennsylvania,	119 14
Frederica, Delaware,	Jonathan Emerson,	Delaware.	
Frederica, Georgia,	George Abbott,	Ireland,	91 04
Fredericksburg, Virginia,	Joshua Timberlake,	Virginia,	996 34
Fredericktown, Pennsylvania,	Henry P. Pearson,	Pennsylvania,	27 19
Fotheringay, Virginia,	George Hancock,	Virginia,	8 09
Foxborough, Massachusetts,	Noah Hobart,	Massachusetts,	41 04
Framingham, Massachusetts,	Jonathan Maynard,	Do.	45 26
Francistown, New Hampshire,	Robert Nesmith,	N. Hampshire,	18 41
Franconia, New Hampshire,	Elijah Davis,	-	14 48
Frankford, Pennsylvania,	Henry Comly,	Pennsylvania,	69 71
Frankford, Virginia,	Jacob Stockslager,	Virginia,	20 52
Frankfort, Maine,	Alex. Millikin,	Maine,	31 08
Frankfort, Kentucky,	Daniel Weisiger,	Virginia,	642 43
Franklin, New York,	Simeon Goodman,	Massachusetts,	43 96
Franklin, Pennsylvania,	John Broadfoot,	Scotland,	64 09
Franklin, Ohio,	J. N. C. Schenck,	Pennsylvania,	48 70
Franklin, or Pendleton Court-house, Virginia,	Samuel B. Hall,	Virginia,	62 16
Franklin, Tennessee,	Charles McAllister,	Maryland,	239 52
Fredericksburg, Kentucky,	Henry Yates.		
Fredericksville, North Carolina,	James Frederick,	North Carolina,	28 12
Freedom, Maine,	John Comings.		
Freeport, Ohio,	Joseph Fry,	Maryland,	10 99
Fulton, South Carolina,	Armistead D. Cary,	Virginia.	
Farleysville, Virginia,	Henry F. Farley.		
Fredericktown, Maryland,	James F. Huston,	Ireland,	553 80
Fredericktown, Ohio,	Abner Ayres,	-	12 40
Freehold, New Jersey,	R. Throckmorton,	New Jersey,	57 16
Freeport, Maine,	Samuel Holbrook,	Connecticut,	59 45
Freeport, Pennsylvania,	Jacob Weaver,	Pennsylvania,	8 17
Freetown, Massachusetts,	Abraham Braley,	Massachusetts,	8 11
French Mills, New York,	John P. Andross.		
Frenchton, Virginia,	Sterling Woodward,	-	1 10
Friendship, Maryland,	Walter Wyvell,	Maryland,	20 05
Front Royal, Virginia,	Hezekiah Conn,	-	76 55
Fruitstown, Pennsylvania,	John F. Derr,	Pennsylvania,	6 46
Fryeburg, Maine,	Judah Dana,	Vermont,	30 74
Fulling Mills, Rhode Island,	Benjamin Green,	-	32 10
Gaines's Cross Roads, Virginia,	John Morrison,	-	17 13
Gallatin, Tennessee,	James Robb,	North Carolina,	243 95
Gallipolis, Ohio,	Francis Le Clercq,	France,	99 54
Galway, New York,	David Clisbee,	-	39 05
Gap, Pennsylvania,	Joseph Gest, jun.	Pennsylvania,	13 00

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Gardiner, Maine,	Seth Gay,	Massachusetts,	$78 09
Garrattsville, New York,	William Garratt,	England,	13 24
Gates Court-house, North Carolina,	Daniel Southall,	Virginia,	40 89
Geneseo, New York,	William H. Spencer,	Connecticut,	45 67
Geneva, New York,	William Tippetts,	New York,	375 02
Genoa, or Salmon Creek, New York,	John Ludlow,	New Jersey,	59 38
Gnadenhutten, Ohio,	David Peter,	Pennsylvania,	20 16
Godberry's Tavern, Louisiana,	James Godberry,	-	24 34
Goffstown, New Hampshire,	Josiah Forsaith,	N. Hampshire,	6 77
Golden Grove, South Carolina,	Charles Garrison,	-	5 72
Goochland Court-house, Virginia,	Charles Bradshaw.		
Goose Pond, or Strong's Store, Georgia,	Samuel Strong,	Maryland,	16 18
Gordon's Ferry, Tennessee,	John Gordon.		
Gorham, Maine,	Alex. McLellan,	Massachusetts,	29 25
Garysville, Virginia,	Sterling Gary,	-	24 25
Gaines, Kentucky,	James M. Gaines,	Virginia.	
Gebhart's, Pennsylvania,	George Gebhart,	Pennsylvania,	35
Genito Bridge, Virginia,	David Rattray,	-	45 27
George's, Kentucky,	Gabriel George,	Virginia.	
George's Tavern, Virginia,	Theodorick Ferguson,	Do.	13 05
Georgetown, Indiana,	John Jackson,	Maryland,	1 60
Germantown, North Carolina,	Seth B. Jordan,	North Carolina.	
Ghent, Kentucky,	Luke Oboussier,	Switzerland.	
Gibson, Pennsylvania,	Robert Chandler,	-	10 88
Gilmansville, Maine,	William Gilman.		
Gloydsborough, Virginia,	James Gloyd.		
Godfrey's Ferry, South Carolina,	Richard Godfrey.		
Goodwinsville, Virginia,	Benjamin Reeves,	Virginia.	
Gordonsville, Virginia,	Nathaniel Gordon,	-	21 29
Grandville, Virginia,	Felix Scott.		
Granger, Ohio,	Charles Miles,	Vermont.	
Grave Creek, Virginia,	Jos. Thomlinson,	Maryland,	5 60
Greene Court-house, Mississippi Territory,	James B. McConnell,	-	7 57
Greene, Ohio,	Conrad Cutshall.		
Green Garden, Tennessee,	William Duty,	North Carolina,	13 21
Green Valley, Virginia,	John Kinkaid,	Virginia,	25
Greenville, Ohio,	Abraham Scribner,	New York.	
Grimsbey's, Virginia,	Samuel Gordon.		
Grissell's, Ohio,	Thomas Grissell,	Pennsylvania.	
Groveland, New York,	Thomas Ward,	-	6 45
Guilderland, New York,	Philip Street,	New York.	
Guyandotte, Virginia,	Mark Russell,	Virginia,	23 09
Gaines's, New York,	William J. Babbett,	Rhode Island.	
Greenville, Illinois,	Richard Mills.		
Gorham, New York,	Rodolphus Morse,	-	21 77
Goshen, Connecticut,	Erastus Lyman,	Connecticut,	64 29
Goshen, New York,	Freegift Tuthill,	New York,	244 83
Goshen, Virginia,	Stephen Beard,	Maryland,	38 95
Goshen, Georgia,	Samuel Davis,	North Carolina,	17 14
Goshen Hill, South Carolina,	Park Dugan,	South Carolina,	13 88
Gouldsborough, Maine,	Thomas Hill,	Massachusetts,	6 16
Graceham, Maryland,	John Creager,	Maryland,	17 84
Grafton, Massachusetts,	William Lamb.		
Granby, Connecticut,	Hezekiah Goodrich,	Connecticut,	24 45
Granby, South Carolina,	John Patton,	-	24 07
Grand Isle, Vermont,	A. H. W. Hyde,	Vermont,	13 48
Grant's Lick, Kentucky,	John Grant,	-	14 86
Grantsville, Georgia,	Thomas Grant,	-	20 22
Granville, Massachusetts,	Oliver Parsons,	Connecticut,	19 50
Granville, New York,	Henry Bulkley,	Do.	78 67
Granville, Ohio,	Daniel Baker,	-	39 94
Granville Mills, Virginia,	James Ternan,	-	10 08
Grasty's Store, Virginia,	Philip L. Grasty,	Virginia.	
Gray, Maine,	Joseph McLellan,	Maine,	17 02
Grayson Court-house, Virginia,	Robert Nuckolls,	Virginia,	31 14
Great Barrington, Massachusetts,	Moses Hopkins,	Massachusetts,	43 61
Great Bridge, Virginia,	William Walker,	England,	10 52
Great Crossings, Kentucky,	James Johnson,	-	51 28
Great Mills, Maryland,	Stephen King.		
Greenbush, New York,	Samuel Fisk,	Massachusetts,	239 69
Greencastle, Pennsylvania,	John Watson,	Pennsylvania,	131 26
Greene, Maine,	Luther Robbins,	Massachusetts,	13 49
Greene, New York,	Charles Josslyn,	Connecticut,	36 81
Greenfield, Massachusetts,	Ambrose Ames,	Massachusetts,	129 71
Greenfield, New York,	Samuel McCrea,	New York,	30 40
Greenfield, Ohio,	Noble Crawford,	-	18 25
Green Hill, Virginia,	Samuel Pannill,	Virginia,	6 87
Greensborough, Vermont,	Henry Huntington,	-	7 07
Greensborough, Maryland,	John Matthews,	Maryland.	
Greensborough, North Carolina,	James Johnson,	North Carolina,	58 38
Greensborough, Georgia,	Wiley Greshom,	Georgia,	111 82
Greensburg, New York,	Jonathan S. Odell,	-	40 82
Greensburg, Westmoreland, Pennsylvania,	Simeon Drum, jun.	Pennsylvania,	255 60
Greensburg, Greene, Pennsylvania,	David Crawford,	Do.	48 86

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Greensburg, or Green Court-house, Kentucky,	Nimrod H. Arnold,	Kentucky,	$101 99
Greenville, New York,	Stoddard Smith,	Connecticut,	17 07
Greenville, Virginia,	Samuel Finley,	Pennsylvania,	39 47
Greenup Court-house, Kentucky,	Joseph Gardner,	Massachusetts,	38 39
Greenville, Kentucky,	James Weir,	South Carolina,	60 55
Greenville, North Carolina,	David A. Telfair,	North Carolina,	56 54
Greenville, Tennessee,	William Dickson,	Ireland,	105 08
Greenville, Mississippi Territory,	John M. Whiting,	Georgia,	92 14
Greenville Court-house, South Carolina,	George W. Earle,	South Carolina,	80 20
Greenwich, Connecticut,	Isaac Weed,	Connecticut,	67 16
Greenwich, Massachusetts,	Jabez Colbourn,	-	21 06
Greenwich, or Whipple City, New York,	John Herrington,	Rhode Island,	36 96
Greenwich, New Jersey,	George Bacon,	New Jersey,	11 75
Griersburg, Pennsylvania,	John Dunlap,	Pennsylvania,	25 78
Grindstone Ford, Mississippi Territory,	Daniel Burnet,	South Carolina,	16 66
Groton, Massachusetts,	James Lewis,	Massachusetts,	52 67
Georgetown, Pennsylvania,	John Christmas,	-	41 70
Georgetown, Delaware,	Jacob Killock,	Delaware,	62 25
Georgetown, Kentucky,	Amos Kendall,	Massachusetts,	291 71
Georgetown, South Carolina,	Jacob Myers,	South Carolina,	588 77
Georgetown, District of Columbia,	Susannah Wiley,	-	1,223 82
Georgetown Cross Roads, Maryland,	John Ireland,	Maryland,	78 42
Georgia, Vermont,	Abel Blair,	-	24 39
German, New York,	Ebenezer Hill,	Massachusetts,	4 51
Germantown, Pennsylvania,	John Wilson,	-	120 10
Germantown, North Carolina,	Jeremiah Gibson,	North Carolina,	43 45
Gettysburg, Pennsylvania,	George Welsh,	Pennsylvania,	210 10
Gibson's Store, Virginia,	Bryant Toley,	-	21 90
Giles Court-house, Virginia,	William Chapman,	Virginia,	26 16
Gilmanton, New Hampshire,	Stephen Moody,	Massachusetts,	23 16
Glasgow, Kentucky,	William H. Iredell,	Virginia,	186 09
Glastonbury, Connecticut,	Joseph Welles,	Connecticut,	37 24
Glenn's, Virginia,	Matthew W. Kemp,	Virginia,	9 08
Glennville, New York,	Adonijah Emons,	Connecticut,	42 87
Gloucester, Massachusetts,	Isaac Elwell,	Massachusetts,	139 43
Gloucester Court-house, Virginia,	William Smart,	-	111 79
Groton, Connecticut,	Elijah Bailey,	Connecticut,	35 14
Grove Hill, North Carolina,	John Owen,	-	95
Guilford, Connecticut,	Reuben Elliott,	Do.	139 08
Guildhall, Vermont,	Joseph Berry,	-	25 13
Gum Springs, Virginia,	John Faresh.		
Guthrie's Ford, Pennsylvania,	Alexander Andrews.		
Hackensack, New Jersey,	Ab. Westervelt, jun.	New Jersey,	46 24
Hackettstown, New Jersey,	William Little,	Do.	32 14
Haddam, Connecticut,	Simeon Smith,	-	22 03
Haddonfield, New Jersey,	Samuel Brown,	Do.	23 49
Hadensville, Virginia,	John N. Haden,	-	9 83
Hadley, Massachusetts,	Erastus Smith,	Massachusetts,	43 10
Hadley, New York,	Charles Carpenter,	Rhode Island,	18 31
Haddon's, North Carolina,	David Haddon.		
Halifax, Massachusetts,	Jotham Cushman,	Massachusetts,	7 67
Hamburg, New York,	John Green,	-	11 67
Hamburg on the Lake, New York,	Zenas Barker,	Connecticut,	8 95
Hampstead, Virginia,	Robert Chesley,	Maryland.	
Hancock, Massachusetts,	Thomas Cranston,	New York,	2 89
Hancock, New York,	James Wheeler, 2d,	Connecticut,	3 30
Hancock's, South Carolina,	Thomas Hancock,	-	8 12
Hanover, Ohio,	James Craig,	-	71
Hardenburg's Mills, New York,	Lewis Hardenburg,	New York.	
Harford, Pennsylvania,	Labron Capron,	-	4 11
Harpeth, Tennessee,	William S. Webb,	North Carolina.	
Harrison's Store, Virginia,	Benjamin Harrison.		
Harrison's Store, North Carolina,	William Harrison,	Do.	2 50
Harrisonville, Illinois Territory.	Jesse Cooper,	Pennsylvania.	
Harrisville, Ohio,	George Myers,	New Jersey.	
Hartford, Indiana,	James Allen.		
Hartleton, Pennsylvania,	James Madden.	Pennsylvania,	4 36
Hartsville, Pennsylvania,	William Hart, jun.	Do.	2 54
Haverstraw, New York,	George Smith,	New York,	5 99
Hawksbill Mills, Virginia,	Enos McKay,	Virginia,	5 02
Henderson's, or Hopewell, South Carolina,	John L. Henderson,	Ireland.	
Heazleton's Ferry, Indiana,	Ger. Heazleton,	-	1 52
Hickory Flat, M. Territory,	Thomas Miller,	Virginia,	1 26
High Rock, North Carolina,	Nathaniel Scales, jun.	North Carolina,	5 75
Hillham, Tennessee,	Moses Fisk,	Massachusetts.	
Hinsdale, New Hampshire,	Elijah Foot,	Connecticut,	5 85
Hoboken, New Jersey,	David Godwin,	New Jersey.	
Holliday Cove, Virginia,	Oliver Brown,	Massachusetts.	
Hollinsworth's Ferry, Virginia,	George Hollinsworth,	Virginia,	25
Hoover's Mills, Ohio,	Daniel Hoover.		
Hopewell, Pennsylvania,	Thomas Buck.		
Hopkinsville, Kentucky,	John Bryan,	Do.	172 34
Hopkinsville, Virginia,	Archibald Roberson.		
Hulingsburg, Pennsylvania,	Hugh Reid,	-	3 90

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Humphreysville, South Carolina,	Richard Humphreys,	-	$2 41
Huntsville, South Carolina,	Isaac Underwood,	South Carolina,	14 20
Harmony, Indiana,	William Smith.		
Heath, Massachusetts,	Sylvanus Maxwell.		
Hagarstown, Maryland,	William Kreps,	Pennsylvania,	719 46
Haley's Bridge, Virginia,	H. Myrick,	-	3 50
Haleysburg, Virginia,	Edward Almand,	Virginia,	11 74
Halifax, Pennsylvania,	John Jones,	Pennsylvania,	23 81
Halifax, North Carolina,	James Johnson.		
Halifax Court-house, Virginia,	Thomas F. Harris,	-	107 00
Hallowell, Maine,	Joshua Wingate,	Massachusetts,	236 86
Hamburg, New York,	Samuel Root,	-	3 91
Hamburg, New Jersey,	Walter L. Shee,	Pennsylvania,	28 04
Hamburg, Pennsylvania,	Henry Fister,	Do.	25 40
Hamilton, Massachusetts,	Israel D. Brown,	Massachusetts,	12 16
Hamilton, New York,	Thomas H. Hubbard,	Connecticut,	57 18
Hamilton, Ohio,	John Reiley,	Pennsylvania,	148 35
Hamilton, or Hogton, North Carolina,	William M. Clark,	-	11 09
Hampden, Maine,	Martin Kinsley,	Massachusetts,	43 50
Hampstead, New Hampshire,	True Kimball,	N. Hampshire,	8 85
Hampton, New Hampshire,	James Leavitt,	-	16 61
Hampton, New York,	Anson Smith,	Massachusetts,	15 86
Hampton, Virginia,	Edward E. Noel,	Virginia,	49 01
Hampton Falls, New Hampshire,	Edward Langmaid,	N. Hampshire,	12 47
Hamptonville, North Carolina,	Alvin Duval,	North Carolina,	12 19
Hancock, Vermont,	Nathan Dolbear,	Massachusetts,	6 84
Hancock, New Hampshire,	John Whitcomb,	Do.	8 54
Hancock, New Jersey,	Jacob Thompson,	-	7 03
Hancock, Maryland,	John Watt, jun.	Maryland.	
Hanover, New Hampshire,	Justin Hinds,	-	242 86
Hanover, Massachusetts,	Robert Eells,	Massachusetts,	83 79
Hanover, New Jersey,	Cornelius Voorhees,	New Jersey,	14 98
Hanover, Pennsylvania,	Peter Muller,	Germany,	74 64
Hanover Court-house, Virginia,	Dab. Williamson,	-	24 35
Hanovertown, Virginia,	Benjamin Oliver, jun.	-	28 82
Hardinsburg, Kentucky,	Richard L. Walker,	Kentucky,	58 56
Hardin Court-house, or Elizabethtown, Kentucky,	H. G. Wintersmith,	Virginia,	66 09
Hardwick, Vermont,	Elnathan Strong,	Connecticut,	10 79
Hardwick, Massachusetts,	Samuel F. Cutler,	Massachusetts,	27 33
Harford, Maryland,	John Johnson,	Maryland,	160 26
Harlem, Maine,	Jap. C. Washburn,	Massachusetts,	9 03
Harlem, New York,	John H. Raub,	Germany,	47 54
Harleesville, South Carolina,	Thomas Harlee,	Virginia,	2 45
Harmony, New Jersey,	Thomas F. Stewart,	Pennsylvania,	10 15
Harmony, Pennsylvania,	Charles Cist,	Do.	69 11
Harper's Ferry, Virginia,	Roger Humphries,	Do.	102 93
Harpersfield, New York,	Ros. Hotchkiss,	-	24 98
Harpersfield, Ohio,	Ezra Gregory,	New York,	19 08
Harrisburg, Pennsylvania,	Rose Wright,	-	778 88
Harrisburg, South Carolina,	Archibald Frew,	-	10 04
Harrisonburg, Virginia,	Henry Tutwiller,	Pennsylvania,	201 82
Harrisville, Virginia,	Charles Harris,	Virginia,	29 20
Harrodsburg, Kentucky,	Joseph McMurtry,	-	130 32
Hartford, Maine,	Arvida Hayford,	Massachusetts,	4 35
Hartford, Vermont,	Joseph Dorr,	-	51 61
Hartford, Connecticut,	Jonathan Law,	Connecticut,	2,234 48
Hartford, New York,	Samuel Gordon.		
Hartford, Georgia,	Joseph Wood,	Georgia,	52 61
Hartford, Ohio,	Titus Brockway,	Connecticut,	8 49
Hartford, Kentucky,	Isaac Morton,	Kentucky,	47 74
Hartland, Vermont,	Aaron Willard, jun.	Vermont,	37 46
Hart's Store, Virginia,	Samuel L. Hart,	Virginia,	50 15
Hartsville, Tennessee,	James Hart,	Pennsylvania,	70 98
Hartwick, New York,	Levi Beebe,	Connecticut,	20 99
Harvard, Massachusetts,	Stevens Hayward,	Massachusetts,	23 58
Harwich, Massachusetts,	Ebenezer Brooks,	Do.	17 05
Harwinton, Connecticut,	Joel Bradley,	Connecticut,	18 00
Haste River Mills, Virginia,	Pritchard Newby,	Virginia,	10 86
Hatborough, Pennsylvania,	John J. Marple,	-	17 74
Hatfield, Massachusetts,	Daniel White,	Massachusetts,	40 19
Haverhill, New Hampshire,	Moses Dow,	N. Hampshire,	66 41
Haverhill, Massachusetts,	Francis Eaton,	-	87 41
Havre-de-Grace, Maryland,	John Dutton,	Delaware,	225 58
Haw River, North Carolina,	Thomas Scott.		
Haymarket, Virginia,	William Neilson,	Ireland,	64 61
Haywoodsborough, North Carolina,	Francis Drake,	-	1 75
Haywood Court-house, North Carolina,	H. Battles.		
Hazle Patch, or Rice's, Tennessee,	Jarvis Jackson.		
Head of Chester, Maryland,	James Bradshaw.		
Head of Cow Neck, New York,	William Allen.		
Head of Sassafras, Maryland,	Thomas Raisin,	-	17 30
Hebron, Maine,	Benjamin Chandler,	Massachusetts,	7 49
Hebron, New Hampshire,	Stephen Goodhue, jun.	N. Hampshire,	10 39
Hebron, Connecticut,	Abner Hendee,	Connecticut,	36 36

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Hebron, New York,	William Root,	Massachusetts,	$27 83
Hector, New York,	Richard Smith,	Connecticut,	35 94
Hempstead, New York,	Abraham Bedell,	New York,	11 04
Henderson, Kentucky,	Sibilla Husband,	North Carolina,	123 10
Hendersontown, North Carolina,	Henry Delamothe,	France,	25 26
Hendersonville, Virginia,	Isaac Oliver,	Virginia,	32 61
Hendersonville, South Carolina,	Lewis Hogg,	-	10 91
Hendersonville, Tennessee,	John Bysor,	Do.	57 62
Hendrick's Store, Virginia,	William Terry,	Do.	13 05
Henniker, New Hampshire,	Isaac Rice,	N. Hampshire,	13 64
Herculaneum, Missouri Territory,	Elias Bates,	Connecticut,	12 95
Herkimer, New York,	David Holt,	-	195 28
Hermitage, Virginia,	B. S. Pryor,	Virginia,	6 43
Hertford, North Carolina,	Edward Wood,	North Carolina,	29 24
Hiwassee Garrison, Tennessee,	Timothy Meigs,	-	5 50
Hickman Court-house, Tennessee,	Thomas Porter,	Ireland,	34 26
Hickory, Pennsylvania,	Thomas Miller,	-	21 92
Hicksford, Virginia,	William A. Wardlow,	Do.	84 87
Highgate, Vermont,	Jacob Sax.		
High Shoals, Georgia,	Roderick Easley.		
Hillsborough, New Hampshire,	John Burnham,	N. Hampshire,	41 17
Hillsborough, Maryland,	David Casson,	Maryland,	33 97
Hillsborough, Ohio,	James D. Scott,	Pennsylvania,	90 33
Hillsborough, Loudoun, Virginia,	Samuel Clendining,	Virginia,	24 27
Hillsborough, Culpeper, Virginia,	Moses Gibson,	-	6 88
Hillsborough, North Carolina,	Thomas Clancy,	North Carolina,	171 12
Hillsdale, New York,	Aaron Reed,	-	24 54
Hill Top, Maryland,	Clem. Kennedy, jun.		
Hinesburg, Vermont,	Michael Hinsdill,	-	17 45
Hingham, Massachusetts,	Thomas Loud,	Massachusetts,	45 40
Hinsdale, Massachusetts,	Solomon W. Colt,	Do.	28 16
Hiram, Maine,	Israel Burbank,	Do.	
Holden, Massachusetts,	Benjamin Davis,	-	4 45
Hollidaysburg, Pennsylvania,	Christian Garber,	-	62 96
Hollis, or Phillipsburg, Maine,	Ellis B. Usher,	-	3 77
Hollow, New York,	William Germond,	-	90
Holmesburg, Pennsylvania,	John H. Hill,	New Jersey,	149 99
Holmes's Hole, Massachusetts,	Theo. Parsons,	Connecticut,	60 07
Homer, New York,	John Osborne,	Do.	80 96
Honeoye, New York,	Nathaniel Allen,	New York,	33 11
Hoosick, New York,	Asher Armstrong,	-	39 56
Hopbottom, Pennsylvania,	Gabriel Ely,	Connecticut,	9 90
Hope, New Jersey,	Gershom Courison,	New Jersey,	23 67
Hopkinton, New Hampshire,	John Harris,	Massachusetts,	30 83
Hopkinton, Rhode Island,	George Thurston, jun.	-	7 34
Hopkinton, New York,	Thad. Laughlin,	Vermont,	12 29
Horntown, Virginia,	Drum. Welburn,	Virginia,	33 74
Horsham Meeting-house, Pennsylvania,	Charles Palmer,	Pennsylvania,	10 10
Hot Springs, Virginia,	Hezekiah Daggs,	Delaware,	15 74
Houstonville, North Carolina,	Placebo Houston,	North Carolina,	12 12
Hubbardstown, Massachusetts,	Clark Witt,	Massachusetts,	10 96
Hubbertstown, Vermont,	Daniel Mecker,	Connecticut,	11 18
Hudson, New York,	Alexander Coffin,	Massachusetts,	517 78
Hudson's, Ohio,	David Hudson,	Connecticut,	20 60
Hughesville, Virginia,	Reuben Hughes.		
Hull's Cross Roads, Maryland,	C. Cunningham.		
Hulmeville, Pennsylvania,	Isaac Hulme,	Pennsylvania,	11 97
Hummelstown, Pennsylvania,	Thomas Fox,	Do.	20 10
Humphreysville, Connecticut,	John T. Wheeler,	Connecticut,	14 49
Hungrytown, Virginia,	Lyddall Barron,	-	21 66
Huntersville, North Carolina,	Humphrey Hunter,	-	6 37
Huntingdon, Pennsylvania,	Samuel Steel,	Ireland,	139 15
Huntington, Connecticut,	Hall Beardsley,	Connecticut,	10 39
Huntington, New York,	Samuel Fleet,	New York,	27 02
Huntington, South Carolina,	James Hannah.	South Carolina,	11 99
Huntington, (South,) New York,	Benjamin K. Hobart,	New York,	14 75
Huntingtown, Maryland,	Th. H. Wilkinson,	Maryland,	46 05
Huntsburg, Vermont,	Paul Gates,	Massachusetts.	
Huntsville, North Carolina,	John Kelley,	Maryland,	36 01
Huntsville, Mississippi Territory,	Richard B. Purston,	Virginia,	241 75
Huron, Ohio,	Jabez Wright,	Connecticut,	27 14
Huttonsville, Virginia,	Jonathan Hutton,	Virginia,	7 11
Hyattstown, Maryland,	C. R. Nichols,	Maryland,	9 85
Hyde Park, Vermont,	Joseph Matthews.		
Hyde Park, New York,	T. L. Stoutenburg,	New York,	86 66
Iberville, Louisiana,	David C. Hatch,	-	89 83
Indiana, Louisiana,	John Demiston,	Pennsylvania,	57 16
Ingersoll's Store, New York,	John Ingersoll,	Connecticut,	4 44
Interior Parish, Louisiana,	Watkin Gilbert,	-	25
Irville, Ohio,	Jared Brush,	New York.	
Indiantown, North Carolina,	Samuel Williams,	North Carolina,	11 72
Indiantown, South Carolina,	George McCutchen,	South Carolina,	26 75
Inglesville, Virginia,	Andrew Peery,	Virginia,	7 43
Ipswich, Massachusetts,	Nathan Jaquea,	Massachusetts,	81 69

A

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Ira, Vermont,	Daniel Graves,	Massachusetts,	$6 56
Irwinton, Georgia,	Ransom Worrill,	North Carolina,	13 01
Isabella Furnace, Virginia,	John Wierman,	- -	17 30
Isbellsville, Kentucky,	George Isbell,	Virginia,	8 51
Islip, New York,	Luther Loper,	New York,	76
Ithaca, New York,	David Woodcock,	Massachusetts,	116 58
Jacksonborough, Georgia,	Seaborn Goodall,	- -	18 60
Jackson Court-house, Tennessee,	John Bowen.		
Jackson Court-house, or Jeffersonton, Georgia,	John Boyle,	Virginia,	81 55
Jackson's Mills, Virginia,	Edward Jackson.		
Jaffray, New Hampshire,	Abel Parker,	Massachusetts,	34 81
Jamaica, New York,	Eliphalet Wickes,	New York,	24 89
James City, Virginia,	Benjamin Lewis,	Virginia,	9 60
Jamestown, Virginia,	William White,	Do.	21 89
Jamestown, North Carolina,	John Charles,	North Carolina,	25 34
Jamesville, New York,	M. De Witt Rose,	New York,	65 25
Jamesville, South Carolina,	John Dow,	Scotland,	79 81
Jay, New York,	Elihu Hall,	Connecticut,	6 43
Jefferson, Maine,	Elisha J. Ford,	Maine,	7 36
Jefferson, New Hampshire,	William Plaisted,	- -	1 52
Jefferson, Pennsylvania,	Thomas Fletcher,	Ireland,	56 62
Jefferson, Ohio,	Tim. R. Hawley,	Connecticut,	8 94
Jefferson, Tennessee,	John Spence,	Ireland,	25 88
Jefferson, Georgia,	Isaac Crews,	- -	12 68
Jeffersonton, Virginia,	William K. Spilman.		
Jeffersonton, or Ashe Court-house, North Carolina,	John O. Johnson,	- -	15 46
Jeffersonville, Indiana,	James Lemon,	Pennsylvania,	55 66
Jemappe, Virginia,	Thomas Woodford,	- -	11 50
Jenkintown, Pennsylvania,	William McCalla,	- -	23 17
Jenner, Pennsylvania,	John Denison,	Do,	3 47
Jericho, Vermont,	Pliny Blackman,	Connecticut,	16 97
Jericho, New York,	Daniel Underhill,	New York,	4 47
Jackson, Maine,	Board. Johnson,	N. Hampshire,	54
Jackson Court-house, Missouri Territory,	Thomas Neale, acting,	Virginia,	16 41
Jacksonville, Virginia,	Andrew F. Dyer,	Maryland,	2 46
Jay, Maine,	James Starr, jun.	Massachusetts,	5 88
Jeffress's Store, Virginia,	Edward T. Jeffress,	Virginia,	62
Jeromesville, Ohio,	Constant Lake,	New Jersey.	
Johnson Court-house, Illinois Territory,	James Finney,	- -	5 99
Jonesville, North Carolina,	James Parks,	Virginia,	5 56
Jacksonville, Virginia,	Elisha Jackson,	Do.	
Johnstown, Ohio,	Noble Landon.		
Jersey City, New Jersey,	Joseph Lyon,	New Jersey,	50 90
Jersey Shore, Pennsylvania,	Thomas McClintock,	- -	47 15
Jerseytown, Pennsylvania,	Nicholas Funston,	- -	10 25
Jerusalem, New York,	Abraham Wagener,	- -	30 47
Jerusalem, Virginia,	Colin Kitchen,	Virginia,	57 75
Jewett's City, Connecticut,	John Johnson,	Connecticut,	58 21
Johnston, Vermont,	A. Waterman, jun.	- -	6 88
Johnsonburg, New Jersey,	Abraham Shaver, jun.	New Jersey,	23 15
Johnstown, New York,	Howland Fish,	New York,	172 73
Johnstown, Pennsylvania,	John Linton.		
Jonasville, Maryland,	- - -	- -	14 04
Jonesborough, or Chandlersville, Maine,	Anul Tupper,	- -	7 45
Jonesborough, Tennessee,	John McAlister,	Maryland,	159 03
Jonesburg, North Carolina,	D. S. Burgess,	- -	12 52
Jones Court-house, or Clinton, Georgia,	Roger McCarthy,	- -	63 33
Jones's Store, North Carolina,	M. A. Harwell,	North Carolina,	36 65
Jonestown, Pennsylvania,	John Bickel, jun.	Pennsylvania,	19 79
Joppa Cross Roads, Maryland,	John Rouse,	- -	31 54
Junius, New York,	Jesse Clark,	Massachusetts.	
Kanawha Court-house, Virginia,	William Hogue,	Ireland,	101 49
Kaskaskia, Illinois Territory,	Robert Morrison,	Pennsylvania,	110 76
Kavenaugh, Tennessee,	Charles Kavenaugh.		
Keene, New Hampshire,	Joseph Buffum, jun.	- -	150 00
Kelloggsville, New York,	Charles Kellogg,	Massachusetts,	18 90
Kennebunk, Maine,	Stephen Thatcher,	Connecticut,	125 64
Kennett's Square, Pennsylvania,	John Taylor,	Pennsylvania,	14 53
Kent, Connecticut,	Lewis St. John,	Connecticut,	24 65
Killingly, Connecticut,	Joseph Adams,	Do.	14 91
Killingsworth, Connecticut,	Samuel Crane,	- -	56 09
Kilmarnock, Virginia,	Addison Hall,	Virginia,	27 37
Kinderhook, New York,	A. B. Vanderpoel,	New York,	143 04
Kincanon's Works,	Math. Kincanon.		
King Creek, South Carolina,	Simon R. Cannon,	South Carolina,	20 96
King George Court-house, Virginia,	George Johnson,	Virginia,	62 11
Kingsbury, New York,	Jonathan Bellamy,	Connecticut,	14 52
King's Ferry, Milton, New York,	David Ogden,	New Jersey,	25 32
Kingston, New Hampshire,	Levi Bartlett,	N. Hampshire,	9 50
Kingston, Massachusetts,	Seth Drew,	Massachusetts,	56 56
Kingston, New York,	Daniel Broadhead, jun.	- -	201 43
Kingston, Pennsylvania,	Henry Buckingham,	Connecticut,	35 08
Kingston, Maryland,	William Sudler,	- -	24 69
Kingston, Tennessee,	John McEwen,	Virginia,	79 63

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Kingstree, South Carolina,	James Hedleston,	South Carolina,	$29 86
King William Mills, Virginia,	Benjamin Pendleton,	- -	6 61
Kingwood, Virginia,	William Price,	- -	15 00
King and Queen Court-house, Virginia,	Thomas Collins,	- -	30 01
Kinsale, Virginia,	John Bailey,	Virginia,	30 36
Kinsman, Ohio,	John Kinsman,	Connecticut,	14 95
Kinston, North Carolina,	John Washington,	North Carolina,	34 33
Kirk's Mills, Pennsylvania,	Jacob Kirk,	Pennsylvania,	9 07
Kite's Mill, Virginia,	Jacob Kite,	- -	5 92
Kittaning, Pennsylvania,	Robert Robinson, jun.	Do.	61 38
Kittery, Maine.	Daniel Peirce,	Massachusetts,	13 07
Knappsburg, New York,	Colley Knapp,	Connecticut,	10 28
Knoxville, Tennessee,	John Crozier,	Ireland,	280 22
Knowlton's Mills, New Jersey,	Elisha Lambert,	- -	6 97
Kortright, New York,	Martin Keeler,	- -	23 83
Kreidersville, Pennsylvania,	Conrad Kreider, jun.	- -	34 16
Kanawha Saline, Virginia,	Joseph Caldwell,	Pennsylvania,	52 70
Kendall, Ohio,	Thomas Rotch,	Massachusetts,	55 19
Kendall's, Maine,	William Kendall.		
Kennebunk Port, Maine,	Stephen Thatcher,	Connecticut,	105 45
Kennedy's, Virginia,	Jesse Kennedy,	Virginia,	11 55
Kennedy's Ferry, Kentucky,	John Read.		
Kearnsville, Pennsylvania,	Jacob Kearn,	Pennsylvania,	8 77
Keysville, Virginia,	John Key,	Virginia.	
Kilkenny, New York,	Theod. O. Fowler,	New York,	83
King's Ferry, Virginia,	Thomas D. King,	Pennsylvania.	
Lancaster, Ohio,	Jacob D. Dietrick,	Do.	246 57
Langhorn's Tavern, Virginia,	M. Langhorn, jun.	Virginia,	11 30
Lea's, Tennessee,	—— Lea.		
Lebanon, New Jersey,	William Johnson,	New Jersey,	95
Lebanon, Kentucky,	Robert H. Fogle,	Maryland.	
Leesburg, Ohio,	Harrison Ratcliff,	Virginia.	
Leesburg, Tennessee,	Mat. Stephenson,	Do.	
Leesville, North Carolina,	Alexander M. Gilory.		
Leviston's, Indiana,	James Leviston,	- -	1 11
Lewallin's, Kentucky,	Mesheck Lewallin.		
Lewisberry, Pennsylvania,	Jacob Kirk, jun.	Pennsylvania.	
Lexington, New York,	John Beach, jun.	Connecticut,	5 86
Lexington, Indiana,	Jacob Rhodes,	Pennsylvania,	11 98
Liberty, Ohio,	David A. Adams,	Connecticut,	2 79
Liberty, Kentucky,	David M. Rice.		
Ligonier, Pennsylvania,	James Graham.		
Lincoln, Maine,	Joseph Shaw,	Maine.	
Lisburn, Pennsylvania,	Thomas Goforth,	Pennsylvania,	1 13
Lackawaxen, Pennsylvania,	W. Kinball,	Do.	2 01
La Fourche, Louisiana,	Walker Gilbert,	Connecticut,	54 78
Lancaster, New Hampshire,	Samuel A. Pearson,	N. Hampshire,	39 69
Lancaster, Massachusetts,	Timothy Whiting,	Massachusetts,	61 35
Lancaster, Pennsylvania,	Ann Moore,	Pennsylvania,	607 51
Lancaster, Kentucky,	Joseph P. Letcher,	- -	64 23
Lancaster Court-house, Virginia,	James Brent,	Virginia,	47 50
Lancaster Court-house, South Carolina,	John Steward,	North Carolina,	54 95
Landisbury, Pennsylvania,	Henry Lightner.		
Lanesborough, Massachusetts,	Johnson Hubbell,	Massachusetts,	25 10
Lanesville, Virginia,	John Keene,	Virginia,	12 99
Landsford, South Carolina,	Hyder A. Davie,	- -	48 99
Laniersville, Virginia,	William Gholson,	Do.	36 00
Lansingburg, New York,	Calvin Barker,	- -	186 47
Lassellsville, New York,	William Lassell,	New York,	69
Laughlintown, Pennsylvania,	James Graham,	Ireland,	36 63
Laurel, Delaware,	William Moore, jun.	Delaware,	43 92
Laurel Hill, North Carolina,	Neal L. McFarland,	North Carolina,	18 12
Lawrenceburg, Indiana Territory,	Isaac Dunn,	- -	59 23
Laurens Court-house, South Carolina,	John Garlington,	Virginia,	82 08
Lawsville, Pennsylvania,	Arad Wakelee,	Connecticut,	6 18
Layton's, Virginia,	David W. Pitts,	Virginia,	19 94
Leacock, Pennsylvania,	Samuel C. Garber,	- -	12 92
Leasburg, North Carolina,	Gabriel B. Lea,	North Carolina,	24 21
Lebanon, Maine,	Daniel Wood,	Massachusetts,	3 84
Lebanon, New Hampshire,	William Benton,	N. Hampshire,	47 62
Lebanon, Connecticut,	Roger Bailey,	Connecticut,	44 66
Lebanon, Pennsylvania,	Jacob Karch,	Germany,	78 31
Lebanon, Georgia,	Richard Blount,	Virginia,	2 84
Lebanon, Ohio,	Daniel F. Reeder,	Do.	159 60
Lebanon, Tennessee,	Henry Shelby,	Tennessee,	77 40
Lee, Massachusetts,	John B. Perry,	Connecticut,	27 80
Lee Court-house, Virginia,	William Black,	Pennsylvania.	
Leedstown, Virginia,	Francis C. Triplett,	Virginia,	24 16
Leesburg, Virginia,	William Wooddy,	Do.	227 07
Lee's Mills, North Carolina,	John Frasier.		
Lehigh Gap, Pennsylvania,	Charles Craig,	- -	11 44
Leicester, Massachusetts,	Henry Sargent,	Massachusetts,	97 40
Leicester, New York,	Nicholas Ayrault,	Do.	40 79
Lemay's Cross Roads, North Carolina,	John Nuttall,	North Carolina,	7 44

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Lempster, New Hampshire,	Levi Abell,	N. Hampshire,	$12 48
Lenox, New York,	Joseph Bruce,	-	60 61
Lenox, Massachusetts,	Daniel Williams, jun.	Connecticut,	61 11
Lenox Castle, North Carolina,	John L. Lisneur,	Virginia,	16 44
Leominster, Massachusetts,	John Gardner,	Massachusetts,	40 44
Leonardtown, Maryland,	Elisha Thompson,	-	58 48
Le Raysville, New York,	V. L. R. D. Chaumont,	France,	64 92
Le Roy, New York,	H. J. Redfield,	Connecticut,	66 56
Levering's, Pennsylvania,	Aaron Levering.		
Lewisburg, Pennsylvania,	William Hayes,	Pennsylvania,	44 47
Lewisburg, Virginia,	John Dorman,	Maryland,	70 13
Lewisburg, Kentucky,	Lewis Renno,	Virginia.	
Lewis Court-house, Kentucky,	R. T. Parker,	Do.	16 35
Lewis's Store, Virginia,	William E. Waller,	-	4 20
Lewiston, New York,	Bates Cook,	Connecticut,	60 37
Lewistown, Maine,	Daniel Read,	Massachusetts.	
Lewistown, Delaware,	John M. West,	-	39 07
Lewistown, Pennsylvania,	Jacob Walters,	Pennsylvania,	110 90
Lewisville, Virginia,	Zebulon Lewis,	Virginia,	13 81
Lewisville, South Carolina,	George Gill,	-	5 27
Lexington, Massachusetts,	Rufus Meriam,	-	12 02
Lexington, Virginia,	William Willson,	Do.	265 56
Lexington, North Carolina,	Samuel Green,	-	40 70
Lexington, Kentucky,	John Fowler,	-	1,723 08
Lexington, Georgia,	Howard Beall,	South Carolina,	94 09
Leyden, New York,	Benjamin I. Starr,	-	13 14
Liberty, Virginia,	Charles Markle,	Saxony,	116 98
Liberty, Tennessee,	Adam Dale,	Maryland,	16 03
Liberty, Mississippi Territory,	Darling Jones,	North Carolina,	51 72
Liberty Hall, Georgia,	Alfred Sheppard,	Georgia,	18 88
Libertytown, Maryland,	Henry Baker, jun.	Maryland,	82 37
Lilly Point, Virginia,	John Mill,	Virginia,	20 11
Lima, or Charleston, New York,	Moses Nash,	Massachusetts,	60 65
Limerick, Maine,	James Kettell.		
Limington, Maine,	James Frost,	-	9 35
Little Beaver Bridge, Ohio,	Thomas Moore,	-	4 34
Little Cape Capon, Virginia,	John Higgins,	Virginia,	1 91
Little Plymouth, Virginia,	John Southgate,	England,	15 20
Livingstonville, New York,	Asa Starkweather.		
Lockwood, New Jersey,	Alexander Kain,	New York.	
Log House Landing, North Carolina,	Major J. Clarke,	North Carolina,	52
Long Bottom, Ohio,	Robert W. Collins,	Virginia,	35
Lonicera, Georgia,	Austin Ellis,	Do.	72
Loudontown, Pennsylvania,	Nicholas Baker,	Maryland,	13 49
Lower Gilmantown, New Hampshire,	Benjamin Kelly,	N. Hampshire,	4 94
Luckett's, Virginia,	Alexander Nelson,	Virginia,	7 11
Luray, Virginia,	William R. Almond,	Do.	44 96
Luzerne, New York,	John S. St. John,	Connecticut,	3 67
Lynch Lake, South Carolina,	Philip W. McRae,	North Carolina.	
Lynn Creek, Tennessee,	John Laird,	Ireland,	3 32
Lawrence Court-house, Missouri Territory,	James Campbell.		
Lubec, Maine,	Ich. Chadbourn.		
Leaf River, Mississippi Territory,	R. H. Gilmer,	Virginia.	
Lincolnton, North Carolina,	David Ranhardt,	North Carolina,	79 40
Lincolnton, Georgia,	William C. Stokes,	Virginia,	33 58
Lincolnville, or Duck Trap, Maine,	George Ulmer,	-	15 95
Lindsay's Store, Virginia,	Thomas Hunter,	-	38 27
Lindsleytown, New York,	Eleazer Lindsley,	New Jersey,	9 00
Lindley's Store, North Carolina,	John Newlin,	North Carolina,	5 79
Lisbon, New York,	James Thompson,	Ireland,	11 81
Lisle, New York,	William Thompson,	Massachusetts,	37 51
Litchfield, Maine,	New. W. Stevens,	-	10 76
Litchfield, New Hampshire,	Francis Chase.		
Litchfield, Connecticut,	M. Seymour, jun.	Connecticut,	230 98
Litchfield, New York,	J. J. Prendergast,	New York,	20 44
Litchfield, Kentucky,	William Cunningham,	Virginia,	24 74
Litiz, Pennsylvania,	Christian Hall,	Pennsylvania,	41 49
Little Compton, Rhode Island,	William A. Brown,	Rhode Island,	14 46
Little Falls, New York,	Samuel Smith,	Massachusetts,	86 44
Little Rest, Rhode Island,	Thomas R. Wells,	Rhode Island,	28 73
Little Sandy Salt Works, Kentucky,	Benedict Bacon.		
Littleton, New Hampshire,	James Williams,	Massachusetts,	10 31
Littleton, Massachusetts,	Thomas Reed,	Do.	19 50
Livermore, Maine,	Benjamin Bradford,	Maine,	15 75
Liverpool, New York,	Henry Case,	Connecticut,	10 37
Liverpool, Pennsylvania,	Henry Walters,	Pennsylvania,	11 79
Livingston, New York,	Jonathan Lane,	Connecticut,	54 83
Livonia, New York,	Eli Hill,	Massachusetts,	21 55
Lloyd's, Virginia,	Thomas Matthews,	Virginia.	
Locke, New York,	Benjamin Williams,	Massachusetts,	19 13
Lockhart's, Georgia,	James Lockhart.		
Loftus Heights, Mississippi,	William H. Ruffin,	-	25 03
Lombardy Grove, Virginia,	Charles Baskerville,	Virginia,	38 49
London, Ohio,	John Moore,	Do.	29 07

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Londonderry, New Hampshire,	Isaac Thorn,	N. Hampshire,	$32 32
Londonderry, Pennsylvania,	Josiah Ankrim,	-	4 82
London Grove, Pennsylvania,	Lea Pusey,	Pennsylvania,	21 50
Long Meadow, Massachusetts,	Stephen Cooly, jun.	Massachusetts,	15 40
Longmire's Store, South Carolina,	John Longmire,	Virginia,	27 24
Loretto, or Pittsville, Virginia,	John M. Garnett,	-	28 52
Lorraine, New York,	John Alger,	New York,	9 50
Louisa Court-house, Virginia,	Harry Lawrence,	Virginia,	147 24
Louisburg, North Carolina,	Robert A. Taylor,	-	139 64
Louisville, New York,	Benjamin Willard.		
Louisville, Kentucky,	John T. Gray,	Do.	775 98
Louisville, Georgia,	John Bostwick,	-	98 12
Loveton, Maryland,	Grafton Marsh,	Maryland,	17 10
Lovington, Virginia,	Solomon Matthews,	-	56 31
Lower Marlborough, Maryland,	Daniel Kent,	Do.	20 10
Lower Sandusky Garrison, Ohio,	Mor. A. Newman,	New Jersey,	20 04
Lower Smithfield, Pennsylvania,	George Bush,	Pennsylvania,	8 15
Lower Somers Point, New Jersey,	Gideon Leeds,	New Jersey,	2 72
Lower Three Runs, South Carolina,	William Scarborough,	North Carolina,	32 89
Lowville, New York,	James H. Leonard,	Massachusetts,	89 83
Ludlow, Vermont,	Nathan P. Fletcher,	Vermont,	8 91
Lumberton, North Carolina,	Charles Moore,	-	51 14
Lunenburg, Vermont,	William Gates,	Do.	7 44
Lunenburg, Massachusetts,	Edmund Cushing,	Massachusetts,	18 37
Lunenburg Court-house, Virginia,	Ambrose Ellis,	-	33 12
Lyme, New Hampshire,	Arthur Latham,	Do.	25 14
Lyme, Connecticut,	Charles Smith,	Connecticut,	136 13
Lynchburg, Virginia,	Colin Buckner,	Virginia,	569 75
Lynden, Vermont,	Benjamin F. Deming,	Vermont,	16 28
Lynn, Massachusetts,	Jonathan Bacheller,	Massachusetts,	300 69
Lyon's, New York,	Ezekiel Price,	New Jersey,	49 22
McDanielsville, South Carolina,	Zach. McDaniel,	Virginia,	4 92
McWhorter's Mills, Virginia,	Henry McWhorter,	New York,	2 21
Madison, Ohio,	William Perry,	-	22
Madison Court-house, Illinois Territory,	Abraham Prickett,	-	9 23
Manheim, Pennsylvania,	John Huntzleman,	Pennsylvania.	
Mansfield, Massachusetts,	David Shepherd,	Massachusetts,	85
Mansfield, Virginia,	Philemon Holcombe,	Virginia,	8 80
Manchester, New York,	Warren Converse,	Connecticut,	23 39
Marlborough Court-house, South Carolina,	Joshua Davids, jun.	South Carolina,	82 84
Maryland, New York,	Enos J. Spencer,	New York.	
Marysville, Kentucky,	John Whitehead,	New Jersey.	
Mechanicstown, Maryland,	Henry Frior, jun.	Maryland,	46
Mechanicsville, New York,	Oliver Barret, jun.	New York,	55
Mendon, New York,	Thomas Loveland,	Massachusetts,	10 23
Meridian, Mississippi Territory,	Benjamin S. Pope,	Delaware.	
Merrimack, New Hampshire,	Hend. W. Gordon,	N. Hampshire,	6 94
Merry Hill, North Carolina,	John Webb,	North Carolina.	
McAllister's Cross Roads, Tennessee,	Richard Batson,	-	4 41
McAuley's Store, North Carolina,	Daniel McAuley,	England,	10 93
Machias, Maine,	Jeremiah O'Brien,	Massachusetts,	47 64
McConnellsburg, Pennsylvania,	William Duffield,	Pennsylvania,	85 24
McCullocksville, South Carolina,	James McCullock,	-	9 56
McCutchensville, Ohio,	Joel Bacon,	Massachusetts,	9 56
McFarland's, Virginia,	James McFarland,	Scotland,	21 21
McGaheystown, Virginia,	Tobias R. McGahey,	Delaware,	17 96
Mackeysville, North Carolina,	John Mackey,	Ireland,	2 80
McLintown, South Carolina,	Hugh McLin,	Do.	10 40
McMinnville, Tennessee,	Joseph Colville,	Virginia.	77 49
Maconsville, North Carolina,	William Gladish.		
McVeytown, Pennsylvania,	Robert Elton,	Pennsylvania,	21 70
Madison, New York,	Moses Maynard,	Massachusetts,	41 97
Madison, Ohio,	Phineas Mixer,	-	13 90
Madison, Georgia,	John Cunningham,	-	101 00
Madison Court-house, Virginia,	John Wright,	Virginia.	
Madison, Indiana,	John Sering,	Pennsylvania,	48 21
Madisonville, or Hopkins Court-house, Kentucky,	Baxter D. Townes,	Virginia,	34 73
Madisonville, Louisiana,	Robert Powers,	Ireland,	21 12
Madrid, New York,	Alexander Richards,	Connecticut,	49 29
Mallory's Store, Georgia,	John W. Freeman,	Georgia,	24 54
Malone, or Harrison, New York,	John H. Russell.		
Mamaroneck, New York,	David Rogers,	Connecticut,	66 30
Manchester, Vermont,	Calvin Sheldon,	Vermont,	45 36
Manchester, Massachusetts,	Dul. L. Bingham,	Connecticut,	22 47
Manchester, Niagara county, New York,	Augustus Porter,	Do.	2 74
Manchester, Ontario county, New York,	Nathan Barlow,	Massachusetts,	26 05
Manchester, Maryland,	Henry Beltz,	Pennsylvania,	14 84
Manchester, Virginia,	Jesse B. Shepherd,	Virginia,	462 75
Manchester, Ohio,	John Fisher,	Pennsylvania,	32 19
Manchester, South Carolina,	A. P. Johnston,	Virginia,	28 45
Manheim, New York,	Luther Pardee,	-	23 63
Manlius, New York,	Hez. L. Granger,	-	181 67
Mansfield, Connecticut,	Samuel A. Spalding,	Connecticut,	31 91
Mansfield, New Jersey,	Imla Drake,	-	7 43

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Mansfield, Ohio,	Winn Winship, jun.	-	$33 10
Mantua, Ohio,	Amzi Atwater,	Connecticut,	7 72
Marblehead, Massachusetts,	Richard Prince,	Massachusetts,	175 23
Marcellus, New York,	Eras. Humphreys,	Connecticut,	82 80
Marcus Hook, Delaware,	Jacob D. Barker,	Switzerland.	
Marietta, Pennsylvania,	Samuel Bailey,	-	68 14
Marietta, Ohio,	Samuel Hoit,	N. Hampshire,	921 37
Marion, Georgia,	Samuel Williams,	North Carolina,	51 72
Marion Court-house, South Carolina,	John McLean,	England,	49 22
Marlborough, Massachusetts,	Micah Sherman,	-	56 24
Marlborough, Vermont,	Jonas Whitney, jun.	Vermont,	14 83
Marlborough, Connecticut,	Enos H. Buell,	Connecticut,	11 05
Marr's Bluff, South Carolina,	John W. Johnson,	North Carolina,	11 40
Marshall's Mills, Pennsylvania,	Samuel Marshall,	-	23 52
Marshallsville, Virginia,	Alexander Boyd, jun.	Virginia,	21 30
Marshallton, Pennsylvania,	Thomas B. Marshall,	Pennsylvania,	12 68
Marshfield, Vermont,	George Pitkin,	Connecticut,	1 07
Marshfield, Massachusetts,	Jabez Hatch,	Massachusetts,	92 92
Martinsburg, New York,	Walter Martin,	Do.	28 21
Martinsburg, Virginia,	William Summerville,	Ireland,	214 73
Martin's Creek, Pennsylvania,	Andrew Whitesell,	New Jersey,	4 32
Martinsville, Virginia,	Thomas Graves,	Virginia,	48 46
Martinsville, North Carolina,	Robert Lindsay,	North Carolina,	22 07
Maryann Forge, Pennsylvania,	Joseph Vicory,	-	5 08
Marysville, Virginia,	Benjamin Davis,	-	15 39
Marysville, Tennessee,	John Montgomery,	Virginia,	113 54
Mason Hall, North Carolina,	James Mason,	Pennsylvania,	22 77
Masonville, New York,	Wearam Willis,	Connecticut,	10 31
Metcalfsborough, Tennessee,	John Rayburn,	Virginia,	14 41
Mexico, Pennsylvania,	James Thompson,	Pennsylvania.	
Middleburg, Scoharie, New York,	George Danforth,	New York,	19 28
Middleburg, Genesee, New York,	Hor. D. Chipman,	Vermont.	
Middleburg, Pennsylvania,	M. Wittenmeyer,	Pennsylvania,	11 26
Middleburg, Maryland,	Christian Steiner,	Maryland,	3 37
Middleburg, Connecticut,	Stiles Thompson,	Connecticut,	3 86
Middlefield, New York,	Samuel Griffin,	Do.	5 41
Milan, New York,	Henry Kennedy.		
Milford, Massachusetts,	Samuel Penniman,	Massachusetts,	15 12
Milford, South Carolina,	Jesse Cannon.		
Millborough, Virginia,	Hazael Williams,	Maryland,	2 90
Monk's Corner, South Carolina,	Elinor Kennedy.		
Monson, Massachusetts,	Artemas Wiswall,	Massachusetts,	30 62
Montague, Massachusetts,	Martin Gunn.	Do.	92
Montgomerysville, Indiana,	John W. Maddox,	Virginia.	
Monticello, Mississippi Territory,	H. G. Runnells,	Georgia,	4
Montpelier, North Carolina,	Angus Gilchrist,	North Carolina,	4 35
Moqueson Gap, Virginia,	John Gillenwater,	Virginia,	5 65
Moreau, New York,	Billy J. Clark,	Massachusetts,	6 95
Morristown, New York,	David Ford,	New Jersey.	
Mott's Store, New York,	John R. Mott,	New York.	
Mountain Island, Kentucky,	James Herndon.		
Mountain Shoals, South Carolina,	John Todd,	-	5 30
Mount Jackson, Pennsylvania,	John Nesbitt.		
Mount Magnolia, Louisiana,	Isaac H. Robinette,	Virginia.	
Mount Pleasant, Pennsylvania,	Ph. Housekeeper,	-	13 59
Mount Pleasant, Virginia,	Alexander Doyle,	Do.	20 61
Mount Prospect, North Carolina,	Exum Lewis,	North Carolina,	10 46
Mount Upton, Maryland,	John Z. Saxton,	New York.	
Mouth of Cow-pasture, Virginia,	John Shickey.		
Munster, Pennsylvania,	John Rhey,	Pennsylvania.	
Murray, New York,	Joshua Field,	-	32 47
Murray's Ferry, South Carolina,	Joseph Erwin.		
Massena, New York,	John Stone, jun.		
Massingale's, Tennessee,	Henry Massingale.		
Mattamuskeet, North Carolina,	Abner Pasteur,	North Carolina,	26 29
Matthews Court-house, Virginia,	Alden G. Cushman,	Massachusetts,	45 50
Mattituck, New York,	John Hubbard,	New York,	9 13
May's Landing, New Jersey,	Jesse H. Bowen,	New Jersey.	
May's Lick, Kentucky,	Jabez Shotwell,	Kentucky,	116 98
Maysville, Kentucky,	John Roe,	New York,	324 79
Mayville, New York,	Charles B. Rouse,	-	35 42
Meadsville, Pennsylvania,	Daniel Andrews,	Ireland,	151 66
Meansville, South Carolina,	Hugh Means,	North Carolina,	13 70
Mechanicsburg, Pennsylvania,	Henry Stouffer,	Pennsylvania,	42 15
Mechanicsville, South Carolina,	William Cooper.		
Mecklenburg Court-house, Virginia,	Philip Rainey,	Virginia.	38 61
Medfield, Massachusetts,	Eben. Clark, jun.	-	24 23
Medford, Massachusetts,	William Rogers,	Massachusetts,	48 81
Medway, Massachusetts,	William Feltt,	Do.	42 72
Mendham, New Jersey,	Abner Dod,	New Jersey,	27 03
Mendon, Massachusetts,	Richard George,	Massachusetts,	28 39
Mercer, Pennsylvania,	Thomas Bingham,	Pennsylvania,	101 74
Mercersburg, Pennsylvania,	William B. Gutherie,	Do.	84 56
Meredith, New Hampshire,	Stephen Perley,	Massachusetts,	25 51

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Meredith, New York,	Samuel A. Law,	Connecticut,	$19 90
Meriden, Connecticut,	Isaac Lewis,	Do.	46 29
Merritstown, Pennsylvania,	Elijah Coleman,	New Jersey,	25 34
Mesopotamia, Ohio,	Seth Tracy,	-	5 98
Methuen, Massachusetts,	Moses How,	-	10 81
Mexico, New York,	William S. Fitch,	Massachusetts,	15 04
Middleborough, Massachusetts,	Levi Pierce,	Do.	43 86
Middleborough, or Coolbaugh's, Pennsylvania,	A. F. Coolbaugh,	Pennsylvania,	4 75
Middlebrook, Virginia,	B. Lowman,	Do.	30 75
Middlebrook Mills, Maryland,	Edward Trail,	-	41 20
Middleburg, Vermont,	George Cleveland,	Connecticut,	500 62
Middleburg, Virginia,	Edwin C. Brown,	-	94 03
Middleburg, Kentucky,	Henry Russell,	Ireland,	33 45
Middlefield, Massachusetts,	David Mack, jun.	Massachusetts,	9 19
Middle Granville, Massachusetts,	Thaddeus Squires,	Connecticut.	
Middle Haddam, Connecticut,	John Stuart,	Do.	38 27
Middlesex, New York,	R. M. Williams,	New York,	15 30
Middletown, Vermont,	Erwin Safford,	Vermont,	17 62
Middletown, Connecticut,	Joshua Stow,	Connecticut,	609 97
Middletown, New York,	John Grant.	Do.	16 80
Middletown, Pennsylvania,	John McCamon,	Ireland,	71 50
Middletown, Delaware,	James Cowden,	-	85 00
Middletown, Maryland,	Thomas Powell,	Pennsylvania,	53 44
Middletown, Virginia,	Jacob Danner,	Maryland,	20 26
Middletown, Ohio,	Ezekiel Ball,	-	25 51
Middletown, Kentucky,	William White,	Virginia,	77 59
Middletown, Tennessee,	Samuel Mackey.		
Middletown, New Jersey,	William Murray,	New Jersey,	10 60
Middletown Upper Houses, Connecticut,	Josiah Sage,	Connecticut,	30 18
Middleway, Virginia,	Daniel Fry,	Virginia,	22 31
Mifflinburg, Pennsylvania,	Samuel Geddes,	-	46 02
Mifflintown, Pennsylvania,	William Bell, jun.	Pennsylvania,	60 92
Milesburg, Pennsylvania,	Joseph Green.		
Milford, Connecticut,	Jireh Bull,	Connecticut,	65 00
Milford, New York,	John Moore,	New York,	17 04
Milford, Delaware,	Henry Clift.	Maryland,	145 23
Milford, Ohio,	Aaron Matson,	Pennsylvania,	42 17
Milford, Pennsylvania,	James Wallace,	Ireland,	60 74
Mill Creek, Virginia,	David Miller,	Virginia,	29 87
Mill Creek, Ohio,	Erastus Miles,	Vermont,	11 08
Milledgeville, Georgia,	John W. Devereux,	Virginia,	386 58
Millersburg, South Carolina,	David Miller,	South Carolina,	6 73
Millersburg, Kentucky,	Louis Vimont,	Corsica,	78 84
Miller's Ferry, Illinois Territory,	William T. Todd.		
Miller's Tavern, Virginia,	William R. Jeffries,	-	7 29
Millerstown, Pennsylvania,	Thomas Cochran,	Ireland,	33 79
Mill Farm, or Turner's Mill, Virginia,	Daniel Turner,	-	8 00
Mill Grove, North Carolina,	James Pickens,	North Carolina,	7 86
Mill Hall, Pennsylvania,	Nathan Harvey,	Pennsylvania,	25 16
Mill Haven, Georgia,	Reuben Wilkinson,	Georgia,	32 75
Millsborough, Delaware,	William D. Waples,	Virginia,	29 80
Millville, New Jersey,	Nathan Leake,	-	19 18
Millville, Virginia,	Philip Jones,	Do.	10 87
Millwood, Virginia,	J. E. Dangerfield,	Do.	103 08
Milton, Vermont,	Joseph Prentiss,	N. Hampshire,	22 19
Milton, Massachusetts,	Moses Whitney,	Massachusetts,	35 27
Milton, Pennsylvania,	Bethuel Vincent,	-	94 19
Milton, or Broadkill, Delaware,	Eli Hall.	Delaware,	19 18
Milton, Virginia,	Charles Vest,	Virginia,	65 03
Mine-au-Burton, Missouri Territory,	Moses Austin,	Connecticut,	45 33
Minden, New York,	Jacob Smith,	-	18 43
Minerva, Kentucky,	Edward S. Lee,	Virginia,	15 64
Minot, or Poland, Maine,	Nathan Woodbury,	-	15 39
Mobile, Mississippi Territory,	Addin Lewis,	Connecticut,	165 97
Mock's Old Field, North Carolina,	Alexander Nesbitt,	-	32 88
Mohaffey's, North Carolina,	Joseph Mohaffey,	-	6 05
Moira, New York,	Thomas Kennan.		
Monkton, Vermont,	Charles Dean,	Do.	12 76
Monmouth, Maine,	John A. Chandler,	-	16 93
Monroe Court-house, or Union, Virginia,	Richard Shanklin,	Virginia,	55 51
Monroe Works, New York,	Roger Parmelee,	Connecticut,	17 30
Montague, Virginia,	Charles G. Layton,	Virginia,	18 90
Montgomery, Vermont,	Samuel Barnard.		
Montgomery, Ohio,	John Weaver,	Pennsylvania,	16 02
Montgomery, Pennsylvania,	Joseph Toulman,	New York,	16 00
Montgomery Court-house, Maryland,	John Braddock,	Maryland,	93 23
Montgomery Court-house, Virginia,	John B. Goodrich,	Virginia,	138 07
Montgomery Court-house, Georgia,	Thomas Mitchell, jun.	Georgia,	15 53
Monticello, New York,	John P. Jones,	Connecticut,	58 03
Monticello, South Carolina,	Jonathan Davis.		
Monticello, Georgia,	William Cook,	Virginia,	73 68
Monticello, Kentucky,	Joseph Heavin,	-	47 01
Montpelier, Vermont,	Joshua Y. Vail,	Vermont,	100 00
Montville, or Davistown, Maine,	Cyrus Davis,	-	15 29

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Moore Court-house, North Carolina,	Henry Craven,	-	$27 17
Moorefield, Virginia,	John Mullin,	-	147 72
Moorestown, New Jersey,	Gilbert Page,	New Jersey,	19 50
Mooresborough, North Carolina,	Lemuel Moore,	-	9 17
Morgan, Ohio,	Jesse D. Hawley,	-	7 39
Morganfield, Kentucky,	Aquilla Davis,	Maryland,	42 15
Morgan's, Kentucky,	Charles Morgan,	Virginia,	2 38
Morgansville, Virginia,	James Eckles, jun.	-	23 05
Morgantown, Pennsylvania,	David Morgan, jun.	-	17 65
Morgantown, Virginia,	Enos Dougherty,	-	112 95
Morgantown, North Carolina,	Thomas Walton,	Do.	80 65
Moriche's, New York,	James Fanning,	New York,	16 86
Morris's Flats, New York,	Bennet Bicknell,	Connecticut,	7 51
Morristown, New Jersey,	Henry King,	New Jersey,	182 06
Morristown, Ohio,	John Eaton,	Pennsylvania,	30 62
Morrisville, Pennsylvania,	George Laning,	New Jersey,	99 27
Morrisville, Virginia,	William Thompson,	Virginia,	33 08
Mosser's, Ohio,	Abraham Mosser.		
Moultonborough, New Hampshire,	George Freeze,	-	10 42
Mount Airy, North Carolina,	William Unthank,	North Carolina,	13 25
Mount Holly, Vermont,	Nathan T. Sprague,	Massachusetts,	11 12
Mount Holly, New Jersey,	John Blackwood.		
Mount Hope, Virginia,	Peter Sensency,	-	3 09
Mount Horeb, Virginia,	Moses Fitzpatrick,	Virginia,	11 20
Mount Laurel, Virginia,	John White,	Do.	16 45
Mount Mourne, North Carolina,	James Houston,	-	9 15
Mount Pleasant, New York,	Charles Yoe,	England.	
Mount Pleasant, Westmoreland, Pennsylvania,	John Connell,	Maryland,	51 46
Mount Pleasant, Wayne, Pennsylvania,	John Granger,	Connecticut,	40 32
Mount Pleasant, Ohio,	James Judkins,	North Carolina,	56 64
Mount Pleasant, North Carolina,	Nathaniel Henderson,	Do.	19 99
Mount Sterling, Kentucky,	George Howard,	Virginia,	91 32
Mount Tirzah, North Carolina,	Thomas Moore,	New York,	10 73
Mount Vernon, Maine,	Samuel Thing,	N. Hampshire.	10 43
Mount Vernon, Ohio,	Gilman Bryant,	Vermont,	46 07
Mount Vernon, Kentucky,	Samuel Lewis,	Virginia,	18 17
Mount Vintage, South Carolina,	Christopher Breithaupt,	Germany,	18 40
Mount Zion, Kentucky,	Jonathan Taylor,	Virginia,	7 50
Mouth of Black River, Ohio,	John S. Reid,	New Jersey,	2 77
Mullen's Ford, Georgia,	Robert Packet,	North Carolina,	1 11
Mullico Hill, New Jersey,	Joshua Paul,	New Jersey,	14 67
Muncey, Pennsylvania,	John Brindle,	Pennsylvania,	57 72
Munroe, or Southfield, New York,	John McGarrah,	New York,	11 43
Murfreesborough, North Carolina,	William P. Morgan,	Pennsylvania,	117 45
Murfreesborough, Tennessee,	Joel Childers,	Virginia,	112 63
Murray's Mills, Pennsylvania,	Benjamin Burrill,	Ireland,	14 72
Murraysville, North Carolina,	William Murray,	-	6 17
Musquito Creek, Ohio,	James Heaton,	Virginia,	1 50
Musser's Mills, Ohio,	John Musser,	Pennsylvania.	
Myerstown, Pennsylvania,	John Albright,	Do.	14 82
Mystic River, Connecticut,	Zabdiel Rogers,	Connecticut,	22 48
Milton, Ohio,	Reuben S. Clarke.		
Murphey's Settlement, Mississippi Territory,	James Caldwell.		
Mount Carmel, Tennessee,	Joel Echols.		
Nanjemoy, Maryland,	Massy Simms,	Maryland,	22 32
Nanticoke, New York,	Lewis Keeler.		
Nantucket, Massachusetts,	James Barker,	Massachusetts,	247 10
Naples, New York,	Hinkley Stevens,	-	12 84
Narragaugus, Maine,	Joseph Adams,	Do.	7 89
Nashville, Tennessee,	Robert B. Currey,	North Carolina,	1,811 95
Nassau, New York,	Michael Stocking,	Massachusetts,	38 86
Natchez, Mississippi Territory,	John Hankinson,	New Jersey,	903 05
Natchitoches, Orleans Territory,	James P. Harrison,	South Carolina,	129 96
Natural Bridge, Virginia,	Matthew Houston,	Virginia,	35 75
Nazareth, Pennsylvania,	John Beitel,	Pennsylvania,	88 81
Nelson, New York,	Lemuel Covell,	-	19 51
Nelson, Ohio,	Oliver Mills,	-	2 91
Nelson's Ferry, South Carolina,	John C. Newman,	South Carolina,	6 22
Nesbitt's Iron Works, South Carolina,	Joseph Camp,	-	8 42
Nescopeck, Pennsylvania,	John Briggs, jun.	Pennsylvania,	17 04
New Albany, Illinois Territory,	Joel Scribner,	-	37 00
New Alexandria, Pennsylvania,	Nicholas Day,	-	47 68
Newark, New Jersey,	Matthias Day,	New Jersey,	532 88
Newark, Ohio,	David Moore,	Pennsylvania,	115 25
New Baltimore, Virginia,	George Brent,	Virginia,	17 82
New Bedford, Massachusetts,	Abraham Smith,	Massachusetts,	490 93
New Berlin, New York,	Jeremy Goodrich,	Connecticut,	28 79
Newbern, Virginia,	Henry Hance,	Virginia,	23 78
Newbern, North Carolina,	Thomas Watson,	-	443 40
Newberry, New Jersey,	Wilson McGowan.		
New Boston, Ohio,	James Templin, jun.		
New Brunswick, New Jersey,	Bernard Smith,	New Jersey,	597 69
Newburg, New York,	Aaron Belknap,	New York,	387 16
Newbury, Vermont,	James Spear, jun.	Vermont,	30 01

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Newbury Court-house, South Carolina,	Thomas Pratt,	Virginia,	$85 40
Newburyport, Massachusetts,	Moses Lord,	Massachusetts,	711 76
New Canton, Virginia,	Robert Hill,	Virginia,	63 24
Newcastle, Maine,	John Glidden,	-	69 92
Newcastle, Pennsylvania,	Joseph J. Boyd,	-	30 88
Newcastle, Delaware,	David Morison, jun.	Delaware.	
Newcastle, or Henry Court-house, Kentucky,	Samuel Stubbins,	Connecticut,	73 88
New Chester, New Hampshire,	Ebenezer Kimball,	-	3 01
New Egypt, New Jersey,	Thomas Wallin,	Pennsylvania.	
Newfane, Vermont,	Adolphus King,	Massachusetts,	25 34
Newfound Mills, Virginia,	Thomas Price,	-	14 68
Newfield, Maine,	Winthrop Hill,	N. Hampshire,	3 50
New Garden, Pennsylvania,	Gilbert Pritchard,	England,	34 66
New Geneva, Pennsylvania,	John Davenport,	Ireland,	40 73
New Germantown, New Jersey,	Isaac Ogden,	New Jersey,	21 01
New Glasgow, Virginia,	John S. Blair,	Virginia,	56 04
New Gloucester, Maine,	Joseph E. Foxcroft,	Massachusetts,	23 59
New Hampton, New Hampshire,	William B. Kelley,	N. Hampshire,	5 12
New Hampton, New Jersey,	Samuel W. Fell,	Pennsylvania,	10 06
New Hartford, Connecticut,	Theodore Cowles,	-	30 46
New Hartford, New York,	Caleb Sampson,	Massachusetts,	192 70
New Haven, Vermont,	Chauncey Moore,	-	22 38
New Haven, Connecticut,	William H. Jones,	Connecticut,	1,089 86
New Haven, Ohio,	Caleb Palmer,	New York.	
New Holland, Pennsylvania,	Samuel Holl,	Pennsylvania,	27 74
New Hope, Pennsylvania,	Cephas Ross,	-	52 86
New Hope, North Carolina,	N. Washington,	-	3 30
New Hope, South Carolina,	David Dantzler,	South Carolina,	5 00
New Ipswich, New Hampshire,	Benjamin Champney,	Massachusetts.	
Naples Village, New York,	Pard. F. Brownell,	-	3 13
Natick, Massachusetts,	Martin Haynes,	-	84
Neville, Ohio,	Elijah Larkin,	Maryland.	
Newark, Delaware,	Henry Whitely,	Do.	42 63
New Berlin, Pennsylvania,	George Eisenhuth,	-	60
New Boston, New Hampshire,	Levi Bixby,	N. Hampshire.	
New Braintree, Massachusetts,	David Brigham,	Massachusetts.	
New Canton, Tennessee,	Robert McMinn,	Pennsylvania,	13 45
New Garden, North Carolina,	John McFarland,	-	3 98
New Haven, New York,	Joseph Bailey,	England,	3 91
New Lexington, Ohio,	James I. Nisbet,	Pennsylvania,	8 35
Newmarket, Virginia,	Benjamin Waller,	Virginia.	
Newport, New Jersey,	William Chard,	New Jersey.	
Newport, Ohio,	Thomas Ferguson,	Virginia.	
New Salem, Ohio,	Robert Baird,	Ireland,	4 72
Newtown, Licking, Ohio,	John Huston.		
Newtown, Hamilton, Ohio,	Jacob J. Miller,	Pennsylvania.	
Newtown Lower Falls, Massachusetts,	Amos Allen,	Massachusetts,	24 06
Nicholls's Inn, Indiana,	George Nicholls.		
Nicholson's House, North Carolina,	George Nicholson,	-	9 32
Noland's Ferry, Virginia,	Dade P. Noland,	Maryland.	
Northfield, New Hampshire,	D. C. Atkinson,	-	3 61
Norton, Massachusetts,	Earl P. White,	-	1 97
Nunda, New York,	Russell G. Hurd,	N. Hampshire.	
Newtown, Kentucky,	Charles Catherwood.		
New Fredericksburg, Kentucky,	Henry Yates.		
New London, Kentucky,	Mesheck Lewellen.		
Norton, Ohio,	Samuel Wyatt.		
New Kent Court-house, Virginia,	Samuel Trower,	-	60 28
New Lebanon, New York,	Elam Tilden,	Connecticut,	73 40
New Lebanon, North Carolina,	George Firebee,	North Carolina,	6 11
New Lisbon, or Pittsfield, New York,	Cyrenus Noble,	Connecticut,	15 27
New Lisbon, Ohio,	George Endley,	Pennsylvania,	95 17
New London, Connecticut,	Oben Way,	Connecticut,	621 59
New London, Virginia,	Aaron Scholfield,	Maryland,	34 18
New London Cross Roads, Pennsylvania,	J. W. Cunningham,	Pennsylvania,	31 34
New Madrid, Missouri Territory,	George Termile,	-	17 66
New Marlborough, Massachusetts,	Stephen Powell.		
Newmarket, New Hampshire,	John Kennard,	Massachusetts,	7 08
Newmarket, Maryland,	Jacob Houch,	Dist. Columbia,	76 47
Newmarket, Shenandoah, Virginia,	Ambrose Henkel,	Virginia,	102 01
Newmarket, Prince William, Virginia,	Hezekiah Kidwell.		
Newmarket, Ohio,	Jonathan Bereman,	New Jersey,	24 05
New Milford, Connecticut,	Philo Noble,	Connecticut,	72 41
New Milford, Pennsylvania,	Hezekiah Leach, jun.	Do.	6 39
New Mills, New Jersey,	William Kinsinger,	Pennsylvania,	10 75
New Orleans, Louisiana,	Thomas B. Johnson,	France,	2,180 59
New Paltz, New York,	Jos. H. Bininger,	New York,	21 61
New Philadelphia, Ohio,	Christian Espick,	-	33 89
Newport, New Hampshire,	Luther Delano,	-	21 89
Newport, Rhode Island,	Benjamin B. Mumford,	Rhode Island,	635 71
Newport, New York,	Jacob L. Sherwood,	Massachusetts,	39 70
Newport, Delaware,	Zenas Wells,	Do.	71 68
Newport, Maryland,	Mat. W. Courtney.		
Newport, Tennessee,	Augustin Jenkins,	Virginia,	56 58

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Newport, or Campbell Court-house, Kentucky,	Daniel Mayo,	Massachusetts,	$122 33
New Providence, New Jersey,	Stephen Day,	New Jersey,	12 62
New Rochelle, New York,	John Underhill,	New York,	78 51
New Salem, Massachusetts,	Nathan Bryant.		
New Sharon, Maine,	Samuel Prescott,	N. Hampshire,	15 18
New Store, Virginia,	William Thompson,	-	12 56
Newtown, Connecticut,	Caleb Baldwin, jun.	Connecticut,	35 01
Newtown, New Jersey,	Charles Pemberton,	England,	61 83
Newtown, Pennsylvania,	James Raguet,	France,	23 09
Newtown, King and Queen, Virginia,	Lee Boulware,	Virginia,	15 98
Newtown, or Stephensburg, Virginia,	Richard Wells,	-	43 14
Newtown, or Trapp, Maryland,	James Torrance,	Ireland,	62 51
Newtown, Worcester, Maryland,	Edward Stevenson,	-	17 02
New Vernon, New Jersey,	Jonathan Miller,	New Jersey,	6 28
Newville, Pennsylvania,	Alexander Barr,	Ireland,	111 59
New York, Virginia,	Wad. T. Slaughter,	-	12 72
New York City, New York,	Theodorus Bailey,	New York,	2,000 00
Niagara, New York,	Joseph West.		
Nicholasville, Kentucky,	Benjamin Netherland,	Virginia,	94 96
Nine Bridges, Maryland,	George Moffit,	-	11 64
Nineveh, or Compton's Store, Virginia,	Alex. Compton.		
Nixon's, Mississippi Territory,	George H. Nixon,	Do.	16 12
Norfolk, Connecticut,	Joseph Jones,	Connecticut,	46 29
Norfolk, Virginia,	William Newsum,	Virginia,	2,007 17
Norridgewock, Maine,	William Spalding,	Massachusetts,	30 32
Norristown, Pennsylvania,	James Coates,	Pennsylvania.	
North Adams, Massachusetts,	William Waterman,	-	10 47
North Amenia, New York,	Alexander Neely,	New York,	15 46
Northampton, Massachusetts,	Daniel Wright,	Massachusetts,	621 64
Northampton, New York,	John Fay,	Do.	25 74
Northampton Court-house, Virginia,	John Adams,	Do.	84 12
Northampton Court-house, North Carolina,	Hardy Cobb,	Virginia,	22 63
North Bend, Ohio,	James Silver,	Pennsylvania,	8 58
Northborough, Massachusetts,	Benjamin Munroe,	Massachusetts,	22 95
North Castle, New York,	John Smith,	-	8 41
North East, New York,	Israel Reynolds,	New York,	27 59
North East, Pennsylvania,	John McCord,	-	10 23
North East, Maryland,	John Maffit,	-	62 84
North End, Virginia,	William Blake,	Virginia,	8 35
Northfield, Massachusetts,	John Nevers,	-	25 24
Northford, Connecticut,	Augustus Tyler,	Connecticut,	7 43
North Hempstead, New York,	James Poole,	-	3 53
North Norwich, New York,	Pardon Morris,	-	8 26
Northport, Maine,	Jones Shaw,	Massachusetts,	16 49
Northington, Connecticut,	Richard Bacon,	Connecticut,	5 98
North Stonington, Connecticut,	Thomas T. Willis,	Rhode Island,	12 47
Northumberland, New York,	Harvey Granger,	-	17 82
Northumberland, Pennsylvania,	John Cowden,	Ireland,	98 18
Northumberland Court-house, Virginia,	William Jett,	-	49 99
Northwest River Bridge, Virginia,	Miles Brett,	Virginia,	15 00
North Wood, New Hampshire,	John Furber,	-	7 41
North Yarmouth, Maine,	Daniel Mitchell,	Maine,	77 72
Norwalk, Connecticut,	William M. Betts,	Connecticut,	145 11
Norway, Maine,	William Reed,	-	14 86
Norway, New York,	Josiah Smith,	-	14 84
Norwich, Vermont,	George Riley,	Do.	48 61
Norwich, Connecticut,	John Hyde.	Do.	179 18
Norwich, New York,	Perez Randall,	Do.	75 30
Nottingham, New Hampshire,	Henry Butler, jun.	N. Hampshire,	8 31
Nottingham, Maryland,	William Worthington,	Maryland,	32 97
Oak Grove, Virginia,	Benjamin Wilkinson,	Virginia,	16 45
Oak Hall, South Carolina,	R. M. Earle,	-	6 24
Oakham, Massachusetts,	Joseph Fobes,	Massachusetts,	11 11
Oak Hill, or Ashe's Store, Virginia,	Thomas Adams, jun.	Virginia,	36 42
Occoquan, Virginia,	James Russell,	Pennsylvania,	38 97
Ogdensburg, New York,	L. Hasbrouck.	New York,	133 28
Old Bridge, New Jersey,	Jacob V. Wickle,	New Jersey,	2 66
Old Salt House, Tennessee,	John Kelly.		
Old Sheshequin, Pennsylvania,	Wanton Rice,	-	46
Oldtown, Maryland,	George W. Glaze,	Virginia,	52 20
Olympian Springs, Kentucky,	William Bashaw.		
O'Neal's, South Carolina,	William Wright,	Do.	20 88
Onondaga, New York,	Jasper Hopper,	-	208 96
Onslow Court-house, North Carolina,	Eden Bell,	-	2 30
Opelousas, Orleans Territory,	Levin Wales,	Maryland.	
Oppenheim, New York,	Ezekiel Belding,	Massachusetts,	6 65
Oquago, New York,	George Harper.		
Orange, New Jersey,	John M. Lindsley,	New Jersey,	43 39
Orangeburg, South Carolina,	Sanders Clover,	South Carolina,	128 49
Orange Court-house, Virginia,	Paul Verdier,	-	117 83
Orange Springs, Virginia,	James Nelson,	Virginia,	46 17
Orford, New Hampshire,	William Howard,	Connecticut,	39 44
Orford, Connecticut,	Wells Woodbridge,	Do.	7 62
Orleans, Massachusetts,	Jonathan Bascom,	Massachusetts,	20 50

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Orrington, Maine,	Benjamin Nourse,	-	$12 39
Orrsville, South Carolina,	Mark K. Collins,	-	11 20
Orwell, Vermont,	Josiah Austin,	Connecticut,	27 71
Orwigsburg, Pennsylvania,	A. Reifschneider,	Pennsylvania,	27 29
Ossippee, New Hampshire,	Moses Colby,	N. Hampshire,	5 65
Oswego, New York,	Nathan Sage,	Connecticut,	64 81
Oswego Falls, New York,	James Lyon,	Pennsylvania,	23 24
Otsego, New York,	Erastus Dean,	New York,	16 69
Otis, or Bethlehem, Massachusetts,	Basil Seymour,	Connecticut,	14 22
Otter Bridge, Virginia,	Edmund Read,	Virginia,	18 17
Ottsville, Pennsylvania,	Michael Ott,	Pennsylvania,	4 83
Overalls', Virginia,	Elias Overalls,	Virginia,	9 38
Overton Court-house, or Munroe, Tennessee,	James Whiteside,	North Carolina,	59 13
Ovid, New York,	John Maynard,	New York.	
Owasco, New York,	M. Cuykendall,	Do.	15 49
Owego, New York,	S. B. Leonard,	Do.	99 46
Oxford, Massachusetts,	Archibald Campbell,	-	16 33
Oxford, Connecticut,	David Conde,	-	12 91
Oxford, New York,	John Tracy,	Connecticut,	118 17
Oakhill, New York,	Jacob Raggen.		
Oaks, Virginia,	John F. Rawlins,	Virginia,	4 69
Offutt's Virginia,	James M. Offutt,	Do.	4 82
Onondaga Court-house, New York,	Neh. H. Earle,	New York.	
Oram, New York,	Philo Cleveland,	Connecticut.	
Orange, Massachusetts,	L. Harrington,	Massachusetts.	
Orangetown, New York,	Philip Dubey,	-	36
Oriskanny, New York,	Garret G. Lansing,	New York.	
Orrville, New York,	Isaac Osgood.		
Orwell, Pennsylvania,	Chauncey Frisbee,	Connecticut,	9 39
Otisco, New Jersey,	Luther French.	Massachusetts,	13 38
Owens' Tavern, Virginia,	Mechain Owens,	Virginia.	
Owensville, Kentucky,	Edward Stockton,	-	43 31
Oxford, North Carolina,	R. N. Henderson.		
Oyster Bay South, New York,	Timothy Carman,	-	96
Oxford, Pennsylvania,	J. L. Gubernator.		
Oxford, Pennsylvania,	Timothy Kirk,	Pennsylvania.	
Oxford, Virginia,	Peter Nelson,	Virginia,	3 36
Oxford Furnace, New Jersey,	John P. Robeson,	-	3 58
Oyster Bay,	James Colwell,	New York,	18 39
Painter's Cross Roads, Pennsylvania,	John Painter,	Pennsylvania,	1 49
Palatine Bridge, New York,	E. S. Callender,	New York.	16 35
Palmertown, New York.	Daniel Hicks,	-	75
Patterson's Store, North Carolina,	Smith Patterson,	North Carolina.	
Paynesville, North Carolina,	William Payne,	Virginia,	1 38
Peace's, North Carolina,	John M. Peace.		
Peach Bottom, Pennsylvania,	John Kirk,	Pennsylvania,	8 54
Peeble's Tavern, North Carolina,	John De Amis.		
Pejepscot, Maine,	Moses Rowe.		
Penn's Valley, Pennsylvania,	Thomas Hemphill,	Ireland,	5 82
Penobscot, Maine,	William Freeman,	Massachusetts.	
Perry, New Jersey,	Thomas Egerly,	N. Hampshire.	
Paddytown, Virginia,	W. Armstrong, jun.	-	23 01
Paineville, Virginia,	Bernard Seay,	Virginia.	18 67
Painesville, Ohio,	Samuel W. Phelps,	Connecticut,	39 48
Painted Post, New York,	Thomas McBurney,	-	28 98
Palatine, New York,	Peter C. Fox,	-	47 28
Palermo, Maine,	John Marden,	N. Hampshire,	11 18
Palmer, Massachusetts,	Amos Hamilton,	Massachusetts,	22 12
Palmyra, New York,	Ira Selby,	Do.	
Palmyra, Pennsylvania,	Adam Kittering,	Virginia,	12 55
Palmyra, Ohio,	Parritt Hadley,	N. Hampshire,	8 68
Palmyra, North Carolina,	James Gordon,	-	21 66
Palmyra, Tennessee,	William L. Brown,	-	46 85
Panther's Creek, North Carolina,	W. Thornton, jun.	North Carolina,	11 00
Paradise, Pennsylvania,	David Wilmer, jun.	Pennsylvania,	52 29
Parham's Store, Virginia,	John Parham,	Virginia,	26 90
Paris, Maine,	Russell Hubbard,	Massachusetts,	26 61
Paris, New York,	H. McNeil,	-	36 87
Paris, Virginia,	Isaac Settle,	Virginia,	51 03
Paris, or Bourbonton, Kentucky,	William Paton,	Do.	298 21
Paris Furnace, New York,	Joseph Howard,	-	7 48
Parishville, New York,	Daniel Hoard,	Massachusetts,	7 90
Parkersburg, or Wood Court-house, Virginia,	Thomas Neale,	-	69 30
Parkinson's Ferry, Pennsylvania,	George Wyeth,	Do.	59 95
Parkman, Ohio,	R. B. Parkman,	Do.	10 77
Parma, New York,	Zolved Stevens,	Do.	14 33
Parsonsfield, Maine,	Samuel Cushman,	Do.	20 65
Patchogue, New York,	Nathaniel Smith,	New York,	13 10
Patesville, Kentucky,	William Pate,	-	4 58
Patrick Court-house, Virginia,	John Napier,	Virginia,	15 96
Patrick's Mills, North Carolina,	John P. Patrick.		
Patterson, New York,	Henry B. Lee,	-	18 51
Paterson, New Jersey,	Henry Godwin,	New Jersey,	83 36
Pattonsburg, Virginia,	Thomas Martin,	Virginia,	55 30

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Pawtucket Bridge, Massachusetts,	Nathaniel Wright,	Massachusetts,	$3 83
Pawling, New York,	Charles Hurd,	New York,	8 60
Pawlet, Vermont,	Dorastus Fitch,	Vermont,	31 21
Pawtucket Falls, Rhode Island,	Otis Tiffany,	-	161 12
Pawtuxet, Rhode Island,	John A. Aborn,	Rhode Island,	16 81
Peacham, Vermont,	Hector McLean,	Massachusetts,	27 72
Pea's Store, South Carolina,	Alston F. Pea,	South Carolina,	10 82
Pedlar's Mills, Virginia,	John Davis,	-	17 43
Peekskill, New York,	William Nelson,	New York,	127 06
Pelham, New Hampshire,	James Wilson,	N. Hampshire,	9 14
Pelham, Massachusetts,	Constant Ruggles,	Massachusetts.	
Pembroke, New Hampshire,	Benjamin Cushing,	Do.	44 75
Pembroke, New York,	Elijah Flint,	Do.	14 54
Pendleton Court-house, South Carolina,	John T. Lewis,	North Carolina,	133 13
Penfield, New York,	Jacob B. Bryan,	Massachusetts,	38 05
Penn's Store, Virginia,	James Penn,	-	12 84
Percivall's, Virginia,	Joseph Percivall,	Scotland,	71 47
Perkinsonville, Virginia,	Peter Rison,	Virginia,	24 35
Peru, New York,	Asa Elmore,	Massachusetts,	36 81
Peterborough, New York,	Peter S. Smith,	-	49 94
Petersborough, New Hampshire,	Jonathan Smith,	-	21 36
Petersburg, Pennsylvania,	Ephraim Davis,	Maryland,	39 01
Petersburg, Virginia,	Thomas Shore,	Virginia,	2,655 85
Petersburg, Georgia,	John Watkins,	Do.	48 86
Petersham, Massachusetts,	H. Hapgood,	Massachusetts,	22 19
Petersville, Maryland,	P. McGill, jun.	Maryland,	29 37
Pharsalia, New York,	Nathaniel Waldron,	Rhode Island,	9 35
Phelps, New York,	David McNeale,	Connecticut,	47 68
Philadelphia, Pennsylvania,	Richard Bache,	Pennsylvania,	2,000 00
Philipsburg, Pennsylvania,	William P. Dewees,	-	15 27
Phillips's Store, North Carolina,	Jesse Taylor,	North Carolina,	14 08
Perrysville, Kentucky,	Edward Bullock,	Virginia.	
Peru, Massachusetts,	G. W. McElwain,	Massachusetts.	
Peru, Vermont,	Reuben Bigelow,	Do.	
Peterstown, Virginia,	Christ. Peters,	Virginia.	
Philipston, Massachusetts,	E. L. Bascom,	Massachusetts,	10 66
Phipsburg, Maine,	Mark L. Hill,	Maine,	30 45
Piermont, New Hampshire,	Robert W. Scott,	-	15 25
Piketown, Ohio,	Nathan Glover,	Maryland.	
Pineville, South Carolina,	Theo. Gourdin,	South Carolina.	
Pleasant Grove, North Carolina,	Andrew McCauly,	Ireland,	11 37
Pleasants, Ohio,	Thomas Roberts,	Virginia,	87
Point Coupee Court-house, Louisiana,	James Mitchell.		
Pollardsville, South Carolina,	William Pollard,	-	6 75
Poplar Ridge, New York,	Eliphalet Sawyer,	Connecticut,	20 06
Poplar Springs, Maryland,	Allen Dorsey,	Maryland,	27 45
Poplin, New Hampshire,	Nathaniel Merrill.		
Port Deposite, Maryland,	Samuel Clendenin,	Do.	
Portland, New York,	Calvin Barns,	-	11 84
Post Hill, Georgia,	J. Bennett.		
Preble, New York,	Jabez B. Phelps,	Connecticut,	10 05
Preston's, Tennessee,	James Preston,	Virginia.	
Princetown, New York,	Calvin Cheesman,	Massachusetts.	
Princeton, Indiana,	John J. Neely,	Kentucky.	
Princeton, Ohio,	Samuel Baylies.		
Punch Hall, Maryland,	Elijah Barwick,	Maryland.	
Pungoteague, Virginia,	Abel Rodgers,	Virginia.	
Putnam, Ohio,	Increase Matthews,	Massachusetts,	131 39
Pike Court-house, Mississippi Territory,	David Dickson.		
Pickaway Plains, Ohio,	Henry Neville,	Ireland,	47 72
Pickensville, South Carolina,	Elisha Hamlin,	-	11 87
Pig Point, Maryland,	Rezin Estep,	-	10 85
Pinckneyville, South Carolina,	Daniel McMahon,	-	11 47
Pinckneyville, Mississippi Territory,	Ed. Randolph,	South Carolina,	171 80
Pine Grove Mills, Pennsylvania,	Stephen Davis,	-	21 80
Pine Hill, South Carolina,	Hugh White,	Do.	4 62
Piney Grove, Virginia,	Jacob Barnes,	Virginia,	5 20
Piquatown, Ohio,	A. Brandon,	North Carolina,	43 31
Piscataway, Maryland,	R. L. Humphreys,	Maryland,	65 91
Pitch Landing, North Carolina,	George B. Outlaw,	North Carolina,	22 97
Pittsborough, or Chatham Court-house, North Carolina,	Z. Harmance,	Do.	76 56
Pittsburg, Pennsylvania,	John Johnson,	Ireland,	2,118 23
Pittsfield, Massachusetts,	Joshua Danforth,	Massachusetts,	276 49
Pittsford, Vermont,	John Barns, jun.	Vermont,	33 61
Pittsgrove, New Jersey,	Joseph Cook,	New Jersey,	23 94
Pittston, Maine,	Jacob Loud,	Massachusetts,	18 90
Pittston, New Jersey,	Edward Welsted.		
Pittston, Pennsylvania,	Eleazer Carey,	Pennsylvania,	10 27
Pittstown, New York,	A. Newcomb,	New York,	33 05
Pittsylvania Court-house, Virginia,	David H. Clark,	Virginia,	69 46
Plainfield, Vermont,	Silas Williams, jun.	Vermont,	4 07
Plainfield, Connecticut,	Ebenezer Eaton,	-	56 13
Plainfield, New York,	Ruggles Spooner,	Massachusetts,	13 91
Plainfield, New Jersey,	Samuel Manning,	-	27 29

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Plattsburg, New York,	John Lynde,	New York,	$410 32
Pleasant Grove, Virginia,	Langston Bacon, jun.	Virginia,	16 85
Pleasant Valley, New York,	Samuel Baker,	New York,	37 41
Pleasant Valley, Virginia,	Elijah Hutchinson,	Virginia,	10 63
Plough and Harrow, Virginia,	Michael Mauzy,	Do.	21 16
Pluckemin, New Jersey,	William J. Hedges,	New Jersey,	12 85
Plumstead, Pennsylvania,	John Rodrock,	Pennsylvania,	7 82
Plymouth, New Hampshire,	Nathan Harris,	N. Hampshire,	35 33
Plymouth, Vermont,	Daniel Clark,	-	1 96
Plymouth, Massachusetts,	James Warren,	-	196 46
Plymouth, Connecticut,	Apollos Warner,	Connecticut,	23 46
Plymouth, New York,	Judah Bement,	Massachusetts,	10 10
Plymouth, Pennsylvania,	George Lane,	New York,	5 40
Plymouth, North Carolina,	John Armistead,	North Carolina,	87 65
Plympton, Massachusetts,	Peleg Wright,	Massachusetts,	12 52
Pocotaligo, South Carolina,	William Martin,	-	179 99
Point Harmer, Ohio,	Joseph Wilcox,	Connecticut,	74 56
Point Pleasant, Virginia,	William Langtry,	-	40 15
Poland, Maine,	Robert Waterman,	Massachusetts,	2 99
Poland, Ohio,	Jared Kirtland,	Connecticut,	25 06
Pomfret, New York,	Jacob Houghton,	Massachusetts,	43 08
Pomfret, Connecticut,	Lemuel Grosvenor,	Connecticut,	65 13
Pompey, New York,	Luther Marsh,	N. Hampshire,	75 17
Pompton, New Jersey,	Robert Colfax,	Connecticut,	13 57
Poole's Store, Maryland,	Dennis Lackland,	Maryland,	36 73
Poolsville, South Carolina,	F. H. Legg,	-	7 27
Poplar Grove, South Carolina,	Willis Crenshaw,	South Carolina.	
Poplartown, or Trapp, Maryland,	James A. Collins,	Delaware,	28 85
Port Elizabeth, New Jersey,	Stephen Willis.		
Port Gibson, Mississippi Territory,	A. B. Bradford,	Virginia,	171 37
Portland, Maine,	Robert Ilsley,	Massachusetts,	1,755 72
Port Republic, Virginia,	Joseph Graham,	Virginia,	21 28
Port Royal, Virginia,	N. Berryman,	Do.	101 19
Port Royal, Tennessee,	Joseph Woolfolk,	North Carolina,	39 80
Port's Ferry, South Carolina,	Francis Greaves.		
Portsmouth, New Hampshire,	Jonathan Payson,	Massachusetts,	1,669 73
Portsmouth, Rhode Island,	Thomas Cory, jun.	Rhode Island,	16 94
Portsmouth, Ohio,	Thomas Waller,	Virginia,	116 86
Portsmouth, Virginia,	Jesse Nicholson,	Do.	147 20
Port Tobacco, Maryland,	James L. Griffin,	Maryland,	153 49
Port William, Kentucky,	John B. Bernard,	Virginia,	45 02
Potsdam, New York,	Caleb Hough,	-	45 52
Potter's Mills, Pennsylvania,	James Potter, jun.	Pennsylvania,	19 10
Pottiesville, Virginia,	N. Thompson, jun.	Virginia,	18 85
Pottsgrove, Pennsylvania,	Jacob Drinkhouse,	Pennsylvania,	114 69
Poughkeepsie, New York,	Levi McKeen,	N. Hampshire,	545 10
Poultney, Vermont,	Daniel Mallory, jun.	Connecticut,	79 38
Powelton, Georgia,	Sampson Duggar,	Virginia,	41 11
Pownal, Vermont,	Josiah Wright, jun.	Vermont,	16 76
Preston, Connecticut,	Samuel M. Downer,	-	19 92
Price's Mills, Virginia,	Thomas A. Hope,	Virginia,	6 96
Price's Store, South Carolina,	Thomas Price,	England,	10 47
Prince Edward Court-house, Virginia,	Joshua League,	Virginia,	115 96
Princess Ann, Maryland,	L. D. Teackle,	Maryland,	110 14
Princeton, Massachusetts,	Samuel Stevenson,	-	14 48
Princeton, New Jersey,	Stephen Morford,	New Jersey,	399 17
Prospect, Maine,	Samuel Shute,	Maine,	11 90
Prospect, Virginia,	Robert Venable, jun.	-	16 71
Prospect Hill, Virginia,	William Wiley,	-	4 52
Providence, Rhode Island,	Gabriel Allen,	Massachusetts,	2,209 03
Providence, Pennsylvania,	Benjamin Slocum,	Rhode Island,	9 03
Providence, North Carolina,	James Wallis,	North Carolina,	12 68
Provine, Indiana,	William G. Gulick,	New Jersey,	3 87
Provincetown, Massachusetts,	Orsamus Thomas,	Massachusetts,	10 47
Pruntytown, Virginia,	Levi Nott,	New York,	33 16
Pughtown, Pennsylvania,	James Everhart,	Pennsylvania,	18 70
Pughtown, Virginia,	Augustus Green, jun.	Virginia,	8 92
Pulaski, Tennessee,	Henry Hagen,	Pennsylvania,	82 62
Pultney, New York,	Joel Pratt, jun.	-	29 19
Pultneyville, New York,	Samuel Ledyard,	New Jersey.	
Putnam's, Pennsylvania,	Thomas Putnam,	-	1 68
Putney, Vermont,	Amasa Manley,	-	44 37
Putney's Store, North Carolina,	Richard Putney,	Virginia,	6 34
Quakertown, Pennsylvania,	William Green,	-	25 70
Quarlesville, Virginia,	William Stith,	Do.	10 01
Queen Ann, Maryland,	John Randall, jun.	Maryland,	48 88
Queenstown, Maryland,	Nicholas M. Hobbs,	Do.	57 46
Quincy, Massachusetts,	Mettram Vesey,	Massachusetts,	32 99
Quantico Mills, Maryland,	George Malcolm,	-	16 69
Queensdale, North Carolina,	James McQueen,	Scotland,	3 08
Rahway, New Jersey,	Richard Marsh,	New Jersey,	174 55
Raine's Tavern, Virginia,	John Raine, jun.	-	26 14
Raleigh, North Carolina,	William Peck,	Virginia,	554 84
Ramapo Works, New York,	Jeremiah H. Pierson,	New Jersey,	65 60

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Randolph, Vermont,	William Nutting,	Massachusetts,	$62 75
Randolph, Massachusetts,	Jonathan Spear,	-	20 25
Ransom's Bridge, North Carolina,	John Portis,	North Carolina,	11 59
Ravenna, Ohio,	William Tappan,	Massachusetts,	35 55
Raymond, Maine,	Stephen Swett,	-	6 46
Readfield, Maine,	Samuel Currier.		
Reading, Massachusetts,	John Wetson,	-	19 55
Reading, Connecticut,	William Comstock,	Connecticut,	14 48
Reading, Pennsylvania,	John Walter,	Pennsylvania,	331 72
Readsborough, Pennsylvania,	Alexander Read,	-	9 75
Readyville, Tennessee,	Charles Ready,	Maryland,	48 74
Reamstown, Pennsylvania,	Frederick Ziegler,	Wirtemburg,	20 60
Ramsey's Ferry, Kentucky,	Chris. C. Houts,	-	3 87
Runtole's, South Carolina,	—— Wilkie.		
Rappahannock Academy, Virginia,	Alexander Keech,	Maryland,	10 01
Raymond, New Hampshire,	Joseph Blake,	N. Hampshire.	
Reading Town-house, Connecticut,	William Sanford,	Connecticut,	7 06
Red Bank, South Carolina,	Michael Rayson,	South Carolina,	15 81
Republicsville, Michigan Territory,	Daniel Campbell,	-	1 72
Richmond, Ohio,	John Greare.		
Ridgeville, Ohio,	John Blair,	Pennsylvania.	
Ridgeway, New York,	James Brown,	Connecticut.	
Rindge, New Hampshire,	Moses Todd.		
Ripley, New York,	Robert Dickson,	New York.	
Rising Sun, Indiana,	Caleb A. Craft,	Connecticut.	
Rocky Hill Mills, Virginia,	William H. Hampton,	Virginia.	
Rocky Mount, North Carolina,	J. C. B. Atkinson,	Do.	
Rock Spring, Virginia,	Henry Bibb, jun.	Do.	1 66
Rogers's Mills, New York,	Samuel Morrison,	New York,	32
Roseburg, Pennsylvania,	John McGonagle,	Ireland.	
Rosman's, Ohio,	Philip Rosman,	Do.	7 82
Rossie Iron Works, New York,	Roswell Ryan,	-	6 02
Rossville, Pennsylvania,	A. Underwood.		
Round Lick, Tennessee,	Armstead Moore,	Virginia,	1 22
Rumford, Maine,	Nathan Adams, jun.	Massachusetts,	7 32
Rupert, Vermont,	David Sheldon.		
Reynoldsburg, Tennessee,	Joshua Williams,	-	28 21
Richland, Tennessee,	Cyrus W. Murray,	Virginia.	
Rotterdam, New York,	John Jones,	Pennsylvania,	4 94
Rockville, Virginia,	Burnet Dundas,	Do.	15 94
Robertson's Fork, Tennessee,	John Henderson.		
Red Bluff, Michigan Territory,	Dennis Hamilton,	Virginia,	8 06
Redfield, New York,	David Dickerson,	-	39
Red Hook, New York,	John Wheeler,	New York,	128 54
Red House, North Carolina,	George W. Jeffreys,	North Carolina,	23 62
Red Shoal, North Carolina,	Isaac N. Ladd,	Do.	10 73
Rehoboth, Massachusetts,	Rufus Round,	Massachusetts,	10 02
Reid's Store, Virginia,	John Reid,	Ireland,	6 89
Reid's Store, North Carolina,	David Reid,	North Carolina,	1 10
Reidsville, South Carolina,	Nathaniel Reid,	-	3 24
Reistertown, Maryland,	George Fisher,	Maryland,	47 80
Remberston, South Carolina,	James Crowell,	-	16 32
Remsen, New York,	Herman Ferry,	Massachusetts,	20 73
Rensselaerville, New York,	Eli Hutchinson,	-	31 99
Rhea Court-house, Tennessee,	Daniel Rawlins,	-	48 73
Rhinebeck, New York,	F. A. Livingston,	New York,	197 28
Riceborough, Georgia,	William Baker,	South Carolina,	91 64
Richardson's Tavern, South Carolina,	David Richardson,	Do.	14 82
Richfield, New York,	David Waterman,	Massachusetts,	38 09
Richmond, New Hampshire,	Job Bisby,	-	5 79
Richmond, Vermont,	Moor Russell,	-	14 36
Richmond, Massachusetts,	Cyprian Branch,	Connecticut,	17 62
Richmond, Rhode Island,	George P. Pitman,	Rhode Island,	5 10
Richmond, Pennsylvania,	John Baker,	Pennsylvania,	22 08
Richmond, Virginia,	William Foushee,	Virginia,	2,648 15
Richmond, Kentucky,	Robert Miller,	Do.	133 09
Richmond Court-house, Virginia,	John Tayloe,	Do.	50 95
Richmond Court-house, North Carolina,	John Coleman,	North Carolina,	26 98
Richmond's, South Carolina,	James Richmond,	-	7 91
Ridge, Maryland,	Matthias Clarke,	Maryland,	12 86
Ridge, South Carolina,	Jesse Simkins,	South Carolina,	8 25
Ridgefield, Connecticut,	William Keeler,	Connecticut,	27 71
Riga, New York,	Richard Dibble,	Do.	20 32
Ringo's, New Jersey,	Jeremiah Kershaw,	New Jersey,	23 54
Ripton, (parish,) Connecticut,	A. Judson,	Connecticut,	13 41
Rising Sun, Maryland,	Reuben Reynolds,	Maryland,	51 37
River Head, Connecticut,	Peter Comstock,	Connecticut,	15 82
Roan's Creek, Tennessee,	Reuben Thornton,	-	1 78
Robbinston, Maine,	John Brewer,	Massachusetts,	138 57
Robbstown, Pennsylvania,	James B. Oliver,	Pennsylvania,	52 20
Roberts's Store, Virginia,	James Eastham.		
Robertsville, South Carolina,	Thomas Polhill,	Georgia,	51 14
Rochester, New Hampshire,	John B. Buzel,	N. Hampshire,	19 37
Rochester, Massachusetts,	Nathan Willis,	Massachusetts,	37 15

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Rochester, New York,	Abelard Reynolds,	New York,	$72 94
Rockaway, New Jersey,	Joseph Jackson,	New Jersey,	11 97
Rockford, North Carolina,	Thomas W. Lester.		
Rocky Hall, Maryland,	Thomas Harris,	Maryland,	50 67
Rockingham, Vermont,	Horace Baxter.	-	26 32
Rockingham Court-house, North Carolina,	James Campbell,	Scotland,	54 38
Rocky Hill, Connecticut,	Eli Goodrich,	Connecticut,	39 02
Rocky Mount, Virginia,	R. M. Taliaferro,	-	65 49
Rocky Mount, South Carolina,	V. A. Edwards,	Virginia,	1 94
Rocky Ridge, Kentucky,	John McCaughan,	Ireland,	3 44
Rocky Spring, North Carolina,	William Dearing,	Virginia,	6 29
Rogersville, Tennessee,	Francis Dalzell,	Ireland,	109 68
Rogersville, South Carolina,	James Armstrong,	Pennsylvania,	42
Rome, New York,	Joshua Hathaway,	Connecticut,	208 72
Romney, Virginia,	John Jack,	Pennsylvania,	135 44
Romulus, New York,	John Sayre,	New York,	20 77
Roseville, New York,	Martin Leet,	Connecticut,	17 55
Roscommon, New York,	Enos Silsbe,	New York,	11 87
Rose Mills, Virginia,	John N. Rose,	Virginia,	27 10
Rossville, Missouri Territory,	Stephen Ross,	-	9 63
Rough Creek Church, Virginia,	Samuel Hannah.		
Rowley, Massachusetts,	James Smith,	Massachusetts,	26 83
Roxborough, or Person Court-house, North Carolina,	John Williams,	North Carolina,	28 52
Roxbury, New York,	Thomas Montgomery,	Massachusetts,	14 11
Royalton, Vermont,	Luther Blodget.		
Royalton, Massachusetts,	Jos. Esterbrook,	Do.	10 42
Rumford Academy, Virginia,	Richard Hill,	Virginia,	9 61
Russell, New York,	Pliny Goddard,	Connecticut,	32 00
Russell Court-house, Virginia,	Samuel McDowell,	-	40 11
Russia, New York,	Elijah Carpenter,	Massachusetts,	19 78
Russellville, Kentucky,	Samuel Gray,	-	366 98
Rutherfordton, North Carolina,	George Walton,	-	54 33
Rutland, Vermont,	William D. Smith,	-	182 58
Rutland, Massachusetts,	Rufus Putnam,	Do.	20 37
Rutland, New York,	Josiah Massey,	N. Hampshire,	30 58
Rutland, Ohio,	Eli Stedman,	-	21 44
Rutledge, Tennessee,	John Brown,	Ireland,	50 63
Rye, New York,	Henry L. Penfield,	-	52 63
Ryegate, Vermont,	James Whitelaw,	Scotland,	23 36
Sandbornton, New Hampshire,	D. C. Atkinson,	N. Hampshire,	13 68
Salem, Indiana,	Basil Prather,	Maryland,	13 40
Salt Creek, Ohio,	John Chandler,	Connecticut,	4 24
Sand Lake, New York,	Uriah M. Gregory,	Do.	13 68
Sandy Hook, Virginia,	James Withers, jun.	-	7 99
Sandyville, Ohio,	Moses Ayres,	New Jersey.	
Saunders's Mills, Kentucky,	Nathaniel Saunders,	Virginia.	
Savinton, Maryland,	George Beasten,	Maryland,	6 08
Sawpit, New York,	William H. Smith,	New York.	
Sconondoa, New York,	Samuel S. Breeze,	Pennsylvania,	6 94
Sacarappa, Maine,	Luther Fitch.	Massachusetts,	1 92
Sackett's Harbor, New York,	Elijah Field, jun.	Connecticut,	549 78
Saco, or Biddeford, Maine,	John Cleaves,	Massachusetts,	190 76
Sag Harbor, New York,	Henry P. Dering,	New York,	80 29
Salem, New Hampshire,	John Ewin,	N. Hampshire,	8 02
Salem, Massachusetts,	Jos. E. Sprague,	Massachusetts,	849 93
Salem, New York,	William K. Adams,	New Jersey,	124 79
Salem, Pennsylvania,	William Woodbridge,	Connecticut,	4 52
Salem, New Jersey,	James Sherron, jun.	New Jersey,	92 13
Salem, Botetourt, Virginia,	William Blain,	Ireland,	79 36
Salem, Fauquier, Virginia,	Turner Dixon,	Virginia,	20 34
Salem, Ohio,	John Street,	New Jersey,	18 76
Salem, North Carolina,	Gotleib Shober,	Pennsylvania,	331 47
Salem, South Carolina,	William McIntosh,	-	13 77
Salem, Kentucky,	James Frazer,	Tennessee,	60 53
Salem Cross Roads, Pennsylvania,	Hugh Bigham,	-	12 51
Salina, New York,	Daniel Gilbert,	Massachusetts,	32 04
Saline, Illinois Territory,	James Ratcliff,	-	24 25
Salisbury, New Hampshire,	Moses Eastman,	N. Hampshire,	36 52
Salisbury, Vermont,	Austin Johnson,	-	26 77
Salisbury, Massachusetts,	Seth Clark,	Massachusetts,	60 74
Salisbury, Connecticut,	Samuel Church,	Connecticut,	55 87
Salisbury, Montgomery, New York,	Isaac Sears,	New York,	14 59
Salisbury, Orange, New York,	John Caldwell,	Ireland,	8 89
Salisbury, Lancaster, Pennsylvania,	H. F. Slaymaker,	Pennsylvania,	44 67
Salisbury, Somerset, Pennsylvania,	Peter Welfley,	Maryland,	9 82
Salisbury, Maryland,	Robert Lemmon,	Ireland,	39 19
Salisbury, North Carolina,	Andrew Balfour,	Rhode Island,	178 01
Salisbury, Indiana,	David F. Sackett,	Connecticut,	28 16
Sampson Court-house, North Carolina,	A. S. Brown,	North Carolina.	
Sanford, Maine,	Stephen Gowen,	Maine,	6 67
Sandisfield, Massachusetts,	George Hull,	Connecticut,	23 53
Sandwich, New Hampshire,	Elisha Hanson,	N. Hampshire,	12 89
Sandwich, Massachusetts,	William Fessenden,	Massachusetts,	75 93
Sandy Fork, Virginia,	Joseph F. Speed,	-	12 11

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Sandy Hill, New York,	Alpheus Doty,	-	$43 41
Sangerfield, New York,	David Norton,	Connecticut,	57 35
Saratoga, New York,	A. Van Deusen,	New York,	20 86
Saratoga Springs, New York,	Miles Beach,	Connecticut,	52 36
Setauket, New York,	B. F. Thompson.		
Saugatuck, Connecticut,	S. Morehouse,	Do.	60 52
Saugerties, New York,	Chris. C. Kursted,	-	52 92
Saundersville, Georgia,	John Matthews,	-	71 87
Savannah, Georgia,	Philip Box,	Georgia,	2,216 76
Saybrook, Connecticut,	Humphrey Pratt, jun.	Connecticut,	146 30
Scarborough, Maine,	Ben. Millikin, 3d,	Massachusetts,	31 50
Scaroon Lake, New York,	Simeon Rawson,	-	8 66
Schaghticoke, New York,	Munson Smith,	New York,	47 04
Schellsburg, Pennsylvania,	Michael Reed,	Pennsylvania,	11 87
Schenectady, New York,	Jacob Thurston,	-	395 81
Schoharie Bridge, New York,	John F. Gassley,	New York,	33 12
Schoharie Court-house, New York,	J. W. Throop,	Connecticut,	37 93
Schooly's Mount, New Jersey,	William Dilliker,	New Jersey,	9 65
Scioto Salt Springs, Ohio,	John Brander.		
Scipio, New York,	C. Tomblinson,	Connecticut,	28 38
Scituate, Massachusetts,	Augustus Clopp,	Massachusetts,	24 14
Scituate, Rhode Island,	Charles Angell.		
Scott's Ferry, Virginia,	B. M. Perkins,	Virginia,	16 02
Scottsville, Virginia,	Thomas Scott,	Ireland,	77 84
Seekonk, Massachusetts,	Allen Munroe,	Massachusetts.	
Sellers's Tavern, Pennsylvania,	Elias Sellers,	Pennsylvania,	1 35
Seneca Falls, New York,	Abijah Mann, jun.,	New York,	68 38
Shandaken, New York,	Aaron Adams,	-	3 32
Sharon, Ohio,	Epaphras Lyman,	Connecticut,	25
Shaver, Tennessee,	David Shaver,	-	48
Shelburne, Vermont,	Edward Pierson,	Vermont,	12 56
Shelby, Kentucky,	Thomas Fletcher.		
Shenandoah Fork, Virginia,	James Stewart,	Virginia,	2 80
Sherburn Mills, Kentucky,	John Andrews,	Kentucky,	6 06
Sherrard's Store, Virginia,	John H. Maxwell,	Virginia,	10 13
Shivers's Mills, Georgia,	James Shivers,	Georgia,	10 03
Shoulder's Hill, Virginia,	Richard Powill, jun.		
Shrewsbury's, Virginia,	Joel Shrewsbury,	Virginia,	5 54
Simpsonville, Maryland,	Joel Simpson,	England,	4 31
Singleton's, Virginia,	William Singleton,	Virginia.	
Slade Iron Works, Kentucky,	Peter Davis.		
Smithfield, Pennsylvania,	Andrew Collins,	Pennsylvania,	11 49
Smithfield, Ohio,	Abel Cary,	New Jersey,	22 84
Smythfield, Pennsylvania,	Philip D. Smyth,	-	14 62
Snead's Tavern, Virginia,	John Snead.		
Snicker's Ferry, Virginia,	Frederick Flow,	Pennsylvania.	
Society Hill, North Carolina,	James H. Hall,	North Carolina.	
Sooy's Inn, New Jersey,	Nicholas Sooy, jun.	New Jersey,	18 04
South Berwick, Maine,	Micajah Currier,	N. Hampshire,	87 50
South German, New York,	Stephen Pomeroy,	Massachusetts.	
South Harpersfield, New Jersey,	Samuel Burns,	New York,	7 63
South Hill, Virginia,	James Volley,	Virginia,	9 82
South Nunda, New York,	Alfred Forbes,	Massachusetts.	
Springfield, Ohio,	Benjamin Baldwin,	Connecticut,	9 03
Spring Hill, Fauquier, Virginia,	Alex. D. Kelly,	Virginia,	8 60
Spring Hill, Louisa, Virginia,	James Trivillian,	Do.	
Springville, Pennsylvania,	Francis B. Spencer,	N. Hampshire,	1 00
Stamping Grounds, Kentucky,	Alex. Bradford,	Virginia.	
Stanton Hill, Virginia,	Robert Hester,	Do.	
Starksborough, Vermont,	Israel Smith,	Vermont.	
Scotch Plains, New Jersey,	David Osborn,	New Jersey,	23 92
Scotland Neck, North Carolina,	James Smith,	North Carolina,	39 62
Scottsburg, Virginia,	Thomas McCargo,	-	14 81
Scriba, New York,	Hiel Stone,	-	2 59
Scull Camp, North Carolina,	Shelton Gentry,	Virginia,	8 79
Scuppernong, North Carolina,	Peter Wynne,	North Carolina,	25 34
Sedgwick, Maine,	Daniel Beckford,	Massachusetts,	7 39
Selin's Grove, Pennsylvania,	P. F. Dering,	Pennsylvania,	24 53
Selzertown, Mississippi Territory,	Edmund Andrews,	-	63
Sempronius, New York,	Rowland Day,	Massachusetts,	51 23
Sesscem's Bridge, North Carolina,	Ed. D. McNair,	North Carolina.	
Sevier Court-house, Tennessee,	Isaac Love,	Virginia,	39 35
Shackelford's, Virginia,	John Mann,	-	12 73
Shade Furnace, Pennsylvania,	Philip Bier.		
Shaftsbury, Vermont,	H. Huntington,	Connecticut,	21 99
Shapleigh, Maine,	Samuel Chapman,	Massachusetts,	6 25
Sharon, Vermont,	Oliver Lathrop.		
Sharon, Connecticut,	George King, jun.	-	76 93
Sharon, or Durlock, New York,	Zachariah Keyes,	Connecticut,	21 98
Sharpsburg, Maryland,	Gabriel Nourse,	Virginia,	46 37
Sharptown, New Jersey,	Adam Cook,	New Jersey,	16 51
Shawangunk, New York,	Simon Mullin,	New York,	69 79
Shawneetown, Illinois Territory,	William C. Vaught,	Pennsylvania,	37 52
Sheetz's Mills, Virginia,	David W. Parker,	-	19 20

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Sheffield, Massachusetts,	Nathaniel Preston,	Connecticut,	$71 85
Shelbyville, Kentucky,	Abraham Smith,	Virginia,	244 63
Shelbyville, Tennessee,	John Stone,	Pennsylvania,	128 78
Sheldon, Vermont,	E. H. Wead,	Vermont.	
Sheldon, New York,	Fitch Chipman,	Do.	22 31
Sheltonborough, Virginia,	William H. Shelton,	Virginia,	8 37
Shelton's Store, Virginia,	John Shelton, jun.		
Shepherdstown, Virginia,	James Brown,	Do.	138 89
Shepherdsville, Kentucky,	Benjamin Hughes,	-	40 35
Sherburne, New York,	S. P. Scovill,	Massachusetts,	69 11
Sheshequin, Pennsylvania,	Avery Gore,	Connecticut,	6 38
Shippensburg, Pennsylvania,	David McClure,	Pennsylvania,	215 31
Shirley, Massachusetts,	Thomas Whitney,	-	14 41
Shirleysburg, Pennsylvania,	K. A. Barton,	Do.	20 09
Shoals of Ogeechee, Georgia,	Wilson Bird,	-	8 96
Shoreham, Vermont,	Barzillai Carey,	Connecticut,	49 12
Shrewsbury, Vermont,	Stephen Gleason,	Massachusetts,	7 82
Shrewsbury, Massachusetts,	Calvin R. Stone,	Do.	30 10
Shrewsbury, New Jersey,	Benjamin White,	New Jersey,	35 87
Sidney, Maine,	Stephen Springer,	-	5 29
Sidney Plains, New York,	A. Woodworth,	Connecticut,	10 09
Silver Lake, Pennsylvania,	Robert H. Rose,	Pennsylvania,	17 95
Simsbury, Connecticut,	Noah A. Phelps,	Connecticut,	24 11
Skaneateles, New York,	John Ten Eyck,	-	142 08
Skinnersville, North Carolina,	Samuel Skinner,	North Carolina,	11 04
Smithfield, Rhode Island,	Marcus Arnold,	Rhode Island,	46 68
Smithfield, Virginia,	Wilson Davis,	Virginia,	108 85
Smithfield, North Carolina,	Ray Helme,	Rhode Island,	17 54
Smithland, Kentucky,	William Gordon,	Tennessee,	17 48
Smithborough, New York,	I. S. Boardman,	Connecticut,	17 28
Smith's Ferry, Kentucky,	William B. Smith.		
Smith's Store, South Carolina,	William Smith,	South Carolina,	7 51
Smithtown, New York,	Mills Phillips,	New York,	28 90
Smithville, North Carolina,	Samuel Russell,	North Carolina,	58 98
Smockville, Indiana Territory,	Samuel Smock,	Virginia,	9 30
Smyrna, New York,	C. Hammond,	-	17 51
Smyrna, or Duck Creek, Delaware,	J. Pennington,	Delaware,	153 60
Stedman's Mills, Ohio,	Levi Stedman,	Connecticut,	64
Stephentown, New York,	Nathan Howard,	New York,	10 43
Stillwater, New Jersey,	Peter B. Shafer,	New Jersey,	8 08
Stoddertsville, Pennsylvania,	Caleb Kendall,	Do.	3 51
Stoughton, Massachusetts,	Aaron Gay,	-	3 22
Strawberry Plains, Tennessee,	William Williams,	North Carolina.	
Summanytown, Pennsylvania,	Jacob Boyer,	Pennsylvania,	18 01
Sunbury, North Carolina,	George G. G. Gray,	Virginia.	
Sunderland, New York,	William Delano,	-	1 43
Swamp Churches, Pennsylvania,	Isaac Feather,	-	1 61
Swanzey, New Hampshire,	Clark Brown,	-	4 84
Sweden, Maine,	A. Woodbury,	-	3 46
St. Charles, Louisiana,	Samuel McCutchen,	Pennsylvania,	10 47
Stewartsburg, Pennsylvania,	Robert Stewart.		
Stanton's Bridge, North Carolina,	William Stanton.		
St. Michael's, Missouri Terrritory,	Charles L. Bird.		
Surguinesville, Tennessee,	A. G. Armstrong.		
Sneedsborough, North Carolina,	William Latta,	Ireland.	
Snicker's Gap, Virginia,	N. C. Williams,	Maryland,	17 88
Snowhill, Maryland,	Ralph Milbourn,	Do.	204 61
Snowhill, North Carolina,	Adam Tooley,	-	29 52
Solon, New York,	Elihu Holland,	Massachusetts,	7 00
Somers, New York,	Hachaliar Bailey,	New York,	25 69
Somerset, Massachusetts,	Isaac Pierce,	-	7 61
Somerset, Pennsylvania,	James Clark,	Ireland,	135 62
Somerset Court-house, New Jersey,	William Mann,	Pennsylvania,	104 75
Somerset, Kentucky,	John Tummelson,	Virginia,	66 34
Somerset, Ohio,	Roswell Mills,	Connecticut,	66 25
Somerset Forge, Pennsylvania,	Peter Kimmell.		
Somerville, Virginia,	Thomas Samuel,	-	1 26
Southampton, New York,	Josiah Foster,	New York,	23 01
Southbury, Connecticut,	Shadrach Osborn,	Connecticut,	15 84
South Canaan, Connecticut,	William M. Burrall,	-	18 90
South East, New York,	Joseph C. Field.		
South Hadley, Massachusetts,	Daniel Warner,	Do.	20 35
South Hero, Vermont,	Melvin Barnes,	-	6 05
Southington, Connecticut,	Rhoda Lewis,	Do.	53 70
South Kingston, Rhode Island,	William Nichols,	Rhode Island,	15 99
Southold, New York,	John Franks,	England,	30 05
South Quay, Virginia,	John Dorlon,	New York,	9 61
South Salem, New York,	Gould Hawley,	Connecticut,	16 56
South Washington, North Carolina,	William Hall,	North Carolina.	
Southwick, Massachusetts,	Enos Foote,	-	13 49
Spanish Grove, Virginia,	William Garner,	Virginia,	7 84
Sparta, New York,	Samuel Stillwell,	New Jersey,	12 14
Sparta, New Jersey,	Stephen Hurd,	Do.	8 11
Sparta, Georgia,	William G. Springer,	-	98 82

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Spartanburg, South Carolina,	Abner Benson,	South Carolina,	$45 74
Speedsville, New York,	John J. Speed,	Virginia,	14 10
Speedwell Mills, South Carolina,	Thomas G. Lamar,	-	2 80
Spencer, Massachusetts,	Isaac Jenks, jun.	-	20 55
Spencer Court-house, New York,	Andrew Purdy.		
Spencertown, New York,	Cornwall Brush,	Connecticut,	23 90
Spottsylvania Court-house, Virginia,	Thomas S. Hicks,	Virginia,	9 66
Spread Eagle, Pennsylvania,	Edward Siter,	Pennsylvania,	26 27
Springfield, Massachusetts,	Daniel Lumbard,	Massachusetts,	297 92
Springfield, New York,	Samuel Brewer,	Do.	36 69
Springfield, New Jersey,	Caleb Woodruff,	New Jersey,	53 33
Springfield, Hamilton, Ohio,	John Baldwin,	Do.	16 46
Springfield, Champaign, Ohio,	Robert Renix,	-	55 36
Springfield, Loudoun, Virginia,	Amos Skinner,	Virginia,	4 45
Springfield, Hampshire, Virginia,	John Piper,	Pennsylvania,	16 08
Springfield, Kentucky,	John Calhoon,	Maryland,	170 43
Springfield, Tennessee,	John Hutchinson,	Virginia,	106 72
Spring Hill, North Carolina,	Joseph Ellicot,	-	10 68
Staatsburg, New York,	Henry Emes,	Massachusetts,	47 18
Stafford Court-house, Virginia,	P. Woolfolk,	Virginia,	43 43
Stafford Springs, Connecticut,	Benjamin Webb,	Connecticut,	57 37
Stafford, or Spotted Tavern, Virginia,	Abner B. Alcock,	Virginia,	8 12
Stagville, North Carolina,	John Wilkins,	-	20 48
Stamford, Connecticut,	A. Davenport,	Connecticut,	1,305 44
Stamford, New York,	Philander Smith,	-	24 95
Stanardsville, Virginia,	William Price,	Virginia,	24 32
Standish, Maine,	John Lowell,	N. Hampshire,	8 70
Stanford, Kentucky,	Francis S. Reed,	Virginia,	71 82
Stanhope, New Jersey.			
Statesburg, South Carolina,	James W. Murrell.		
Statesville, North Carolina,	James Irwin,	-	62 80
Staunton, Virginia,	Law. Tremper,	New York,	386 04
Sterling, Connecticut,	B. Tuckerman,	-	19 91
Sterlingville, North Carolina,	Jones Allen.		
Steuben, Maine,	Jacob Townsley,	Massachusetts,	4 79
Steubenville, Ohio,	David Larrimore,	Pennsylvania,	235 39
Stevensburg, Virginia,	Martin Nalle,	Virginia,	66 58
Stillwater, New York,	George Palmer,	New York,	41 85
Stockbridge, Massachusetts,	Augustus Sherrill,	Massachusetts,	15 36
Stockbridge, Vermont,	Justin Morgan,	-	3 47
Stockden's Valley, Kentucky,	Robert Poage,	-	10 06
Stockholm, New York,	William Staples,	-	3 36
Stockholm, New Jersey,	Isaac Beach, jun.	New Jersey,	2 54
Stonesborough, Kentucky,	Nimrod Stone.		
Stonesville, South Carolina,	Banister Stone,	-	7 97
Stony Point, Virginia,	Nat. Burnley,	-	5 69
Stonington, Connecticut,	George Hubbard,	Connecticut,	50 47
Stow, Massachusetts,	Phineas Conant,	Massachusetts,	19 29
Stow, Ohio,	Titus Westmore,	Connecticut,	13 85
Stoyestown, Pennsylvania,	Abraham Schell,	Pennsylvania,	18 29
Strasburg, Franklin, Pennsylvania,	George McClellan,	Ireland,	31 36
Strasburg, Lancaster, Pennsylvania,	James Whitehill,	Pennsylvania,	38 36
Strasburg, Virginia,	Samuel Gardner,	Maryland,	36 06
Stratford, New Hampshire,	David Platt,	-	4 48
Stratford, Connecticut,	David Brooks,	Connecticut,	112 56
Stroudsburg, Pennsylvania,	Samuel Brooke,	Maryland,	23 78
St. Alban's, Vermont,	Horace Janes,	Massachusetts,	97 18
St. Charles, Missouri Territory,	Macky Wherry.		
St. Clairsville, Ohio,	Ezer Ellis,	-	238 25
St. Francisville, Louisiana,	Amos Webb,	-	354 65
St. Genevieve, or Geneva, Missouri Territory,	Elias A. Elliott,	Connecticut,	111 42
St. George's, Delaware,	Andrew Ford,	Maryland,	49 52
St. Helena, or Mount Arid, Louisiana,	Michael Smelser,	-	8 37
St. Inigoes, Maryland,	George Armstrong,	Do.	17 55
St. Johnsburg, Vermont,	Ephraim Paddock,	Massachusetts,	13 88
St. Leonard's, Maryland,	James M. Sollers,	Maryland,	26 58
St. Louis, Missouri Territory,	Robert Simpson,	Do.	314 63
St. Martin's, Maryland,	Lemuel Showell,	Do.	13 69
St. Martinsville, Louisiana,	William L. Brent,	-	36 00
St. Mary's, Georgia,	Balton A. Copp,	Connecticut.	
St. Michael's, Maryland,	William Roberts,	Ireland,	24 95
St. Tammany's, Virginia,	Diggs Poynor,	-	14 75
Stuartsburg, Pennsylvania,	Robert Stuart,	Pennsylvania.	
Sturbridge, Massachusetts,	Simeon Burt,	Massachusetts,	58 16
Suckasunny, New Jersey,	James Hinchman,	New York,	20 70
Sudbury, Vermont,	Joseph Munson,	Do.	13 85
Sudler's Cross Roads, Maryland,	George Meginnis,	Maryland,	24 32
Suffield, Connecticut,	William Gay,	Connecticut,	218 43
Suffolk, Virginia,	Arthur Smith,	Virginia,	115 51
Suffolk Court-house, New York,	William Griffing,	New York,	16 95
Sullivan, Maine,	Paul D. Sargent,	Massachusetts,	8 79
Sullivan, New York,	D. P. Hoyt,	Connecticut,	51 13
Summerfield, North Carolina,	Charles Bruce,	Virginia,	11 10
Sumner, Maine,	Simeon Barrett, jun.	Massachusetts,	4 12

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Sumpterville, South Carolina,	Thomas Dugan,	South Carolina,	$48 39
Sunbury, Pennsylvania,	Edward Gobin,	Pennsylvania,	121 78
Sunbury, Georgia,	Davis Carter,	Massachusetts,	42 89
Surry, Maine,	Ed. S. Jarvis,	Do.	4 86
Surry Court-house, Virginia,	David Price,	Virginia,	70 67
Sussex Court-house, Virginia,	James Penington,	Do.	29 64
Sutton, Vermont,	John Beckwith,	-	3 21
Sutton, Massachusetts,	Jacob March,	-	25 06
Swansborough, North Carolina,	Andrew Wilson, jun.		
Swanton, Vermont,	William M. Keyes,	Vermont,	137 42
Swansey, Massachusetts,	John Mason,	Massachusetts,	26 48
Swedesborough, New Jersey,	Richard Tittermary,	Pennsylvania.	
Sweet Springs, Virginia,	Alexander Kitchen,	-	15 48
Taneytown, Maryland,	Daniel Boyle,	Maryland,	87 20
Talley's Cross Roads, Massachusetts,	Jesse Farnham,	-	12 25
Tappahannock, Virginia,	Robert Weir,	Virginia,	63 03
Tappan, New York,	P. Dubey,	Switzerland,	2 90
Tarborough, North Carolina,	Theophilus Parker,	North Carolina,	152 91
Tarlton, Ohio,	Loring Waldo,	Massachusetts,	26 78
Taberg, New York,	Benjamin Hyde,	Connecticut.	
Tallmadge, Ohio,	Asaph Whittlesey,	Do.	19 05
Tamworth, New Hampshire,	John M. Page,	N. Hampshire,	6 78
Tanner's Hill, North Carolina,	John Folk,	South Carolina,	5 66
Telfair Court-house, Georgia,	Noah Pavemore.		
Thompson's, Pennsylvania,	Robert Thompson,	Ireland.	
Thompson's Creek, Louisiana,	L. C. Griffith,	Virginia.	
Thompson's Store, Virginia,	G. Thompson, jun.	Do.	17 41
Thompson's Salt Works, Ohio,	Henry Dixson.		
Thompson's Cross Roads, Virginia,	Lancelot Minor,	Do.	
Thorn's Ferry, South Carolina,	Major T. Hall.		
Thornton's Gap, Virginia,	Nicholas Spirey,	Do.	9 60
Torrington, Connecticut,	Harvey Palmer,	Connecticut,	16 80
Troy, Ohio,	Cornelius Westfall,	Virginia,	30 60
Tuckersville, Georgia,	William A. Knight.		
Tully, New York,	Nichol Howell,	-	12 49
Turkey Foot, Pennsylvania,	John Skinner,	Pennsylvania.	
Turner's Cross Roads, North Carolina,	John A. Caulder,	Virginia.	
Tyler Court-house, Virginia,	M. Sommerville,	Do.	
Taunton, Massachusetts,	James L. Hodges,	Massachusetts,	208 80
Tazewell Court-house, Virginia,	H. P. George,	-	15 69
Tazewell, Tennessee,	Hugh Graham,	-	31 28
Tease's Valley, Virginia,	George Bently,	Pennsylvania,	7 05
Tellico, Tennessee,	Robert Thompson,	Do.	9 46
Temple, New Hampshire,	Benjamin Whiting,	-	5 80
Templeton, Massachusetts,	Lipha French,	Massachusetts,	17 30
Tensaw, Mississippi Territory,	John Pierce,	Do.	
Terryville, Virginia,	Abraham Sydnor,	Virginia,	17 45
Tewksbury, Massachusetts,	Jacob Coggin,	Massachusetts,	8 72
Thetford, Vermont,	Thomas Hopkins,	Connecticut,	31 74
Thomaston, Maine,	James D. Wheaton,	Massachusetts,	86 51
Thompson, Connecticut,	John Nichols, jun.	Connecticut,	30 73
Thompson's Tan-yard, South Carolina,	Alexander Thompson,	-	86
Thompsontown, Pennsylvania,	John McGary,	-	31 25
Thornsburg, Virginia,	John M. Breeden,	Virginia,	7 65
Thrasher's Store, Virginia,	Elias Thrasher.		
Thurman, New York,	Kitchel Bishop,	-	14 18
Tinsleyville, Virginia,	Joseph R. Royster,	Do.	11 61
Tioga, Pennsylvania,	William Wallard, jun.	New York,	14 46
Tiverton, Rhode Island,	William Norton,	-	19 63
Tolland, Connecticut,	Calvin Willey,	Connecticut,	56 14
Tombstone, North Carolina,	Amasa Perin.		
Tomhannock, New York,	S. Newcomb, jun.	New York,	14 89
Tompkins, New York,	John Ellsworth,	Do.	10 20
Topsfield, Massachusetts,	Cyrus Cummings,	N. Hampshire,	4 82
Torrington, Connecticut,	Nathaniel Smith,	Connecticut,	14 74
Towanda, Pennsylvania,	Reuben Hale,	Do.	12 12
Townsend, Massachusetts,	John H. Loring,	Massachusetts,	36 40
Townshend, Vermont,	Charles Phelps,	Vermont,	20 11
Tracy's Landing, Maryland,	John C. Weems,	-	19 97
Trapp, Pennsylvania,	John Todd,	Pennsylvania,	17 34
Trapp, Maryland,	P. S. Dickenson,	Maryland,	28 27
Traveller's Repose, Virginia,	John Slavens,	-	2 22
Traveller's Rest, South Carolina,	Philip Meroney.		
Trenton, New York,	John Billings,	Connecticut,	68 90
Trenton, New Jersey,	Charles Rice,	Do.	661 13
Trenton, North Carolina,	William H. Connor,	-	8 52
Triadelphia, Maryland,	J. E. Bentley,	Pennsylvania,	15 16
Throopsville, New York,	William Wickham,	Rhode Island,	16 16
Troy, Massachusetts,	Charles Pitman,	Do.	43 45
Troy, New York,	Samuel Gale,	-	689 15
Trumansburg, New York,	Herman Camp,	Connecticut,	41 77
Trumbull, Connecticut,	Eliakim Beach,	Do.	7 18
Truro, Massachusetts,	Sylvanus Nye,	Massachusetts,	23 17
Truxton, or Fabius, New York,	John Miller,	New York,	21 75

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Tuckerton, New Jersey,	Ebenezer Tucker,	New York,	$28 91
Tunbridge, Vermont,	Elijah Tracy,	Connecticut,	12 12
Tunkhannock, Pennsylvania,	Charles Otis,	N. Hampshire,	15 59
Turin, New York,	Levi Collins,	Connecticut,	33 45
Turner, Maine,	Alden Blossom,	Massachusetts,	10 01
Turnpike, South Carolina,	Gabriel Benson,	Virginia,	3 93
Tuscarora Valley, Pennsylvania,	James Montgomery,	-	26 90
Tyngsborough, Massachusetts,	Daniel Richardson,	N. Hampshire,	22 15
Tyson's Store, North Carolina,	William Tyson,	North Carolina,	15 28
Tombsville, South Carolina,	Samuel A. Tomb.		
Twin Meeting-house, Kentucky,	Reuben Adams.		
Unadilla, New York,	Sherman Page,	Connecticut,	31 65
Union, Maine,	Ebenezer Alden,	-	21 90
Union, New York,	Briant Stoddard,	Massachusetts,	17 32
Union, Virginia,	Seth Smith,	-	9 29
Union, Ohio,	William Miller,	Kentucky.	
Union Bridge, Maryland,	M. B. Farquhar,	Maryland.	
Uniontown, Maryland,	John Hyder,	Do.	
Union Court-house, South Carolina,	Henry Bernhard,	North Carolina,	49 40
Union Mills, Maryland,	James Shriver,	-	5 81
Union Mills, Virginia,	James T. Jones,	Maryland,	20 54
Union Springs, New York,	John Mosher,	New York,	28 09
Uniontown, Pennsylvania,	John Campbell	Maryland,	189 72
Unity, Maine,	Daniel Whitmore,	Massachusetts,	12 31
Upper Blue Lick, Kentucky,	Fielding Belt,	Maryland,	2 69
Upper Marlborough, Maryland,	Dennis M. Burgess,	Do.	111 13
Upper Sandusky, Ohio,	John McClelland.		
Upperville, Virginia,	Joseph Carr,	-	72 67
Urbana, Ohio,	John Reynolds,	Do.	123 08
Urbanna, Virginia,	George W. Banks,	-	44 42
Utica, New York,	Mar. Hitchcock,	Connecticut,	679 33
Uxbridge, Massachusetts,	Samuel Read,	Massachusetts,	35 22
Valonia, Indiana,	Thomas Ewing,	Pennsylvania.	
Victor, New York,	Asa Hickox,	-	9 16
Vanceburg, Kentucky,	George Swingle,	Do.	
Vansville, Maryland,	James Edmondston,	Maryland,	23 56
Van Syckle's, New Jersey,	A. Van Syckle,	New Jersey,	7 62
Varennes, South Carolina,	William Hillhouse,	South Carolina,	32 57
Variety, Virginia,	James Smiley,	Ireland,	8 15
Vassalborough, Maine,	Lanthrop Chase.		
Vergennes, Vermont,	John H. Sherrill,	-	122 37
Vermilion, Ohio,	Almon Ruggles,	Connecticut,	8 15
Vernon, Connecticut,	L. P. Tinker,	Do.	15 55
Vernon, New York,	J. P. Sherwood,	New York,	86 69
Vernon, New Jersey,	William Winans,	New Jersey,	16 42
Vernon, or Smithfield, Ohio,	Jeremiah Wilcox,	Connecticut,	6 99
Verona, NewYork,	Joseph Grant,	-	18 90
Versailles, Kentucky,	Peter C. Buck,	Virginia,	141 64
Vevay, Indiana Territory,	John F. Dufour,	Switzerland,	42 67
Vielleborough, Virginia,	James Samuel, jun.	Virginia,	33 66
Vienna, Maine,	Elisha Johnson,	-	5 18
Vienna, Ohio,	Nathan P. Derrow,	-	9 03
Vienna, Maryland,	James Horner,	Ireland,	23 07
Vienna, South Carolina,	Alexander Noble,	-	12 27
Village Hill, Virginia,	Thomas Clark,	Virginia,	8 39
Vincennes, Indiana Territory,	John D. Hay,	Pennsylvania,	220 40
Vineyard, Vermont,	Daniel Daly,	Virginia,	6 64
Virgil, New York,	Zophir Moore,	-	11 54
Wadesborough, North Carolina,	John Lawrence,	Scotland,	91 58
Wakefield, New Hampshire,	John Wingate,	N. Hampshire,	24 50
Walden, Vermont,	L. Farrington,	Massachusetts,	2 40
Waldoborough, Maine,	John Head.		
Walkersville, Georgia,	John H. Walker.		
Walkerton, Virginia,	Joseph Temple, jun.	Virginia,	15 71
Wallingford, Vermont,	Lent Ives,	Connecticut,	15 35
Wallingford, Connecticut,	James Carrington,	Do.	38 14
Wallkill, New York,	John Monell,	New York,	26 19
Walnut Cove, Tennessee,	Sampson David,	Pennsylvania,	18 57
Walnut Hills, Mississippi Territory,	John Turnbull,	-	11 65
Walpole, New Hampshire,	David Stone,	N. Hampshire,	240 55
Walton, New York,	Gabriel North, jun.	-	39 53
Wappinger's Creek, New York,	Nazareth Brewer.		
Ward's Bridge, New York,	Charles Borland, jun.	New York,	147 10
Wareham, Massachusetts,	Benjamin Fearing,	Massachusetts,	25 87
Warehouse Point, Connecticut,	Charles S. Phelps,	Connecticut,	22 37
Warminster, Virginia,	J. Higginbotham,	-	34 90
Warm Springs, North Carolina,	William Nelson, jun.	-	13 48
Warner, New Hampshire,	Henry Lyman,	N. Hampshire,	16 07
Warren, Maine,	Jesse Page,	Do.	43 60
Williams's, Georgia,	Edward Williams,	North Carolina.	
Williams's, North Carolina,	Richard Williams,	Virginia.	
Williamstown, Pennsylvania,	John Lightner.		
Willow Grove, Pennsylvania,	Israel Mechner,	Pennsylvania.	
Wilmington, Ohio,	William Robinson.		

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Wilna, New York,	Thomas Brayton,	-	$4 51
Wilton, Maine,	Silvester Strickland,	Maine,	5 51
Wilton, New Hampshire,	John Mack,	-	4 04
Windsor, Pennsylvania,	James Cross,	Ireland,	4 12
Wolfborough, New Hampshire,	Richard Rust,	N. Hampshire.	
Woodsfield, Ohio,	Amos B. Jones,	Connecticut,	1 12
Woodville, Tennessee,	John Wood,	Maryland,	8 55
Woodstock, New York,	Richard Heaton.		
Woodville, Virginia,	Edmund Goodwin.		
Worcester, New York,	Nathaniel Todd.		
Wrightsburg, Ohio,	Angel Whipple,	Massachusetts.	
Wrightsville, Pennsylvania,	William White,	Delaware.	
Wye Mills, Maryland,	Samuel Hopkins,	-	18 19
Woodstock, Massachusetts,	Samuel Stephens.		
Wintonbury, Connecticut,	J. Burnsted.		
Ware, Massachusetts,	Timothy Babcock.		
Warren, Rhode Island,	Samuel Randall,	Massachusetts,	122 78
Warren, Connecticut,	John Tallmadge,	New York,	15 88
Warren, New York,	Robert Rusk,	Ireland,	31 86
Warren, Virginia,	William Brown,	Virginia,	26 24
Warren, Ohio,	Simon Perkins,	Connecticut,	89 00
Warrensburg, Tennessee,	Hugh D. Hale,	Virginia,	14 96
Warrenton, North Carolina,	William Ruffin,	Do.	289 15
Warrenton, Georgia,	John Butt,	North Carolina,	55 09
Warrenton, Mississippi Territory,	H. D. Downes,	Georgia,	34 15
Warrenton, Ohio,	Robert Blair,	New Jersey,	28 56
Warsaw, New York,	C. L. Sheldon,	Vermont,	25 55
Warwick, Massachusetts,	William Cobb, jun.	Massachusetts,	18 62
Warwick, New York,	Benjamin S. Hoyt.	Connecticut,	25 97
Washington, New Hampshire,	Reuben Farnsworth,	-	21 62
Washington, Connecticut,	Chauncey Camp.		
Washington, New York,	Joseph Thorn,	Rhode Island,	23 38
Washington, New Jersey,	David Miller,	New Jersey,	3 04
Washington, Washington, Pennsylvania,	Hugh Wylie,	Ireland,	1,018 90
Washington, Northumberland, Pennsylvania,	Samuel Hutchinson,	-	10 82
Washington, Guernsey, Ohio,	Peter Umstot,	Maryland,	32 43
Washington, Fayette, Ohio,	Jesse Millikan,	North Carolina,	29 77
Washington, Virginia,	Tilman Porter,	Virginia,	30 77
Washington, North Carolina,	James Avent,	North Carolina,	277 65
Washington, Georgia,	James Wingfield,	Virginia,	178 91
Washington, Kentucky,	William Murphy,	New Jersey,	1,524 50
Washington, Mississippi Territory,	R. H. Morrow,	Ireland,	155 77
Washington city, District of Columbia,	Thomas Munroe,	Maryland,	5,207 49
Waterborough, Maine,	H. Chadbourne,	Maine,	10 40
Waterbury, Vermont,	Joseph Lewis.		
Waterbury, Connecticut,	William K. Lamson,	Connecticut,	59 54
Waterford, Maine,	Eli Longley,	Massachusetts,	13 38
Waterford, or Littleton, Vermont,	Luther Pike,	Do.	4 77
Waterford, New York,	J. T. Close,	-	145 83
Waterford, or Le Bœuf, Pennsylvania,	Charles Martin,	-	60 86
Waterford, Pennsylvania,	Enoch Anderson,	Pennsylvania,	25 20
Waterford, Virginia,	Daniel Stone,	Virginia,	49 63
Waterford, Ohio,	Jos. Chambers,	-	32 76
Watertown, Connecticut,	Benjamin De Forest,	Connecticut,	35 30
Watertown, Massachusetts,	Charles Patten,	Massachusetts,	54 20
Watertown, New York,	H. H. Sherwood,	Do.	202 25
Waterville, Maine,	Asa Dalton,	N. Hampshire,	34 47
Watkinsville, Georgia,	William Wright,	Connecticut,	64 62
Wattsborough, Virginia,	Gil Wain Watts,	Virginia,	9 18
Wayne, Maine,	Moses Wing, jun.	-	4 67
Wayne, Ohio,	Jos. H. Brown.		
Waynesborough, Pennsylvania,	James Wilson,	Ireland,	50 31
Waynesborough, Virginia,	William Fretwell,	Virginia,	57 41
Waynesborough, North Carolina,	R. Washington,	-	38 24
Waynesborough, Georgia,	John Carpenter,	Georgia,	93 57
Waynesburg, Pennsylvania,	Michael Stoner,	Pennsylvania,	36 44
Waynesville, Ohio,	David Pugh,	Virginia,	34 61
Waynesville, North Carolina,	Michael Moore,	-	23 00
Weare, New Hampshire,	Samuel Peterson,	N. Hampshire,	9 29
Wethersfield, Vermont,	Darius Jones,	Do.	38 51
Webb's, North Carolina,	John Webb,	-	7 00
Webster's Store, Pennsylvania,	Joshua Webster,	-	22 67
Wellfleet, Massachusetts,	J. Whitman,	Massachusetts,	19 74
Wells, Maine,	Matthew Lindsey,	Do.	34 30
Wells's, South Carolina,	John Wells,	South Carolina,	31 33
Wellsborough, Pennsylvania,	B. W. Morris,	Pennsylvania,	24 84
Wenham, Massachusetts,	Uzziel Dodge,	-	8 62
Wentworth, New Hampshire,	L. Davidson,	Massachusetts,	10 42
West Alexandria, Pennsylvania,	J. Stephenson,	Pennsylvania,	33 29
West Bloomfield, New York,	Ezra Waite,	Connecticut,	58 09
Westborough, Massachusetts,	Nathan Fisher,	Massachusetts,	18 16
West Boyleston, Massachusetts,	Peter Holmes,	-	14 05
West Bridgewater, Massachusetts,	G. W. Perkins,	-	16 36
West Brookfield, Massachusetts,	Josiah Cary,	Do.	65 50

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Westbrook, North Carolina,	Alex. C. Miller,	Massachusetts,	$1 64
West Cambridge, Massachusetts,	A. Whitmore, jun.	Do.	18 55
West Chester, Pennsylvania,	J. W. Townsend,	Pennsylvania,	45 19
Westerly, Rhode Island,	Amos Cross,	Rhode Island,	27 95
Western, Massachusetts,	Daniel Hitchcock,	Massachusetts,	31 51
Westernport, Maryland,	William Price,	Virginia,	36 38
West Farms, New York,	J. B. Gillespie,	New York,	117 32
Westfield, Massachusetts,	James Fowler,	-	111 05
Westfield, New Jersey,	Jos. Quinby,	New Jersey,	18 97
Westford, Vermont,	W. P. Richardson.		
Westford, Massachusetts,	John Abbott,	Massachusetts,	19 18
Westhampton, New York,	John M. Howell,	New York,	5 07
West Haven, Vermont,	Apollos Smith,	Connecticut,	12 76
West Liberty, Virginia,	Alex. Berryhill,	Pennsylvania,	66 47
West Middletown, Pennsylvania,	David Craig,	Ireland,	83 08
Westminster, Vermont,	Isaac Holton,	Vermont,	38 67
Westminster, Massachusetts,	Daniel Bartlett,	-	20 71
Westminster, Maryland,	James McHaffee,	Maryland,	81 39
Westmoreland, New Hampshire,	Ed. Brewster,	Connecticut,	18 40
Westmoreland Court-house, Virginia,	R. T. Brown,	Virginia,	46 68
West North East, New York,	Stephen Thorn,	New York,	6 00
Weston, Massachusetts,	Abraham Hews, jun.	Massachusetts,	19 36
Westport, Massachusetts,	Isaac Howland,	Do.	20 22
Westraysville, North Carolina,	Samuel Westray,	Virginia,	16 10
West River, New York,	Michael Pearce,	-	1 08
West Springfield, Massachusetts,	Jere. Stebbins,	Massachusetts,	93 73
West Stockbridge, Massachusetts,	Amasa Spencer, jun.	Connecticut,	20 00
West Union, Ohio,	Wesley Lee,	Virginia,	148 14
Westward Mills, Virginia,	Richard Osmar,	Do.	
Wethersfield, Connecticut,	James L. Belden,	Connecticut,	88 03
Weymouth, Massachusetts,	Cotton Tufts, jun.	Massachusetts,	20 75
Weymouth Furnace, New Jersey,	Lewis M. Walker,	Pennsylvania,	18 44
Whatley's Mills, Georgia,	Henry Heald,	-	15 49
Wheat Plains, Pennsylvania,	George W. Nice,	-	7 77
Wheeler's Springs, Virginia,	Daniel McKinney,	-	6 53
Wheeling, Virginia,	Richard McClure,	Ireland,	202 74
Wheelock, Vermont,	Josias Lane,	N. Hampshire,	7 90
White Court-house, Tennessee,	Turner Lane,	Virginia,	71 47
White Chimneys, Virginia,	Matthew Hundley,	-	42 56
Whitehall, New York,	John Bliss,	N. Hampshire,	103 89
Whitehall, North Carolina,	Daniel Gallent,	Virginia,	19 91
White Haven, Maryland,	Jacob Aires,	Maryland,	17 37
White Lake, New York,	John Lindsley,	Connecticut,	6 07
Whitelysburg, Delaware,	William Whitely,	Maryland,	17 10
White Marsh, Pennsylvania,	Philip Sellers,	Pennsylvania,	9 55
White Plains, New York,	Peter Cornel,	-	22 34
White Plains, Tennessee,	James Harris.		
White Post, Virginia,	R. L. Galloway,	-	19 72
Whitestown, New York,	Elizur Mosely,	-	170 42
White Sulphur Springs, Virginia,	James Frazer,	Virginia,	14 67
Whitfield, or Balltown, Maine,	Abraham Choate,	-	6 77
Whiting, Vermont,	Cyrus Carpenter,	N. Hampshire,	12 36
Wickford, Rhode Island,	John Hall,	Rhode Island,	39 16
Wilderness, Virginia,	Armistead Gordon,	-	14 56
Wilkes, North Carolina,	William P. Waugh,	Pennsylvania,	65 56
Wilkesbarre, Pennsylvania,	Jacob Cist,	-	178 06
Williamsborough, North Carolina,	Albert Sneed,	-	68 78
Williamsburg, Pennsylvania,	William Spear,	-	33 37
Williamsburg, Virginia,	Jesse Cole, jun.	Virginia,	315 25
Williamsburg, Kentucky,	Elijah Thornbury,	Do.	13 27
Williamsburg, Ohio,	Nicholas Sinks,	Do.	56 56
Williamsfield, Ohio,	Elias Morse,	Massachusetts,	4 52
Williamsport, Pennsylvania,	Samuel E. Grier,	-	36 00
Williamsport, Maryland,	Jacob T. Towson,	-	59 63
Williamston, North Carolina,	Joseph Biggs,	North Carolina,	43 41
Williamstown, Vermont,	Elijah Paine,	Connecticut,	25 97
Williamstown, Massachusetts,	Benjamin Skinner,	Do.	72 78
Williamstown, New York,	Samuel Freeman,	New York,	10 10
Williamsville, New York,	Isaac F. Boaman,	-	81 08
Williamsville, North Carolina,	Currie Barnett,	North Carolina,	7 74
Willingborough, New Jersey,	Henry Catlin,	Pennsylvania,	18 20
Willington, South Carolina,	Moses W. Dobbins,	Georgia,	71 07
Willink, New York,	Simon Cook,	Vermont,	18 14
Williston, Vermont,	C. Brownell,	Connecticut,	34 51
Willow Grove, South Carolina,	Matthew Bradley,	South Carolina,	12 55
Willsborough, New York,	Levi Higby,	Connecticut,	11 12
Willtown, (parish,) Connecticut,	Aaron Hyatt,	-	16 12
Willtown, South Carolina,	William Zuil.		
Wilmington, Vermont,	Samuel Thompson,	-	25 67
Wilmington, Delaware,	Joseph Bringhurst,	Pennsylvania,	1,265 99
Waddell's Ferry, North Carolina,	Matthew Waddell,	North Carolina,	1 05
Walnut Branch, Virginia,	Barnard Hove,	Virginia,	8 58
Walnut Hill, South Carolina,	Enoch B. Benson.		
Warren, Pennsylvania,	Andrew Coburn,	Connecticut,	3 55

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Warrin's Store, Virginia,	James Warrin,	Virginia.	
Warwick, Maryland,	P. Hendrickson.		
Washita, Louisiana,	George Hamilton,	Louisiana.	
Waterville, New York,	George Sherwood,	New York,	$26 67
Waughsburg, North Carolina,	James Waugh.		
Welby, Maryland,	Abraham Clarke.		
West Barnstable, Massachusetts,	Samuel Bassett,	Massachusetts,	2 93
Westcastle, North Carolina,	B. C. West,	Virginia.	
Weston, Vermont,	William Y. Henery,	Massachusetts.	
West Point, New York,	Andrew Ellicott,	-	225 46
Westport, Kentucky,	Hugh F. Luckie.		
West River, Maryland,	Francis Bird,	Maryland,	12 79
Wharton, or St. Tammany, Louisiana,	Jonathan Gilmore,	-	10 96
Whatley, Massachusetts,	Reuben Winchell,	Connecticut,	5 97
White Eyes Plains, Ohio,	John Junkins,	Pennsylvania,	1 09
Whitehouse, Pennsylvania,	George W. Failee.		
White Oak, North Carolina,	John Moore,	Ireland,	4 75
White Oak Spring, Indiana,	Hosea Smith,	North Carolina.	
White Plains, Virginia,	Tandy Collins,	Virginia,	10 52
White Plains, North Carolina,	J. C. Courteny.		
White Rock, Virginia,	Thomas Pointer,	Do.	
White's Creek, Tennessee,	James Preston.		
Wicomico Church, Virginia,	Thomas Brown,	Do.	14 13
Wilkinsonville, Virginia,	Joseph Wilkinson,	Do.	
Wilmington, Ohio,	Isaiah Morris,	Pennsylvania,	36 11
Wilmington, Virginia,	G. W. Richardson,	-	24 04
Wilmington, North Carolina,	Richard Parish,	North Carolina,	816 87
Winchendon, Massachusetts,	Joseph Jewett,	Massachusetts,	17 60
Winchester, New Hampshire,	Jonas Bruce,	Do.	18 07
Winchester, Connecticut,	Horace Higley,	Connecticut,	70 53
Winchester, Virginia,	William Davison,	Pennsylvania,	975 37
Winchester, Kentucky,	Thomas Pickett,	Virginia,	193 72
Winchester, Tennessee,	Ralph Crabb,	Maryland,	77 73
Windham, Maine,	Charles Johnson,	-	8 76
Windham, New Hampshire,	Samuel Senter,	N. Hampshire,	6 80
Windham, Connecticut,	Charles Taintor,	Connecticut,	90 43
Windham, New York,	Sanford Hunt,	Do.	27 06
Wind Gap, or Gapton, Pennsylvania,	Charles Craig,	-	3 50
Windsor, Vermont,	Thomas Leveritt,	Massachusetts,	341 29
Windsor, Connecticut,	William Howard,	Connecticut,	54 02
Windsor, Ohio,	Solomon Griswold,	Do.	3 48
Windsor, North Carolina,	Joshua Taylor,	-	137 21
Winnsborough, South Carolina,	Hugh Barkley,	Ireland,	84 23
Winslow, Maine,	Frederick Paine,	Massachusetts,	9 31
Winthrop, Maine,	Silas Lambert,	-	18 15
Winton, North Carolina,	Garrison M. Smith,	Do.	41 38
Wiscasset, Maine,	Orchard Cook,	Do.	350 03
Woburn, Massachusetts,	Benjamin Wood, 2d,	Do.	18 78
Womelsdorf, Pennsylvania,	Conrad Stouch,	Pennsylvania,	41 65
Woodbridge, New Jersey,	James Jackson,	-	38 76
Woodbury, Connecticut,	J. P. Marshall,	Connecticut,	54 21
Woodbury, New Jersey,	Job Brown,	New Jersey,	43 29
Woodsborough, Maryland,	S. Willhide,	Maryland,	26 72
Woodstock, Vermont,	Alex. Hutchinson,	-	136 30
Woodstock, Connecticut,	Chester Kendall,	Connecticut,	29 20
Woodstock, Virginia,	Abraham Travel,	Virginia,	125 58
Woodstock, North Carolina,	Seth Hovey.		
Woodstown, New Jersey,	Israel R. Clawson,	Do.	28 94
Woodville, Virginia,	Zephaniah Turner,	Do.	38 76
Woodville, Mississippi Territory,	R. G. Leckie,	Do.	125 53
Wolcott, Vermont,	Thomas Taylor, jun.	Connecticut,	2 14
Woolwich, Maine,	Robert White,	Maine,	13 84
Wooster, Ohio,	Thomas G. Jones,	-	45 50
Worcester, Massachusetts,	James Wilson,	England,	273 33
Worthington, Massachusetts,	William Ward,	Massachusetts,	43 97
Worthington, Ohio,	Arrory Buttles,	Connecticut,	59 08
Wrentham, Massachusetts,	Samuel Druce,	Massachusetts,	94 23
Wrightsborough, Georgia,	Thomas Dooly,	Georgia,	28 46
Wyalusing, Pennsylvania,	John Hollenback.		
Wylliesburg, Virginia,	Mack McQuire,	Virginia,	6 06
Wysox, Pennsylvania,	J. M. Piollett,	-	22 60
Wythe Court-house, Virginia,	Augustus Oury,	Do.	731 94
Xenia, Ohio,	James Fowler,	Do.	113 29
Yancey's Mills, Virginia,	Jereh. Yancey, jun.		
Yanceyville, Virginia,	David Johnson,	Do.	10 35
Yarmouth, Massachusetts,	Joshua Hamblin,	Massachusetts,	53 95
Yellow Banks, Kentucky,	James M. Rogers,	Kentucky,	21 52
Yonkers, New York,	Aaron Vark,	New York,	31 70
York Haven, Pennsylvania,	Charles M. Poor,	N. Hampshire,	24 27
York, Maine,	Nathaniel Sargent,	Maine,	93 70
York, Pennsylvania,	Peter Spangler,	Pennsylvania,	343 28
York Court-house, South Carolina,	John Brown,	-	110 60
Yorktown, Virginia,	Peyton Smith,	-	66 35
Youngstown, Pennsylvania,	John Williams,	-	22 10

POST OFFICE DEPARTMENT—Continued.

Post offices.	Postmasters.	State or country where born.	Compensation, pay, and emoluments.
Youngstown, Ohio,	Charles Dutton,	Connecticut,	$48 56
Young's Store, South Carolina,	Archibald Young,	Virginia,	9 38
Yough Glades, Maryland,	William Armstrong,	Pennsylvania,	16 17
Yellow Springs, Ohio,	Christ. Sroufe,	-	6 20
York Sulphur Springs, Pennsylvania.	William Thompson,	-	24 25
Youngstown, New York,	Eph. F. Gilbert,	Connecticut,	7 09
Youngsville, South Carolina,	Henry Young.		
Zanesville, Ohio,	Jeffrey Price,	Ireland,	328 47

NOTE.—Postmasters are compensated by commissions on postages collected, and the amount of commission for one year has been stated, although the postmaster may not have been so long in office. In some cases the offices have not been established a year, or no accounts have been rendered; in such cases compensation is left blank.

Names.	Compensation, pay, and emoluments.	State or country where born.	Where employed.
CLERKS OR ASSISTANTS IN POST OFFICES.			
Thomas B. Parker,	$500	Massachusetts,	Boston, Massachusetts.
George J. Galvin,	500	Maine,	Do.
Jonathan Wild,	400	Massachusetts,	Do.
Gurdon Douglass,	400	Connecticut,	Do.
John A. Mason,	300	Massachusetts.	Do.
Dorcas Stiles, jun.	406	Do.	Hartford, Connecticut.
Dana Upson,	247	Connecticut,	Do.
Henry Smith,	200	Maryland,	Harford, Maryland.
Jacob Wayne,	365	South Carolina,	Georgetown, S. C.
Robert Crute, jun.	20	Virginia,	Bentleysville, Virginia.
Frederick Gebhart,	-	Pennsylvania,	Gebhart's, Pennsylvania.
Reuben Spinger,	300	Kentucky,	Frankfort, Kentucky.
Elam P. Landon,	300	Vermont,	Cincinnati, Ohio.
Ebenezer Tuttle,	156	New Jersey,	Chilicothe, Ohio.
Thomas Orr,	-	Ireland,	Do.
Margaret Johnston,	260	Do.	Wilmington, Delaware.
John Ferris,	175	Delaware,	Do.
Maria Johnston,	50	Do.	Do.
William Fouchee, jun.	1,000	Virginia,	Richmond, Virginia.
John F. Tompies,	500	Do.	Do.
William A. Parker,	500	Do.	Do.
(Vacant)	3 50	-	Bargaintown, N. J.
William McClanahan,	4	Pennsylvania,	Ellisville, Kentucky.
Stephen Bartlett,	70	N. Hampshire,	Newburyport, Mass.
George Dutton,	150	Connecticut,	New Haven, Conn.
George Mumford,	100	Rhode Island,	Newport, R. I.
John Hughes,	30	Maryland,	Montgomery C. H., Md.
Daniel M. Freze,	25	Massachusetts,	Ward's Bridge, N. Y.
Edward Wiatt,	200	Virginia,	Winchester, Virginia.
Edward Verdier,	200	Pennsylvania,	Do.
Sally Goodwyn,	50	Maine,	Alfred, Maine.
Hays Borodne,	525	Georgia,	Augusta, Georgia.
Samuel Hall, jun.	400	N. Hampshire,	Portsmouth, N. H.
John Sparahawk,	100	Do.	Do.
Josiah Myrick, jun.	144	Massachusetts,	Bristol, Rhode Island.
John H. Esty,	205	New York,	Aurelius, New York.
Charles W. Lincoln,	150	Ohio,	Putnam, Ohio.
Edward Avery,	10	Virginia,	City Point, Virginia.
Jacob Barrow,	200	North Carolina,	Milledgeville, Georgia.
Archibald Baldwin,	25	New York,	Junius, New York.
Nathaniel Dodge, jun.	50	N. Hampshire,	Point Harmar, Ohio.
Bezaleel F. Smith,	200	Connecticut,	East Haddam, Conn.
William F. Abernathy,	370	Virginia,	Petersburg, Virginia.
Lewis Lansford,	370	Do.	Do.
Lambert Lafoy,	200	Michigan Ter.	Detroit, Michigan Ter.
George M. Willing,	200	-	Princess Ann, Maryland.
Sylvester Dunham,	80	New York,	Pompey, New York.
Collins Brown,	5	Connecticut,	Masonville, New York.
Marius Oury,	270	Virginia,	Knoxville, Tennessee.
Alexander McDonnell,	125	Ireland,	Kinderhook, New York.
John Campbell,	200	Do.	Zanesville, Ohio.
James Lewis,	20	Connecticut,	Granby, Connecticut.
Daniel Frabue,	40	Kentucky,	Adair C. H., Kentucky.
James F. Palmer,	400	Connecticut,	Stamford, Connecticut.
Samuel A. Davenport,	325	Do.	Do.
John Brown,	180	Massachusetts,	Utica, New York.
Gift Hitchcock,	150	Connecticut,	Do.
Thomas F. Vaught,	80	Pennsylvania,	Shawneetown, Illinois T.
John R. Bailey,	1,200	New York,	New York city.
Anthony Wiley,	1,000	Do.	Do.

POST OFFICE DEPARTMENT—Continued.

Names.	Compensation, pay, and emoluments.	State or country where born.	Where employed.
Termis T. Peck,	$600	New York,	New York city.
James S. Reynolds,	600	New Jersey,	Do.
Henry Dudley,	500	Connecticut,	Do.
Jacob L. Sharp,	200	Virginia,	Cumberland Gap, Tenn.
William Kenny,	270	Do.	Fredericksburg, Virginia.
Charles Lumsden,	100	Georgia,	Choctaw Agency, M. T.
J. W. Pfaltz,	1,200	Germany,	Baltimore, Maryland.
James Sears,	700	Maryland,	Do.
J. Stamper,	500	Virginia,	Do.
George Sweeny,	1,500	Maryland,	Washington City.
Edward Dyer,	1,400	Do.	Do.
Thomas Munroe, jun.	750	Do.	Do.
John Bailey,	400	Pennsylvania,	Do.
S. W. Warren,	500	Connecticut,	Natchez, Miss. Terr'y.
Stephen Pedesclaux,	720	Louisiana,	New Orleans, La.
Lewis Nicholas,	280	Do.	Do.
Levi Cutler,	200	Maine,	N. Yarmouth, Maine.
George Hodges,	400	-	Portland, Maine.
Edward Pope,	187 50	-	Do.
John Hull,	108 33	-	Do.
Thomas Bruce,	200	Maryland,	Alexandria, D. C.
Humphrey Gwinn,	150	Virginia,	Do.
John McCarty,	100	New York,	Rhinebeck, New York.
Ethelred Williams, jun.	200	Tennessee,	Bean's Station, Tenn.
Caleb Davis,	100	Maryland,	Elkton, Maryland.
Daniel S. Lawrence,	312	Rhode Island,	Providence, R. I.
Isaac Snow,	285	Do.	Do.
Abraham C. Wilson,	144	Virginia,	Newark, Ohio.
Easten Morris,	120	Kentucky,	Dayton, Ohio.
Joseph King,	400	Georgia,	Savannah, Georgia.
Fitch Ferris,	25	Connecticut,	Canaan, Connecticut.
John B. L. Skinner,	175	New York,	Plattsburg, New York.
John S. Shuler,	30	Do.	Sheffield, Massachusetts.
Gershom B. Gillet,	150	Connecticut,	Cayuga, New York.
Francis C. Dumling,	1,150	Germany,	Philadelphia, Penn.
Peter Morgan,	800	England,	Do.
Hugh Newman,	700	Ireland,	Do.
Francis F. Goodwin,	600	Pennsylvania,	Do.
Bela B. Clark,	12	Connecticut,	New Milford, Conn.
Omri Dodge,	25	N. Hampshire,	Warsaw, New York.
John Murrell,	75	Virginia,	Lynchburg, Virginia.
Harden Murrell,	75	Do.	Do.
William Eichbaum, jun,	600	France,	Pittsburg, Pennsylvania.
Rebecca I. Eichbaum,	600	Pennsylvania,	Do.
John S. Johnson,	300	Do.	Do.
Robert B. Newsum,	300	Virginia,	Norfolk, Virginia.
Tully Emperor Mosely,	300	Do.	Do.
Jeremiah S. Putnam,	200	Massachusetts,	Salem, Massachusetts.
Jonathan Dearborn,	20	N. Hampshire,	Plymouth, N. H.
Isaac Watkins,	100	Kentucky,	Shelbyville, Kentucky.
John Collins,	100	Virginia,	Clarksburg, Virginia.
Robert McKrackin,	370	Ireland,	Chambersburg, Penn.
James Vaulx,	500	North Carolina,	Nashville, Tennessee.
Benjamin Franklin Curry,	220	Tennessee,	Do.
Francis Hathaway,	150	Massachusetts,	Belfast, Maine.
Thomas Searcy,	12	North Carolina,	Mount Pleasant, N. C.
Francis M. Southwick,	750	New York,	Albany, New York.
Francis Segar,	365	Do.	Do.
David Pruyn,	275	Do.	Do.
John Rappole,	600	Do.	Do.
James Wand, 2d,	450	Do.	Do.

CONTRACTORS FOR THE TRANSPORTATION OF THE MAIL.

Names.	Compensation, pay, and emoluments per annum.	State or country where born.	Names.	Compensation, pay, and emoluments per annum.	State or country where born.
Joseph Aborn,	$1,680	Massachusetts.	Henry Brauson,	$7,002	North Carolina.
Mark Andrews,	320	North Carolina.	John Newsum,		South Carolina.
Joseph Asbury,	350	Virginia.	Alfred Rowland,		North Carolina.
William L. Arick,	896	South Carolina.	Wm. Beemer, dec'd,	1,052	Virginia.
Levi Alger,	168	New York.	Joseph Boyd,	2,000	Pennsylvania.
Robert Arnold,	200		Michael Kapp,		Maryland.
Jacob Ayers,	1,757	New Jersey.	Brachen & Saunders,	2,650	
Nathaniel Ayres,		Maryland.	John M. Breeden,	580	Virginia.
Moses Ayres,		South Carolina.	James Bradley,	528	
Eliphalet Austin,	990	Connecticut.	Henry Brauson,	440	
John Appleback,	400		James Bolau,	10,000	South Carolina.

POST OFFICE DEPARTMENT—Continued.

Names.	Compensation, pay, and emoluments per annum.	State or country where born.
Nathaniel Burnett,	$500	
William Barr,	1,200	Virginia.
E. B. Benson,	440	South Carolina.
William Black,	157	Virginia.
William Ball,	700	Georgia.
Theodore F. Bradford,	450	
William Bawcutt,	2,068	England.
Jacob Barrow,	390	North Carolina.
Charles Bell,	180	Virginia.
Thomas Barber,	260	
Timothy Buell,	400	Connecticut.
John Burch,	2,750	Maryland.
George Barrick,	800	Do.
Richard Brook,	320	Do.
William Brook,	530	Virginia.
William Britton,	64	
James Bracken,	6,000	Delaware.
Joseph Semple,		Pennsylvania.
Asher Bigelow,	2,100	New York.
Joseph Baker,	230	Massachusetts.
Charles Brackett,	945	
Jacob W. Brewster,	2,000	Connecticut.
Bradley & Butterfield,	1,000	
John Berry, jun.	450	
Jabez Bostwick,	650	Do.
Daniel Brooks,	724	N. Hampshire.
Samuel Brown,	150	Massachusetts.
Reuben Bartlett,	200	
William H. Bacon,	250	Connecticut.
Leonard Bakea,	4,150	Massachusetts.
Benjamin Bacon,	656	
Elijah Blasdell,	480	N. Hampshire.
Smith Bower,	900	New Jersey.
Joseph Branch,	3,150	Connecticut.
Enos Boies,	440	Massachusetts.
Ammon Bostwick,	1,404	Connecticut.
John Buford,	226	Virginia.
John H. Barney,	8,500	Maryland.
David Brinton,		Delaware.
William T. Stockton,		New Jersey.
Esaias Butts,	350	Connecticut.
John Bessonett,	100	Pennsylvania.
Benjamin Bruce,	260	
Peter Bowdoin,	300	Virginia.
John Brehin,	250	Pennsylvania.
Elijah C. Boileau,	500	Virginia.
John T. Boyd,	125	Pennsylvania.
Richard Buckminster,	500	Massachusetts.
Jesse Belknap, jun.	300	Vermont.
Chester Bailey, agent,	600	Connecticut.
Henry Bartlett,	1,100	Massachusetts.
Isaac Bates,	200	Do.
James W. Cotton,	7,000	North Carolina.
Micajah Clarke,	800	Virginia.
James Clarke,	500	
Zachariah Candler,	580	
Lindsey C. Crow,	3,000	Do.
John Calland,	476	Scotland.
William Cox,	520	Virginia.
Robert Crute,	1,310	
John Christian, jun.	500	North Carolina.
Waddle Cade,	396	Do.
John Campbell,	750	Pennsylvania.
William Crawford,	1,000	Do.
—— Parker,		
William Crawford,	1,600	Do.
John Winemiller,		Maryland.
Matthew Clarke,	200	Virginia.
John Carmickle,	480	Pennsylvania.
Zenas Cushman,	50	Massachusetts.
Ebenezer Clarke,	650	N. Hampshire.
Orchard Cook,	276	Massachusetts.
William Cummins, jun.	550	Pennsylvania.
Ephraim Corliss, jun.	130	Massachusetts.
Peter Campbell,	500	Connecticut.
William Lindsley,		Pennsylvania.
Samuel C. Camp,	650	Connecticut.
Joshua Crow,	710	Maryland.
Horatio Catlett,	162	Do.
Robert Clarke,	1,668	Scotland.
James Clarke,	1,400	
William Coleman,	1,400	Pennsylvania.
James Cummings,	1,624	

Names.	Compensation, pay, and emoluments per annum.	State or country where born.
John Crane,	$1,500	Virginia.
Alpheus Childs,	1,000	Massachusetts.
Elijah Carpenter,	450	Do.
Wm. Crawford & Co.,	1,043	Pennsylvania.
Timothy Canfield,	52	Connecticut.
George Compton,	500	Ireland.
Garland Dickerson,	629	North Carolina.
John Doby,	2,200	South Carolina.
Thomas Davis, jun.	1,252	
William A. Dunham,	2,700	Connecticut.
Merritt Dilliard,	372	North Carolina.
Nathaniel Davis,	152	Tennessee.
Chisley Daniel,	250	North Carolina.
Barzillai Davis,	320	
Asa Dutton,	500	Connecticut.
Anselm Dimmick,	180	Massachusetts.
Jacob Drake & Co.	450	New Jersey.
Simeon Draper,	604	Massachusetts.
John Diver & Co.	870	
John Diver,	196	
Charles Dutton,	590	Connecticut.
John Davis,	400	
Barnabas Dickerson,	2,210	Massachusetts.
Charles Davis,	104	
William J. Drake,	800	New York.
Benjamin Denton,	106	
Francis Dunlavy,	125	Virginia.
Joseph H. Davis,	196	Kentucky.
William Domigan,	340	Maryland.
James Eddington,	14,006	North Carolina.
Joseph Eddrington,	2,575	Virginia.
Benjamin Eddrington,	1,200	Do.
Joseph Emerson,	675	Massachusetts.
Thomas Emerson,		Do.
Isaac Fish,	4,000	Rhode Island.
Joseph Nicholls,		Connecticut.
John Frye,	1,900	Georgia.
French & Hubbard,	500	
Fram & Silva,	1,400	
Hazlewood Farish,	7,719 84	Virginia.
George Fisher,	5,732	North Carolina.
Ebenezer Foster,	400	New York.
Bliss Forbush,	104	
Samuel Fox,	158	Massachusetts.
Benjamin R. Fowler,	454	Connecticut.
Thomas Flood,	624	New Jersey.
Samuel Foot,	318	Connecticut.
Peleg Fish,	596	
William Fay,	245	Massachusetts.
Gideon M. Davidson,		Vermont.
Isaac Fish,	1,000	
Peleg Fish,		
John De Forest,	300	
John Gadsby,	500	England.
Robert Glenn,	300	North Carolina.
Elias Gates,	72	Vermont.
William G. Garner,	3,500	
Sampson M. Glenn,	1,055	North Carolina.
Daniel Gallent,	600	Virginia.
Richard Gregory,	2,000	Do.
William Ball,		Do.
William Gholson,	5,454	Do.
William Gregory,	300	North Carolina.
William G. Grimes,	1,500	Virginia.
Paul Grimball,	1,000	
Greenbury Griffin,	600	Maryland.
Thaddeus Goodyear,	4,000	Connecticut.
Leonard Baker,		Massachusetts.
William Gamble,	600	Virginia.
William S. Graham,	546	
—— Green,	600	Massachusetts.
John Maynard,		N. Hampshire.
John A. Grimes,	600	Virginia.
John Galloway,	316	Pennsylvania.
William Garrison,	325	New York.
John Garrison,	200	Do.
William A. Griswold,	442	Massachusetts.
Sylvester Gavit,	500	Rhode Island.
Thomas Gelston,	1,010	New York.
Daniel M. Gregory,	170	
Peter Gilman,	52	N. Hampshire.
Oliver Gould,	176	Massachusetts.
Asa Goodenough,	212	

POST OFFICE DEPARTMENT—Continued.

Names.	Compensation, pay, and emoluments per annum.	State or country where born.
Urill N. Gridley,	$350	
Sanford Hunt,	-	Connecticut.
William Haddaway,	1,860	Maryland.
Joshua Hallar,	1,600	Pennsylvania.
Joseph Hallar,		Do.
Michael Harvey,	800	North Carolina.
John Hamilton,	720	Pennsylvania.
Amos Hoff,	880	
John Heggins, jun.	300	Maryland.
Hendricke & Davies,	288	
Philip Hallar,	200	Pennsylvania.
David Hane,		Maryland.
John Hill,	360	Virginia.
Thomas Harris,	600	Maryland.
Abel Harris,	600	Delaware.
Samuel Hoit,	200	N. Hampshire.
James Hannah,	125	South Carolina.
Elijah Hogdon,	80	N. Hampshire.
James Hayes,	150	Maryland.
Nicholas Hobbs,	500	Do.
John H. Hall,	320	New Jersey.
Reuben Harris,	400	North Carolina.
Daniel Hoover,	850	Pennsylvania.
Cornelius Heoff,	200	Virginia.
Jabez Hamblin,	88	
Harry Hatch,	500	Connecticut.
Charles Hardy,	220	England.
John Hill,	50	New Jersey.
Mattison Hait,	80	
William Hendrix,	300	
James Hicks,	525	Massachusetts.
Ebenezer Hilton,	350	Do.
Isaac Hill,	689	Do.
David Hyde,	290	Connecticut.
Simeon Harris,	500	
Charles Heggins,	500	
Benjamin Hook,	100	
Mark L. Hill,	50	
Notley Hays,	155	Maryland.
Richard Hendley,	600	Do.
Huntington and Failey,	2,000	
George Hamilton,	360	
George Isler,	176	Virginia.
Benjamin Joslin,	18,620	Do.
Edwin James,	410	South Carolina.
Samuel Jacob,	180	
Richard I. Jones,	500	England.
John Jackson,	985	
Henry Jackson,	100	Virginia.
John Jackson,	1,562	
James Johnson,	7,500	Do.
Isaac Jenkins,	200	New Jersey.
Jonathan Judkins,	500	
M. King,	450	North Carolina.
Asaph Kendall,	200	
Barnet Kemp,	80	Virginia.
Samuel Kelly,	95	
Newcomb Kinney,	350	Connecticut.
William Lorman,	1,600	Maryland.
Jacob G. Smith,		Do.
John Gadsby & Co.		England.
Thomas Love,	54	Virginia.
William Lorman,	2,000	Maryland.
William Crawford,		Pennsylvania.
Jacob G. Smith & Co.		Maryland.
John S. Love,	700	Do.
James Lewis,	1,068	South Carolina.
Lemuel Long,	800	
James Ligon,	540	Virginia.
John W. Love,	400	Massachusetts.
Daniel Lombard,	266	
Chittenden Lyon,	720	
Zephaniah Luce,	400	
Peter Lineweaver,	600	Pennsylvania.
Christopher Lemberton,	510	Ireland.
Ezekiel Lovejoy,	3,000	Massachusetts.
Ralph Lashels,	1,200	Pennsylvania.
Gideon Leet,	1,200	
Lashels & Stewart,	1,000	Do.
Eliphalet Leonard,	900	Massachusetts.
Ebenezer Woodward,		Do.
Gerard Lartique,	1,000	France.

Names.	Compensation, pay, and emoluments per annum.	State or country where born.
Edward McGuire,	$2,821	Virginia.
William Crawford,		Pennsylvania.
James Ware & Co.		Virginia.
William Murdock,	88	Maryland.
William Mullen,	320	New York.
Lucy Mullen,	180	Virginia.
Samuel Mullen,	100	New York.
Charles Miller,	596	South Carolina.
John McCaskill,	670	North Carolina.
John Moore,	840	Maryland.
William Mainer,	120	
James Murdock,	400	
Alexander McKinley,	650	Ireland.
Jeremiah Merrill,	300	
—— Hardy,		
J. M. C. Montgomery,	456	
Archibald McLaughlin,	550	
John McFarland, jun.	4,250	North Carolina.
James Mitchell,	850	Virginia.
John McFarland, jun.	2,000	North Carolina.
William Mattock,	500	Tennessee.
James Meacham,	450	Virginia.
David Morrison,	150	Delaware.
William Moore,	500	Massachusetts.
David Myers,	164	North Carolina.
William B. Miller,	280	Do.
William R. McGary,	300	Kentucky.
Catherine McClintock,	320	Pennsylvania.
Stace McDonough,	1,550	New Jersey.
John McCahan,	400	Ireland.
Jeremiah Mulford,	400	New Jersey.
Micajah Seelye,		New York.
George Manypenny,	500	Ireland.
William McCalla,	800	Pennsylvania.
Alexander McCalla,		Do.
Joseph Merrick,	1,150	Massachusetts.
Jacob Morris,	600	New York.
Asher Miner,	1,811	Connecticut.
Philip Miller,	66	Pennsylvania.
Hosea Mansfield,	210	Massachusetts.
William Murphy,	1,462	New Jersey.
James McTaggart,	170	Pennsylvania.
Arthur McGill,	1,800	Do.
John McArthur,	675	
John McQuie,	150	
Hugh G. Moor,	1,400	
Benjamin Newland,	1,097	Do.
James Newell,	375	Virginia.
William New, sen.	680	Do.
John G. Nelson,	800	
Gabriel Nourse, jun.	810	
Daniel Norwood,	520	South Carolina.
Samuel Newell,	320	Virginia.
Isaac Newman,	424	Pennsylvania.
William Nicholls,	224	Rhode Island.
George Oury,	5,750	Pennsylvania.
Samuel Overshire,	580	Do.
David Osborn,	36	
Samuel Ogdon,	460	Maryland.
John Prinner,	176	
A. Patteson,	1,450	Virginia.
L. Patteson,		Do.
Timothy M. Patterson,	900	Pennsylvania.
David Price,	3,200	Virginia.
David B. Patterson,	500	Do.
Robert Powers,	2,564	
John Patterson,	220	Do.
John H. Peterson,	80	Do.
Jesse Prosser,	990	
James Pinnell, jun.	76	Do.
Daniel Prentiss,	678	Do.
George Peters,	150	Pennsylvania.
Asa Piper,	290	Massachusetts.
Nathan Peck,	200	Connecticut.
Jonathan Peirce,	358	Massachusetts.
Richard Pattee,	140	
George Parsons,	1,276	Connecticut.
John Putnam,	80	New York.
John Parke,	266	Connecticut.
James Pemberton,	6,000	Virginia.
William Potts,	500	New Jersey.
J. M. Piollett,	225	

POST OFFICE DEPARTMENT—Continued.

Names.	Compensation, pay, and emoluments per annum.	State or country where born.
Hiram Plumer,	$500	Massachusetts.
Samuel Prime,		Dist. of Maine.
Ebenezer Pomeroy,	400	Massachusetts.
Russell Peck,	228	Connecticut.
—— Peck,	8,272	Do.
—— Camp,		Do.
—— Draper,		Massachusetts.
—— Sikes,		Connecticut.
Thomas Peabody,	728	Massachusetts.
Gilbert Pritchard,	300	
Josiah Paine,	11,108	
Edmund Pratt,	500	Do.
Jason Parker & Co.	6,332	Do.
John Reed,	1,149	Virginia.
John Reardon,	140	
William Rawling,	400	Do.
John Robertson,	152	Tennessee.
Daniel Redmond,	1,494	Ireland.
Clark Rawson,	650	Massachusetts.
Isaac Robbins,	296	N. Hampshire.
Isaac Reeve,	590	New York.
John Rees,	750	Virginia.
Jonathan Ramsey,	250	
Thomas Robinson,	300	Do.
William Russell, sen.	164	
A. Rogers,	-	New York.
William D. Ross,	800	Do.
Edward D. Rowe,	600	Virginia.
William Root,	200	Massachusetts.
Daniel Senthall,	1,100	
Michael C. Stephens,	300	
Garrison M. Smith,	145	Do.
John Steel,	80	Maryland.
Samuel S. Starnes,	4,500	South Carolina.
Matthias E. Sawyer,	920	North Carolina.
John Shute,	452	Pennsylvania.
William M. Scott,	4,050	Virginia.
Dillon Jordan,		North Carolina.
William Stevens, jun.	500	Maryland.
John Stevens,	452	Do.
Ebenezer Starnes,	400	
Joel Simpson,	248	England.
Cary A. Snoddy,	150	
—— Skinner,	3,860	
—— Barber,		
Aaron Seaman,	285	
Barzillai Sherman,	666	
Deodat Smith,	400	Connecticut.
James Sweeny,	300	
John Scott,	160	
James Stauleft,	120	New Jersey.
Joseph Sanford,	500	Connecticut.
James Shurtliff,	250	Rhode Island.
James Sugett,	3,740	Virginia.
David Thompson,		Do.
Josiah Stockwell,	460	
Jeremiah Stocking,	160	Connecticut.
Nicholas Schwayer,	450	Pennsylvania.
Robert Stewart,	7,000	Do.
Robert T. Stewart,	500	Do.
Thomas M. Sedwick,	1,000	
William R. Southerland,	340	
Thomas Sebring,	1,000	
Samuel Nicholas,		Pennsylvania.
Sturgis Sillick,	476	Connecticut.
Richard Sutphen,	430	New Jersey.
Jesse Smith,	2,782	Massachusetts.
Paul D. Sargent,	400	
James Stephenson,	100	
Thaddeus Scribner,	780	Connecticut.
Levi Street,	208	Do.
Samuel Terry,	584	Virginia.
James Standofer,		Do.
Wat H. Tyler,	125	Do.
James Timmonds,	900	Ireland.

Names.	Compensation, pay, and emoluments per annum.	State or country where born.
Person Turner,	$1,506	Virginia.
Braxton Robinson,		Do.
Philo Taylor,	1,200	New York.
Samuel Tallant,	316	
S. Tallant,	300	N. Hampshire.
N. Whitten,		
Jesse Tobey,	76	
William Tayloe,	344	
Conrad Teetor,	1,500	
John Tomlinson,	6,200	
Samuel Slaymaker & Co.		
William Triscott,	250	Massachusetts.
William Trigg,	85	Virginia.
John Tonkin,	300	
John Thompson,	90	Massachusetts.
Samuel Tunis,	160	New Jersey.
John Taylor,	4,000	Virginia.
Perry Vincent,	490	North Carolina.
Valgrand Verrett,	200	
James Van Gasbeck,	240	
Ab'm T. Van Steenberg,	60	New York.
William Woody,	1,282	Virginia.
Robert Wallace,	988	North Carolina.
James Walker,	550	
John Wise,	800	Maryland.
James West,	4,500	Do.
George Williams,	1,894 52	Virginia.
Thomas Watson,	1,498	
Jonathan Wright,	395	North Carolina.
Thomas Wren,	550	Virginia.
William D. Waples,	1,550	Do.
Thomas Ward,	104	
James Whittington,	300	Maryland.
Joseph Wilson,	100	Ireland.
John Woody,	420	Virginia.
John Walker,	650	
Woolfolk & Co.	2,321 60	
James Woody,	1,125	Do.
Daniel Williams, jun.	450	
Thomas Whiteside,	700	
Elijah Walker,	125	
Peter Wager,	100	New York.
Abiel Wilder,	280	Massachusetts.
John Winner,	296	
Zalmon Wildman,	252	
George Weaver,	650	
John Weaver,	200	
Eli Wilmott,	200	Connecticut.
Thomas Williams,	318	
Henry Westbay,	2,925	Ireland.
James Westbay,		Pennsylvania.
Peter Williams,	4,554	Virginia.
James Westerfield,	1,585	New York.
William Nourse,		England.
Abraham Westfall, jun.	400	Virginia.
Thomas Walker,	800	Massachusetts.
Elba Wilcox,	104	
Robert G. Watson,	540	
Charles Williams,	145	Maryland.
Ebenezer Wheelock,	150	Massachusetts.
John S. Willoughby,	52	New York.
G. Wilcoxen,	200	Connecticut.
Jared Wallis,	533	Pennsylvania.
William White,	1,000	New Jersey.
John P. Aratt,		Pennsylvania.
Joseph Webb,	500	Connecticut.
Erastus Young,	1,044	Massachusetts.
Eleazer Wheelock,		Do.
Merinus Hollister,		Vermont.
Alvah Hollister,		Do.
John Yeatman,	310	
Erastus Young,	128	
James Young,	170	
Philip Zinner,	270	

SUPERINTENDENT OF WASHINGTON CITY.

Names.	Compensation, pay, and emoluments per annum.	State or country where born.
Thomas Munroe,	$1,200	Maryland.
George Sweeny, clerk,	500	Do.
Edward Dyer, clerk,		Do.
Alexander Dyer, clerk,		Do.
Thomas Munroe, jun., clerk,		Do.
John Baily, clerk,		Pennsylvania.

COMMISSIONER OF PUBLIC BUILDINGS.

Samuel Lane, commissioner,	$2,000	Virginia.
Joseph Elgar, clerk,	1,000	Pennsylvania.
Anthony Thornton, messenger,	500	Virginia.

14th Congress.] No. 411. [2d Session.

PLAN TO INSURE THE ANNUAL SETTLEMENT OF PUBLIC ACCOUNTS, AND A MORE CERTAIN ACCOUNTABILITY OF THE PUBLIC EXPENDITURES.

COMMUNICATED TO THE SENATE, DECEMBER 9, 1816.

In obedience to the resolution of the Senate of the 20th April last, requiring the Secretaries of the Departments to report jointly to the Senate, in the first week of the next session of Congress, a plan to insure the annual settlement of the public accounts, and a more certain accountability of the public expenditure in their respective Departments, the undersigned have the honor to report:

That, in order to comply with the requisitions of the resolution, and to satisfy the just expectations of the Senate, it is necessary to inquire into the causes of the delay in the annual settlement of accounts, and the want of sufficient certainty in the accountability of the respective Departments, upon which the resolution is predicated.

An attentive review of the principles upon which the several Departments of the Government were originally organized, and of the changes which have successively been made in that organization, appears to be necessary at the threshold of this investigation.

By referring to the laws for organizing the several Departments of the Government, they will be found to be extremely general in their terms, leaving the distribution of the duties and powers of the Secretaries in a considerable degree to executive regulation. The law organizing the Treasury Department, however, specifically refers to that Department the settlement of all public accounts. The pecuniary embarrassments by which the Government was pressed at that period, requiring a system of the most rigid economy in the public disbursements, could not fail to give peculiar force to the idea that the Department charged with the replenishment of the treasury should have a direct control over the public expenditure. Under the influence of this idea, all purchases for supplying the army with provisions, clothing, supplies in the quartermaster's department, military stores, Indian goods, and all other supplies or articles for the use of the War Department, were, by executive regulation, directed to be made by the Treasury Department.

The first important change which was made in the organization of the War Department was effected by the act of the 8th of May, 1792, which created the office of Accountant of that Department, and referred to that officer the settlement of all accounts relative to the pay of the army, the subsistence of the officers, bounties to soldiers, expenses of the recruiting service, and the incidental and contingent expenses of the Department. The accounts settled by the Accountant were to be certified quarterly, and sent to the accounting officers of the Treasury for their revision. This act continues with the Treasury Department the power of making for the War Department the purchases before enumerated.

On the 30th of April, 1798, the Navy Department was created. From the organization of the Government to this date, the Secretary of War executed the orders of the President in relation to the navy. On the 16th of July, in the same year, the office of Accountant of the Navy was created, and the settlement of all accounts in the Navy Department was referred to that office. On the same day the power of the Treasury Department to make contracts for the War Department was rescinded, and all the accounts of that Department were thenceforward to be settled by the Accountant.

The power of revision, both as to the accounts of the War and Navy Departments, was, and still is, reserved to the accounting officers of the Treasury. This power, however, from the period that the primary settlement of the accounts of the War and Navy Departments was withdrawn from the Treasury, ceased to be useful, and has been preserved merely for the sake of form. In the Treasury, balances or debts admitted on settlement are paid only upon the report of the Auditor, confirmed by the Comptroller, whose decision is final. In the War and Navy Departments, the sums reported by the Accountants to be due to individuals are paid, without waiting for the revision of the accounting officers of the Treasury. This practice, which has been adopted in some measure from necessity, is not believed to be incompatible with the provisions of the law requiring that revision. The Accountants of the War and Navy Departments are required to transmit, quarterly, all the accounts which have been settled to the

Treasury Department for final revision. It could not have been the intention of Congress that an officer, or an individual to whom money was found to be due by the report of the Accountant of either of those Departments, should wait for payment not only until the expiration of the quarter, but until his accounts should be re-examined by the Auditor of the Treasury, and also by the Comptroller.

The delays to which this course would necessarily have led must have produced a state of confusion which, in a short period, could not have failed to obstruct all the operations of the Government. On the other hand, it is manifest that, from the moment payments were made upon the settlement of the Accountants, before the revisionary power of the Treasury officers was exercised, revision became useless. The leading feature of the organic laws of the Departments, that the settlement of the public accounts should exclusively rest with the Department which was charged with the replenishment of the treasury, was substantially abandoned. The form, indeed, was preserved, but the vital principle was extinguished.

It is probable that more importance was attached to this principle by those who presided over the primary organization of the Departments than it intrinsically merits. The power of the accounting officers, whether belonging to the Treasury Department, or to those in which the disbursements are made, to enforce economy in any branch of the public service, must necessarily be extremely limited.

In disbursements for the pay, subsistence, and clothing of the army, whilst rations are furnished by contracts, the most rigid economy may be easily enforced. In the quartermaster's department, and where provisions are supplied by a commissariat, the accounting officers can exercise but a very limited control. The principal reliance of the Government for economy in those Departments must be upon the integrity of the persons employed. Over the contingent disbursements of the War and Navy Departments, which in time of war are considerable, and which in all Governments are extremely liable to abuse, the accounting officers have still less control. For economy in that branch of the public service the heads of those Departments must be responsible to the nation. From this view of the subject, it appears not to be so important that the public accounts should be settled in the Treasury Department as that they should be promptly and finally settled.

Whatever diversity of opinion may exist upon this subject, it is believed that there can be none upon the propriety of either returning to the principle upon which the Departments were originally organized, of referring the settlement of all public accounts immediately to the Treasury Department, or of finally settling the accounts of the War and Navy Departments without the intervention of the accounting officers of the Treasury. The former has the recommendation of unity and simplicity in theory, and it is believed that no serious inconvenience will result from it in practice. The latter would insure the prompt and final settlement of the accounts of the several Departments, but might possibly lead to the establishment of different principles in the settlement of the public accounts in the respective Departments. Under judicious regulations, it is believed that the prompt and final settlement of the public accounts may be as effectually secured by the former as by the latter modification.

Whichever modification may be adopted, an increase in the number of the accounting officers appears to be indispensable. From the year 1792, when the office of Accountant of the War Department was created, to the year 1798, when all the accounts of the War Department were referred for settlement to that officer, the military force of the United States was not so extensive as the present military peace establishment. The duties assigned the Accountant at the former period were, as has already been stated, the settlement of all accounts relative to the pay of the army, the subsistence of officers, bounties to soldiers, expenses of the recruiting service, and the contingent expenses of the War Department. The services required by that act are believed to be sufficient to give full employment to one accounting officer. By the act of 1798, the settlement of the accounts relative to the subsistence of the army, the quartermaster's department, the clothing department, the purchase of arms and munitions of war, and to the Indian Department, was referred to the Accountant of the War Department.

The additional duties imposed upon the Accountant by this act have been so great that some of the accounts of the War Department nearly of the same date remain still unsettled. It is, therefore, confidently believed that the duties imposed upon the Accountant by this act require the undivided attention of another accounting officer.

In contemplation of the law, the Comptroller of the Treasury revises all the accounts of the Government for the purpose of correcting the errors, both of fact and of law, which may have been committed by the accounting officers to whom their settlement is in the first instance committed. He is likewise charged with the superintendence of the collection of the revenue arising from duties and tonnage, and directs the collection, by suit, of all debts due to the United States. It has been already stated that the revision of the accounts settled by the Accountants to the War and Navy Departments by this officer has always been merely nominal. The enumeration just given of the extent and variety of the duties imposed upon him will satisfy every reflecting mind that they must continue to be so. Should this officer be relieved from the superintendence of the collection of imposts and duties, and of suits for the recovery of debts due the United States, by the assignment of those duties to another officer, still it is believed he would not be able to revise all the accounts of the Government, so as to be in fact the check upon the auditing officers which the law contemplates. When the office of Comptroller was created, and the duties of that officer were prescribed, the Auditor of the Treasury was the only accounting officer whose acts he had to revise. At present, he has to revise the settlements made by three accounting officers, and, according to the plan which it is the duty of the undersigned to propose, in order to insure the annual settlement of the public accounts, there will be five auditing or accounting officers whose acts are to be revised. From this view of the subject, the appointment of an additional Comptroller appears to be indispensable.

It has been previously stated that the mass of business thrown upon the Accountant of the War Department by the act of the 16th of July, 1798, has produced an arrearage in the settlement of the accounts of that Department almost coeval with that date. This observation was intended to apply to the accounts appropriately belonging to the Department, arising from the administration of the military establishment. But the accounts of the Indian Department, without a solitary exception, have remained unsettled from that date to the present period. This has resulted from the fact that the Secretary at War is substantially the auditor of all the Indian accounts. It is also his duty to inquire into and decide upon all claims exhibited by the citizens of the United States for property stolen or destroyed by the Indian tribes to whom annuities are payable, and, where they are proved to his satisfaction, to direct compensation to be made to the injured party out of the annuity payable to the offending tribe. These duties, together with the examination of the contingent expenses of the Department, which must also receive his special sanction, if duly attended to, would leave him no time to devote to the more important and appropriate duties of his station. The consequence has been that the Indian accounts have remained unsettled, and must continue so until a different organization of the Departments shall be effected.

It is obvious to the mind of every reflecting man that the duties imposed upon the Secretary of War in relation to the Indian Department have no rational connexion with the administration of the military establishment. From the view which has been presented, it is conceived that the public interest requires that the Secretary of War should be relieved from further attention to those duties. It then becomes necessary to inquire whether those duties can, consistently with the public interest, be assigned to either of the other Departments. An examination

into the duties required of those Departments, it is confidently believed, cannot fail to produce the most decided conviction that no additional duties ought to be imposed upon them under their present organization. On the other hand, there is good reason to believe that the public interest would be promoted by relieving those Departments of several branches of the public service at present committed to their respective charges.

The retrenchments which, with great advantage to the public interest, might be made in the duties now imposed upon the Secretaries of the respective Departments and the General Post Office, would furnish ample employment for the head of another independent Department.

An appropriate assignment of duties to the chief of the new Department would embrace the Territorial Governments, the Indian Department, the General Post Office, roads and canals, and the Patent Office, and such other branches of the public service as may be deemed expedient. But the defects in the organization of the existing Departments are not the only reasons why the public accounts are not annually settled.

The want of power to compel those to whom the collection or disbursement of the public money has been confided to render their vouchers and settle their accounts when required has largely contributed to swell the list of unsettled accounts. The power of dismissing from office for misfeasance or non-feasance in office, especially with the collecting officers, is sufficiently coercive as long as the conduct of the officer will bear examination, and powerfully contributes to keep him in the line of his duty. But when the settlement of his accounts must expose his guilt, and especially when he has been dismissed from office, this coercion entirely ceases. With disbursing officers, and particularly in the military establishment, this mode of coercion is much more feeble. In that department, too, there is the strongest reason for the adoption of the most vigorous measures to bring to a prompt and final settlement those who have been intrusted with the disbursement of money, particularly in the quartermaster's and paymaster's departments. Until the accounts of the quartermaster general of an army or of a military district are settled, it is impossible to settle the accounts of the deputies and assistants, the barrack-masters, forage-masters, and wagon-masters employed with the same army, or in the same district. The same observation applies to the pay department. Until the deputy paymaster general settles his accounts, or at least until he renders his vouchers, none of the district or assistant district paymasters, or regimental paymasters, can settle their accounts. This observation applies to the several grades in both departments. Thus a single officer, who knows himself to be a public defaulter, may, by standing aloof, and by procrastinating the decision of law after suit is brought, prevent for years the settlement of the accounts of other officers who may be solicitous to adjust them.

It is the peculiar province of the Legislature to apply appropriate remedies for every evil disclosed by the practical operations of the Government. The one now under consideration, taken in connexion with the inability of the accounting officers to settle annually the public accounts, has produced more serious consequences to the national treasury than every other united. The conviction on the part of an officer that his accounts cannot or will not be settled for years presents a certain degree of impunity to embezzlement, and powerfully tempts to the commission of it. The necessity of resorting to an action at law to enforce the settlement of accounts, or to recover money embezzled by an officer, ought to be avoided, if it can be done consistently with the provisions of the constitution. In some of the States this necessity is avoided, the public money retained by a revenue officer being collected by execution issued by the State treasurer. If this or a similar principle could be acted upon by the United States, embezzlement would not be frequent.

In conformity with these preliminary observations, the undersigned respectfully propose that it is expedient—

First. That another independent Department of the Government be organized, to be denominated the "Home Department." That the Secretary of this Department shall execute the orders of the President in relation to

1. The Territorial Governments.
2. The national highways and canals.
3. The General Post Office.
4. The Patent Office.
5. The Indian Department.

Secondly. That the primary and final settlement of all accounts be made in the Treasury Department; and that the organization of that Department be modified so as to authorize the appointment of

1. Four additional Auditors.
2. One additional Comptroller.
3. One Solicitor.
4. That the mint establishment be placed under the direction of the Treasury Department.

Thirdly. That the office of Accountant of the War and Navy Departments and of the Superintendent General of Military Supplies be abolished.

Fourthly. That the survey of the coast be confided to the Navy Department.

According to the modifications here recommended, the

First Auditor will be charged with the settlement of the public accounts accruing in the Treasury Department.

Second Auditor will be charged with the settlement of all accounts relative to the pay and clothing* of the army, the subsistence of the officers, bounties and premiums, the recruiting service, and the contingent expenses of the War Department.

Third Auditor will be charged with the settlement of all accounts relative to the subsistence of the army, the quartermaster's department, the hospital department, and the ordnance department. Both of these Auditors will keep the property account connected with those branches of service in the War Department confided to them respectively.

Fourth Auditor will be charged with the settlement of all accounts relative to the Navy Department; and the

Fifth Auditor will be charged with the settlement of all accounts relative to the State and Home Departments.

The First Comptroller, being relieved from directing and superintending the recovery by suit of all debts due the Government, will revise all accounts settled by the First and Fifth Auditors.

Second Comptroller will revise all settlements made by the Second, Third, and Fourth Auditors.

The Solicitor of the Treasury will be charged with the recovery of debts due the Government, according to the forms prescribed by law.

It is probable that experience will suggest the propriety of making changes in the distribution of duties among the accounting officers of the Treasury. In order that they may be done with facility, and as they shall be discovered to be necessary, it is respectfully recommended that the whole subject be left to executive regulation.

With this organization of the Departments, the check contemplated by the revision of the Comptroller will be as effectual as it can be made. Money will then be paid in all the Departments upon the settlement of an Auditor only after it has been revised and approved by a Comptroller.

* By late regulations, the pay and clothing appropriations are in fact considered as one appropriation.

If the Departments shall be thus organized and vested with sufficient power to compel all officers employed in the collection or disbursement of the public money to render their vouchers and settle their accounts, the annual settlement of the public accounts will be insured, and a more certain accountability established in the respective Departments.

If the officer intrusted with the recovery of money improperly detained by public officers were authorized to issue an execution for the sum appearing to be due, either upon settlement, or upon the failure to settle when called upon for that purpose, and that the execution so issued should be satisfied by the distress and sale of all the delinquent's property, and that of his securities, one of the most formidable obstacles to the annual settlement of the public accounts would be surmounted.

It is believed that there is no constitutional objection to the adoption of this principle in relation to the officers of the Government who improperly withhold the public money. Under the law imposing the direct tax, the collector, on default of payment, is authorized to make the amount due by the levy and sale of the defaulter's property. In this case, there is on the part of the defaulter nothing but a breach of the general implied obligation which every citizen owes to the community to contribute to the wants of the state in proportion to the property which he possesses. This breach may frequently be the result of inevitable necessity, and but seldom brings his integrity in question. In the case of the delinquent officer there is, in most cases, a direct breach of special confidence involving the odious charge of peculation or embezzlement. Is there any reason why the remedy of the Government should be more summary in the former than in the latter case? Is there not, on the contrary, a clear distinction between the two cases entirely in favor of the tax defaulter? Can it be considered more important to the community that the revenue should be rigidly collected, than that it should be faithfully and honestly disbursed? Has the difference in the remedy arisen from the consideration that the one has withheld from the Government a hundred cents which he ought to have paid, whilst the other has embezzled a thousand dollars of the public money thus summarily collected? There can be no doubt that the different remedies in the two cases have resulted from the want of sufficient reflection, and not from design. The subject is now presented to the view of the Senate, and no doubt is entertained that that enlightened body will satisfy the demands of reason and of justice. It may be proper to observe that the principle now recommended has been applied by the laws laying direct taxes to the collectors of the internal revenue. The Legislature, in relation to that class of officers, has even authorized the arrest and imprisonment of collectors who fail to collect, or neglect to pay after collection, and the seizure and sale of the property, real and personal, of his securities during their imprisonment. As the principle has already been applied to cases arising out of the collection of the revenue, it is respectfully conceived that reasons more cogent call for its application to the disbursing officers of the Government. The different rules established in relation to those two classes of officers, if persevered in, cannot fail to present the idea that the Government is more astute in devising means to raise and collect revenue than in enforcing a faithful application of it when collected.

JAMES MONROE,
WM. H. CRAWFORD,
GEO. GRAHAM, *Acting Sec. of War.*
B. W. CROWNINSHIELD.

The Hon. JOHN GAILLARD, *President pro tempore of the Senate.*
DECEMBER 6, 1816.

14th CONGRESS.] No. 412. [2d SESSION.

CANALS FROM HUDSON RIVER TO LAKES ERIE AND CHAMPLAIN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 11, 1816.

To the honorable the Senate and House of Representatives of the United States in Congress: The representation of commissioners of the State of New York, in behalf of the said State, respectfully showeth:

That the Legislature of the said State in April last passed an act to provide for the improvement of their internal navigation, (of which act we take the liberty of transmitting herewith a copy.) In this it will be seen that a board of commissioners is constituted, and that, among other duties enjoined upon them, they are required to make application to the Government of the United States for cessions, grants, or donations of lands or money, for the purpose of aiding in opening a communication, by means of canals, between the navigable waters of Hudson river and Lake Erie, and the said navigable waters and Lake Champlain. To fulfil this requisition, then, is the object of this address.

Next to the establishment and security of the right to self-government, we flatter ourselves that no subject requiring legislative interference can be found more interesting than the one which we are charged to lay before your honorable body; and we venture to solicit your favorable consideration of it, in full confidence that an enlightened public spirit may justly give to it such a measure of patronage as cannot fail to produce signal benefits to the nation.

The benefits to be acquired by the United States from the construction of these canals will most obviously and immediately affect their pecuniary and their political interests. More remotely, indeed, they will exert a favorable influence upon every object embraced within the scope of an enlightened and paternal policy. If we consider the extent and fertility of our territory northwest of the Ohio, the large proportion of it which yet remains unsold, the disposition and the ability which our eastern fellow-citizens possess to purchase and to improve it, we cannot be insensible of the great pecuniary advantage which would result from opening to them a safe, easy, and economical passage into that territory. Every dollar saved to them in the expenses of removing thither would operate to enhance the value of the public lands, and, at the same time, to hasten their settlement; and it is obvious that a canal from the Hudson to Lake Erie would save a large portion of these expenses. The number of persons to be affected by this consideration cannot be accurately stated. It certainly would not be small. We are well assured that, in the

course of one year since the war, more than twelve thousand new settlers, almost exclusively from the East, have established themselves within the limits of this State, west of the Genesee river.

Whatever adds to the value of all that land produces must increase the value of land itself. To a country which depends upon a distant market for the sale of its surplus productions, it is of great importance to afford every possible facility of transportation; for all that is taken from the expense of transportation is added to the value of the articles transported, and, by cheapening the rate of carriage, many articles are rendered valuable which would otherwise be worthless. Moreover, if habit or the necessary accommodation of life requires that such a country should consume foreign goods to the amount of all its surplus productions, it is evident that the landholder there enjoys a twofold benefit in every increased facility of transportation. Perhaps the whole of the country between the great lakes, the Mississippi, and the Ohio—certainly the greater part of it—would derive from the completion of our principal canal greater advantages for distant communication than any country so far inland has hitherto enjoyed, and incomparably greater than that country can ever derive from any other means. Regarded, then, merely as a measure of pecuniary wisdom, we trust your honorable body will make such an appropriation in favor of it as will insure its accomplishment.

But considerations of a political nature seem to us most urgently to recommend the construction of these canals. The great influence exercised over the Western Indians, even in our own territory, by the subjects of a foreign Government, we have always had numerous reasons to wish destroyed. This influence depends materially upon establishments erected for the promotion of the fur trade. Any measure that would open, between one of our seaports and the region where furs are collected, a road in all respects preferable to any other, besides drawing to our own citizens a profitable commerce, would tend eventually to the subversion of that influence, and, in the mean time, offer to us important facilities for controlling it.

The trade carried on between our country and the Canadian provinces is already considerable, and is rapidly growing. The fruits of the earth from the southern shores of Erie and Ontario, and from the borders of Champlain, find their way to the ports of our northern neighbors cheaper than they can to any which offers a market of our own, and are there exchanged for the various commodities of foreign countries. This trade is, indeed, profitable to many of our citizens who engage in it, but it is much more so to the British. Subject to their control, they direct it to the advancement of all their public interests; and it is no mean instrument of that advancement. It is evidently the vital spirit of their internal navigation, which it cannot fail to exalt into a consequence that may hereafter greatly affect us. Would not the prosecution of our projects to complete effect result immediately in giving to citizens of the United States the entire profits of this trade, and to Government all the security and influence connected with a thickly settled frontier, and a most decided superiority of shipping on the lakes?

Nothing can be more certain than that the continuance of our Union is essential to our freedom. The means of this continuance are to be found only in the strength of our common interests. Whatever extends and consolidates these interests, they must be of distinguished importance to Government; and can any thing be imagined more efficaciously conducive to these objects than opening to distant sections of our country the means of easy and profitable intercourse? Virtuous and enlightened men among us have long delighted themselves with looking forward to the period when a canal communication between the Hudson and Lake Erie would afford to half the United States more ample means of promoting every social interest than have heretofore, in any country, been furnished by the accomplishment of any human enterprise.

The advantages of canals were not entirely unknown to ancient Governments. Among them, the wisest and most powerful executed works of this kind in every direction through their territories, for the purposes of agriculture, commerce, and war. The vestiges of many of these are still discoverable; and they are doubtless to be reckoned among the most impressive memorials that remain of ancient greatness. When we recollect the instrumentality which canals have formerly exhibited in collecting the blessings of wealth, strength, and a crowded population for every country through which they passed, and see those very countries, by the neglect and ruin of them, reduced to their original barrenness, can we suppress a conviction of their immense utility? But it is not alone from history, and the faint traces of them which have survived the lapse of many centuries, that the advantages of these improvements are to be known. There are proofs more conclusive; our own times furnish them. In contemplating the present state of Europe, it is impossible not to be struck with the number and extent of her canals; and we perceive that they abound most in those countries where the wants of the social state and the means of power have been most diligently explored, and are most profoundly understood. We see them there enabling extensive empires to hold in speedy administration to every public object all the resources of their most remote sections, and, at the same time, increasing those resources prodigiously, by the economical exchanges of which they are the occasion. Experience is always a safe guide; it is especially to be trusted when it has been acquired in the midst of difficulties and dangers, and has been sanctioned by the wisdom of different nations. If, then, in the pressing exigencies of recent events, when every power of national defence and annoyance has been exerted, when all the capacities of men, as individuals, and in political combination, have been remarkably evolved, we observe in that quarter of the globe a perpetually growing attention to the subject of canals, is it not expedient, is it not wise, for us to engage in making them? No country is more susceptible of all their benefits than ours; none of large extent presents fewer impediments to their construction. They constitute improvements peculiarly fit for a republic. They contribute equally to the safety and opulence of the people, and the reputation and resources of the Government. They are equally desirable in reference to the employments of peace and the operations of war. In whatever light they are viewed, they seem to combine the substantial glories of the most splendid and permanent utility.

But if the execution of those of which we are the advocates be impracticable, or would involve an expense disproportionate to their value, they can have no claim upon the favor of the National Legislature. On these topics we entertain no doubts. The minute examination which has been made this season, under our superintendence, of all the lands which these canals will traverse, has convinced us that an expenditure not exceeding ten millions of dollars would be sufficient to perfect them. Shall they remain unattempted? The State of New York is not unaware of her interests, nor disinclined to prosecute them; but where those of the General Government are united with hers, and seem to be paramount, she deems it her duty to ask for their assistance. Wherefore, in her behalf, we solicit your honorable body to make such an appropriation, in lands or money, to aid in the construction of these canals, as you, in your wisdom, may think reasonable and just.

By order and in behalf of the said commissioners, at a meeting held in Albany on the 10th November, 1816.

DE WITT CLINTON, *President.*

AN ACT to provide for the improvement of the internal navigation of this State. Passed April 17, 1816.

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly*, That Stephen Van Rensselaer, De Witt Clinton, Samuel Young, Joseph Ellicott, and Myron Holley, be, and they are hereby,

appointed commissioners to consider, devise, and adopt such measures as may or shall be requisite to facilitate and effect the communication, by means of canals and locks, between the navigable waters of Hudson river and Lake Erie, and the said navigable waters and Lake Champlain; and, in case of the resignation or death of any of the said commissioners, the vacancy thereby occasioned shall be supplied by the Legislature, in the manner in which Senators of the United States from this State are directed to be chosen.

2. *And be it further enacted*, That the said commissioners shall choose one of their number to be president of their board, and shall appoint a fit person for their secretary, who shall be allowed and paid such salary as the said commissioners shall deem proper and reasonable; and the president of the said board of commissioners shall have power to call a meeting of the same whenever, in his opinion, the public interests require it; and the said board may adjourn from time to time, to meet at any time and place they may deem most conducive to the public good; and further, the said commissioners shall have power to employ such and so many agents, engineers, surveyors, draughtsmen, and other persons, as, in their opinion, may be necessary to enable them to fulfil and discharge the duties imposed upon them by this act, and to allow and pay the said agents, engineers, surveyors, draughtsmen, and other persons, for their respective services, such sum or sums as may be adequate and reasonable.

3. *And be it further enacted*, That it shall be the duty of the said commissioners, as soon as may be after the passing of this act, to cause those parts of the territory of this State which may lie upon or contiguous to the probable courses and ranges of the said canals to be explored and examined, for the purpose of fixing and determining the most eligible and proper routes for the same, and to cause all necessary surveys and levels to be taken, and accurate maps, field-books, and draughts thereof to be made; and further, to adopt and recommend proper plans for the construction and formation of the said canals, and of the locks, dams, embankments, tunnels, and aqueducts which may be necessary for the completion of the same, and to cause all necessary plans, draughts, and models thereof to be executed under their direction.

4. *And be it further enacted*, That the said commissioners, or a majority of them, shall be, and they are hereby, authorized and required to make application, in behalf of this State, to the Government of the United States, and of such States and Territories as may be benefited by the said canals, or either of them, to the proprietors of lands through or near which the said canals, or either of them, may or may be proposed to pass, to all bodies politic and corporate, public or private, and to all citizens or inhabitants of this or any other of the United States, for cessions, grants, or donations of land or money, for the purpose of aiding in the construction or completing of both or either of the said canals, according to the discretion of the several grantors or donors, and to take to the people of this State such grants and conveyances as may be proper and competent to vest a good and sufficient title in the said people to the lands so to be ceded or granted as aforesaid; and, for the purposes above mentioned, it shall be the duty of the said commissioners to open books of subscription in such and so many places as they may think necessary and expedient, and under such rules and regulations as they may from time to time establish; and further, it shall be their duty to ascertain whether, to any and to what amount, and upon what terms, loans of money may or can be procured, on the credit of this State, for the purposes aforesaid.

5. *And be it further enacted*, That it shall be the duty of the said commissioners to make, or cause to be made, with as much accuracy and minuteness as may be, calculations and estimates of the sum or sums of money which may or will be necessary for completing each of the said canals, according to the plan or plans which may be adopted and recommended by them for the construction or formation of the same, and to cause the said calculations and estimates, and all surveys, maps, field-books, plans, draughts, and models authorized and directed by this act, or so many thereof as may be completed, together with a plain and comprehensive report of all their proceedings under and by virtue of this act, to be presented to the Legislature of this State within twenty days after the commencement of the next regular annual session thereof.

6. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the order of a majority of the said commissioners, out of any moneys in the treasury not otherwise appropriated, any sum or sums not exceeding twenty thousand dollars, and for which the said commissioners shall account to the comptroller of this State.

7. *And be it further enacted*, That the act entitled "An act to provide for the improvement of the internal navigation of this State," passed the 8th day of April, 1811, and the act entitled "An act further to provide for the improvement of the internal navigation of this State," passed June 19, 1812, be, and the same are hereby, repealed.

STATE OF NEW YORK, SECRETARY'S OFFICE, ALBANY, *November* 13, 1816.

I certify the preceding to be a true copy of an original act of the Legislature of this State on file in this office.

R. TILLOTSON, *Secretary of State.*

14th CONGRESS.] No. 413. [2d SESSION.

ROAD THROUGH THE CHICKASAW NATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, ON THE 11TH DECEMBER, 1816.

SIR: DEPARTMENT OF WAR, *December* 5, 1816.

In pursuance of the resolution of the House of Representatives of the 4th instant, I have the honor to transmit the report of the commissioners appointed to mark and survey a road from Reynoldsburg, on the Tennessee river, through the Chickasaw nation. No expenses in relation to this road were to be paid by this Department, except the compensation of the commissioners, who were to be allowed six dollars per day whilst employed on this service.

As no claim has been presented to this Department by the commissioners on account of their services, nothing has as yet been paid.

I have the honor to be, with great respect, sir, your obedient servant,

GEORGE GRAHAM, *Acting Secretary of War.*

Hon. HENRY CLAY, *Speaker of the House of Representatives.*

SIR: REYNOLDSBURG, TENNESSEE, *May* 15, 1816.

In obedience to a commission we had the honor to receive from your excellency, dated the 28th of December last, appointing us to view and survey a road from Reynoldsburg, on Tennessee river, to intersect the Natchez road at some point in the Chickasaw nation, in conformity to a treaty made for that purpose with the Chickasaw nation of Indians, dated the 5th day of August, 1815, we, in company with James Brown and Chigcuttaha, commissioners appointed on the part of the Chickasaw nation, have performed that duty.

The enclosed plat of the road will show the different bearings and watercourses. We have caused the road to be run generally on high dry ground; have opened a bridgeway, caused it to be measured, and the miletrees regularly numbered. The road is level and well watered; but little causewaying and bridging will be necessary to make it as good a road as any in the western country.

We intersected the Natchez road near the south end of the Chickasaw Old Town, distance from Reynoldsburg one hundred and twenty-nine miles. In surveying this road we passed through a rich and fertile country, particularly the waters of the Mississippi and Mobile. The road at present is uninhabited, except twenty-four miles at the south end; the fertility and situation of the country will admit of a number of good settlements on the road for the accommodation of travellers; some of those stands are already marked by the Indians, who intend settling immediately. The advantages arising from this road to the citizens of the western part of Tennessee, Kentucky, Ohio, and the Territories, are obvious; it ought to be opened as soon as practicable.

As Congress is about voting an annual fund for the purposes of internal improvements, we are of opinion none could be better bestowed than the sum necessary to complete this road, as a number of the citizens of the United States are so much interested. We are of opinion that the sum of $2,600 will be sufficient to make it a good road without any further expenses to Government; and we believe that if the General Government authorizes the opening, it will be done with promptness; but should it be left to the Legislature of Tennessee, their first session will not be before September, 1817, and, as other States and Territories are equally interested with Tennessee, the appropriation to the amount necessary is doubtful.

We have the honor to be your excellency's obedient servants,

THOMAS JOHNSON,
MICHAEL DICKSON.

The Hon. WM. H. CRAWFORD, *Secretary of War.*

14th CONGRESS.] No. 414. [2d SESSION.

NATIONAL UNIVERSITY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 11, 1816.

Mr. WILDE made the following report:

The committee of the House of Representatives, to whom was referred so much of the President's message as relates to the subject of a national university, report to the House, as the result of their deliberations, a bill for the erection and endowment of such an institution:

The committee, pursuant to usual forms, might perhaps, without impropriety, regard this as a sufficient performance of their duty, and, after presenting the bill without comment, have left it to find its appropriate place among others, and to receive or be denied consideration, according to the opinion entertained of its consequence and urgency. But the number of communications relative to the subject, which, though they have received attention, seem to have escaped it because they have not been definitively acted on, may possibly expose the House to a censure more serious than that of merely neglecting the successive recommendations of several Chief Magistrates—a censure as injurious as unjust, yet not unbecoming that body to prevent, by making as soon as possible some disposition of a question that ought to be determined on account of its frequent occurrence, even though it should not otherwise be thought particularly interesting.

No room will be then afforded for even supposing the National Legislature indifferent to an object admitted by most persons to be desirable, and by many believed to be now both practicable and expedient. Justice will be done to the representatives of the people, without detracting any thing from executive merit; that confidence which is the chief strength of our Government will be preserved, and public opinion, enlightened by discussion, expressing itself at length decisively on the proposed measure, will either require its adoption, sanction its rejection, or acquiesce in its postponement, until the necessity becomes more obvious, or the difficulties that oppose it can be more easily removed.

Your committee, therefore, have ventured to suggest some of the reasons which recommend the present as a favorable time for investigating, and perhaps also for adopting, the plan they have proposed.

Among these, the prosperous state of our finances, leaving a large unappropriated surplus, the probability of a long continued peace, the flourishing condition of our capital, and the facility with which a portion of the public property within it might now be advantageously disposed of, so as at once to increase the convenience of the city and support the proposed institution, may fairly be enumerated.

Besides, the information heretofore collected has enabled the committee to report at an early period, and it is believed that the present session (though inevitably a short one) will not present so many objects of great difficulty or deep interest as entirely to exclude others of a more tranquil and less obtrusive character, to which it is possible a portion of time might be profitably devoted.

The acquisition of a scientific and literary reputation, not unworthy of their naval and military renown, can never be beneath the ambition of a people, since the most durable of all glory is that of exalted intellect. The world is still a willing captive to the spells of ancient genius; and the rivalry of modern empires will be perpetuated by their arts and their learning, the preservers of that fame which arms alone may indeed win, but can never keep. Any

measure which contributes, however remotely, to give American literature a rank and a name among mankind, cannot therefore be regarded with indifference by our citizens; and every effort towards that end must be witnessed at the present moment with unusual satisfaction, since it will present the interesting spectacle of a young nation bending its whole strength to the pursuit of true greatness, and anxious to emulate all that is amiable in peace as well as all that is noble in war. That the institution contemplated will have a happy influence on the harmony of our country and the unity of our national character, has been often supposed, and your committee feel inclined to anticipate effects no less happy from its operation on the genius of our people. If American invention, unassisted as it has been, already excites the astonishment of Europe, what may not be expected from it when aided and encouraged? And why should not aid and encouragement be yielded by institutions like the present, founded and endowed by the munificence of the state? In our own day we have seen them work wonders in physical science, even when directed by a stern, jealous, and exacting Government, which, while training the mind to be quick, dexterous, and daring, darkened its vision and circumscribed its flight. Is it here alone they would be impotent, where no depth could be hidden from its glance, no height forbidden to its wing? But your committee, fearful of exhausting your patience, forbear to extend this report by arguments which it is easier to multiply than to withhold; for the same reason they refrain from answering objections which could not be stated without injury, since, in replying to them, force and perspicuity must be sacrificed to conciseness. Nor can such a course be required where it is intended merely to present a general result, not the particular process of reasoning by which that result has been obtained. Your committee, however, desire it to be understood that they have not declined examining any objection which occurred to them, and, though some have been found which it must be confessed are not without difficulty, all are thought capable of a satisfactory answer.

Under a conviction, therefore, that the means are ample, the end desirable, the object fairly within the legislative powers of Congress, and the time a favorable one, your committee recommend the establishment of a national university, and have directed their chairman to submit a bill and estimates for that purpose.

Estimate of the value of lots and squares belonging to the United States, as furnished by communications from the superintendent of the city.

Four thousand building lots of 5,265 square feet each, and about 2,000 feet front on the waters of the Potomac river, (Eastern branch) valued at - - - -	$750,000
Squares 1 to 6 proposed to be laid off into building lots, containing in the whole 816,000 square feet, or 155 standard lots, valued at - - - - -	200,000

But the latter amount is the only one which it is supposed could be speedily realized.

Estimate of the expense of buildings for the National University, on a plan susceptible of extension, but calculated for the present to answer for 160 *persons.*

1. Habitations for the principal and six professors, two buildings 75 by 54 feet, $30,000 each, -	$60,000
2. Lodgings for 160 students, refectory, (temporarily in the basement story,) fuel and provision, cellars, and servants' apartments, 265 by 46 feet, - - - -	75,000
3. Lecture rooms at the southwest angle, steward's apartment, &c., 75 feet square, -	45,000
4. Planting and enclosing, - - - - - -	20,000
	$200,000

14th CONGRESS.] No. 415. [2d SESSION.

COMPENSATION OF MEMBERS OF CONGRESS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, ON THE 18TH DECEMBER, 1816.

Mr. JOHNSON, of Kentucky, made the following report:

The committee to whom was referred the consideration of the expediency of repealing or modifying the law passed at the last session relative to the compensation of members of Congress ask leave to report.

The power vested in Congress by the constitution of providing for the pay of its own members is doubtless a delicate trust, and it might have been apprehended, as well from the nature of the subject, as from former experience, that the most judicious exercise of that trust would not be exempt from some degree of public animadversion. The committee, however, cannot perceive, either in the increase of compensation provided by the late act, or in the mode of making that compensation, cause of excitement or alarm adequate to the effects which are understood to have been produced. The addition which this law has made to the public expenditure is not considerable, and, if it had been created by other measures of Government, would not probably, of itself, have been thought worthy of great attention. And the change in the mode of compensation, even if it be not attended with real and manifest advantages, does not still appear to be wrong so clearly and in such dangerous measures as to furnish grounds for any high degree of public inquietude. The committee, therefore, cannot but be of opinion that the law in question has not been considered without some mixture of misapprehension of its principles and objects, and that a more accurate knowledge of its

provisions, and more mature reflection on its design and tendency, if they should not end in a conviction of its usefulness, would yet result in a different and far more moderate estimate of its probable evils. It would not become the committee to claim any infallibility for the body of which they are members, nor to take it for granted that every law which it may pass must necessarily be a wise and wholesome act of legislation. Human errors and imperfections find their way into all bodies; and there is, doubtless, existing in the judgment of the community a power under whose revision this and other acts of Government must and ought to pass. If, however, on a review of this subject, the House should still be of opinion that the law in question, or some equivalent provision, has become essentially necessary for the useful exercise of the powers of Government, and for the safety, security, and honor of the people themselves, its members may still hope that in not hastily departing from it they will be justified by the enlightened sense and generous sentiments of the nation. The abandonment of a measure, which, according to their most conscientious conviction, is intimately connected with the general good, would be no mode of obtaining favor with the American people.

If, in passing the law in question, the House of Representatives discharged any portion of its duty, it acted upon general and public principles, with an entire disregard to the convenience of its own members any further than their convenience was supposed to be connected with the public service. It treated the question, not as one between themselves and the public, but as exclusively of public and national concern. It regarded it as a subject of general policy by which the nation, and the nation only, was to be affected; as much so as any other act of legislation whatever. Any imputation so gross as to impeach its conduct in this essential particular, a feeling of self-respect must compel the House to pass over in silence, and its members must rely on their known character as members of the Government, and as citizens of the community, to disprove it. The House would not presume to judge whether its services, in the various and important matters upon which it has acted, have deserved any consideration or respect from the public; but for those services, such as they are, it has not sought nor would accept any reward which could be measured out to it in a mere pecuniary compensation. And while the members of the House would certainly not think of claiming any merit for passing the law in question, any more than for the discharge of what they thought their duty in any other case, the committee do not see that they have any cause for taking humiliation upon themselves on account of having passed an act which they believed would be essentially useful to the country, but which they must have foreseen would be exposed itself, and might expose its authors, to misapprehension and misrepresentation of all sorts. Holding offices in the immediate gift of the people, of short duration, and at a time when the people were soon to exercise, in most districts, their accustomed privilege of a new election, if these offices had been objects of their regard, and if they had permitted personal considerations to influence their conduct, it is obvious that all such considerations pointed to a course different from that which they pursued. They must have known that no measure could be more easily misconstrued and perverted to the purposes of obloquy and reproach. The committee cannot yet believe that a faithful discharge of duty, in the face of these probable consequences, is to be reckoned among dangerous political errors.

At the commencement of this Government it was, of course, among its first measures to fix by law, agreeably to the requisition of the constitution, the pay of members of Congress. In the old Congress, under the confederation, the members were paid, not out of the national treasury, but by the States which they represented. The rates of compensation were different in different States. Some States paid to their delegates eight dollars a day; others six; others less; and one State, at least, paid them by an annual provision of six hundred pounds sterling. It was natural to recur to these precedents when the subject was taken up by the first Congress under this constitution. Taking, as a just and obvious standard by which to regulate the amount of compensation, the average of the rates which had been paid by the different States to their delegates in the old Congress, it was found that such average amounted to somewhat more than six dollars a day. The compensation was accordingly fixed at six dollars a day by the law of 1789.

As it was foreseen that the depreciation of money or the increased expense of living might render this provision inadequate, the law was limited in its duration, in order that it might be considered and altered, if necessary, at a future period. The subject was again brought before Congress in 1796, by the expiration of the former law. On this occasion, as the committee have learned, (and, indeed, as some of them remember,) there was much diversity of opinion in the House of Representatives. Some members wished them to change the mode from a daily sum to an annual allowance. Others preferred to retain the existing mode, but to increase the sum; and a committee of the House reported in favor of increasing the daily pay to eight dollars, assigning for reason a proportionate increase in the price of all commodities and the expense of living since the passage of the first act. Those who opposed this augmentation admitted it would be reasonable if the price of commodities and the expense of living should keep up; but they hoped the rise would be temporary, and that money would soon resume, in relation to the expense of living, its former value. The proposition to increase the pay was lost by one or two votes only, and a law passed establishing the former rate.

The state of things existing in the Government and in the country from 1796 to the close of the late war furnishes obvious reasons to account for the circumstance that during that period no attempt was made to raise the pay of members of Congress. In the mean time, the seat of Government had been transferred to the city of Washington; and the expense of living, instead of returning to its former rate, as was expected by some, has gone on increasing progressively, until money, in relation to the means of life, does not retain more than half its former value. In other words, if six dollars a day was no more than a reasonable provision in the cities of Philadelphia and New York eight-and-twenty years ago, twelve dollars would not be more than a reasonable and equal provision in the city of Washington at the present time. Forty years ago, as has been stated above, some of the States paid their delegates in Congress eight dollars a day; and yet it never was supposed, during the Revolution or afterwards, that the people of the United States had made unreasonable or exorbitant provision for their public agents. But unless the early history of the country was marked by great extravagance in this particular, the rate of six dollars a day, fixed by law of the first Congress, was no more than a moderate and necessary allowance at that time, because it was no more than the average of what all the States had found it necessary to pay to their respective delegates during the Revolution.

The only question then is, whether there has been, in truth, such a change in the country in the value of money and the expense of living as to render that provision, which was no more than sufficient in 1789, insufficient in 1816. It is a truth, plain to all whose experience or information enables them to judge, that so great has been the change in the foregoing particulars which eight-and-twenty years have produced, that it is not incorrect to estimate the expenditures necessarily attached to a seat in Congress at twice their former amount. This change has not been confined to the condition of members of Congress. It has extended all over the country, and as well the National Government as every State Government has been obliged to provide for it in a proportionate increase in the salaries of its public officers.

The statute book of this Government exhibits a constant and progressive increase of compensation in all the departments of Government, with the exception of the Legislature and the Supreme Judiciary. On the recom-

mendation of the Executive, or its branches, the Legislature has repeatedly augmented the provisions for that Department, patiently raising the pay of clerks and of writers far above that of its own members, without agitating either itself or the country with any question about its own compensation. From the heads of Departments to the lowest clerkships in the public offices, a general augmentation has obtained throughout. A long enumeration of instances is not necessary; one may suffice. When members of Congress were first paid six dollars a day, the salary of the Attorney General was $1,500 a year. This salary has since been increased to $3,000; and the Executive has, at the present session, found it necessary to recommend a still further increase, as essential to the public service. If the duties of that officer have increased, so have the duties of members of Congress, in at least an equal proportion; and which of the two stations requires the greatest sacrifice of private pursuits may be easily discerned.

At the time of passing the late act it was found, upon inquiry, that, from the organization of the Government to the commencement of the thirteenth Congress, (1813,) Congress had, on an average of all the years, been in session one hundred and fifty-nine days in a year. For eight years, ending with the thirteenth Congress, (1815,) it had been in session, on an average, one hundred and sixty-five days in each year. An easy computation will show that, supposing Congress to sit hereafter as many days within the year as it has usually done heretofore, the present amount of compensation, including travel and attendance, will exceed the amount received for travel and attendance under the former law thirty-eight per centum. After the lapse of eight-and-twenty years, then, Congress has for the first time increased the pay of its members. It has increased it about one-third, and no more; although, within the same period, it has been called upon to raise, and has raised, the compensation of nearly all other officers of Government in a far greater proportion.

This enhancement of other compensations is not adverted to for the purpose of showing that Congress has been as favorable to others as itself, or that it has made itself the latest object of its own bounty. In neither case has it supposed itself to be bestowing bounty, or conferring favor. It has sought only to make such provisions as the public interest demanded. But the circumstance is referred to as furnishing evidence of the necessity of the late law, by showing that a similar necessity had been found to exist in other cases; and that, by that law, Congress had done nothing for its own members which executive recommendation, and its own opinion of propriety, with the general concurrence of public sentiment, had not compelled it to do, at an earlier period, and in ampler measure, for other officers of Government.

The State Legislatures, from the same necessity of complying with the change of circumstances, have made corresponding changes in the salaries of the officers of their Governments; and it may not be inapplicable to recent occurrences to remark that the members of these Legislatures have, in almost every State, increased, in many doubled, in some trebled their own pay during the period in which the compensation to members of Congress has remained at its original rate. As far, also, as the committee can learn, this increase of pay to members of State Legislatures has, in most instances, taken place in the same session in which it was voted.

Objections have been made to the manner of compensation introduced by the law of the last session. It has been said to have created salaries. If by this it is intended that the law allows to every member a defined and certain sum, without any deduction for absence or omission of duty, it is not a correct representation. Such deductions are provided for by the law as completely as under the former mode. It has already been observed that a difference of opinion has long existed on this point; and it still exists. When the law of 1796 was passed, there were those who thought it advisable to change the mode then in practice, and to adopt the example of an annual allowance, which had been formerly set by a very respectable State. There have been, and still are, those who are not without fear that an augmentation of the daily pay, if it should not in fact tend, in some cases, to the protraction of the session, might produce an evil of equal magnitude, by subjecting the Legislature to such an imputation.

Nor is it at all true that the inconvenience of attending a session of Congress is always in proportion to its length. The season of the year in which the session is holden may be as material as its duration. The length of the journey to the seat of Government is the same in both cases, and both cases require an entire breaking off of all private engagements, and an exclusive devotion to public business. It may be added, also, that, while compensation was computed by the day, as the sessions would naturally be longest in times of war, the greatest expense would fall on the treasury, when it could bear it with the least convenience. Thinking, however, that the measure of augmenting the compensation was itself a necessary one, and that the form, if not the best, was a fair subject of experiment, the House did not forbear to adopt it from difference of opinion in regard to the manner. It passed the law in its present form, in the hope that good would result from the change of mode, and with the knowledge that, if such should not be the consequence, the former mode could be easily and at any time again adopted.

There now remain some other topics connected with this subject which the committee would submit to the consideration of the House.

Of all the powers with which the people have invested the Government, that of legislation is, undoubtedly, the chief. In addition to its own important ordinary duties, the Legislature is the only power which can create other powers. Departments with all their duties, and offices with all their emoluments, can emanate from the Legislature alone. Over the most numerous branch of the Legislature, therefore, the people have retained the power of frequent election; and with this branch alone they have trusted the original exercise of the right of taxation. The members of the House of Representatives are the special delegates and agents of the people in this high trust. They, and they alone, proceed immediately from the suffrage of the people; they, and they alone, can touch the mainspring of the public prosperity. They are elected to be the guardians of the public rights and liberties. Can the people then have any greater or clearer interest than that the seats of these their representatives should be honorable and independent stations, in order that they may have the power of filling them with able and independent men? Is it according to the principles of our Government that the legislative office should sink in character and importance below any office, even the highest, in the gift of the Executive? Or can any thing be more unpropitious to the success of a free representative Government than that the representatives of the people should estimate any thing higher than their own seats, or should find inducements to look to any other favor than the favor of their constituents?

It would be a most unnatural state of things in a republic if the people should place greater reliance anywhere else than in their own immediate representatives; or if, on the other hand, representatives should revolve round any other centre than the interests of their constituents. Through their representatives the direct influence and control of the people can alone be felt. In them the rays of their power are collected; and there can be no better criterion by which to judge of the real influence of the people in the Government, than by the degree of respectability and importance attached to the representative character. Evil, indeed, to the republic will that time be, should it ever arrive, when representatives in Congress, instead of being agents of the people to exercise an influence in Government, shall become instruments of Government to influence the people.

It is probably the necessary tendency of government that patronage and influence should accumulate wherever the executive power is deposited, and this accumulation may be expected to increase with the progress of the Government and the increasing wealth of the nation. To guard, as far as possible, against the effect of this on the Legislature, the constitution has prohibited members of Congress from holding, while members, any office under

executive appointment. But it has not restrained them from resigning their seats to accept such appointments, nor from accepting them after their term of service has expired; nor has it prohibited the grant of such offices to their relations, connexions, or dependants. There are hundreds of offices in the gift of the Executive, which, as far as pecuniary emolument is concerned, are preferable to seats in Congress. Indeed, there are none, except of the very lowest class, which in that respect are not preferable.

Is it for the interest of the people that their representatives should be placed in this condition? Is it expedient that better service should be commanded for any other department than for the hall of legislation? Or admitting that offices of high trust and responsibility in the State—such as will be commonly regarded less from motives of pecuniary emolument than from the love of honorable distinction and devotion to the public service—should possess more attractions than the legislative office; is it still fit or expedient that subordinate places in Government, such as have no recommendation but the salaries and perquisites belonging to them, should have the same influence? And yet not only is it well known that persons at every election decline being candidates for the Legislature, but the Government has not been without instances in which members of either House have relinquished their seats in the Congress of the United States to accept offices of a very low grade. Can the public interest require the establishment of a habit of filling such places by candidates taken from the legislative body? Or what is the value to the people of the right of representation if they have nothing to give which their representatives will not relinquish for even the smaller appointments of the executive power? It cannot but tend more, one would think, to the permanent safety of the republic that no such hopes or motives should exist; that there should be no inducements of this nature either to an unfaithful and compliant discharge of official duty, or to a more indirect but not less pernicious exercise of the influence of a public character and a public station.

The geographical extent of the United States furnishes a case out of all analogy with any thing which has heretofore existed either in any State Government or the Government of any other country. There are members of Congress who reside more than a thousand miles from the seat of Government. A great proportion live at more than half that distance. If these members are accompanied by their families to a session of Congress, even the present compensation, with the strictest economy, does not defray their expenses. To live within the means provided for them, they must come as exiles from their own homes; they must abandon not only all private pursuits, but the enjoyment of all domestic relations, and live like strangers and temporary lodgers in the metropolis of their own country. How far it is wise in Government to demand of those who enter its service this sacrifice of all social feelings, those who have the deepest knowledge of our nature are most competent to judge. It is a sacrifice which will not ordinarily and for any length of time be made by such as have the dearest and strongest ties to their country, and the greatest possible stake in its prosperity.

One further observation is obvious. If an adequate provision be not made for members of Congress, the office will fall exclusively into the hands of one or the other of two descriptions of persons: either of the most affluent of the country only, who can bear the charges of it without any compensation, or of those who would accept it, not for the compensation legally belonging to it, but from the hope of turning it to account by other means. A reasonable allowance, neither extravagant on the one hand nor parsimonious on the other, would seem to be the best security against these various evils. Influenced by these considerations, Congress was at the last session of opinion that the compensation to members had become inadequate. The committee are still of the same opinion. In many cases it was not equal to the expense incurred by individuals in their attendance on the Legislature; and in all cases it must be presumed that the labor and intelligence bestowed on the discharge of his official duties by an able and faithful member of Congress could not but yield a much more profitable result if employed in private pursuits.

If the view which the committee have taken of this subject be not altogether an erroneous one; if great changes in relation to the value of money and the price of living have taken place in the country; if it has been found necessary to provide for this change by an increase of the compensation of other officers throughout the General and State Governments; and, more than all, if it be desirable to maintain the constitutional importance of the legislative office; to open to the people a wide field for the selection of representatives; to put at their command the best talents in their respective districts; and to enable them to retain the services of those whose knowledge and experience have best fitted them to promote their interests and maintain their rights, then the object of the law in question was not only a useful but a highly important and commendable object.

In regard to the mode of accomplishing that object, it has not been, and is not, easy to reconcile opinions. On the whole, the committee are of opinion that, under all the circumstances, it is advisable to provide that the increase of pay should be made in the form of an addition to the former daily allowance. They therefore recommend that, in lieu of all other compensations, there be paid to members of Congress and delegates of Territories —— dollars per day for their actual attendance, and —— dollars for every twenty miles' travel to and from the seat of Government; and they report a bill for that purpose.

14th Congress.] No. 416. [2d Session.

ADMISSION OF MISSISSIPPI INTO THE UNION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, ON THE 23D OF DECEMBER, 1816.

Mr. LATTIMORE made the following report:

The committee to whom was referred, on the 9th instant, the memorial of the Legislative Council and House of Representatives of the Mississippi Territory, praying for the admission of said Territory into the Union as an independent State, with its present limits, respectfully submit the following report:

The Mississippi Territory contains, according to a census lately taken under an act of the Legislature, and furnished by the Secretary of said Territory, 75,512 souls; of whom 45,085 are free white persons, 366 free people of color, and 30,061 slaves. By the articles of agreement between the United States and the State of Georgia, it is stipulated that this Territory shall be admitted into the Union as a State when it shall contain sixty thousand free inhabitants, or at an earlier period if Congress shall deem it expedient. Hence it appears that its admission at this time depends, not upon the claim derived from the above-mentioned agreement with Georgia, but upon a liberal policy on the part of the United States. It would seem to be superfluous in your committee to recommend that considerations of a deficiency of numbers be waived in this case, seeing that the House of Representatives have passed three bills, at different periods, for the admission of this Territory, when its population was much smaller than it is at this time.

But it becomes a question, whether the object of the memorialists can be ultimately attained, or ought to be attained, in the way in which it is asked. It will be readily perceived that your committee allude to the objection to the extent of the Territory in question, which the memorialists pray may be embraced within the limits of a single State. Whether such a measure might, in any possible contingency, affect the general interest of the Union, it is possible that a difference of sentiment may exist. Your committee presume that it is not required of them to discuss this question, as it is one on which every member of the House will form an opinion for himself. They will, however, beg leave barely to remark, that they cannot believe a State of such unprecedented magnitude as the one contemplated by the memorialists can be desirable to any section of the United States. In relation to the interest of the Territory itself, it may be more within the province of your committee to give their opinion, with the facts upon which it is formed.

It is deemed unnecessary to calculate how many square miles, or how many millions of acres, the Mississippi Territory contains, as its size is sufficiently apparent from a mere glance at the map. But there are other circumstances of a local nature which are not so obvious to the House, and which, therefore, the committee will proceed to state.

There are in this Territory three principal settlements, which lie, as to their relative positions, somewhat in a triangular form, viz: one, immediately below the thirty-fifth degree of latitude, on the Tennessee river; another, immediately above the thirty-first degree, on the Mississippi; and the other, also immediately above the thirty-first degree, on the Mobile. From the settlement on the Tennessee to that on the Mississippi, the distance is about four hundred miles, all of which is a wilderness, excepting so far as it is settled by the Chickasaw and Choctaw Indians, by whom these immense regions are claimed. From the settlement on the Mississippi to that on the Mobile, the distance is nearly three hundred miles. Here the Indian claim is extinguished; but the intermediate settlements from Pearl river, eastwardly, are insulated and of small extent. From the settlement on the Mobile to that on the Tennessee, the distance is about three hundred miles also; and here, too, the Indian claims are now extinguished to the whole of this extensive and interesting tract of country, which will, no doubt, soon exhibit a flourishing settlement, extending from the Tennessee river to the Gulf of Mexico. Between the Tennessee and the Mississippi settlements, and between the Mississippi and the Mobile settlements, there is not, and probably never will be, any commercial intercourse whatever; but between the Mobile and the Tennessee settlements, such an intercourse cannot fail to take place when the intervening country shall be settled, and its fine navigable streams explored and improved.

The whole Mississippi Territory formed into a single State would not only be very inconvenient to a vast majority of those of its inhabitants whose duty or interest might call them to the seat of Government, but would also prove, in the opinion of your committee, too extensive for its Executive to suppress internal disorders in all parts, and repel external invasions at all points, with necessary promptness, energy, and effect. But another objection to an entire admission of the Territory arises from the want of a continuity of settlement and a reciprocity of interest between its distant parts. The former of these defects might, perhaps, be merely inconvenient; but the latter could not fail to be a permanent source of real evil to the legislative councils of the country, and, of consequence, to the community at large. Your committee need not express their apprehensions in detail, as the House will readily conceive how naturally jealousies would arise, and collisions ensue, amongst the representatives of a people inhabiting different regions, having distinct local interests, and entertaining opposite views. There is much cause to fear that, in such a state of things, sectional feelings would prevail over principles of justice, and local policy over the general good.

From the above view of the subject, your committee are of opinion that the Mississippi Territory should be divided by a north and south line, for the purpose of erecting the same into two separate and independent States. In proposing this measure, they feel no little reluctance in doing it, in opposition to the wishes of a great portion of the people of the Territory; and this reluctance would be more difficult to overcome, but for the consideration that there is, on the other hand, a great portion also of the same people who are in favor of the measure proposed. This is, probably, a question on which these people would never agree amongst themselves; and hence the necessity of the parental interposition of the General Government to decide it for them in such a way as may be best adapted to their local interests, and not incompatible with the interest of the United States. But, in recommending a division of this Territory, your committee beg leave to suggest such a plan of division as will not probably retard the admission of either part beyond the period at which its inhabitants would be entitled to a State Government, in virtue of the agreement between the United States and the State of Georgia.

As there is already west of the line of division which will be proposed a population that would be entitled to one representative in Congress, on the federal principle of representation, and according to the present apportionment, your committee respectfully recommend the immediate admission of this western part of the Territory, and the establishment of a separate Territorial Government for the eastern part, until it also may be entitled, on the same principle, to the rights of a State.

With respect to the line of division, it is natural that the citizens of the Territory should, according to their respective local situations, entertain a variety of conflicting opinions, and cherish a diversity of opposite hopes. It was a question of some difficulty with your committee; and their decision is the result of a disposition to do equal justice to the present inhabitants, to provide for the convenience of future settlers, and to promote the interest of the whole. The line which the committee propose for the consideration of the House is designated in the two bills which they have prepared for the purposes herein recommended, and which they ask leave to report.

CENSUS.

COUNTIES.	Free white persons.	Free people of color.	Slaves.
Adams,	3,608	129	6,394
Wilkinson,	3,218	2	4,057
Amite,	3,365	19	1,694
Jefferson,	2,531	-	2,377
Claiborne,	1,716	23	1,790
Warren,	801	14	768
Franklin,	1,701	4	1,013
Pike,	2,078	1	539
Lawrence,	1,367	-	417
Marion,	1,015	-	686
Greene,	1,357	-	388
Wayne,	1,566	1	517
Hancock, (supposed,)	666	-	334
Jackson,	714	42	255
Madison,	10,000	-	4,200
Clarke,	2,767	16	1,334
Washington,	1,888	-	671
Monroe,	3,625	72	1,609
Baldwin,	436	43	684
Mobile, (supposed,)	666	-	334
	45,085	366	30,061

14th Congress.] No. 417. [2d Session.

CONTESTED ELECTION OF JOHN SCOTT, DELEGATE FROM MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 31, 1816.

Mr. Taylor, of New York, made the following report:

The Committee of Elections, to whom was referred the petition of Rufus Easton, contesting the election of John Scott, who is returned as the delegate from the Territory of Missouri, and praying to be admitted to a seat in his stead, have had the same under consideration, and report:

That, at the last election in said Territory, the petitioner and the said John Scott were opposing candidates. The whole number of votes counted, cast up, and arranged by William Clarke, Governor of the Territory, as having been given at the said election for delegate to Congress, and upon which his certificate was founded, was 3,647, of which 1,816 were given for John Scott, and 1,801 for the petitioner, and 30 for other persons.

The petitioner stated the following objections in writing to the election and return of John Scott as delegate from said Territory:

1st. That, according to all the votes given at the election on the first Monday in August, 1816, counting those legally returned and such as were not returned within the times prescribed by law, or were rejected, he has a majority of fifteen votes over his opponent, John Scott. To prove which, he refers the honorable Committee of Elections to the abstract of votes returned to the Governor, according to the act to regulate elections in that Territory, (being document marked B,) and to the depositions of S. A. M. Carter, Andrew Kinkaid, Clement B. Penrose, and John Cunningham.

2d. That, according to the abstract of votes legally and illegally made to the Governor, the said Rufus Easton has a majority of seven votes over the said John Scott, considering the copy of the paper from Coté-sans-Dessein, in the county of St. Charles, certified by the clerk of that county to be a true copy, on the 18th September, 1816, more than a month after the abstract of votes from that county had been filed in the Executive office, not to be an abstract of votes, but a nullity, as it certainly is; to prove which, the honorable Committee of Elections are referred to the seventh section of the act of the Territory entitled "An act to regulate elections," which provides "that, previous to any votes being received, the judges and clerks shall severally take an oath or affirmation" in the form therein prescribed. The deposition of Isaac Best, one of the persons who pretended to act as judge, proves that "one Baptist Roy was the only person who acted with him as judge, and that a person of the name of Frereault acted as clerk, and no other; and that neither of the judges nor the clerk was sworn." The act requires that there should be three judges and two clerks to hold an election; "that the poll shall be opened at eight o'clock in the forenoon, and closed at six in the afternoon; that the persons who shall administer the oaths shall cause an

entry thereof to be prefixed to the poll-books in words to the following effect: I do hereby certify that ——— judges and ——— clerks of the election, held in the township of ———, in the county of ———, on the ——— day of ———, in the year one thousand eight hundred and ———, were severally sworn as the law directs previously to entering on the duties of their office; which certificate shall be subscribed by the person administering the said oaths or affirmations, and be considered as a part of the record of the said elections." The act further requires that each clerk shall furnish himself a poll-book of the election; and, at the close of the polls, the names of the electors contained upon the poll-book shall be counted and set down in writing at the foot of the column in which they are entered, and the number of votes cast up and arranged, and set down in writing at the foot of the poll-book, and shall be signed by the judges, and countersigned by the clerks, &c. And, further, that the electors shall vote *by ballot*, (see sections 4, 5, 6, 7, 8, 9, 10, and 13 of the act to regulate elections.) None of these requisites were complied with at Coté-sans-Dessein; which is not only proven by the return of the persons pretending to hold an election there, but by the deposition of Joseph Roy, that "two persons acted as judges, and another person did the writing; that the polls were opened at 11 A. M. and closed at 2 P. M.; that one Charles Relle refused to vote for any person, but was forced to do so by the judges, who sent a paper to bring him before them." The depositions of François Denoyer and Joseph Morin prove that the judges put on the list the names of persons as voting for Mr. Scott who did not vote, and who were not in the township on the day of the election: and the depositions of Peter Powell and Asa Williams prove "that George Evans, *alias* Avans, and Jesse Avans, whose names appear on the list as voting for Mr. Scott, had not been in the Territory eight months prior to the day of election; and that the votes were given by word of mouth." The act of Congress requires a residence of one year. By the deposition of Baptiste Pineau, it appears he was out hunting on the day of election, and yet his own, or son's name, who is about seventeen or eighteen years old, is listed as voting for Mr. Scott. Joseph Morin's deposition proves that he was absent on the day of election, that his name was listed as voting for Mr. Scott without his consent or approbation; and that the name of Joseph Rivard, *fils*, (junior,) who is only eighteen or nineteen years of age, is listed as voting for Mr. Scott.

Notwithstanding all the defects apparent upon the face of the paper relating to the election at Coté-sans-Dessein, and although the same had been rejected by a majority of the justices and clerk of the court, authorized by the fifteenth section of the before-mentioned act regulating elections "to make the abstract of votes for delegate to Congress, which, being signed by the judges or justices, and clerk, or any two of them, shall be deposited in the clerk's office, and a copy thereof, certified under the official seal of such clerk, shall be transmitted by express to the Governor of the Territory; and it shall be the duty of the Governor, within thirty days after the expiration of the time allowed for making county returns, to cast up and arrange the votes from the several counties, or such of them as may have made returns, for each person voted for as delegate to Congress, and shall, immediately thereafter, issue his proclamation, declaring the person having the highest number of votes to be elected as delegate to represent the Territory in the House of Representatives of the United States, and to grant a certificate thereof, under the seal of the Territory, to the person so elected:" and although the abstract of votes for delegate to Congress from the county of St. Charles had been made and sent to the Governor on the 17th day of August, 1816, after all the returns which had been made from the other counties, it appeared, according to those abstracts, that Rufus Easton had a majority of seven votes, the Governor nevertheless refused him a certificate of his election, although, according to law and common justice, he was entitled to it. The said John Scott, taking with him a certain George Ferguson and James Brady, proceeded to the county of St. Charles, and there requested of the clerk a copy of the election return of Coté-sans-Dessein. The clerk made out a copy of the paper to be found in the third page of document B, and described under "Note." "The following return was received at the Executive office (delivered by James Brady) on the 18th September," 1816; and the said John Scott requested the clerk to fold it and direct it to the Governor of the Territory: and the clerk directed it to "His Excellency William Clarke, Esq., St. Louis;" for which copy the clerk was paid by the said John Scott or his order, and the copy was taken in the night from the clerk's office by the said Ferguson or Brady; all of which facts appear by the deposition of William Christie, junior, Esq., clerk: on which paper there appears the name of Rufus Easton, with one other name under it, and the name of John Scott, with twenty-three other names under it; which paper was not, and is not, an abstract of votes, and the Governor had no power, legal authority, or right to make use of it as such.

3d. That, according to the abstract of votes certified agreeably to law, and returned to the Governor of the Territory of Missouri, according to the statute in that case provided, the said Rufus Easton has a majority of *fifty-one* votes over his opponent, John Scott, which appears from a copy of the said abstracts contained in document marked B; that in the county of Lawrence the clerk has made the abstract of votes from that county himself, sent the original to the Governor, and not a copy, which he had no authority to do; and that, no abstract of votes having been made, signed by the judges or justices, and clerk, or any two of them, deposited in the clerk's office, and a copy thereof certified under the official seal of the clerk, the Governor had no authority under the law to count the votes given in that county.

The above objections are submitted to the honorable Committee of Elections by Rufus Easton, to show that he has been arbitrarily and erroneously deprived of a right secured to him by law, in the granting of a certificate of election by the Governor of the Territory of Missouri to John Scott as the delegate of that Territory.

The said Rufus Easton wishes it understood by the honorable committee, that, by laying these objections before them, he will not be prevented or precluded at any stage of the examination from making other statements, and exhibiting other proofs and documents in support of his right.

RUFUS EASTON.

DECEMBER 19, 1816.

By the twenty-third section of the act to regulate elections in the said Territory, it is enacted, in the following words, "that at all elections to be held in pursuance of this act the electors shall vote by ballot." It was intended by the Legislature to insure to each elector the privilege of a secret vote, to enable him more independently to exercise the elective franchise. The committee know of no authority competent to compel an elector to disclose the name of the candidate for whom he voted. But without such disclosure it is in vain to inquire into the qualification of an elector with a view to purge the polls. It would become important only as it related to the conduct of the judges of the election: they are clothed with full power to examine upon oath, and adjudge every elector presenting himself to vote either qualified or disqualified; they may admit or reject him. They are liable to punishment if they knowingly receive an improper vote, or conduct themselves in any respect with partiality. The committee are of opinion that their adjudication as to the qualification or disqualification of electors under the law of the Territory should be final.

The committee, therefore, overruled so much of the objections of the petitioner as related to the qualifications of the electors, and decided that they would not investigate the same, nor inquire for whom they respectively voted. Of the 3,647 votes above mentioned, there were given in the township of Coté-sans-Dessein 23 for John Scott,

and 1 for the petitioner. The votes of this township were unanimously rejected by the committee, for a variety of causes, among which are the following:

1. The election was held *viva voce.*
2. But two persons acted as judges, and neither of them was sworn.
3. But one person acted as clerk, and he was not sworn.
4. The votes were rejected by the justices whom the clerk took to his assistance in making out the abstracts to be forwarded to the Governor. They were sent to the Governor in an irregular manner, and the paper called a "return" appeared upon its face to be defective in many important particulars.

The committee having rejected these votes, there was left a majority of seven votes in favor of the petitioner. It was then contended by the petitioner that he was entitled to the certificate of election, and ought forthwith to be admitted to a seat, instead of John Scott, for the following reasons submitted by him in writing:

"The fifteenth section of the 'Act to regulate election' in that Territory, declares 'that, on or before the fifteenth day after the day of election, or sooner in case all the returns be made, the clerk of the court of common pleas of the county, taking to his assistance two judges of the court of common pleas or justices of the peace, or one of each, shall proceed to open the several returns which have been made to his office, and make abstracts of votes in the following manner: The abstract of votes for delegate to Congress shall be on one sheet, and the abstract of votes for representatives shall be on another sheet, (separate from the sheet on which the abstract of votes for delegate is contained,) and, being signed by the judges or justices, or any two of them, shall be deposited in the clerk's office; and a copy thereof, certified under the official seal of such clerk, shall be transmitted by express to the Governor of the Territory, or to the person exercising the government thereof; and it shall be the duty of the Governor, or person exercising the government for the time being, within thirty days after the expiration of the time hereinbefore allowed for making county returns, to cast up and arrange the votes from the several counties, or such of them as may have made returns, for each person voted for as delegate to Congress, and shall immediately thereafter issue his proclamation declaring the person having the highest number of votes to be elected as delegate to represent this Territory in the House of Representatives of the United States, and to grant a certificate thereof, under the seal of the Territory, to the person so elected.' The duty enjoined upon the Governor is to cast up and arrange the votes from the several counties, or *such of them as may have made returns*, for each person voted for as a delegate to Congress, and *shall immediately* thereafter issue his proclamation declaring the person having the highest number of votes to be elected as delegate to represent the Territory in the House of Representatives of the United States, and to grant a certificate thereof, under the seal of the Territory, to the person so elected. It is not the duty of the Governor to *cast up and arrange votes* not returned to him according to the provisions of that section of the law. The votes meant or intended to be cast up are such as are contained in the abstracts made by the justices and clerk, or any two of them, from the several returns of the election from the different townships to the clerk's office of the county, as contained in the poll-books, which abstracts shall have been *deposited in the clerk's office, and a copy thereof certified under the official seal of the clerk, and transmitted by express to the Governor.* He is not empowered or required to cast up votes contained in the return made to the clerk's office, nor ought he to cast up votes contained *in a paper which is not an abstract;* indeed, he has no authority to do it. It is upon a copy of the abstracts of votes *certified under* the official seal of the clerk, and transmitted by express to the Governor within the time prescribed by law, and upon that alone, that he is called to act. He cannot make abstracts of votes himself, nor ought he to receive any made by others not authorized to make abstracts; and if he sanctions such unwarrantable acts by casting and arranging under the law the votes they are supposed to contain, he violates a law which ought rigidly to be carried into execution, and tramples upon the rights of the community.

"There can be no doubt that, by the *abstracts* sent to the Governor, Rufus Easton had the *highest number of votes.* The Governor counted for Rufus Easton 1,800 votes, and for John Scott 1,793, besides those supposed to be contained in the paper from Coté-sans-Dessein, which is rejected; it is a nullity. It was then the bounden duty of the Governor, enjoined upon him by law, sanctioned by his own signature, to have granted a certificate of election to the said Rufus Easton. This the Governor refused to do, as will appear from a notice and request served on him the 24th September last. And for this injury what is the remedy? It is not to be found in the Territorial Government, where public opinion has scarcely any influence upon a Territorial Governor.

"There is a maxim founded on the principles of universal justice, that 'there is no wrong without a remedy, and no right but what may be enforced.' From my own experience in life, I am inclined to believe the maxim would be much more correct and true if it should read *there should be no wrong* without a remedy, and no right but what *ought to be enforced.* And how is this wrong to be righted, and the remedy enforced, but by making the person entitled to the certificate of election the sitting member? I have been told that it is the parliamentary practice of Great Britain, that when a person has been wrongfully returned, the person who ought to have been returned is entitled to become the sitting member, and leave it to the opposite party to contest. The distinction is a plain one. In cases where the person returned comes rightfully by the certificate of election, there he ought to keep his seat till it is shown that he is not entitled to it; but where the person comes wrongfully by the certificate, in such cases he is not entitled to it; it is the property of another, the seat belongs to another, and that other ought not to be kept out of it upon a mere supposition. The parliamentary rule of practice of Great Britain would have very little weight or influence with me should I be called upon to decide, except when founded on the immutable principles of justice. But if I am correct as to what their practice is in this particular, it is the practice of right, and so far it ought be regarded as a practice fit to be adopted into a republican Government. I would listen to the rules and practice of Great Britain, and adopt them if just and reasonable, and reject whatever might be the offspring of injustice and oppression.

"The present case is perhaps a *novel* one—a case without a parallel and without a precedent. It is not a case like that of Isaac Williams and Isaac Williams, junior, or Charles Turner and Charles Turner, junior. In these two cases the decision of the question of fact as to the votes being given for one and the same person decided the whole contest; and had the question there been made, Who ought to have been returned? the result would have been the same. The question, Who ought to be the sitting member? could not be decided without determining in the same instant who was entitled to the seat. And in the case of Kelly and Harris it does not appear from the record of proceedings that the point was made.

"The case under consideration is altogether of a different character. It is *a territorial case*, not likely to occur or happen under any Government where public opinion has its proper influence, which will always correct the evil and enforce the remedy.

"The question here, Who ought to have been returned? is a separate and distinct question—one that can be decided without determining or touching the main question. It is one which will as nearly as can be expected give the remedy. It is a question, if the returning officer erred, What ought the House of Representatives to do? Will not the immediate representatives of a free, independent, and enlightened people, whose laws, maxims, and practice are founded on the universal and unchangeable principles of justice, correct the error, and place the party in

the situation he ought to have been placed under the law? It is simply a question to be decided from the abstracts of votes returned into the Executive office according to law."

The committee, being of opinion that the application of the petitioner ought not to be granted, proceeded in the investigation. The sitting delegate objected against the poll in the township of Maniteau, in the county of Howard, because the votes were given *viva voce*. This objection was not supported by evidence, and is not apparent from an inspection of the poll. In the township of St. Charles, in the county of St. Charles, he objected—

1st. That the votes were not cast up and arranged by the judges of the election, as the law directs.

2d. That the votes were not counted.

3d. That the same magistrates acted as judges of the election, and as assistants to the clerk in making his returns.

The first and second objections were altogether unsupported by evidence, and the third was overruled by the committee. The election law does not prohibit judges of the election acting as assistants to the clerk in making his returns to the Governor.

In the townships of Saline and Big river, in the county of St. Genevieve, he objected against the returns: in the first, because the return appears blank, as neither the judges nor clerk signed it; because it is otherwise informal; and because it appears to have been only a poll-book, stating "Easton 19, Scott 14," without designating for delegate to Congress. In Big river township, because it is not certified that the clerks were sworn; that the only evidence showing when the election was held is to be inferred from the date of the qualification of the judges. The only evidence in support of these objections was an extra-official note or memorandum thereof made by the clerk of the county of St. Genevieve on the abstracts sent by him to the Governor. The committee considered this evidence altogether insufficient to establish the objections. If the facts existed as alleged by the sitting delegate, they might have been proved by the official copies of the poll-books on file in the office of the clerk. He further objected against the poll in the township of St. Michael, in the same county, because it was closed at two, instead of six o'clock P. M. No proof was adduced in support of this objection.

In the township of Bellevue, in the county of Washington, he objected against the poll, because the votes were given *viva voce*, and because one of the judges of the election administered the oath of office to himself. Neither of these objections was proved to the satisfaction of the committee.

In the township of Concord, in the same county, he objected against the poll, because the votes were not written or extended at length in the return of the judges of the election, but were set down informally, and because the votes were given *viva voce*. These objections were, in the opinion of the committee, altogether unsupported by the evidence.

The committee then proceeded to consider the objections made by the petitioner. In the township of Cinque Hommes, in the county of St. Genevieve, the petitioner objected against the poll—

1st. Because William Tucker was appointed a judge of the election by Barnabas Burns, a justice of the peace, or by the other two judges, whereas, by law, it was the duty of the justice himself, *being present*, to act in that capacity.

2d. Because the votes were not cast up and set down *in writing*, as the law directs, but stated in figures only.

Both these objections were overruled by the committee. As to the first, for aught that appears, Mr. Justice Burns may not have been present at the opening of the election, or, if present, he may have refused to serve as a judge, although he had the power of acting in that capacity. Tucker having been appointed a judge by nomination, the committee presumed that, in the words of the law, "there was no person present to act as judge."

The second objection is satisfactorily proved by an official copy of the original poll-book, certified by the county clerk; it appears that the return is stated *in figures* "for Rufus Easton 16, for John Scott 107." In the election law, it is enacted that "the number of votes given to each person shall be *set down in writing* at the foot of the poll-book." In this particular, the words of the act were not literally complied with, but the variance relates only to form. No ambiguity is produced thereby, and, as far as the committee can discover, no injury is done to either party. In the township of Breton, in the county of Washington, the petitioner objected against the poll, because John Rice Jones, one of the judges, was appointed by the other two judges, when the place ought to have been filled by John Briskey, a justice of the peace, who was present at the election. This objection was overruled, for the reasons stated in relation to the first objection made to the poll in the township of Cinque Hommes.

In the township of German, in the county of Cape Girardeau, the petitioner objected to the return—

1st. Because the clerks of the election were not sworn.

2d. Because there is no certificate of the clerks being sworn prefixed to the poll-book, as required by law.

The first objection was not supported by any affirmative evidence. The second was overruled by the committee. Although the certificate is not made according to the letter of the law, yet a majority of the committee, being of opinion, from inspecting a certified copy of the original poll, that the clerks were in fact sworn, decided against rejecting the return.

The committee having thus disposed of the objections above mentioned, an application was made by the sitting delegate for further time to procure copies of the poll-books from the several townships in the counties of St. Genevieve, Cape Girardeau, New Madrid, Lawrence, and Arkansas, for the purpose of proving that the polls in the several townships in which majorities had been given for the petitioner had been kept in an irregular manner; that the judges in the township of Tywapity had closed the polls before six o'clock; and that, in many instances, the returns were defective upon the face of them.

The election was held throughout the Territory of Missouri on the 5th day of August last. The Governor having granted to the sitting delegate a certificate of his election, the petitioner, on the 24th of September last, served upon him a notice of his intention of contesting his election. On the 28th of the same month, the sitting delegate notified the petitioner of the times and places at which he proposed taking depositions to support his election, commencing on the 12th of October last, and ending on the 4th of February next. Five months have nearly elapsed since the election in the said Territory, and more than three since the sitting delegate was notified by the petitioner that his election would be contested. The committee were of opinion that sufficient time had been allowed to procure copies of the poll-books from every township in the Territory, and that the application of the sitting delegate for further time ought not to be granted; thereupon it was contended by the sitting delegate that, by rejecting the votes in the township of Coté-sans-Dessein, the candidate would become entitled to a seat who had not a majority of voices in his favor, and therefore the election should be set aside, and a new one ordered. The committee did not concur in this opinion.

Upon a view of the whole premises, the committee respectfully submit the following resolutions:

Resolved, That John Scott is not entitled to a seat in this House as delegate from the Territory of Missouri.

Resolved, That Rufus Easton is entitled to a seat in this House as delegate from the said Territory.

[NOTE.—This report was recommitted, and additional facts reported; see No. 421.]

14th Congress.] No. 418. [2d Session.

ALTERATION OF THE FLAG OF THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 2, 1817.

Mr. Wendover made the following report:

The committee appointed to inquire into the expediency of altering the flag of the United States beg leave to report:

That they have maturely examined the subject submitted for their consideration, and are well aware that any proposition essentially to alter the flag of the United States, either in its general form, or in the distribution of its parts, would be as unacceptable to the Legislature and to the people as it would be incongenial with the views of the committee.

Fully persuaded that the form selected for the American flag was truly emblematical of our origin and existence as an independent nation, and that, as such, it has received the approbation and support of the citizens of the Union, it ought to undergo no change that would decrease its conspicuity, or tend to deprive it of its representative character. The committee, however, believe that a change in the number of States in the Union sufficiently indicates the propriety of such a change in the arrangement of the flag as shall best accord with the reasons that led to its adoption, and sufficiently point to important periods of our history.

The original flag of the United States was composed of thirteen stripes and thirteen stars, and was adopted by a resolution of the Continental Congress on the 14th of June, 1777. On the 13th of January, 1794, after two new States had been admitted into the Union, the National Legislature passed an act that the stripes and stars should on a day fixed be increased to fifteen each, to comport with the then number of independent States. The accession of new States since that alteration, and the certain prospect that at no distant period the number of States will be considerably multiplied, render it, in the opinion of the committee, highly inexpedient to increase the number of stripes, as every flag must in some measure be limited in its size, from the circumstance of convenience to the place on which it is to be displayed, while such an increase would necessarily decrease their magnitude, and render them proportionably less distinct to distant observation: this consideration has induced many to retain only the general form of the flag, while there actually exists a great want of uniformity in its adjustment, particularly when used on small private vessels.

The national flag being in general use by vessels of almost every description, it appears to the committee of considerable importance to adopt some arrangement calculated to prevent in future great or expensive alterations. Under these impressions, they are led to believe no alteration could be made more emblematical of our origin and present existence, as composed of a number of independent and united States, than to reduce the stripes to the original thirteen, representing the number of States then contending for and happily achieving their independence; and to increase the stars to correspond with the number of States now in the Union, and hereafter to add one star to the flag whenever a new State shall be fully admitted.

These slight alterations will, in the opinion of the committee, meet the general approbation, as well of those who may have regretted a former departure from the original flag, as of such as are solicitous to see in it a representation of every State in the Union.

The committee cannot believe that, in retaining only thirteen stripes, it necessarily follows they should be distinctly considered in reference to certain individual States, inasmuch as nearly all the new States were a component part of, and represented in, the original States; and inasmuch, also, as the flag is intended to signify numbers, and not local and particular sections of the Union.

The committee respectfully report a bill.

14th Congress.] No. 419. [2d Session.

LIBRARY OF CONGRESS.

COMMUNICATED TO THE SENATE, ON THE 6TH JANUARY, 1817.

Mr. Fromentin, from the Joint Library Committee, made the following report:

That, in pursuance of the duty devolving upon them to purchase books for the library of Congress, they have bought, during the recess, the books, a catalogue of which, with the prices and the names of the persons from whom they were bought, is annexed.

By a reference to the accounts rendered by Joseph Nourse, Register of the Treasury, and acting as agent of the Joint Library Committee, which are annexed to, and the committee pray may be considered as part of their report, it appears that, since the last account rendered, there was paid, at different times, by order of the Joint Library Committee, a sum of $3,074 09, leaving in the hands of the agent of the Library Committee, subject to their order, an unexpended balance of $1,526 61. The committee have now under consideration several proposals, which, when finally acted upon, shall have employed the whole of the appropriation made in 1812.

The committee further report that they have given direction for the following periodical (both literary and political) publications to be regularly sent to the library as soon as published, to wit:

The Edinburgh and Quarterly Reviews, republished in New York.

The British Review,
The Annual Register,
The Analytical Review,
Cobbett's Political Register, } published in Great Britain.
The North American Review, published in Boston.
The Portfolio,
The Analectic Magazine,
Walsh's American Register, } published in Philadelphia.
The Portico,
The Weekly Register, } published in Baltimore.
The National Register,
The Daily National Intelligencer,
The Historical Register, } published in Washington.

All the above periodical works now are, or will soon be, completed from the beginning of publication to the present day.

Of not exactly the same character, but yet liable to the same annual expense, are the following works, (if it be deemed advisable to complete the publications of this description which are now deposited in the library,) to wit:

The Transactions of the American Philosophical Society.
The Transactions of the Royal Society of London.
The Transactions of the Irish Academy.
Bath Society's papers.
Transactions of the Society of Arts.
Mémoires de l'Académie des Sciences.
Mémoires de l'Institut de France.
Delaplaine's Repository.
Cobbett's State Trials.
Public Characters.

General catalogues, published every year in Great Britain, in Leipsic, and in Paris; to which may be added works of merit, to be subscribed for occasionally, and which will require a disposable fund to be used on the emergencies created by the publication of such works either in this country or in Europe.

In order the better to promote the views of Congress in establishing a congressional library, and the more securely to provide for, as far as attainable, a proportionately equal application of the library fund to the several branches of human knowledge, and thereby stamp the congressional library with that degree of usefulness contemplated in its establishment, the committee invite the chairmen of the several committees in both Houses to furnish the Library Committee with a list of such books or indexes as may be deemed by them more particularly to refer to the business devolving upon each respective committee.

The committee have, moreover, directed to be placed in the library a box, where may be deposited, by the members of both Houses, the titles of such books as they may be desirous to procure.

The collection of law books now in the library is as valuable and as complete as it is possible to have expected it to be, considering the time at which the books were purchased; but the many late publications which have appeared since, both in this country and in Europe, and the indispensable necessity of laying open all possible sources of the most extensive information on that head, have induced your committee to propose to Congress to appropriate a sum of $3,000 for the completion of that particular department of the library of Congress.

The law appropriating $1,000 per annum for the purchase of books for the library of Congress has expired. The committee beg leave to report a bill making a further appropriation of $1,500 per annum for five years.

In revising the laws passed by Congress concerning the library, the committee observed that no provision had ever been made to extend to the heads of Departments the privilege of using the books in the Congress library on the same terms on which members of Congress are permitted to use them. In the bill making a further appropriation for the purchase of books, the committee have inserted a section to remedy that omission.

14th Congress.] No. 420. [2d Session.

REPEAL OF THE POWER EXERCISED BY THE PRESIDENT TO TRANSFER APPROPRIATIONS FROM ONE OBJECT TO ANOTHER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 6, 1817.

Sir: Treasury Department, *January* 1, 1817.

Your letter of the 31st ultimo, enclosing a resolution of the House of Representatives of the 30th ultimo, directing the Committee of Ways and Means to inquire into the expediency of repealing so much of the act "further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," passed the 3d of March, 1809, as authorizes the President of the United States to transfer appropriations, has been received.

In giving my opinion upon the subject-matter of the resolution, it may be proper to state the causes which led to the adoption of the law, embracing the provision which is contemplated to be repealed by the resolution. Antecedent to that period the appropriations were, by some of the Departments, considered as an aggregate sum to be applied, without distinction in their accounts, to every branch of service embraced by the appropriation. In the Navy Department, for instance, there was but one account opened in the Treasury books, because the requisitions made by the Department were drawn for the Navy Department generally, and the sums thus drawn were applied

to the naval service, without regard to the amount which had been specifically appropriated for the different branches of the service within that Department.

In changing this practice, the necessity of giving the power to transfer from one head of appropriation to another, according to the exigencies of the service, was foreseen. This power was given to the President; and, in order to furnish to Congress the information which it was deemed essential to possess, every transfer of appropriation, together with the application of the money so transferred, was required to be communicated to Congress during the first week of their session thereafter. If no transfers were made, Congress knew the maximum applied to each head of appropriation. If transfers were made, they obtained information equally interesting and useful to them in providing for the wants of the succeeding year. The transfers disclosed to them those branches of the service, in each Department, where the appropriations had been redundant, as well as where they had been deficient. They obtained, without inquiry, a knowledge of the application of the sum transferred, as well as of the sum originally designated for that object. This was the desideratum intended to be obtained by the adoption of that measure.

By reducing the heads of appropriation, the necessity of exercising the power of transfer will, no doubt, be considerably diminished. During a period of peace, and after the naval and military establishments have remained for a considerable time without alteration as to organization or force, it is probable that it will be but rarely exercised. It is believed, however, that a full consideration of the subject will lead to the conviction that the power ought to be retained in peace as well as in war. A change in our relations with a foreign state, during the recess of Congress, which would render it prudent to concentrate the regular force in any section of the country, would increase the expense of the quartermaster's department beyond the regular appropriation. Expenses incurred under such circumstances must generally be discharged as they are incurred. This could not be effected without the power of applying the redundancies of other appropriations to meet the deficits produced by such an emergency.

There does not appear to be any necessity for extending this power to the permanent appropriations of the land or naval service. The appropriations for arming the militia, for the armories, and for arms and military stores, and for the permanent increase of the navy, may with great propriety be exempted from the operation of this power. It is to the current expenses of the land and naval force authorized to be kept in service during the year that this power should be confined. Within those limits it is not believed that the power can be exercised to the injury of the nation. Without this power, the War and Navy Departments would be compelled to make ample estimates for every branch of the service, as a deficiency in any one might be productive of serious consequences. The idea that economy will be enforced by repealing the provision will, I am confident, be found to be wholly illusory. Withdraw the power of transfer, and the Departments will increase their estimates. In some branches of the service there will be redundancies, in none will there be deficiencies. These redundancies, continuing from year to year, will be more likely to excite to profusion in those branches of the service than if they were transferred to the appropriations which were insufficient. The law, as it now stands, furnishes those whose duty it is to appropriate the money and superintend its application with all the information which is necessary to the execution of that high trust. By reducing the heads of appropriation, the labor of keeping the accounts of the Treasury, as well as of the other Departments, and in the settlement of accounts, will be greatly diminished. This reduction, however, as before stated, will not supply the place of the power of transferring from one branch of the service to another. It may be proper to observe that the power of transfer is applicable only to the War and Navy Departments.

I have the honor to be, very respectfully, sir, your most obedient servant,

WM. H. CRAWFORD.

The Hon. WILLIAM LOWNDES,
Chairman of the Committee of Ways and Means.

14th CONGRESS.] No. 421. [2d SESSION.

CONTESTED ELECTION OF JOHN SCOTT, THE DELEGATE FROM MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 10, 1817.

Mr. TAYLOR, of New York, made the following report:

The Committee of Elections, to whom was recommitted their report of the 31st of December last, with instructions "to receive evidence that persons voting for either candidate were not entitled to vote in the said election," report the same to the House, with the following additional facts and statements:

The general notice served by the petitioner on the sitting delegate on the 24th of September last is in the following words: "Sir: Take notice that I shall take the depositions of witnesses, before some proper authority, to be read in the House of Representatives of the United States at the next session of Congress, for the purpose of establishing my right to a seat in that body as a delegate from the Territory of Missouri," &c.

On the next day the petitioner served on the sitting delegate a special notice of taking testimony in the townships of St. Charles and Coté-sans-Dessein, in the county of St. Charles, and in the township of Bon Homme, in the county of St. Louis, for the purpose of proving that the judges of the election in the latter township "improperly refused to count a number of legal votes given for him;" and in the other townships "for the purpose of proving that no legal election was held; that a sufficient number of judges did not attend; that the judges were not sworn; that no clerks were appointed; that no poll-book was kept; and that no votes were legally taken." It was upon the evidence taken in pursuance of this special notice that the committee rejected the votes from the township of Coté-sans-Dessein. On the 28th of September last the sitting delegate served on the petitioner a general notice, in the same form with that first received by him from the petitioner, concluding in the following words: "Which depositions, at each of those places and days, will be taken for the purpose of proving that the elections in each of the townships for a delegate to the Congress of the United States from the Territory of Missouri were not held on the first Monday of August last past according to law, in the following particulars, to wit: that a place in each township had not been named for holding such election agreeably to law; that the elections were not held at

the places appointed for holding the same in each of the townships; that no notice of such election, and of the times and places of holding the same, had been given by the respective sheriffs; that the polls were not opened according to law in the several townships; that no judges of election had been appointed by the circuit courts; that no judges of election were chosen by the people, and that none officiated, or were sworn, according to law; that no clerks were appointed or sworn, no poll-books kept, and no legal votes given to you; that illegal votes were given for you as delegate, and legal votes given for me as delegate were rejected by the judges; that the oaths of the judges and clerks are not prefixed to the poll-books; that the poll-books have not been signed by the judges and clerks; that the returns have not been made of votes legally taken for me, and improper votes have been admitted, and the votes counted, for you; that the polls have not been opened, and the votes counted by the clerks and two justices; and that the voters have not been permitted to give in their votes freely, and many wishing to vote for me have been, by threats and violence, prevented from so doing."

No notice was given by either party of the names of the electors objected against for want of qualifications; nor was either party notified by the other that the particular qualifications of the electors would be investigated; nor were the names of the magistrates stated before whom depositions were to be taken.

The sitting delegate contends that he considered himself authorized, under his general notice, to examine witnesses to every point of objection which he might find himself able to support in the course of the investigation; and the petitioner alleges that he did not suppose an investigation into the qualifications of the electors, and the persons for whom they voted, to be admissible; that the only case in which that inquiry had been made in his behalf related to the votes in the township of Coté-sans-Dessein, which was done without his instruction or consent.

In the case of Joseph B. Varnum, a representative from the State of Massachusetts, whose election was contested at the first session of the fourth Congress, the Committee of Elections, (we adopt the words of their report,) "as well from the difficulty of the case, as from a desire to have uniformity in proceedings of this kind, were induced to pray the instructions of the House as to the kind of specification that shall be demanded of the petitioner, and the manner in which the evidence shall be taken."

Upon this application, after several days' debate in the Committee of the Whole, the House resolved "that the names of the persons objected to for want of sufficient qualifications ought to be set forth prior to the taking of the testimony."

The rule prescribed in this resolution was adopted by the committee in the case of McCoy and Porterfield at the last session of Congress, and, as far as your committee are advised, has been uniformly adhered to. It is important, not only to the parties, but to this House, that it should be preserved.

The committee were therefore of opinion that the evidence taken in pursuance of the before-mentioned general notices ought not to be received. If the House concur with the committee in this opinion, it follows that no evidence has been submitted by either party enabling the committee to investigate the qualifications of the electors.

The committee are further of opinion that evidence cannot be procured in season to enable the committee to investigate the qualifications of the electors during the present Congress. From Howard county, on the north, to Arkansas, on the south, as the roads run, is about eight hundred miles. The settlements extend west of the Mississippi from fifty to one hundred and seventy miles. The Territory is divided into nine counties and about fifty townships.

In addition to the difficulties arising from the extent of territory, the law of Missouri prescribes no mode of taking evidence in cases of contested elections for delegate to Congress; nor is there any territorial authority to compel the attendance of witnesses for that purpose. The great distance of the Territory from this place renders it impracticable, even if the power should be granted, to send for the persons whose evidence is considered essential for the purpose of examination before the committee.

The committee, therefore, respectfully submit to the House the following resolution:

Resolved, That the Committee of Elections be discharged from the further investigation into the qualifications of the said electors.

14th Congress.] No. 422. [2d Session.

UNIFORM SYSTEM OF BANKRUPTCY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 13, 1817.

To the honorable the Senate and House of Representatives of the United States: The petition of the Chamber of Commerce of the city of Philadelphia respectfully represents:

That your petitioners have observed with great satisfaction that the subject of general and uniform regulations of the estates of insolvents has engaged the attention of Congress.

Your petitioners cannot feel indifferent on an affair of so much importance, and by which every part of the community may be more or less benefited. We have long experienced the inefficiency, and, in many instances, the destructive effects of the State laws in the facility which they afford to fraudulent debtors to conceal and embezzle the property of their creditors, and to individual creditors of attaching and sacrificing those portions of the debtor's property which happen to be out of the State where he resides; while judgments, executions, and partial assignments generally absorb all that is within his reach. Thus estates, which would by an early and effectual surrender and judicious management have yielded respectable dividends, are sacrificed and frittered away to satisfy the demands of particular and favored creditors, while all those of a different character sustain a total loss.

Your petitioners beg leave also respectfully to represent, that the dread of imprisonment and of the harassing misery of continual responsibility operates in a very powerful manner on the apprehensions of men who find themselves embarrassed, and more than any other consideration induces them to continue trade under the most inauspicious circumstances long after they would have made a surrender of their property if there were laws to shelter the honest and unfortunate debtor, and if the circumstance of a failure was not attended with all its present disgrace, as unavailing as it is distressing.

These great obstacles to an early surrender operate directly to the prejudice of the creditor's interest, and these obstacles your petitioners believe can only be effectually removed by the interposition of the National Legislature.

Your petitioners, therefore, earnestly solicit your honorable body to enact such a law as in your wisdom may seem best calculated to promote an early surrender and fair distribution of the property of embarrassed men, and subject their transactions to the investigation of tribunals competent to punish the fraudulent and to shelter the upright debtor.

ROBERT WALN, *President.*

JOHN VAUGHAN, *Secretary.*

14th CONGRESS.] No. 423. [2d SESSION.

ADMISSION OF MISSISSIPPI INTO THE UNION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, ON THE 17TH JANUARY, 1817.

Mr. PICKENS made the following report:

The committee to whom was referred the memorial of a convention of delegates from fifteen counties of the Mississippi Territory, praying that the said Territory may be admitted as a State entire and undivided, respectfully beg leave to report:

That they have considered the subject with all that attention which the means in their power have enabled them. The question most immediately involved in the reference was, whether the Mississippi Territory ought to form one entire State, or be divided into two—a question much more important both to the people of the Territory and to the nation than whether its admission should be *immediate*. The considerations deemed of most weight in determining this question are, 1st. As regards the general interest of the Union; 2d. The wishes of the people of the Territory; and, 3d. The convenience and policy of the particular government of the Territory.

1st. The principal point affecting the national interest will consist in the great relative *strength* of such an extensive member of the confederacy, if admitted entire. The great extent of its limits, and the space it occupies on the map of the United States, naturally excite inquiry as to the capacity of its soil and other qualities to afford at any period a dense population; and the inquiry should be directed to a remote period, when the Indian titles shall have become extinct and the country matured by improvement. Although your committee deem it impracticable to obtain any thing like an accurate estimate of the proportions of land fit and unfit for cultivation in that remote territory, so great a portion of which is yet a wilderness, yet, from the general information collected from those who have explored its different parts, and from the progress of settlement and sale of public lands within the tract of country to which the Indian title has been long extinguished, your committee cannot apprehend that the whole Territory is capable of such a strong population as ever to render it a formidable State compared with the largest sized of the northern, middle, and western States.

By a statement from the General Land Office, accompanying this report, it appears that the amount of sales of public land in the Mississippi Territory, from the first opening of a land office therein (in 1807) till the 30th September last, exclusive of Madison county, was 833,534.49 acres. The land districts in which these sales were effected extend from the Mississippi river, eastward, more than 220 miles, to the dividing ridge between the Alabama and Tombigbee rivers, and a little over 60 miles from the thirty-first degree of latitude northward, and contain more than eight millions of acres. It appears, from the concurrent testimony of persons acquainted with the Territory in question, that an uncommon proportion of its land is unfit for cultivation; much thereof consisting of poor pine barrens; while, on the other hand, it is certain that there is much fertile soil on the margin of the rivers, and interspersed over different parts, capable to sustain a sufficient population for a respectable State. Its political strength will also be held in check by the great proportion of slaves it is destined to contain. This circumstance, added to the climate and soil, will render its numbers (entitled to political calculation) relatively small compared with its extent.

2d. As to the wishes of the people themselves, various representations have been made showing a difference of sentiment to exist among them in regard to a division. It is, however, worthy of notice that for several successive years the Legislature of the Territory have petitioned Congress for admission as a State; in none of which have they intimated a wish to be divided.

3d. As to the policy and convenience of the particular Government. The form of the Territory is nearly square, and its average length and width nearly equal. By any line of division, the distant extremes will be but little more convenient to a point at the centre of either division than to the centre of the whole Territory. As to the different parts having different avenues to market—the western by the navigation of the Mississippi river and the waters of Lake Pontchartrain, the eastern by the waters of Mobile and Chatahoochee—it is not seen that this will create any material diversity of interest, or interfere with the internal policy and harmony of the State, all parts of which will be agricultural, and capable of similar products. Nor is it known that local animosities are more peculiar to large than to small States. These are not unusual even in the bounds of a county. It is, indeed, more probable that a large State would incline to cherish its institutions by a liberal policy.

The geographical position of this Territory may render it necessary that its military defences should be more combined than would at all times be practicable in two distinct sovereignties.

It may be proper to take notice of the situation of each division in case the parts are separated by a line such as has been in contemplation, and as proposed by a bill now before this House; although your committee presume, if any division is to be made, the line proposed may be as judicious as any other. The western division will contain 25,037 free white inhabitants and 22,834 slaves, by the census taken lately. By the census taken in 1810, there were west of the line of division 16,602 white inhabitants and 14,523 slaves, including in the last census the county of Jackson, formerly a part of Florida, making an increase of 8,435 white and 8,311 slave inhabitants in the last period of six years, including a new county from Florida. In the whole western division there is no

land to which the Indian title is extinguished but what has been some time in market, and most of it embracing the oldest settlements in the Territory. What prospect may exist of extending the scope for settlement by purchases from the Indians is not known to your committee; until which time the increase of population in that quarter must be *gradual.*

While your committee believe it expedient to admit the whole Territory to the rights of State government, and that immediately, they consider it just to the population which will in a few years occupy the extensive space on the east side of the Tombigbee, which has lately been acquired from the several Indian tribes, to afford the citizens of the State now to be formed a fair opportunity of revising their constitution after a reasonable time, and recommend a provision for that purpose.

Your committee ask leave to report a bill for admitting the Mississippi Territory into the Union as a State.

SIR: GENERAL LAND OFFICE, *January* 13, 1817.

In conformity with your request in your letter of the 11th instant, I transmit, annexed hereto, a statement of the lands sold in the Mississippi Territory. The surveyors' returns do not describe the lands as first, second, and third quality, but merely give the timber and the nature of the soil where their lines are run.

I have the honor to be, most respectfully, sir, your obedient servant,

JOSIAH MEIGS.

Hon. ISRAEL PICKENS, *House of Representatives.*

Statement of the quantity of land sold in the Mississippi Territory from the opening of the land offices to the 30th September, 1816.

Year.	West of Pearl river.	East of Pearl river.	Madison county.
1807	70,706.50½	4,125.00	
1808	13,819.90	4,073.00	
1809	60,062.96	3,613.03	23,959.75
1810	23,423.69	–	53,612.14
1811	33,449.46	–	48,463.70
1812	58,362.09	64,301.48½	22,209.18
1813	5,844.62	3,221.27	21,194.99
1814	11,294.30	2,333.82	27,643.94
1815	2,833.20	5,154.79	19,266.03
1816	295,087.06	171,828.31	23,958.34
Acres,	574,883.78½	258,650.70½	240,308.07

West of Pearl river, - - - - -	574,883.78½
East of Pearl river, - - - - -	258,650.70½
Madison county, - - - - -	240,308.07
Total, -	1,073,842.56 acres.

JOSIAH MEIGS.

GENERAL LAND OFFICE, *January* 13, 1817.

14th CONGRESS.] No. 424. [2d SESSION.

ACCOUNTABILITY OF DISBURSING OFFICERS—RANK AND DUTIES OF THE ATTORNEY GENERAL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 21, 1817.

SIR: DEPARTMENT OF STATE, *December* 31, 1816.

We have the honor to acknowledge the receipt of your letter of the 22d instant, requesting information on the following subjects, viz:

1. Is it intended to apply the power of imprisonment and sale of property, proposed in a late report to the Senate from the Secretaries of the Departments, [see No. 411, p. 396,] to cases of property as well as money which may be withheld from the Government by its officers?

2. Is it proposed to allow any judicial examination into the claim of the United States, either when an officer who has received money from the Government claims credits not admitted in his accounts, or where a citizen is charged by a Department as a depositary of public money which he denies having received?

3. Would the accountability of public officers be sufficiently secured if the different proposals contained in the report above referred to were all to be adopted, with the exception of that for the establishment of a new Department?

In answer to the first inquiry, it is proper to observe that the reasons for resorting to the arrest and imprisonment of the defaulting officer where property is embezzled or withheld are equally strong as in the case of money. It is presumed that imprisonment would be resorted to only where there is a deficiency of property to satisfy the demand, or in the case of a refusal to settle accounts when adjustments of the accounts of others are dependant upon such settlement. In both these cases, but particularly in the latter, the most rigid exercise of the powers vested in the Government would be indispensable.

A judicial examination, where the officer should allege that injustice had been done in the settlement of his accounts, would perpetuate the delays in the settlement of the public accounts which have produced the derangement in the accounting offices that are intended to be remedied by the summary procedure recommended by the report. It is highly improbable that injustice will be practised by the auditing officers; but if it should happen in any case, the appeal should be to Congress, who will always grant relief.

It is not intended to apply the summary procedure proposed in the report to the Senate to any other persons than officers of the Government. If the Government confide the public property to other persons than officers, their rights as individuals ought not to be affected. It is not proposed to extend the principle beyond the necessity which has produced its application to a certain description of officers. Justice and consistency require that it should apply to the disbursing as well as to the collecting officers of the Government.

In answering the third inquiry, serious difficulties present themselves. The Indian Department stands in front. It is possible that, by a more specific regulation in that branch of the public service than has heretofore been attempted, its accounts might be reduced to some general principles which would admit of their settlement by an Auditor without the sanction of the head of the Department. Measures have been taken during the present year with a view to such a regulation. Should this be effected, the most serious obstacle to the settlement of those accounts would be removed.

In recommending the establishment of another independent Department, the Secretaries were influenced in some degree by the consideration that the public interest required that the Executive Department should be simple and uniform in its organization. The various branches of executive authority are now under the direction of the Secretaries of the Departments, except the General Post Office and the Mint. They form exceptions to the general principle upon which the Executive Department has been organized. The best examination which the Secretaries have been able to give the subject has led to the belief that the anomalous organization of these Departments has not been productive of any beneficial consequences. The General Post Office, independent of the anomaly just stated, presents another of a more singular character. The revenue accruing from the postage of letters is disbursed directly by the General Post Office. No part of it comes into the public treasury except that portion of it which exceeds the expenses of the Department. The immense sums which are paid to contractors for the transportation of the mail, and to all the postmasters throughout the nation, are disbursed directly by the Postmaster General. The accounts of the Department are revised by the accounting officers of the Treasury, but they are now about six years in arrear.

It is not contended that the establishment of a new Department is indispensably necessary to change the organization of the General Post Office, so as to subject the payment of money in that Department to the checks to which all other payments of public money are subjected. The sums arising from postage of letters might be paid directly into the Treasury, and all sums due to contractors might be paid by warrants at the Treasury, as well without the establishment of a new Department as with it. If it were deemed necessary, all postmasters whose emoluments exceeded a given sum might be paid in the same manner; or the postmasters of all distributing offices might be placed upon that footing. This discrimination might lead to the suggestion that it would be proper to subject that class of officers to the ordeal of passing through the Senate. This suggestion, however, is foreign to the subject of your inquiry. The changes suggested in the modes of conducting the fiscal concerns of the General Post Office were necessarily involved in the proposition to make a new Department, to which it should be subordinate.

We think proper to add that, although provision may be made for the settlement of all the public accounts without the institution of a new Department, we have no doubt that the just principles of accountability would be better preserved, and economy promoted, by the adoption of that measure. Equally satisfied are we that other essential advantages would result from it. As, however, your inquiry does not extend to this object, we think it improper to enter further into the subject.

We have the honor to be, very respectfully, sir, your most obedient servants,

JAS. MONROE,
WM. H. CRAWFORD,
GEO. GRAHAM,
Acting Secretary of War.
B. W. CROWNINSHIELD.

Hon. Mr. LOWNDES, *Chairman of the Committee of Ways and Means.*

From Mr. Monroe to Mr. Lowndes.

1. The Attorney General has been always, since the adoption of our Government, a member of the executive council, or cabinet. For that reason, as well as for the better discharge of his other official duties, it is proper that he should reside at the seat of Government. It was made the duty of the present officer, at the time of his appointment, to do so; which he has accordingly done. His duties in attending the cabinet deliberations are equal to those of any other member.

2. Being at the seat of Government throughout the year, his labors are increased by giving opinions to the different Departments and public offices. The proportion of increase could be in part ascertained by an examination of the files of all of them, and comparing the opinions given now with heretofore, when the office was at a distance. But this is not all. Being on the spot, it may be supposed that he will often be resorted to verbally in the progress of current business. Such is the fact. The removal of the office has more than doubled its entire business under this head.

3. The Supreme Court. At the last term of the Supreme Court there were forty-nine causes of the United States upon the docket. Of this number, twenty-three were ultimately disposed of by argument or otherwise. Four others were argued without being decided. Under such circumstances, the Attorney General cannot well engage in the causes of private clients in this court consistently with a diligent execution of the public business.

The present Attorney General has not embarked in the practice of the local courts of the city of Washington. The practice is, in itself, of little moment; and to engage in it upon a scale to make it in any degree worth his attention would be incompatible with the calls to which he is liable from the Executive, and the investigations due to other official engagements.

4. The office has no apartment for business, nor clerks, nor a messenger, nor stationary, nor fuel allowed. These have been supplied by the officer himself, at his own expense.

14th CONGRESS.] No. 425. [2d SESSION.

RELEASE OF AN INSOLVENT DEBTOR TO THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 1, 1817.

Mr. MIDDLETON, from the select committee to whom was referred the petition of William Smith, sen., reported:

That, by the statement of the petitioner, with accompanying certificates, it appears that the firm of Wm. Smith & Co., composed of the said petitioner and William Calhoun, deceased, were navy agents of the United States for Charleston; that, at the time of the death of Wm. Calhoun, one of the said partners, the balance stated to be due by the firm, in the first transcript sent on by the Treasury Department, was $11,826; that the said Calhoun having died insolvent, the petitioner immediately confessed judgment for the amount stated to be due, with interest and costs; that he, the said petitioner, afterwards acted as navy agent in his individual capacity, and has fully settled all his accounts with the Treasury. He afterwards forwarded to the Treasury the accounts of the firm for a settlement, when the balance due was found to be only $863 56; on the 31st January, 1812, he paid, on account of this debt, $600, which reduced it to a balance of $263 56, exclusive of interest and costs; that the said petitioner now finds himself incapacitated, by bodily infirmity as well as pecuniary embarrassment, from making any further payment, and for this small amount he is now confined in the prison at Charleston; that he is ready to make an assignment to the United States of all the estate of which he may be possessed, but that, in fact, he has no estate whatever, which he is ready to verify and prove in any manner which may be prescribed. The petitioner prays Congress to grant him such relief as is usually allowed to unfortunate debtors of the United States.

Upon a mature consideration of this case, and having had reference to evidence adduced that the petitioner has ever borne the character of an honest man, and that his conduct in relation to his estate has been perfectly fair, the committee report that it is expedient to grant the prayer of the petition, and ask leave to bring in a bill accordingly.

14th CONGRESS.] No. 426. [2d SESSION.

REPORTS OF THE DECISIONS OF THE SUPREME COURT.

COMMUNICATED TO THE SENATE, FEBRUARY 7, 1817.

SIR: WASHINGTON, *February* 7, 1817.

Your letter, enclosing a copy of the bill "to provide for reports of the decisions of the Supreme Court," in which you do me the honor to request, for the committee, "my views relative to the object and utility of the proposed act," was yesterday received, and communicated to the judges.

We all concur in the opinion that the object of the bill is in a high degree desirable.

That the cases determined in the Supreme Court should be reported with accuracy and promptness, is essential to correctness and uniformity of decision in all the courts of the United States. It is also to be recollected that from the same tribunal the public receive that exposition of the constitution, laws, and treaties of the United States as applicable to the cases of individuals which must ultimately prevail. It is obviously important that a knowledge of this exposition should be attainable by all.

It is a minor consideration, but not perhaps to be entirely overlooked, that, even in cases where the decisions of the Supreme Court are not to be considered as authority except in the courts of the United States, some advantage may be derived from their being known. It is certainly to be wished that independent tribunals having concurrent jurisdiction over the same subject should concur in the principles on which they determine the causes coming before them. This concurrence can be obtained only by communicating to each the judgments of the other, and by that mutual respect which will probably be inspired by a knowledge of the grounds on which their judgments respectively stand. On great commercial questions, especially, it is desirable that the judicial opinions of all parts of the Union should be the same.

From experience, the judges think there is much reason to apprehend that the publication of the decisions of the Supreme Court will remain on a very precarious footing if the reporter is to depend solely on the sales of his work for a reimbursement of the expenses which must be incurred in preparing it, and for his own compensation. The patronage of the Government is believed to be necessary to the secure and certain attainment of the object.

Law reports can have but a limited circulation. They rarely gain admission into the libraries of other than professional gentlemen. The circulation of the decisions of the Supreme Court will probably be still more limited than those of the courts of the States, because they are useful to a smaller number of the profession. Only a few of those who practise in the courts of the United States, or in great commercial cities, will often require them. There is, therefore, much reason to believe that no reporter will continue to employ his time and talents in preparing those decisions for the press after he shall be assured that the Government will not countenance his undertaking.

With very great respect, I am, sir, your obedient servant,

J. MARSHALL.

The Hon. DUDLEY CHASE.

14th CONGRESS.] No. 427. [2d SESSION.

ROADS AND CANALS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 8, 1817.

Mr. THOMAS WILSON, from the committee to whom was referred, on the 4th of December last, so much of the message of the President of the United States as relates to roads and canals, reported, in part:

That, upon mature deliberation, the facility of commercial and personal intercourse throughout the whole extent of the United States and its Territories is viewed by the committee, as it appears to have been viewed by former committees of both branches of the National Legislature, and by every Executive of the Government since its formation, as an essential ingredient in the general economy of the nation, as well in relation to the pursuits of peace as to those of war, and also to the perpetuation and integrity of the Republican Union.

That the interior waters of the United States, co-extensive with its territory, furnish the ample and the only effectual means of such facility. Without inland navigation, an interior commerce, in a large portion of the most necessary articles, would be not merely inconvenient, but wholly impracticable, between sections remote from each other. Those which were destitute must remain so; and where there was abundance, it would be of little value. In such a state, of all the rich bounties of nature distributed over our expanded country, ever varying in their nature and uses with our varied soils, climates, and pursuits, a scanty portion only could be appropriated to the subsistence and comfort of civilized man. Invaluable, then, are those interior waters which, even in their natural state, afford a facility of transportation of the necessaries of life which no other known means could effect. But, although these waters are thus essentially requisite and extensively useful in their original state, their usefulness would be indefinitely increased by improving and uniting their channels.

The great topographical features of our country are its great extent of territory, and variety of soil, climate, and production, which demonstrate the necessity on the one hand, and the number, positions, and magnitude of its bays, lakes, and rivers, which happily, on the other hand, demonstrate the practicability of an internal navigation throughout all its parts.

So magnificent and admirably arranged are these waters, that two great channels are nearly completed by nature the whole way between the extremes of the Union—the one, passing through its centre, three thousand miles; the other, on its margin, two thousand miles. Large and numerous rivers, communicating with each other from a common intermediate source, form natural canals from the one to the other, interrupted only by the main ridge of mountains, from which they descend in opposite directions, and over which artificial roads of the best construction are known to be practicable, so as to unite with the opposite navigations within distances varying from fifty to one hundred miles. Thus, the great chain called the Appalachian mountains, which once was considered as an impassable barrier and partition between the eastern and western interests, may in effect be removed; or, rather, it may be made effectually to assist that intercourse which it has seemed permanently to interrupt. The large and numerous rivers and lakes communicating with the great central channel on the north and west, together with those already noticed, which cut opposite sides of the mountains, traverse the whole continent, conducting all its waters, as they seem destined in future to convey its innumerable productions into two great channels which unite with the navigable waters of the Atlantic ocean at their two extremes, and one of them at numerous intermediate points, forming in the whole more than ten thousand miles of inland navigation, the free use of which requires only the purchase at a moderate price in labor.

The importance of this object to the United States as a community is so evident, that to ascertain its practicability would seem sufficiently to recommend it to the attention of the National Government. The best evidence of its practicability is that already adduced—the positions and magnitude of the interior waters. These are circumstances of notorious importance, the evidence of which cannot be questioned; but it may be proper, in corroboration, also to notice that resulting from an official document of high authority.

It will be recollected that in April, 1808, an elaborate report, prepared in obedience to a resolution of the Senate of the preceding year, was made by the then Secretary of the Treasury, in which were embraced all the outlines, together with much detail, of a general system of national improvement. The sum of $20,000,000 was deemed sufficient to effect the works necessary to confer on the people of every section of the United States all the advantages of good roads and canals of which the country is susceptible The annual application of $2,000,000 would effect this great object in ten years, and which (it was added) could be conveniently supplied from the existing revenues of the United States, leaving a sufficient surplus, in addition to the sum required for the permanent peace establishment and national debt, in the same period of ten years, to arm every man in the United States, to erect as many fortifications and batteries as could be manned, and, if thought eligible, to build a navy. The subject was treated in that report as one of primary national importance, conducive to the general welfare, in enhancing the value of lands, promoting useful commerce, binding the Union together by a community of interests, and constituting an important branch of the public defence. This official report of 1808 attracted much attention, and the subject-matter of it has appeared to receive the decided approbation of the citizens of the United States ever since. The execution of this plan would probably have been commenced long before this time had not extraordinary

difficulties in our foreign relations, and consequent war with Great Britain, intervened. Since the termination of the war, the necessary attention of the Government to other objects sufficiently accounts for the continued suspension of the plan of improvement recommended at that time. But these causes of suspension having now ceased, it may reasonably be expected again to attract a due share of the public attention.

A state of tranquillity has been happily restored under circumstances favoring its continuance for many years. The pursuits of peace in the United States have been resumed with renovated vigor. Great political changes in Europe have affected, and may continue materially to affect, our foreign commerce. The experience of the late war has served to develop the importance of internal transportation; and the resources of the United States are undoubtedly more ample than they were in 1808. At that time the average annual revenue was about $14,000,000. At this time, from various causes, it is increased to an average of $25,000,000. These circumstances seem peculiarly to recommend at this time such a system of general improvement as would accelerate the advancement and secure permanently the internal commerce of the United States. Two important considerations particularly recommend the subject of internal navigation to the early attention of Government—the rivalship of a foreign state in the trade and commerce of our interior possessions, and the lively interest evidenced in various parts of the United States in the improvement of our facilities of intercourse.

That portion of our territory bordering upon Lake Champlain, the St. Lawrence, and great lakes, and to which these waters are the natural outlets, is moderately estimated at sixty millions of acres. Much of this is already populous, and the remainder is becoming so with surprising rapidity. Until other routes shall be greatly improved, all the productions of this extensive district must be drawn to the British ports of Lower Canada, from whence, also, the merchandise, the arms, and the influence of Great Britain are conveyed with unrivalled celerity to the recesses of all the northwestern Indian tribes within our limits. Such an intercourse can scarcely fail to engender in those numerous hordes unfriendly dispositions towards the citizens and Government of the United States in time of peace, and, in war, to array them against us in a force formidable in a degree beyond that of their specific number and strength. The whole commerce of that extensive region, as well of the present and future white population as the trade of the Indian tribes, can be advantageously turned to the posts and possessions of the United States only by an improved inland navigation.

The solicitude on the subject of internal improvements generally, which is felt in various parts of the United States at this time, is indicated in a manner not to be mistaken, and promises an effective co-operation with the National Government in any measure which it may approve and adopt for promoting them.

The perseverance of the citizens and State of New York in their efforts to ascertain the most eligible route and means for opening a navigable canal from the tide water in the North or Hudson river to Lake Erie is a pledge that their wealth and enterprise would contribute largely towards that great object. The local enterprise which has long since organized itself in companies, under State authorites, formed their plans, and progressed considerably in the execution of canals through the necks of land, respectively, which alone obstruct the inland navigation from Boston to St. Mary's, is again directed to these objects. In addition to these several works, there is wanting only a short canal from Lake Erie to some of the navigable waters which empty into the Ohio, some inconsiderable improvements in the bed of such waters, and a lockage or other improvement at the falls of Louisville, to complete the two great channels already mentioned. In all these works, although the nation has a paramount interest in their completion, there are good reasons to believe that individual or local enterprise would contribute a full half or more of the expense.

There are equal or still stronger reasons to believe that individual and local enterprise would, with alacrity, share equally at least with the United States in improving the navigation of such correspondent Atlantic and western rivers as are best adapted for a connexion by portage roads across the mountains, in the construction of such roads, and of such other great leading road or roads as shall be established or approved by the National Government. The great progress already made without the aid of this Government in the construction and extension of permanent roads, as well in Virginia and Maryland as in Pennsylvania, New Jersey, New York, and all the more eastern States, is conclusive evidence of a disposition in most or all of the States to promote these objects. In the State of New York, a great turnpike road has been for some time completed almost to Lake Erie, and, in Pennsylvania, the Herculean task of extending a turnpike road of the best construction the whole way from Philadelphia to Pittsburg has been boldly undertaken, and is in a rapid progress of execution. In both these States a great variety of other turnpikes have been long in great perfection, and new ones are annually added. The latter State has, moreover, a great number of bridges, probably among the largest in the world, and founded in solid masonry; and it has also made provision by law for the liberal encouragement of a great work in its neighboring States of Maryland and Delaware.

The foregoing indications, as well as many other considerations, seem fully to authorize the confident reliance upon individual exertion for a full half or more of the resources requisite for the completion of every improvement of national importance in the United States which its Government shall take measures suitably to encourage. The whole expense, by the official report of 1808, already noticed, of a general system of roads and inland navigation, has been, it appears, carefully estimated at $20,000,000. On the assumption that one-half would be contributed by individual and local exertion, $10,000,000 in addition, applied on the part of the United States, would be a sum fully sufficient. These views present another consideration of great weight, that is, the magnitude of the object compared with the expense required to effect it. The object proposed is the facility of intercourse by means of more than ten thousand miles of internal navigation, and more than two thousand miles of permanent roads, besides those already completed in the several States, and such temporary roads through the more unimproved Territories as might serve for travelling and for transporting the mails.

The expense to the United States, taken at $10,000,000, supposing $7,000,000 applied to the canals and $3,000,000 to the roads, if an actual expenditure, would be only $700 per mile for the canals, and $1,500 per mile for the two thousand miles of permanent roads; but when it is considered that these sums may not be, strictly speaking, expended, but merely invested by subscription in canal and road stocks, which would ultimately rise to par value, the contrast between the magnitude of the object and that of the capital employed becomes still more strikingly obvious. Nor will these views of the subject appear exaggerated, if we recur to the extent of the navigation proposed to be opened, and consider that most of it would be well adapted for steam vessels; and that the recent origin, the present state, and probable improvement of these cannot, if successful, fail to give to all large rivers, bays, and lakes in the United States, in an improved state, all the advantages of navigable canals of the best artificial construction. In Great Britain more than $100,000,000 has been laid out in constructing about one thousand miles of canal navigation, (that of rivers being little used,) and it is considered of great national advantage. How much stronger are the inducements in the United States to employ a tenth part of that sum in effecting an object of ten times the magnitude?

The committee might enumerate various other considerations in detail, but it is not deemed necessary to do so, since they will be comprised in the general importance of inland navigation and intercourse in the United States,

which will now be briefly considered. Internal intercourse is dependant upon internal navigation in a greater or less degree, according to the extent of territory. In the United States, therefore, it must, as has been assumed, depend essentially upon this mean; consequently, the subject must, in the United States, possess a degree of importance unknown in other countries in a political point of view, and must be considered with reference to this principle in connexion with every other advantage to be derived from it.

The general importance of internal navigation is so universally admitted, that any attempt further to illustrate it would seem superfluous, were it not for the fact that it is an object heretofore neglected by the Government of the United States—a circumstance that can hardly be accounted for on any other rational principle than that its intrinsic importance has been somehow overlooked, or hidden in the mass of other concerns, or its advantages been viewed at too remote a distance to induce present activity. From these considerations a few observations are submitted, in which the chief difficulty is, that the case seems too clear to admit of additional proof short of actual consummation. Some will always be found who will call every thing theory which is not actually accomplished in practice and in their own possession. Some twenty years ago there was not a turnpike road in the United States. The one between Philadelphia and Lancaster was then called a theory: there are now in the United States some thousand miles of such road; they have become familiar, and we experience little surprise that individuals, in a single State, undertake fearlessly to extend them over the greatest mountains on the continent. The building of a ship and navigating the ocean has become familiar in the same manner; it is no longer a subject of wonder. But the time probably has been when the simplest raft was the only navigating vehicle; with this man was content until necessity discovered, and experience improved, the use of instruments. Is it not remarkable that, in our present advanced state of civilization and science, man is still little inclined to profit by his reason and intelligence, but disposed always to await the mandate of necessity? Why should an improved inland navigation be any more a theory than a turnpike road, or the building of a house? Merely because we are more familiar with the latter than with the former. But in Europe a canal navigation is as familiarly known to experience as a ship, a house, or a turnpike; and we have the means of profiting by all the experience of Europe, with the materials and inducements which no country of Europe possesses. They will soon become familiar to us, as turnpike roads have become, if we can only be prevailed upon to attempt them in earnest.

If sea vessels entering the harbors of Boston and New York, respectively, could continue their voyages inland, without interruption, from the former to St. Mary's, in Georgia, from the latter to Lake Erie, and thence to New Orleans, would there remain a doubt of the advantages of such an inland navigation? Would there be found in the United States a single voice to oppose the purchase, if they were to be obtained for 10, or even $20,000,000? Yet such and greater advantages are clearly within our reach for $10,000,000, if that sum can be so applied as to insure the completion of the system of improvement by roads and canals to which the natural advantages of this country invite our attention. A steam navigation would be rendered practicable, not only between the distant points just mentioned, but in all our bays, lakes, and largest rivers—a navigation decidedly superior to that of sea vessels in all narrow channels, as may be inferred, not only from the nature of things, but from the important fact that, while yet in its infancy, it has in a great measure supplanted the long-established use of sea vessels in most of the bays and large rivers of the United States. A detail of the advantages of such a navigation to the United States as a community will not be attempted, because an enumeration and estimate of them is impracticable. A few of the most immediate and prominent effects of a well-digested system of improvement, calculated to insure them to our country, will be merely noticed, leaving every mind to imagine (for imagination can hardly exaggerate) their multiplicity and importance.

1st. No sooner will the National Government have fairly commenced the system, than a general confidence in its completion will be inspired. Its benefits will be felt, in anticipation, in the value of lands, in an increased activity, in the general prosperity, and, consequently, in the revenues of the United States. These, in an average of ten years, will have been increased beyond what they would have otherwise produced by an amount greater than that of the whole sum which will have been expended or employed in the requisite works.

2d. Its operation will tend to perpetuate the republic and the Union by an indissoluble community of interests, habits, and attachments; to give celerity of movement, and consequent efficiency, to the military force, as well as an easy exchange and distribution of the necessaries of life, whenever the country may be again visited by the calamities of war.

3d. In times of peace or war, it will give a due value to every production of land and labor, whether of agriculture, minerals, forests, fisheries, or mechanic arts; promote, by the certainty of reward, every well-directed branch of domestic industry, the diffusion of science and of morals, the happiness and comfort of the whole community, by the facility of personal and social as well as commercial intercourse.

4th. It cannot fail to add a new and magnified importance to our foreign as well as our domestic commerce, in making it acceptable to all the productions of the most interior parts of this great continent, which productions will continually increase with the population and progress of improvement.

5th, and finally. It would give a new and more elevated character to the nation, to the republic, in all its domestic concerns, in all its foreign relations, in the comfort, happiness, and prosperity of its citizens, in the permanence of its free institutions, and in the incalculable amount of its public resources.

The same principles and considerations which serve to direct the attention of the committee, in relation to internal navigation, to such routes as are of peculiar national importance, will also point out those roads which seem to require most immediately the attention of the Federal Government, exclusive of portage roads already noticed.

The routes which seem exclusively to claim public and general attention are—

1st. From Maine to Louisiana, in the general direction of the seacoast and main post road, and passing through all the principal seaports. The expense of a good road upon this route may vary according to the construction adopted.

2d. Another object, next, if not equal in importance, would be the improvement, on a less expensive scale, of certain portions of roads leading to the principal naval and military depots and posts, and other important points, in the interior and upon the extremes of the Union. The points contemplated are Sackett's Harbor, Erie, in Pennsylvania, Detroit, in the Michigan Territory, St. Louis, in the Missouri Territory, and New Orleans, in Louisiana.

It remains for the committee to recapitulate the objects of national importance comprised in this report, and to suggest such measures as the general object requires, in their opinion, on the part of the National Government.

The principal improvements requisite to afford the advantages of internal navigation and intercourse throughout the United States and its Territories, are—

1st. Canals through four necks of land from Boston harbor to St. Mary's river, making, altogether, ninety-eight miles, besides a short cut or improvement across Cape Fear, and, as a more distant object, a canal communication, if practicable, from the Altamaha and its waters to Mobile, and from thence to the Mississippi.

2d. A canal from the Hudson or North river to Lake Erie; another from that lake to a navigable branch of the Ohio; some improvement in the bed of said branch, and probably in that of parts of the Ohio river; and a lockage or other improvement at the falls of Louisville.

3d. Improvements, by lockage or otherwise, as the case may require, in each of the principal Atlantic and southern rivers, and in their respectively correspondent northern and western waters.

4th. Turnpike or other permanent roads: 1. Across the mountains or intervening lands, where canals are found impracticable, or not advantageous, between the principal Atlantic and southern rivers, and one or more of their respective branches, at the highest navigable points, and the nearest navigable points on the correspondent northern and western waters; 2. A great turnpike or permanent road from north to south, in the general direction of the seacoast and main post route; and, 3. Improvements, on a less expensive scale, from some convenient point on the main road in York State to the principal military and naval posts and stations on the northern frontier of that State; from some convenient point or points on the Ohio to the principal military and naval stations and posts upon the northern frontiers of Pennsylvania, Ohio, and Michigan Territory; from Detroit to St. Louis, and from thence to New Orleans.

The measures which appear indispensably requisite, in the first instance, are: 1st. A permanent provision for ascertaining with accuracy the particular route, points, and situations for the best location of the proposed improvements, by procuring draughts or plats, with explicit written descriptions and explanations, from actual surveys and levels, to be taken under the authority of the United States, or otherwise; 2d. To provide the necessary funds for an annual expenditure or application to such improvements, to such amount as may be found advantageous.

With respect to the particular mode in which a portion of the national resources might be most advantageously applied to such objects, that must necessarily vary according to the object and existing circumstances at the time of expenditure, and may be provided for by law from time to time. When any object is purely national, and an expenditure upon it required by the public interest, this would constitute a fit subject for the direct and exclusive application of moneys from the national funds. Such objects, however, are believed to be very rare; so interwoven are the common with the local interests, that the former can hardly be consulted anywhere in relation to internal intercourse without affecting the latter in degrees varying according to circumstances. The necessary existence of this principle seems naturally to recommend the combination of those interests in the same object, under such guards and limitations as may effectually secure the public. The most eligible means to produce this effect are believed to be the establishment of a suitable fund to be invested for accumulation until actually required for its object; and the subscription on account of the United States for portions of the stock of companies incorporated, or which may be incorporated, under State authorities, for constructing such roads and canals, or for effecting such improvements in navigable waters, as shall, upon inspection under the authority of the United States, be approved by the Congress, to be paid out of such fund.

This plan is believed preferable to any other which has occurred to the committee in the essential points of efficiency and economy; to be less liable to any constitutional doubts, objections, or practical difficulties, and at the same time retaining in the National Government a sufficient controlling influence in the selection of the objects of improvement, and over the direction, plan, and construction of the improvement proposed, and in fixing the rates of tolls and charges.

1st. It would be efficient in exciting, encouraging, and calling into activity individual and local enterprise.

2d. It would insure economy, by securing the vigilant guaranty of the same individual and local interest.

3d. Less liable to constitutional doubts, objections, or practical difficulties, because it would narrow the whole constitutional question to the single one on which no doubts are known to exist, simply whether the National Government may invest the public money in permanent stocks; and it removes all intricacy and difficulty on the subject of repairs, toll-gates, the collection of tolls, and punishing depredations on the works.

4th. A sufficient controlling influence will be retained in the condition proposed to be prescribed to the subscription, that the proposed undertaking shall first be approved by the Congress.

It may be further remarked, in favor of this mode, that it excludes every idea of erecting in the General Government any improper influence of patronage, which some might apprehend, from the direct application of a large sum of money.

The only desirable object which the mode proposed (of subscription for stock) does not seem to embrace in the fullest extent, is, that of an equalization of the advantages resulting from the application of the national resources to the proposed objects among the several States; but even this desirable object it would approximate more nearly than would a direct application by the National Government.

But if it be deemed necessary and practicable more perfectly to secure this object, a distinct and separate fund should be provided for the purpose, to be distributed among the States as justice may dictate, or according to representation, leaving the former to be employed in the mode proposed. For if the mode of distribution should be exclusively, or even chiefly, adopted, (and the money given over to the exclusive control and direction of State authorities,) it is evident that the national interests cannot be exclusively, or even chiefly, consulted; they would be abandoned so far as the subject of internal facilities of intercourse extends to the State Governments—a course which, if the objects in question be of national importance, and which it is believed few or none can doubt, would not be justified by the constitution of the United States.

With the foregoing remarks, and reserving for an additional report such further details as the materials which the committee possess and may be enabled to collect during the remainder of the session, the following resolution is submitted:

Resolved, That the President of the United States be requested to take measures for ascertaining as far as practicable, and report to this House at the next and every subsequent session of Congress, such roads, canals, and improvements in watercourses as are required in a general system of inland navigation and intercourse throughout the extent of the United States and the Territories thereof, best adapted to facilitate the intercourse necessary for personal, commercial, and military purposes.

14th Congress.] No. 428. [2d Session.

JUDGE OF THE SIXTH CIRCUIT PAID FOR EXTRA SERVICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 13, 1817.

Mr. Wilde, from the Committee on the Judiciary, who have been instructed to inquire into the expediency of allowing the judge of the sixth circuit court of the United States a sum equal to the salary of the judge of the district court of South Carolina for the term of one year, during which time the said circuit judge was compelled, by law, to perform the duties of the judge of said district court, reported:

That it is expedient to allow the judge of the sixth circuit court of the United States a sum equal to the salary of the judge of the district court of South Carolina for the term of one year, during which time the said circuit judge was compelled, by law, to perform the duties of the judge of said district court, and therefore submit the following resolution:

Resolved, That the sum of $1,800 be allowed to the judge of the sixth circuit court of the United States for extra services performed under the act passed 2d March, 1809, entitled "An act further to amend the judicial system of the United States," and that a clause appropriating that amount be inserted in the bill making appropriations for the present year.

Sir: Washington, *February* 12, 1817.

I do not know that ever I should have brought forward my claim against the United States had not a precedent been set at the last session, by which I consider the Government as having already acknowledged a compensation to be due to me. In such a state of things, it would be affectation not to come forward to receive it. I never had a doubt that I was justly entitled to compensation, but I was unwilling to press it (trifling as it was) during the times of financial embarrassment and war, and I confess I was in hopes that I should have been spared the necessity of bringing it forward in any shape myself.

The facts in my case are these: On the 4th July, 1808, Judge Bee was attacked with a disease which rendered him unable, from debility both of mind and body, to discharge the duties of his office. From that time to the March following the business accumulated in the district court, and, as you may well suppose, during the time of the restrictive system, it increased to a most inconvenient bulk, and subjected the Government in that quarter to great inconveniences. The subject was laid before the Executive, and brought before Congress, and I was honored with a consultation on the means to remedy the evil. I saw none but what resulted from vesting the circuit court and judge with the powers and jurisdiction of the district judge, and I pledged myself to acquiesce. I think I had reason to expect that, in the act passed on the occasion, compensation should be provided, or at least that it should have been suggested at some subsequent period. If my delicacy prevented me from pressing it at that time, I respectfully conceive that it ought not to prejudice me now.

In March, 1809, I returned from Washington, and immediately entered upon the business of the district, and from that time until I again left Charleston to attend the Supreme Court, I was constantly employed in discharging the duties of the district judge, except when absent on my own circuit, and I will undertake to say that there never was a year in which the duties were more arduous or important.

It will be perceived that there is a proviso in the act purporting that "the circuit judge shall not be obliged to hold special admiralty courts;" but, notwithstanding this exemption, I determined that giving a judicial power carries with it an obligation to exercise that power, and suffered no business of the district of any description to lie unattended to.

I have never petitioned for or solicited remuneration, as well for the reasons above stated, as from an unwillingness to pass through the ordeal of a public discussion of a right on which a doubt could be entertained. I now consider the question of right as settled in the case of Judge Van Ness, and the quantum only as open to discussion. On that point I have nothing to say. Congress will do that which comports with its own dignity and its opinion of my deserts, or what is due to the relation in which I stand to other public functionaries. I am particularly desirous that the question be disposed of at the present session, as I have set a precedent, upon which the discharge of a similar duty may at some time or other be pressed upon my associates. I am, therefore, bound to ascertain in their behalf whether in such case they are to be considered as entitling themselves to a remuneration from Congress, or must have duties without limitation heaped upon them without compensation.

With the greatest respect, sir, your very humble servant,

WILLIAM JOHNSON, Jun.

14th Congress.] No. 429. [2d Session.

ROADS AND CANALS.

COMMUNICATED TO THE SENATE, FEBRUARY 14, 1817.

Mr. Lacock, from the committee appointed on so much of the President's message as relates to roads and canals, reported, in part:

That, on the general utility and national importance of roads and canals, little remains to be added to the stock of information now in possession of the Senate, and to be found in the several reports made on that subject. The committee, however, would observe, in addition, that the present period appears to them peculiarly propitious and

strongly invites to the commencement and prosecution of such a system of public improvement. To the pleasing prospect of peace abroad, we enjoy mutual confidence and tranquillity at home; our resources are abundant; our public revenues ample; our citizens at all times evincing a willingness to make every sacrifice for the public good, and on whom perfect reliance may be placed, more especially when the contributions required must, when obtained and judiciously applied, promote their own interest, and add, in an eminent degree, to the wealth, comfort, and safety of the nation; and it appears to your committee that the experience dearly purchased in the late war should not be regarded with indifference. Much of the money expended in the necessary defence of the seaboard, as well as the lives of many valuable citizens, would have been saved to the nation had a good inland water communication been made on our Atlantic frontier. The transportation of our armies, with all the munitions of war, to the most vulnerable points, would have been facilitated, and the advantages of the enemy, arising from the celerity of his movements by water, greatly diminished. Moreover, the products of the west and south, consumed in the east and north, could have been transported secure from the common hazards of a sea voyage, and in defiance of blockading squadrons; and thus the inhabitants of the United States, dispersed over a vast territory, embracing various climates, suited to the production of all the necessaries and many of the luxuries of life, might, even in a state of war, rely with comfort and security on their own internal resources.

To these advantages, that refer themselves more especially to a state of war, must be added those, if possible, of a more imperative character, that will at all times arise to the nation from an improved state of her roads and inland navigation.

The people of these United States are spread over an extensive territory, and that dispersion of inhabitants is keeping full pace with the increase of population; and by a people thus dispersed, of different habits and pursuits, and in many instances with discordant views, is the national sovereignty exercised, and its fundamental powers directed; for, politically speaking, there is in the United States but one order or grade known—*that of the people;* and hence arises the imperious necessity in a Government thus constituted of tying together the whole community by the strongest ligatures. This your committee believe can be best effected by the construction of roads and canals: by these means commercial and social intercourse will be made easy; industry in all its branches encouraged, by the increased rewards bestowed on every exertion; the love of country will be awakened, and a laudable spirit of national pride substituted in place of sectional jealousies; a community of interest and feeling will produce mutual confidence and affection: thus, being one people, the nation can have but one object in view—the continuance and preservation of a Government founded in equity and justice, administered for the advantage of all, and calculated in the calm of peace to call forth talents and industry for the acquisition of property, and in war the surest guaranty for its security and protection.

With these general observations on the national importance of internal improvements, your committee will endeavor to lay before the Senate a general outline of such public works, embracing the United States generally, and consulting as far as practicable the interest of each section of the Union, and which they conceive, in a further improved state of our national industry, may be completed without embarrassment to the operations of the Treasury, or imposing additional burdens on the people.

On the subject of national roads. The first that presents itself, and of primary importance, is a turnpike from Maine to Louisiana, passing through the seat of the National Government and the principal cities and towns on this route; secondly, roads to connect the highest navigable points on the Atlantic rivers with such points on the corresponding streams that fall into the northern and western lakes, and the Mississippi river and its branches; and, lastly, such military or other roads as may serve to connect the scattered settlements in our States or Territories with the more compact population of the interior, and thereby secure the frontier settlements, in a great measure, from hostile annoyance, and enhance the value of the public lands by inducing a more dense population.

The other branch of this system of public improvements, and equal if not superior in importance, is the construction of canals and the improvement of the navigation of our rivers.

1. An inland or shore navigation from the harbor of Boston to the river St. Mary's, in Georgia. To connect these points, it is ascertained that not more than one hundred miles will need the aid of canals, and, from an estimate made by Mr. Gallatin, when Secretary of the Treasury, will incur an expense little exceeding $3,000,000—less, it is believed, than $200 per mile, taking the whole distance of this water communication.

2. A canal from the Hudson or North river to Lake Erie, and from that lake to some of the many navigable waters of the Ohio river which approach within a few miles of its margin, or intermix with its navigable waters.

3. The improvement of the navigation of the Ohio river, more particularly the falls at Louisville.

4. The improvement of the several Atlantic rivers, and the corresponding streams that empty into the Mississippi and Ohio rivers.

14th Congress.] No. 430. [2d Session.

NOTIFICATION OF THE PERSONS ELECTED TO THE OFFICES OF PRESIDENT AND VICE PRESIDENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 15, 1817.

Mr. Jackson, from the committee of the House of Representatives appointed, in pursuance of the joint resolution of the two Houses, "to ascertain and *report* a mode of *examining* the votes for President and Vice President of the United States, and of *notifying* the persons elected of their election," reported:

That, after the votes had been counted and the result declared, they sought an interview with the committee of the Senate, for the purpose of agreeing to some mode of "notifying the persons elected of their election," and were informed by them that the Senate had entered into a resolution upon the subject. To the remark of your committee, that, in their opinion, this course was irregular, the committee of the Senate answered that it was settled by precedent, and that, if the House of Representatives at any time had a claim to participate in this act, they

had surrendered it; they added, it was a source of regret to them that any misunderstanding should result from their proceeding, and they would recommend to the Senate a reconsideration of their vote, and communicate the result to your committee. Their chairman afterwards informed your committee that he had made such a motion, and that the Senate had refused to adopt it.

Your committee found, on investigation, and so informed the committee of the Senate, that, with a single exception in all cases where the President elect was not the President of the Senate at the time of his election, the House of Representatives had resolved either to send a committee to wait on the President and give him the notice, or that the notice should be given in such manner as the Senate should prescribe; that, in one case, where the election devolved on the House of Representatives, and the President of the Senate was chosen, they had appointed a committee to inform him of his election; and that, in the excepted case, it seemed to be the result of inattention to the duty prescribed by the joint resolution, and passed *sub silentio*.

It is not the purpose of your committee to censure as wanting in courtesy to the House of Representatives the proceedings of the Senate, which, regardless of the joint resolution originating with that body, has assumed the exclusive right of doing an act which they thereby admit should result from the concurrent order of the two Houses, and which is not by the constitution or laws expressly prescribed as the exclusive duty of either. They are actuated by other considerations, more important, founded in a reverence for principles which should never be violated. They are of opinion that, in regard to the momentous subject of the election of President and Vice President, forms should be respected, for substance is intimately connected with forms in all matters of legislation, on all subjects connected with the acts of Congress, and counting the votes for President and Vice President is by the constitution required to be an act of Congress, as the votes are to be opened "in the presence of the Senate and House of Representatives," and shall then be counted. This may at first seem to be a mere formality; but if it were so, why not let the Senate alone count these votes? why not permit the President of the Senate to open and count them in his chamber? The answer is, that the framers and ratifiers of the constitution have thought it wise to guard against any improper practices, by prescribing a more solemn mode—a mode which demands that the two Houses shall be assembled at the time and place of opening and counting the votes. They have also manifested a peculiar confidence in the House of Representatives, who alone are authorized to elect a President in all cases (and they may often occur) where no person has a majority of the whole number of votes given by the electors. As, however, the constitution and the laws are silent in regard to the legality of the electoral votes, neither House can properly claim the exclusive right of deciding who has a majority of them—in other words, what votes shall be counted. Nevertheless, the recent investigation of the votes shows the possibility—even the probability—of a contest upon this point, as it has been claimed by some to belong to the Senate to decide exclusively upon the admissibility of the votes, in consequence of the duty imposed upon the President of the Senate, by the constitution, of performing the manual labor of opening the certificates. If the Senate should at any time hereafter assert this claim, and decide contrary to the judgment of the House of Representatives, it will follow that the exclusive right, assumed by their resolution, of notifying the persons elected of their appointment, becomes a most important one.

In this Government (perhaps in all others) precedents to a certain degree settle principles; and your committee have seen that a single act, in violation of the authority from which it sprung, has been resorted to as a precedent for fixing this question. If the Senate had resolved that they would proceed to open and count the electoral votes on the day fixed by law, and that their President should notify the result to the persons elected, and had ordered that the House of Representatives should be informed of their resolution, and be required to attend them, the act would have been resisted by the House as a usurpation; and your committee cannot distinguish between such a proceeding and the exercise of all or any essential branch of these powers, after adopting a resolve by which the House of Representatives are to participate with them in their exercise. It is, therefore, to resist the authority of a single innovation resulting from accidental inattention, to re-establish the early and repeated precedents upon this subject, and to assert the just rights of the House of Representatives, that your committee have considered it to be their duty to submit their report, so that the House may take such order thereon as they shall think proper.

14th Congress.] No. 431. [2d Session.

CITY OF WASHINGTON: PROGRESS MADE IN REBUILDING THE PUBLIC EDIFICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 18, 1817.

Mr. Condict made the following report:

The Committee on the Public Buildings have been unable to obtain, until the 13th instant, an estimate of the expenses to be incurred in re-erecting the public edifices, which has necessarily delayed to so late a period of the session the report which they now present to the House.

Early in the session the committee addressed a letter to Colonel Lane, the commissioner, desiring him to furnish a statement of the progress made in repairing the buildings, the amount of moneys disbursed, with such other information on the subject as he might think important.

On the 3d January the committee addressed a second letter to the commissioner, requesting a statement exhibiting the number of laborers employed during the season, and the compensation given them; the names and number of persons employed either as clerks, superintendents, master workmen, or overseers, not actually employed at hand labor, with the wages allowed them; and, also, whether any difference is made in the price of a day's labor in different seasons.

On the 29th of January the committee requested to be furnished with a detailed estimate of the probable expenses to be incurred in completing the buildings, and what particular causes had retarded the progress of the south wing of the Capitol, and when it might probably be ready for the accommodation of Congress. This correspondence, including the answers of Colonel Lane, the commissioner, with the accounts of his disbursements, the reports made to him by the architects of the Capitol and President's house, their respective estimates, &c., are all included herein,

and submitted as a part of this report. Besides the *detailed* account of disbursements made to individuals for the various items of expenditure, there is submitted herewith a summary showing the amount expended for *materials*, for *labor*, and *incidental* expenses, each item separately, for the Capitol and for the President's house.

Another view of the expenditures is submitted, showing the amount disbursed by the three commissioners under the act of 1815, on each of the public buildings, viz: the Capitol, President's house, and the offices, as well as the sum expended by the present commissioner on each one of the same objects.

The committee have every reason to believe that the commissioner, Colonel Lane, has faithfully devoted his time and services to the discharge of his duties, and that the public moneys intrusted to his care have been applied as economically as circumstances would permit. In some instances a high price has been paid for materials, owing to the scanty supplies furnished by the markets of this place, and where the immediate want of the article did not allow time to seek it elsewhere.

The committee deem it their duty also to state that a considerable sum has been expended, and much time lost, in pulling down and rebuilding a part of the work done in 1815, from a change of the plan of the Senate chamber and the adjacent apartments. For particulars, they refer to the commissioner's letter of 15th February, 1815.

The estimate furnished by Mr. Hoban, architect of the President's house, is as much in detail as could be expected; but the one furnished by Mr. Latrobe is deficient in point of detail, and by no means satisfactory to the committee. They were informed, however, by the commissioner, that it was the only one he could obtain of that gentleman.

To enable the commissioner to proceed with the greatest despatch in completing the public buildings, the committee have thought it advisable that an additional appropriation be made for the service of the coming year, and therefore submit the following resolution for the consideration of the House:

Resolved, That it is expedient to appropriate the further sum of ——— dollars towards the completion of the public buildings.

SIR: CAPITOL, *November* 28, 1816.

Agreeably to your desire, I submit the following report upon the present state of the Capitol, and upon the progress which has been made in repairing and completing the building during the late season.

1. *The south wing of the Capitol.*

The south wing of the Capitol remains *internally* in the state in which it was left at the close of the year 1815, excepting in as far as the *suggestions of the committee of the House of Representatives to the person appointed to superintend the repairs of the Capitol* have been so far executed as to prepare the south windows of their hall for an access to a platform along the south front. *Externally*, all the injury which was done to the windows and doors by the fire has been repaired.

To account for the apparently neglected state of this part of the Capitol, it is necessary to enter into a detail of the circumstances which occasioned it. When Congress resolved to repair and rebuild the public buildings, the District was divested of all building materials. The hall of Representatives was so ruined that, although the columns and the vault they supported still stood, it was inevitably necessary to take them down, so as to clear the whole area of the principal story of the former work. On this occasion a plan was submitted to and approved by the President, by which the inconveniences experienced in the former House were endeavored to be obviated, and the areas both of the House and gallery considerably enlarged. To execute this plan, and to repair the public buildings generally, large supplies of freestone were necessary. The quarries, which are situated forty miles below the city on the Potomac, had been neglected for some years, and time and much labor were required to open them. Contracts were made by the proper officers for the freestone with several persons, proprietors of the old quarries, and new quarries were opened and engaged in the supply. But as yet no stone equal in quality, and as fit for the most important parts of the work as that formerly produced, has been found in any old or new quarry; and, as far as the work has proceeded, stone of coarser texture has unavoidably been employed, strength and durability being the only qualities which could be attended to.

For the columns, and for various other parts of the House of Representatives, no freestone that could be at all admitted has been discovered. Other resources were therefore sought after. A stone hitherto considered only as an incumbrance to agriculture, which exists in inexhaustible quantity at the foot of the most southeasterly range of our Atlantic mountains, (probably along the greatest part of their extent, but certainly from the Roanoke to the Schuylkill,) and which the present surveyor of the Capitol, and probably others, had many years ago discovered to be a very hard but beautiful marble—this was examined, and, after much labor and perseverance, has been proved to answer every expectation that was formed, not only of its beauty, but of its capacity to furnish columns of any length, and to be applicable to any purpose to which colored marble can be applied. The present commissioner of the public buildings has, therefore, entered into a contract for all the columns, and progress has been made in quarrying them. They may be procured each in a single block, should the transportation be found convenient. A block of one of the pilasters lies ready to be brought down to Washington, and will probably arrive in a few days. The quarries are situated in Loudoun county, Virginia, and Montgomery county, Maryland.

But not only for the columns, but for the entablature also, many very important blocks are still deficient, which must necessarily be of freestone. Those which have been procured have been wrought as fast as they arrived, or are now in hand. The whole number of blocks required is 296; on the spot and wrought, 106; on the spot, unwrought, 15; deficient, November 28, 1816, 175. Of the plain work in freestone, forming the front of the gallery and the south side of the hall, the whole is here wrought, and ready to be set.

It is evident, therefore, that it would have been imprudent and useless to take down the temporary roof which protects the committee rooms in the lower story. No time would have been gained, and a very considerable expense would have been incurred in replacing it at the close of the season.

2. *North wing of the Capitol.*

The north wing of the Capitol was left after the fire in a much more ruinous state than the south wing. The whole of the interior of the west side having been constructed of timber, and the old shingle roof still remaining over the greatest part of the wing, an intensity of heat was produced which burnt the walls most exposed to it, and, being driven by the wind into the Senate chamber, burnt the marble columns to lime, cracked every thing which was of freestone, and, finding vent through the windows and up the private stairs, damaged the exterior of the wing very materially. Great efforts were made to destroy the court room, which was built with uncommon solidity, by collecting into it, and setting fire to, the furniture of the adjacent rooms. By this means the columns

were cracked exceedingly; but it still stood, and the vault was uninjured. It was, however, very slenderly supported, and its condition dangerous. Of the Senate chamber no parts were injured but such as were of marble or freestone. The vault was entire, and required no repair whatever. The great staircase was much defaced, but might have been reinstated without being taken down.

In this state the north wing was found when the work on the Capitol was commenced in 1815. The plan of that wing was determined in 1807, and laid before Congress. The original document having escaped destruction, the work was begun in conformity thereto, and some progress made in the construction of the offices of the judiciary and of the library, when a very important and extensive improvement of the apartments of the Senate was suggested by that honorable body, and ordered by the President to be carried into execution.

In pursuance of this order, it was necessary to take down the vaults which had been constructed on the west side of the house, and to raise them to the level of the principal floor. This alteration was the only one which affected the work carried up in the year 1815. It was effected in the months of May and June. The ruinous state of the building further required that the dome of the centre vestibule, the colonnade, and all the vaulting of the court room, and the dome of the great stairs, with all the walls as far as they were injured, should be taken down. The enlargement of the Senate chamber required that the great dome of that apartment and its semicircular wall be entirely removed, and that the arches and walls of the two committee rooms, and the lobby adjoining the chamber, should also be demolished. All this was promptly accomplished, and the new apartments carried up with all the speed which was consistent with solidity; so that all the committee rooms on the floor of the Senate are completely constructed and vaulted, and the wall of the Senate chamber itself has advanced to the height of ten feet from the floor.

The new vault of the court room, much more extensive than the former, is also completed. All the new work is so constructed as in no part whatever to bear on the old walls, but to serve as a support to them; and the whole is so bound and connected together as to render the building much more strong and durable that it was before the conflagration.

Having now complied with your request to "report to you on the present state of the Capitol," I will further remark, that in the newly discovered marble of the Potomac there is an inexhaustible resource of the most beautiful building material, in a situation easily accessible by water, from whence it may be transported to the very foot of Capitol hill; and that for our future operations the extended work on the freestone quarries will not probably fail to afford the supplies which have hitherto been wanting.

In complying with your request *to report on the work done during the present year, including the pulling down as well as building up*, I have confined myself to the transactions of the season; but I will add, that there is still to be made a very considerable change in the south part of the north wing, in order to complete the design suggested by the Senate. For these alterations a considerable quantity of materials is provided, and other preparations made.

I am, very respectfully,

B. HENRY LATROBE,
Surveyor of the Capitol of the United States.

The COMMISSIONER *of Public Buildings, United States.*

SIR: CAPITOL, *December* 3, 1816.

I now beg leave to comply with that part of your letter of the 25th of November which requires *an estimate of the principal materials required to complete the repairs of the Capitol, and a notice of the materials on hand.*

FREESTONE.

	Tons.
1. For the hall of Representatives we shall require 175 blocks of the first quality of stone, making	205
2. For the vestibules and interior of the north wing, for which I have been able to make designs in minute detail, so as to determine accurately the dimensions of each stone,	225
3. For the exterior of both wings, minutely drawn and determined,	270
4. For those parts of both wings for which the drawings in detail are not made out, but which are generally fixed, (estimated)	300
	1,000

		Tons.
Of freestone, we have received since the commencement of the work,		1,052
Of which quantity there are set in the building,	462	
Wrought, and ready to be set,	410	
Unwrought, or in hand,	180	
		1,052

MARBLE.

	Tons.
A contract for all the marble columns and pilasters of the House of Representatives being in a course of execution, this item may be considered as provided for. It consists of 22 columns, of 11 tons each,	242
Four pilasters, of 6 tons each,	24
	266

For the Senate chamber and vestibule are required 12 columns and 18 pilasters, for which arrangements are in progress.

For the entablatures of the colonnade of the Senate chamber no present provision is made, but it is ascertained that no difficulty will occur in procuring them. They will require, as nearly as can be estimated from the general drawings, 750 cubic feet of marble.

The freestone used hitherto for the staircase of the Capitol being found by experience to be too soft to be sufficiently durable, the new staircase of the Senate will require 240 cubic feet of marble steps and platforms. The marble paving of the public vestibules of both wings amounts to 4,200 feet. Experience has proved that bricks

being unequally hard, in a short time give a bad pavement; and it is believed that marble pavement of Italian or even American marble can be procured and laid at as small expense as a pavement of freestone. A considerable quantity of common Italian paving tile of marble is on hand, say 1,000 superficial feet.

The marble capitals of the columns of both wings are, it is believed, finished, and will arrive in the first public vessel from the Mediterranean. The marble blocks for the sculptors from Italy have been ordered six months ago.

QUARRY STONE.

The detailed drawings not being complete, an exact account of the quantity required cannot be given, but it will not exceed 500 perches.

BRICKS.

The quantity contracted for during the past season not being delivered, there is a deficiency of - - - - - -	200,000
To complete the brick work of both wings, there will be required another supply of -	800,000
	1,000,000

I will remark that I have estimated both the bricks and the quarry stone largely, on account of the uncertainty of the extent of some of those parts of the work which require to be executed in these materials.

Bricks moulded in a particular form for arches, &c. - - -	50,000
Lime, - - - - - - -	250 barrels.

LUMBER.

The supply of lumber on hand, and still due on contracts, is so large that no further supply appears to be required.

Of the materials received and on hand, other than freestone, the following is a correct account:

	On hand May 1, 1816.	Received since May 1, 1816.	Expended since May 1, 1816.	On hand Dec. 1, 1816.	Denominations.
1 inch white pine panel plank, -	25,000	78,036	20,000	83,000	Feet.
1½ inch white pine panel plank, -	-	15,123	-	15,123	Do.
2 inch pine panel plank, red, -	-	68,424	500	67,924	Do.
1 inch common panel plank, -	-	6,660	4,000	2,660	Do.
2 inch common panel plank, -	-	2,760	760	2,000	Do.
1 inch common yellow pine, -	-	216,580	62,000	154,580	Do.
2 inch common yellow pine, -	400	20,000	10,400	10,000	Do.
Scantling, - - -	-	7,654	7,054	600	Do.
Yellow pine timber, - -	-	1,200	300	900	Cubic feet.
Mahogany, - - -	8,000	-	500	7,500	Do.
Scaffold poles, - - -	-	200	200	-	No.
Bricks, - - - -	30,000	536,332	520,082	46,250	Do.
Bricks taken down and cleaned, -	-	350,000	300,000	50,000	Do.
Quarry stone, - - -	340	48	18	370	Perches.
Lime, - - - -	700	1,475	1,500	675	Barrels.
Sand, - - - -	-	2,363	2,363	-	Do.
Plaster of Paris, - - -	-	12½	2	10½	Tons.
Bar iron, - - -	-	42c. 1qr. 37lbs.	17c. 2qr. 15lbs.	24c. 3qr. 22lbs.	
Cordage, - - -	-	2,752	2,500	252	Pounds.

B. HENRY LATROBE, *Surveyor of the U. S. Capitol.*

To the COMMISSIONER *of Public Buildings.*

Report of James Hoban, superintendent of the President's house, of the state of that building, and of its progress during the current year.

OF THE CARPENTER'S DEPARTMENT.

The roof has been framed and raised on the building, and the gutter carriages all around the building have been laid. The internal gutters are nearly completed. The body range of the roof has been covered with shingles until the balustrade is finished and the chimneys are carried up, after which it will be covered with copper.

The trussed partitions and the trussed girders, with the binding joists throughout the building, are all framed and raised, and all the thorough joists of the building are in place, and the ceiling joists are put up in part.

The trimmings of all the doorways of the house, as jambs and soffets, are all framed and panelled, and the doors of the principal story are framed; the ornamental parts of the panels are in progression—all mahogany.

The framing of the doors of the chamber story and panelling are in a state of forwardness, and will progress through the winter; they are all of mahogany. The trimmings of all the windows of the house are framed and panelled, as linings, shutters, backs, elbows, and soffets. All the window frames of the house are finished and primed, and all the sashes of the principal and chamber stories are of mahogany, finished and ready for glazing. The sashes of the basement story are also finished and ready for glazing. The ornamental decorations of the doors and windows of the interior of the building are in a state of progression.

OF THE CUT STONE AND BRICK-WORK.

All that part of the stone and brick-work of the north front of the President's house, to the west of the centre of the building, has been taken down to the level of the floor of the principal story; and all that part of the north front, to the east of the centre of the building, has been taken down to the level of the floor of the chamber story; the whole of the walls have been rebuilt, and the entablature of that front has been finished.

At the west end of the building, the centre part has been taken down from the circular window in the chamber story, to the floor of the basement story, the whole of which has been rebuilt, including the Venetian doorway and the Venetian window, with one Ionic capital for the angle pilaster cut and set, as also the entablature of the north-west angle of the building.

All that part of the east end of the building south of the centre has been taken down to the level of the floor of the principal story; the centre part, including the Venetian doorway, Venetian window, and circular window, has been taken down to the level of the basement floor, the whole of which has been rebuilt, including seven Ionic pilaster capitals, which have been cut and set, as are also the architrave and frieze, and the dentil bed of the cornice.

All the parts of the windows of the basement story that were found to be any way defective in point of durability have been cut out, the whole of which have been rebuilt, and are now finished.

The brick arching of the kitchen and cellar, which had progressed, but had been suspended until the building was covered in, will be carried on as the season may permit. The interior walls have been repaired as far as the scaffolding extended. The injury they received did not materially affect the stability of the building.

Of the materials on hand.

24,000 feet 5-4 yellow pine plank.
10,000 feet 4-4 yellow pine plank.
10,000 feet 4-4 Susquehannah clear pine plank.
2,000 feet mahogany.
20,000 feet yellow heart pine, in stocks.
10,000 feet 5-4 flooring plank.
85 kegs of white lead, 25 lbs. each.
250 barrels of lime.
50 barrels of sand.
327 tons of freestone.
10 tons of plaster of Paris.

Copper for gutters and inclined planes; all the nails, brads, and sprigs; Boston glass for glazing the sashes. All the ironmongery is ordered, and copper for the body of the roof.

All which is respectfully submitted by, sir, your obedient servant,

DECEMBER 3, 1816. JAMES HOBAN.

SAMUEL LANE, Esq.,
Commissioner of Public Buildings, Washington City.

SIR: WASHINGTON, *December* 12, 1816.

Should it be directed to proceed with the work of the President's house with a view to the accommodation of the President of the United States in that building by October next, I would suggest that the following portion of it, comprising the centre and west end, should be carried on, and which part I think might, with considerable exertion, be got ready, viz:

All the basement story.

Of the principal story—

	Feet.
The elliptic saloon,	30 by 40
The hall or vestibule,	45 by 48
Two rooms,	22 by 28
Two rooms, dining and drawing,	28 by 38
One room,	14 by 18

Exclusive of staircase, passage, &c., which will be ready.

Of the chamber story—

The elliptic drawing room,	30 by 40
Two chambers,	22 by 28
Two chambers,	25 by 28
Two chambers,	18 by 28
Two dressing rooms,	13 by 28

Exclusive of the passages and staircases.

All which is respectfully submitted by, sir, your obedient servant,

JAMES HOBAN.

N. B. The principal staircase was put up after Mr. Jefferson came to the President's house, and much of the carpenter's work and painting were to be done to the hall and rooms.

SAMUEL LANE, Esq.,
Commissioner of Public Buildings, Washington City.

Abstract of disbursements made by Samuel Lane, Commissioner of Public Buildings, between the 30th of April and 1st of October, 1816, on account of the Capitol of the United States.

Date.	Vou.	To whom paid.	On what account.	Quantity of materials.	Amount.
1816.					
May 2	1	Thomas McIntosh,	Labor, carving capitals,		$104 00
13	2	George Henderson,	Labor, carving capitals,		36 00
15	3	Thomas Howard,	Labor, overseer,		75 00
16	4	John Carnes,	Incidental,		51 75
16	5	Samuel Stephens,	Incidental,		15 50
16	6	Wharton & Grindage,	Incidental,		3 00
22	7	John Chalmers, jun.	Cordage,	955 lbs.	168 51
22	8	Peter Morte,	Lime,	1 bbl.	3 75
31	9	Theodorick Lee,	Lime,	300 bbls.	1,050 00
31	10	B. Henry Latrobe	Labor, 1 month's pay,		208 33

ABSTRACT—Continued.

Date.	Vou.	To whom paid.	On what account.	Quantity of materials.	Amount.
1816.					
June 1	11	John Carnes,	Incidental,		$33 00
1	12	Benjamin G. Thornton,	Plank,	23,564 feet,	942 56
5	13	John Moore,	Bricks,	39,000	331 50
5	14	John Moore,	Bricks,	14,000	119 00
6	15	Thomas McIntosh,	Labor, carving,		72 00
6	16	Wallers & Dent,	Freestone,	32 tons,	365 31
7	17	Ambrose White,	Labor,		60 00
7	18	Lewis Knott,	Labor,		18 00
7	19	William Ratcliffe,	Incidental,		48 00
7	20	Joseph Ratcliffe,	Scaffold poles,	8,732 feet,	436 60
7	21	William Ratcliffe,	Incidental,		27 84
7	22	John Carnes,	Incidental,		33 73
7	23	Theodorick Lee,	Lime,	174 bbls.	609 00
8	24	Manton King,	Incidental,		2 45
8	25	Thomas King,	Incidental,		5 95
8	26	John Luxen,	Incidental,		5 17
8	27	Thomas Howard,	Incidental,		1 12½
8	28	George Henderson,	Labor,		37 50
8	29	Benjamin G. Thornton,	Plank,	14,000 feet,	560 00
8	30	Benjamin G. Thornton,	Plank,	11,219 feet,	448 76
8	31	Benjamin G. Thornton,	Plank,	22,298 feet,	891 92
11	32	Joseph Hardy,	Incidental,		3 93
11	33	Carpenters, bricklayers, & laborers' pay-roll,			1,806 02
11	34	Shadrach Davis,	Labor as clerk,		108 00
11	35	Patrick Farrell,	Labor,		30 00
11	36	Leonard Harbaugh,	Labor,		67 50
11	37	Thomas Howard,	Incidental,		57 37½
12	38	Jacob Strickler,	Plank,	120,748 feet,	4,864 72
18	39	Edrington & Stone,	Freestone,	57 8-15 tons,	442 60
18	40	Jacob Strickler,	Plank,	47,495 feet,	1,855 02
19	41	Samuel N. Smallwood,	Plank,	9,645 feet,	487 01
20	42	Benjamin G. Thornton,	Plank,	65,824 feet,	2,632 96
21	43	Daniel Lovet,	Labor,		12 25
24	44	George St. Clare,	Sand,	304 bbls.	76 00
25	45	Richard Parrott,	Cordage,	1,627 lbs.	276 59
25	46	Cossom Horton,	Freestone,	107¾ tons,	1,143 01
25	47	Stone-cutters and setters' pay-roll,			1,957 40
25	48	James Martin,	Smith work,		330 91
25	49	Richard Forrest,	Marble tile,	972	254 50
26	50	Charles W. Goldsborough,	Bricks,	21,332	181 32
26	51	Thomas Stephens,	Labor,		2 51
26	52	Benjamin G. Thornton,	Plank,	15,723 feet,	628 92
29	53	John Carnes,	Hauling plank,		93 33
29	54	Theodorick Lee,	Lime,	109 bbls.	381 50
July 2	55	Joseph Ratcliffe,	Scaffold poles,	3,360 feet,	168 00
2	56	Magrath & Taylor,	Hauling stone,		353 85
2	57	Edward Fallan,	Plaster of Paris,	20 bushels,	19 67
3	58	William Ratcliffe,	Hauling plank,		132 72
3	59	John Wheat,	Hauling plank,		71 00
3	60	John Byrnes,	Labor,		24 15
3	61	Shadrach Davis,	Labor,		148 71
5	62	Thomas McIntosh,	Labor,		57 00
5	63	B. Henry Latrobe,	Labor, 1 month's pay,		208 33
6	64	Giuseppe Valaperta,	Labor, 1 quarter's pay,		375 00
6	65	Cooke & Brent,	Freestone,	7⅔ tons,	74 76
6	66	Cooke & Brent,	Freestone,	146 7-15 tons,	1,331 80
8	67	Carpenters, bricklayers, & laborers' pay-roll,			2,351 95
8	68	Stone-cutters and setters' pay-roll,			1,464 31
8	69	Prince Williams,	Labor,		5 25
9	70	Joseph Brumley,	Carpenters' tools,		48 24
9	71	Benjamin Burrows,	Labor,		3 37
11	72	John Moore,	Bricks,	8,500	74 37
13	73	Theodorick Lee,	Lime,	169 bbls.	643 89
16	74	Nicholas L. Queen,	Bricks,	62,000	527 00
18	75	Queen & Moore,	Scantling,	2,014 feet,	65 46
18	76	Edward Fallan,	Labor,		16 50
26	77	James Martin,	Smith work,		145 12
26	78	Wallers & Dent,	Freestone,	72 8-15 tons,	804 33
26	79	Ingle, Sweeny, & Lindsley,	Ironmongery,		446 06
August 1	80	B. Henry Latrobe,	Labor, 1 month's pay,		208 33
2	81	William Ratcliffe,	Hauling lime,		11 90
3	82	George St. Clare,	Sand,	414 bbls.	103 50
3	83	Peter Lee,	Incidental,		30 00
3	84	Stone-cutters and setters' pay-roll,			1,611 20½
5	85	Richard Parrott,	Cordage,	170 lbs.	30 90
6	86	Benjamin G. Thornton,	Plank,	23,610 feet,	944 40
6	87	Nicholas L. Queen,	Bricks,	88,500	752 25
8	88	Cossom Horton,	Freestone,	101 1-5 tons,	1,082 74½
8	89	Cossom Horton,	Freestone,	72 6-15 tons,	685 04
8	90	Peter Campbell,	Labor,		10 68½
9	91	Prince Williams,	Labor,		2 00
9	92	Wilks Doret,	Labor,		2 00
9	93	John Plummer,	Plaster of Paris,	12 bushels,	11 45½
9	94	James Byrne,	Labor, sawing,		83 06

ABSTRACT—Continued.

Date.	Vou.	To whom paid.	On what account.	Quantity of materials.	Amount.
1816.					
August 10	95	Theodorick Lee,	Lime,	673 bbls.	$2,395 88
12	96	Carpenters, bricklayers, & laborers' pay-roll,			2,498 87
12	97	John C. Edrington,	Freestone,	50 6-15 tons,	551 16½
13	98	John Brunel,	Freestone,	3 7-15 tons,	41 60
15	99	Charles W. Goldsborough,	Bricks,	68,000	578 00
16	100	John Wheat,	Hauling lime, &c.		95 85½
19	101	Charles W. Goldsborough,	Bricks,	24,750	210 37½
23	102	Thomas Tingey,	Block,		29 25
24	103	James Martin,	Smith work,		237 09
27	104	James Byrne,	Sawing,		18 93½
Sept. 2	105	B. Henry Latrobe,	One month's salary,		208 33
3	106	Thomas McIntosh,	Labor,		224 00
4	107	Nicholas L. Queen,	Bricks,	42,260	359 21
4	108	Thomas Hurdle,	Labor,		20 21
5	109	Stone-cutters and setters' pay-roll,			1,525 10
5	110	Prince Williams,	Labor,		4 00
6	111	Carpenters, bricklayers, & laborers' pay-roll,			2,466 30½
7	112	H. & J. Gassaway,	Bar iron,	12 c. 1 qr. 3 lbs.	85 88
7	113	Charles W. Goldsborough,	Bricks,	30,750	261 37½
7	114	James Hewitt,	Freestone,		136 33
11	115	Edward W. Clarke,	White lead,	2 kegs,	12 00
11	116	William Fowler,	Labor,		2 00
11	117	William Cooper,	Stationary,		30 25
12	118	Cossom Horton,	Freestone,	76 4-15 tons,	807 26
23	119	Nicholas L. Queen,	Bricks,	50,816	432 86
26	120	James Martin,	Smith work,		133 61½
26	121	David Ott,	Oil and paints,		15 62½
26	122	George St. Clare,	Sand,	639 barrels,	159 75
27	123	Ingle, Sweeny, & Lindsley,	Nails and brads,		77 63
27	124	Richard Charles,	Labor,		59 09½
30	125	John Plummer,	Plaster of Paris,	12 tons,	230 87½
				Dollars,	53,551 13

Abstract of disbursements made by Samuel Lane, Commissioner of Public Buildings, between the 30th of April and 1st of October, 1816, on account of the President's house.

Date.	Vou.	To whom paid.	On what account.	Quantity of materials.	Amount.
1816.					
May 17	1	Wharton & Grindage,	Whipsaws and files,		$16 50
20	2	William Smith,	Smith work,		61 25
23	3	Nicholas Clopper,	Lime,	20 barrels,	36 00
23	4	James Tongue,	Plank,	31,709 feet,	943 67
31	5	Theodorick Lee,	Lime,	194 barrels,	679 00
31	6	Cossom Horton,	Freestone,	116 tons,	1,263 07
June 5	7	John Chalmers, jun.	Cordage,	243 pounds,	50 11
7	8	Vincent Holmes,	Freestone,	16 2/15 tons,	97 00
7	9	Nicholas Callan,	Incidental,		6 01
8	10	John Carnes,	Hauling lumber,		11 00
8	11	Joseph Johnson,	Repr'g wheel-bar'ws, &c		6 50
8	12	Benjamin G. Thornton,	Plank,	15,813 feet,	632 50
8	13	Benjamin G. Thornton,	Plank,	1,093 feet,	43 72
8	14	Carpenters and sawyers' pay roll,			904 93¾
8	15	Stonecutters and setters' pay-roll,			1,105 21¾
10	16	Bricklayers and laborers' pay-roll,			690 09½
14	17	William H. Nicholls,	Freight,		17 51
14	18	Andrew Brown,	Hauling lime,		6 00
14	19	Samuel Brown,	Sand,	177 barrels,	26 55
14	20	Benjamin G. Orr,	Lime,	100 barrels,	372 00
15	21	John H. Suttle,	Freestone,	39 7/15 tons,	434 14
17	22	Rufus Elliott,	Sand,	88 barrels,	16 50
18	23	William Smith,	Smith work,		97 72
18	24	James J. Wigfield,	Sand,	62 barrels,	15 50
18	25	Edrington & Stone,	Freestone,	41 4/15 tons,	289 58
19	26	Samuel N. Smallwood,	Lime,	30 barrels,	112 50
19	27	John Chalmers,	Cordage,	356¾ pounds,	61 64
21	28	Charles J. Love,	Bricks,	16,333	138 83
24	29	Richard Parrott,	Cordage,	132 pounds,	46 20
24	30	Cossom Horton,	Freestone,	43 4/15 tons,	465 73
25	31	James Hoban,	One quarter's salary,		400 00
25	32	King & Langley,	Plank,	698 feet,	60 40
26	33	Benjamin G. Thornton,	Pine logs,	51,746 feet,	2,069 60
29	34	John Carnes,	Hauling timber,		5 53
29	35	Thedorick Lee,	Lime,	150 barrels,	525 00
July 2	36	Magrath & Taylor,	Hauling stone,		279 84
3	37	William Ratcliffe,	Wharfage,		11 64
5	38	Peter Lenox,	Hauling lime,		38 80
6	39	Cooke & Brent,	Freestone,	21½ tons,	178 10
6	40	James Tongue,	Scantling,	12,252 feet,	367 56

ABSTRACT—Continued.

Date.	Vou.	To whom paid.	On what account.	Quantity of materials.	Amount.
1816.					
July 6	41	James Tongue,	Scantling,	6,024 feet,	$178 56
6	42	Cooke & Brent,	Freestone,	$66\frac{6}{15}$ tons,	585 80
6	43	John McComb,	Mahogany and veneers,	-	581 40
8	44	Carpenters and sawyers' pay-roll,	-	-	1,007 74
8	45	Stone-cutters and setters' pay-roll,	-	-	1,487 10
8	46	Bricklayers and laborers' pay-roll,	-	-	993 38
11	47	Nathaniel Plant,	Sand,	$342\frac{1}{2}$ barrels,	54 72
11	48	Thomas Magrath,	Hauling lumber,	-	134 20
13	49	Theodorick Lee,	Lime,	50 barrels,	190 50
17	50	Samuel Stuart,	Hauling lumber,	-	17 00
24	51	John H. Suttle,	Freestone,	$39\frac{7}{15}$ tons,	434 13
26	52	Ingle, Sweeny, & Lindsley,	Ironmongery, &c.	-	60 43
29	53	Charles W. Goldsborough,	Bricks,	36,677	323 34
30	54	Thomas Williams,	Smith's work,	-	79 56
30	55	John Carnes,	Hauling lumber,	-	26 45
31	56	Charles J. Love,	Bricks,	28,566	246 48
August 5	57	Richard Parrott,	Cordage,	28 pounds,	9 80
5	58	Thomas Ticer,	Hauling lime,	-	2 80
6	59	Carpenters and sawyers' pay-roll,	-	-	1,201 29
6	60	Stone-cutters and setters' pay-roll,	-	-	1,319 24
7	61	William Smith,	Smith's work,	-	374 $98\frac{1}{2}$
7	62	Joseph Bromley,	Planes, &c.	-	34 25
12	63	John C. Edrington,	Freestone,	22 tons,	240 $43\frac{1}{2}$
13	64	John Bramel,	Freestone,	$33\frac{1}{3}$ tons,	288 53
13	65	Bricklayers and laborers' pay-roll,	-	-	1,078 56
13	66	William Lamb,	Freestone,	$15\frac{11}{15}$ tons,	94 40
13	67	Nicholas Callan,	Labor,	-	846 00
8	68	Cossom Horton,	Freestone,	$100\frac{7}{15}$ tons,	1,079 47
16	69	Thomas Magrath,	Keeping guard,	-	133 $33\frac{1}{3}$
23	70	Thomas Tingey,	Blocks,	-	38 68
23	71	Richard Parrott,	Cordage,	613 pounds,	114 21
Sept. 4	72	George Henderson,	Labor,	-	45 00
5	73	Richard Parrott,	Cordage,	773 pounds,	131 41
6	74	Carpenters and sawyers' pay-roll,	-	-	1,146 47
6	75	Stone-cutters and setters' pay-roll,	-	-	1,607 11
6	76	Bricklayers and laborers' pay-roll,	-	-	1,287 94
7	77	James Hewitt,	Freestone,	$16\frac{2}{3}$ tons,	83 33
11	78	William Cooper,	Stationary,	-	7 50
12	79	Cossom Horton,	Freestone,	$86\frac{9}{15}$ tons,	928 42
13	80	Olaves P. Gram,	Carving stone,	-	71 25
17	81	David Ott,	White lead,	100 kegs,	450 00
18	82	Charles King,	Scantling,	1,251 feet,	75 06
19	83	Thomas Williams,	Smith's work,	-	247 71
25	84	Charles W. Goldsborough,	Bricks,	24,433	207 68
25	85	James Tongue,	Plank and scantling,	-	705 66
26	86	David Ott,	Paints and oil,	-	207 $37\frac{1}{2}$
27	87	Ingle, Sweeny, & Lindsley,	Nails, brads, and sprigs,	-	1,190 00
27	88	George M. Cook & Co.	Scaffold poles,	70	140 00
28	89	James Hoban,	One quarter's salary,	-	400 00
					34,772 $13\frac{1}{2}$

Abstract of disbursements made by Samuel Lane, Commissioner of Public Buildings, between the 30th of April and 1st of October, 1816, on account of the Treasury Office.

Date.	Vou.	To whom paid.	On what account.	Quantity of materials.	Amount.
1816.					
May 16	1	John Leach,	Buckets,	10	$27 50
June 5	2	Edward Fallan,	Labor,	-	90 50
5	3	John Moore,	Bricks,	10,000	80 00
7	4	A. Clarke,	Labor,	-	67 55
13	5	Henry Ault,	Copper, gutters, &c.	-	61 15
21	6	Charles J. Love,	Bricks,	5,666	48 17
25	7	Henry Smith,	Labor and materials,	-	571 20
29	8	Robert Brown,	Labor,	-	105 87
					$1,051 94

Abstract of disbursements made by Samuel Lane, Commissioner of Public Buildings, between the 30th of April and 1st of October, 1816, on account of contingent expenses.

Date.	Vou.	To whom paid.	On what account.	Amount.
1816.				
May 15	1	Henry Hillman,	Moving his family from New York,	$154 00
21	2	Gales & Seaton,	Advertising for late commissioners,	33 00
21	3	B. Henry Latrobe,	Expenses exploring marble quarries,	161 71
27	4	A. Thornton,	One month's salary as messenger,	41 66
June 11	5	Jonathan Elliot,	Printing blank forms,	5 80
July 17	6	Thomas Munroe,	One quarter's postage to 1st instant,	9 39
18	7	Gales & Seaton,	Advertising for materials,	14 75
August 1	8	A. Thornton,	Two months and six days' salary as messenger, &c.	94 46
1	9	Joseph Elgar,	Expenses to Alexandria to purchase iron,	3 50
5	10	R. C. Weightman,	Stationary, &c.	36 12½
13	11	Bailey Washington,	Three months and eighteen days' salary as clerk,	270 00
14	12	John Carnes,	Hack hire to marble quarries,	16 00
20	13	Bailey Washington,	Additional compensation as clerk,	67 76
30	14	John C. Shindle,	Watering-pot for office,	75
Sept. 26	15	Prince Williams,	Expenses purchasing plaster of Paris,	4 50
2	16	Joseph Elgar,	Three months and seven days' salary as clerk,	269 23
28	17	James Hoban,	Expenses purchasing copper,	18 50
				$1,203 53½

RECAPITULATION.

Disbursements on account of the Capitol of the United States,	53,551 13
Disbursements on account of the President's House,	34,772 13½
Disbursements on account of the Treasury Office,	1,051 94
Disbursements on account of contingent expenses,	1,203 53½
Total amount,	$90,578 74

Errors excepted.

WASHINGTON, *December* 12, 1816.

SAMUEL LANE, *Commissioner of Public Buildings.*

NOTES.—Of the above disbursements, the sum of forty thousand five hundred and sixty-six dollars fifty cents was paid for materials delivered under contracts made with the former commissioners, fixing the quantity and price beyond my control; and, in general, the salaries of architects, superintendents, &c., were determined prior to my entering upon the duties of commissioner.

The vouchers numbered as above have been deposited by me in the office of the Auditor of the Treasury.

S. LANE.

SIR: WASHINGTON, *January* 4, 1817.

I have had the honor of receiving your letter of the 3d instant, requiring a statement exhibiting the following particulars, viz:

"1. The number of hands employed during the past season, &c., and the compensation given them."

I beg leave to refer to the papers marked A and B, as containing the information here required; they being reports (one from each building) such as I have caused to be made every other day through the season. The number of hands, however, varies almost daily. Perhaps the reports here referred to may exhibit about the average number. [The statements A and B are not to be found.]

"2. The names and number of persons employed, either as clerks, superintendents, master workmen, or overseers, not actually engaged at hard labor, and the compensation allowed them."

To provide checks against abuses in the disbursement of public money, either on account of labor or materials furnished, and to insure the faithful execution of every branch of the work, as well as to embrace the professional skill and talents requisite for conducting a great national work, it was an arrangement made at the commencement of the public buildings here, and experience has fully established its utility, to appoint subordinate agents in each department, who, though not required to perform manual labor, have more important and more arduous duties to discharge. The following list comprises the persons of this description, viz:

AT THE CAPITOL.

	Compensation.
B. Henry Latrobe, architect,	$2,500 00 per annum.
Shadrach Davis, clerk of the works,	4 00 per day.
Henry Hillman, foreman of the stone-cutters,	3 75 do.
*John Queen, foreman of the bricklayers,	3 00 do.
Leonard Harbaugh, foreman of the carpenters,	2 50 do.
Thomas Howard, overseer,	2 12½ do.

AT THE PRESIDENT'S HOUSE.

James Hoban, architect,	1,600 00 per annum.
Peter Lenox, clerk of the works,	4 00 per day.
Robert Brown, foreman of the stone-cutters,	3 75 do.
Nicholas Callan, overseer,	2 00 do.
George Blagden, inspector of stone and superintendent of the stone-cutters and setters at both buildings,	1,500 00 per annum.

"3. Whether any, and what, difference is made between a day's labor in the summer and winter seasons; or whether the hands are paid in proportion to the quantum of labor performed."

* When the bricklayers are discharged, the compensation of their foreman stops, of course.

It is attempted to apportion the compensation, as far as is practicable, to the services rendered. Thus, among workmen of the same class, different rates of pay are established, according to their different degrees of merit. Thus, too, the wages of the same person vary with the seasons of the year. During the winter months the bricklayers, and about three-fourths of the laborers, are discharged. The stone-cutters and carpenters working in shops, with the laborers requisite to attend them, are retained. In graduating the wages of these to the different lengths of the day, it is found necessary to pay some attention to the custom and usages at other buildings. Thus, while from the stone-cutters during the winter season fifty cents per day, or one-fifth of their pay, is deducted, from the carpenters the proportion is only about one-thirteenth, or thirteen cents per day. Of the latter none are now retained but of the best kind, selected after a long trial of their merit; and to drive away these by a greater reduction of wages would be a serious injury to the public works, and one not easily repaired. Besides, it is a fact that those persons (as well as most of the others employed on the public buildings) have been retained through the summer at lower wages than were generally given for the same services by individuals, and that the carpenters were induced to stay only by an expectation of permanent employment through the winter. The wages of the laborers on the winter establishment are reduced from one dollar to eighty-seven and a half cents per day.

With great respect, I have the honor to be, sir, your obedient servant,

SAMUEL LANE, *Commissioner of Public Buildings.*

Hon. LEWIS CONDICT, *Chairman of the Committee on Public Buildings.*

Disbursements made between the 30th of April, 1816, and 1st of January, 1817, on account of the Capitol.

1st. For materials as follows, viz:			
955 tons 7 feet 10 inches of freestone,	$9,648 14		
634,608 hard bricks,	5,397 08		
437,028 feet of plank and scantling	17,335 88		
1,427 barrels of Thomaston lime,	5,084 02		
2,752 pounds of cordage,	476 00		
12,092 feet of scaffold poles,	604 60		
1,777 barrels of sand,	444 25		
332 bushels of plaster of Paris,	262 00		
111 cwt. 2 qrs. 25 lbs. iron,	808 16		
2 kegs of white lead,	12 00		
		40,072	13
2d. For labor as follows, viz:			
Stone-cutters and setters,	11,894 90½		
Carpenters, bricklayers, and laborers,	19,193 46		
		31,088	36½
3d. Incidental, that is,			
Freight, drayage, cartage, wharfage, tools, &c. &c.		3,963	91
Sundries, not chargeable under the above heads,		987	76½
		$76,112	17

On account of the President's house:			
544 barrels of Thomaston lime,	1,915 00		
216,934 feet of plank and scantling,	6,343 83		
836 tons 7 feet 9 inches freestone,	8,206 30½		
2,387¾ pounds cordage,	498 07		
134,475 bricks, hard burnt,	1,160 82		
5,174 cubic feet heart of pine,	2,069 60		
7,766 feet 11 inches mahogany,	2,065 52½		
100 kegs white lead,	450 00		
1,483 lights, large Boston window glass,	2,791 60		
60,000 shingles, 2 feet long, first quality,	780 00		
9,623 pounds copper, sheet,	3,767 60		
		30,048	35
Stone-cutters and setters,	9,358 90¼		
Carpenters and sawyers,	8,429 11½		
Bricklayers and laborers,	11,117 38½		
		28,905	40¼
Incidental,		3,965	25¼
Sundries, not chargeable under the above heads,		3,840	88½
		$66,759	89

Errors excepted.

WASHINGTON, *January* 22, 1817.

S. LANE, *Commissioner of Public Buildings.*

SIR: WASHINGTON, *January* 31, 1817.

In answer to that part of your letter of the 29th instant which requires information as to the probable time when the Capitol may be ready for the accommodation of Congress, I have the honor of stating that, if every practicable exertion be made, the Representatives chamber may admit of their reception in the autumn of 1818. That the Senate chamber may be completed by that time admits of no doubt.

Upon the other subjects embraced by your letter I shall report as soon as the inquiries which they demand will permit.

Very respectfully, your obedient servant,

SAMUEL LANE, *Commissioner of Public Buildings.*

Hon. LEWIS CONDICT,
Chairman of the Committee on Public Buildings.

SIR: WASHINGTON, *February* 1, 1817.

In reply to that part of your letter of the 29th ultimo requiring information as to the causes which have retarded the progress of the south wing of the Capitol, I beg leave to report, that, when I first entered the office of Commissioner of Public Buildings, I found that my predecessors, actuated by a laudable desire of renovating the Capitol of the United States in the most complete manner, and "believing that the sculptured ornaments could be procured on cheaper terms in Italy, made out of the best statuary marble, than in this country, made of the freestone heretofore used," had despatched in August, 1815, an artist to Italy, with instructions to procure the twenty-four Corinthian capitals for the Representatives chamber, and had for that purpose deposited funds to a considerable amount in Europe. These capitals were expected and directed to have been shipped at Leghorn previous to the 1st of April last; but, owing to causes not yet explained, no intelligence is received, though daily expected, of their arrival in this country. It was further stated by the architect that no freestone of the quality heretofore used, or that ought to be used, for the columns of the Representatives chamber, was now to be procured at any of the quarries from which we drew our supplies of that article, and that therefore it was necessary to resort to some other material. Quarries of native marble of a beautiful texture, and in a situation on the Potomac offering facilities of water carriage to the foot of the Capitol hill, having been partially explored, I was induced to enter into a contract for the delivery of the columns from these quarries; and, although some progress has been made in execution of this contract, yet the difficulties which have interposed on account of the novelty of the undertaking, and other circumstances, have considerably diminished the confidence at one time entertained of complete success. Until the columns and their capitals were procured and in place, nothing materially advancing the completion of the south wing could be done more than we have been doing. Under these circumstances, it was thought most advisable to direct our efforts for the present principally towards the repair of the north wing and the President's house, which afforded ample room for the employment of our hands, and where our progress, I flatter myself, has been such as to satisfy those best acquainted with the obstacles which have been encountered.

I have the honor to be, with great respect, sir, your obedient servant,

SAMUEL LANE, *Commissioner of Public Buildings.*

Hon. LEWIS CONDICT.

SIR: WASHINGTON, *February* 12, 1817.

I now transmit the estimates, required by your letter of the 29th ultimo, of the sum necessary to complete the repairs of the public buildings, amounting to $386,661 30. Of the $500,000 appropriated by the act of the 13th of February, 1815, there remains unexpended the sum of $114,602 55, which, deducted from the estimate above mentioned, leaves the sum of $272,058 75 unprovided for.

As it is extremely desirable to proceed in the repairs of those buildings with all the despatch which the nature of the undertaking will admit, and as, with this view, the disbursements of the current year probably ought to exceed the sum now applicable to this purpose, I would respectfully suggest the expediency of Congress making an additional appropriation during the present session.

I have the honor to be, with great respect, sir, your obedient servant,

SAMUEL LANE, *Commissioner of Public Buildings.*

Honorable LEWIS CONDICT,
Chairman of the Committee on Public Buildings, &c. &c.

WASHINGTON, *February* 8, 1817.

The following is an estimate of the sum which will be required to complete the President's house and offices, and to erect the porticos to the north and south fronts, viz:

26,000 feet of flooring, in the first and second stories,	at $0 08	$2,080 00	
26,600 feet of flooring, in the garret and basement story,	04	1,064 00	
2,200 feet of joisting, in hall and passage,	06	132 00	
11,000 feet of bridging joist, in first and second stories,	02	220 00	
5,162 feet of surbase and grounds, in first and second stories,	36	1,850 32	
1,888 feet of moulded skirting, in basement and garret,	08	151 04	
24 doorways in basement story, finishing,	31 08	745 92	
34 windows in basement story, finishing,	15 00	510 00	
32 doorways in principal story, finishing,	48 00	1,552 00	
34 windows in principal story, finishing,	80 40	2,733 60	
24 doorways in second story, finishing,	44 40	1,065 60	
34 windows in second story, finishing,	20 20	684 00	
4 archways with frontispiece, fan sash, &c.	180 00	720 00	
2 Delta windows, with trimmings complete,	140 00	280 00	
1 principal staircase,	-	1,000 00	
1 staircase, 38 steps,	10 00	380 00	
1 staircase from basement story to garret,	-	240 00	
23,540 feet of counter flooring,	03	706 20	
			$16,114 68
24,000 feet of best flooring plank,	08	1,920 00	
2,250 cubic feet of pine timber,	40	900 00	
14,512½ feet of copper for roof, and laying do.	60	8,707 50	
200 pounds of block tin,	40	80 00	
75,000 bricks for arches and jambs, and laying ditto,	12 00	900 00	
1,444 yards of brick paving, in basement story,	75	1,083 00	
3,000 lbs. of lead for sash weights, and for casting do.	09	270 00	
17 bell-pulls, wire, bells, and fixing do.	-	85 00	
909 lights, glazing, 18 inches by 27,	25	227 25	
390 lights, glazing, 13 inches by 21,	15	58 50	
217 feet of glass and glazing, 13 by 21, fan sash,	-	217 00	
Locks, hinges, pulleys, screws, sash-line,	-	1,209 60	
8 double closets in basement story,	-	534 96	
800 barrels of sand, for brick work,	25	200 00	
27 window jambs to rebuild,	14 00	378 00	
10 door jambs to rebuild,	5 00	50 00	
9,000 feet pine timber, sawing,	1 50	135 00	
3 water closets' apparatus, and fixing ditto,	-	450 00	

ESTIMATE—Continued.

2 kitchen grates, 2 smoke jacks,		$150 00	
Cartage and moving materials,		812 00	
Iron for cramps and straps,		110 00	
			$18,477 81
12,022 yards of plastering, part stucco finish,	at $0 50	6,011 00	
2,569 feet ornamental cornice, in principal story,	1 00	2,569 00	
252 feet plain cornice, in principal story,	33⅓	84 00	
180 feet ornamental cornice, in second story,	1 00	180 00	
2,206 feet plain cornice, in second story,	33⅓	735 33⅓	
			9,579 33⅓
6,634 yards of painting inside of the building,	40	2,653 60	
4,000 yards of painting on stone, outside walls,	33⅓	1,333 33⅓	
1,700 yards of painting, on the roof,	25	425 00	
			4,411 93⅓
10 marble chimney-pieces, principal story,	300 00	3,000 00	
1 marble chimney-piece in elliptic room,	-	400 00	
8 marble chimney-pieces on second story,	200 00	1,600 00	
5 Aquia stone chimney-pieces,	50 00	250 00	
2 chimney-pieces of marble,	150 00	300 00	
			5,550 00
Composition and ornaments for frontispieces, &c. &c.		–	1,500 00
4 rooms papering and paper,		–	800 00
Marble columns for the hall, caps and bases,		–	1,100 00
Stone and workmanship for balustrade, &c.		–	21,839 97
Cut stone and brick walls of offices,		6,409 68	
Copper covering, paving, carpenter's work for offices,		10,858 74	
			17,268 42
South portico—Columns, stone and brick work,		24,737 44	
Copper covering,		954 00	
Timber and carpenter's work,		470 00	
Iron railing,		1,140 00	
			27,301 44
North portico—Columns, stone and brick work,		24,196 72	
Copper covering pediment, &c.		1,470 00	
Timber and carpenter's work,		470 00	
Iron railing,		150 00	
			26,286 72
Add for contingencies for all the foregoing,		–	2,000 00
Whole amount,		–	152,230 30

All which is respectfully submitted by, sir, your obedient servant,

JAMES HOBAN.

SAMUEL LANE, Esq., *Commissioner of Public Buildings.*

Estimate of the probable expense of finishing the north and south wings of the Capitol of the United States.

NORTH WING.			
Work in freestone and marble,		$46,944 00	
Brick work,		28,790 00	
Carpenter's work,		16,521 00	
Roof, glass, iron, ironmongery, copper, &c.		10,471 00	
Plastering,		16,000 00	
Painting,		2,500 00	
		121,226 00	
Deduct for materials, wrought and unwrought, on hand,		13,285 00	
			$107,941 00
SOUTH WING.			
Work in freestone and marble,		75,900 00	
Brick work,		21,128 00	
Carpenter's work,		16,500 00	
Roof, copper, iron, ironmongery, glass, &c.		10,472 00	
Plastering,		16,000 00	
Painting,		2,500 00	
		142,500 00	
Deduct for materials, wrought and unwrought, on hand,		16,010 00	
			126,490 00
Sum total,		–	$234,431 00

FEBRUARY 12, 1817.

B. H. LATROBE, *S. C. U. S.*

RECAPITULATION.

Capitol,	$234,431 00
President's house,	152,230 30
	$386,661 30

SIR: WASHINGTON, *February* 15, 1817.

The following circumstances have contributed materially towards increasing the expenditures in repairing the public buildings:

1st. In the spring of last year a very extensive improvement of the apartments of the Senate was suggested by that honorable body, and ordered by the President of the United States to be carried into execution. In pursuance of this order, it became necessary to take down, not only the work which had been constructed the preceding season, but the enlargement of the Senate chamber required that the great dome of that apartment, and its semicircular wall, should be entirely removed, and that the arches and walls of the committee rooms, and the lobby adjoining the chamber, should be demolished, and that much additional strength and solidity should be given to the whole structure. Thus did this new arrangement not only produce the loss of one season's labor and expenditures on the north wing of the Capitol, but consumed a considerable part of another season in undoing what had already been done.

2d. The injury of the exterior walls of the President's house was found to reach much deeper than had been apprehended. It was not until some time last summer that we desisted from taking down those walls, and not until a considerable part of them had been levelled to their foundation.

If to these causes be added the unexampled rise in the price of labor and materials, it ought not, perhaps, to be a matter of surprise that the original estimates should be found deficient.

With great respect, I am, sir, your obedient servant,

SAMUEL LANE, *Commissioner of Public Buildings.*

Hon. LEWIS CONDICT, &c.

Expenditures on public buildings by the three Commissioners of 1815, *and by Commissioner Lane to January*, 1817, *showing the sums expended on each of the public buildings, viz: Capitol, President's house, and offices, &c.*

Appropriation by the act of February, 1815,	–	–	$500,000 00
Drawn from the treasury by late commissioners,	–	$225,000 00	
Drawn to 1st of February, 1817, by present commissioner,	–	160,397 45	
			385,397 45
Balance remaining in the treasury February 1, 1817,	–	–	$114,602 55
Expenditures by the former commissioners, for which vouchers have been received and allowed at the Treasury:			
On account of the Capitol,	$79,211 64		
On account of the President's house,	32,030 05		
On account of the Treasury office,	31,882 04½		
On account of the War office,	31,541 86		
On account of the fireproof office,	4,328 16		
On account of the contingent expenses,	9,002 91		
Sundry advances made upon contracts and deposites,	37,003 33½		
		225,000 00	
Expenditures by the present commissioner, for which vouchers have been received up to the 1st of January, 1817, as follows:			
On account of the Capitol,	76,112 17		
On account of the President's house,	66,759 89		
On account of the Treasury office,	1,051 94		
On account of the contingent expenses,	2,269 88½		
Add for sundry advances and for disbursements during the month of January last this sum,	14,203 56½		
		160,397 45	
			385,397 45
Balance in the treasury,	–	–	114,602 55
			$500,000 00

Errors excepted.

WASHINGTON, *February* 15, 1817.

SAMUEL LANE, *Commissioner of Public Buildings.*

14th CONGRESS.] No. 432. [2d SESSION.

SUBSCRIPTION TO THE CHESAPEAKE AND DELAWARE AND DISMAL SWAMP CANALS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 20, 1817.

Mr. THOMAS WILSON made the following report:

The committee to whom was referred, on the 4th of December last, so much of the message of the President of the United States as relates to roads and canals, having heretofore made report, in part, and having had the subject under further consideration, ask leave to report a bill authorizing the Secretary of the Treasury to subscribe for shares in the capital stock of certain canal companies therein mentioned, to wit: the Chesapeake and Delaware Canal Company, and the company incorporated by the States of Virginia and North Carolina for opening a canal through the Dismal Swamp, from Deep creek, a branch of Elizabeth river, which runs into the Chesapeake bay, in Virginia, and Joyce's creek, a branch of Pasquotank river, which runs into Albemarle sound, in North Carolina.

The facts and reasoning which have governed the committee with respect to the first-mentioned canal are set forth in the memorial and petition of the president, directors, and company, referred to your committee on the 10th day of January last; and the facts and reasoning which have governed the committee with respect to the last-mentioned canal are set forth in the survey and written description reported by Major Kearney, topographical engineer, and communicated by the Acting Secretary of War to your committee, in answer to an inquiry made on behalf of the committee of that Department; which written description, together with the petition aforesaid, the committee submit as a part of this report.

To the honorable the Senate and House of Representatives of the United States in Congress assembled: The memorial of the subscribers, directors of the Chesapeake and Delaware Canal Company, on behalf of that company, respectfully showeth:

That the president and directors of the Chesapeake and Delaware Canal Company have, at several times heretofore, presented memorials to Congress praying for its aid.

In these memorials the most ample information was given of the importance of the canal, its practicability, and the measures taken to carry it into effect. Referring to them, your memorialists feel it unnecessary to swell this application with a repetition of facts often set forth, and universally acknowledged; they confine themselves, therefore, at present, to lay before Congress such prominent features in their case as the occasion demands.

It is well known that after the importance of opening the communication between the Chesapeake and Delaware had excited the attention of the most intelligent men of the country for more than half a century, it was begun with enthusiasm, and successfully prosecuted for more than two years; during which all the preliminary operations were completed, and considerable progress made in cutting the canal itself; but at the expiration of this time it became absolutely necessary to suspend it, from no other cause than the failure of funds, arising from the neglect of the stockholders to pay up their subscriptions.

The causes of this neglect were fully explained to Congress; they were, in fact, no other than that in a country where moneyed capital was in great request for a thousand uses, which yielded an immediate and ample return, the patience of the public was not adequate to support an undertaking where reimbursement could not be expected for some years, though certain in the end; and your memorialists expressed their conviction, founded on experience, that neither this nor any similar work would succeed in the United States, unless the Government could patronize and assist the efforts of individuals until at least one work was carried into successful operation.

It will be seen that all reasonable means were used to compel the payment of the subscription; but legal remedies would not produce funds with the celerity necessary to pay workmen and continue their operations; the directors had no alternative, therefore, but to suspend them, or to involve numerous individuals in distress. Some debts were unavoidably left unpaid, but they are of no important amount. The most economical disposal was made of the tools and perishable property of the company, and the works left in such a state that they may be repaired at little expense when the operations are resumed.

Your memorialists, having frequently represented these circumstances, and received no public aid, have been compelled to wait until some happier auspices might enable them to revive a work promising the utmost public advantage; and these they now hope to experience from the present disposition of the National Legislature. After the termination of war, the glory of the arts naturally excites the enterprise of a free people, and your memorialists think they perceive in the acts of the late session of Congress a spirit to foster them; they feel, therefore, emboldened to press their interests upon its attention, and that it would be a dereliction of their duty to omit it.

Your memorialists perceive the general measures adopted by Congress in favor of roads and canals; upon which subject they cannot but feel a hope that, after the subject has been recommended by the Executive Department, and its importance acknowledged in every session for many years, some magnanimous instance will be adopted actually to bestow its benefits upon the country, especially as there is no way in which the money of the public can be expended more essentially to its advantage—a fact which is proved by the example of all nations with whom we are acquainted, who, in this respect, have engaged in a rivalship with each other, to which the United States alone cannot fail to be a party.

While the utility of all undertakings of the kind in question must be universally admitted, the specific adoption of some precise objects seems essential to render their advantages effectual. Amid the numerous improvements which the vast area of our country presents to view, it is obvious that all cannot be undertaken at once; many are not matured; some are in districts which do not possess a population to support them; and others can as yet obtain no individual aid to that which the Government may give them, so that some precedence must be admitted for the benefit of all, since one brief and useful work, carried into complete and successful operation, will surely lead on the rest, while numerous undertakings, pressed on together, will only render each other abortive.

In this situation, your memorialists solicit the particular attention of Congress to the following brief state of the features and merit of the work they represent, which they conceive has an important claim on the patronage of the public:

1st. The utility of opening the communication between the Chesapeake and Delaware has been admitted by all intelligent men, ever since the settlement of the country; and if ever this utility wanted confirmation, it received it during the late war, when, by its means, a most important line of communication and defence might have been formed and maintained.

2d. The more extensive inland navigation from New England to Georgia has been often contemplated, and it is obvious that, if executed, (as no doubt it may be,) it must be done in the outset by opening the two great links between the Chesapeake, Delaware, and Raritan.

3d. The present canal forms the first of these links, and it is already begun. The preliminary operations to organize a company to make the necessary surveys, and to commence a work of this kind, are always attended with difficulty, delay, and expense; these have all been accomplished in the present work, as none ever received a more rigid investigation by the ablest engineers in the United States.

4th. There never was, perhaps, a canal in which the two great requisites for its perfection were so well united as in the present one, viz: a most abundant supply of water and the easiest soil for execution, as, in the whole area of its route, it presents scarcely a single rock or stone or other natural obstacle; in fact, from the shortness of the distance and the ease of its execution, it would almost immediately present to us that object which is so desirable, of an actual successful experiment.

5th. From the immense coasting trade of the Chesapeake and Delaware, the revenue upon it would be so immediate and important as in the highest degree to confirm the confidence of the country in such undertakings.

6th. A part of it is already well executed, and that part is at once the most difficult in the whole route, and the most essential in the prosecution of the rest. If briefly revived, what has been done will be restored at little expense; but it is obvious, if long neglected, must be altogether lost.

7th. Very considerable funds are already in such a state as to depend on the measures of Congress to bring them into full operation. If, by patronage, confidence in the prosecution of the work is revived, the subscriptions already existing, to the amount of $400,000, will be obtained, as shares in which partial payments have been made will become valuable pledges for sums due; besides which, the State of Maryland has passed a conditional law to subscribe two hundred and fifty shares, ($50,000;) the State of Pennsylvania to subscribe three hundred and seventy-five shares, ($75,000,) upon the condition that the United States shall subscribe seven hundred and fifty shares, ($150,000,) and the State of Delaware one hundred shares, ($20,000.) This subscription of Congress, therefore, will organize the rest, and bring into effect funds amply sufficient for executing the whole work.

Under these circumstances, your memorialists cannot but hope for the aid of the National Legislature. If this canal had never been begun, it would now challenge attention among the first national objects of the kind; but, commenced as it has been, and provided with the means of procedure, depending upon one contingency alone, it challenges attention by every consideration which can arise from the propriety of restoring confidence, animating the fortitude of individuals, and giving the lead and direction to those public works which, in all ages and countries, do the utmost honor to the Government, because they are of the greatest advantage to the people.

KENSEY JOHNS,
President of the Delaware and Chesapeake Canal Company.
JOS. GILPIN.
JAMES C. FISHER.

SIR: CITY OF WASHINGTON, *November* 5, 1816.

In obedience to so much of the order of the honorable the Secretary of War, dated May 31, 1816, as relates to the connexion of the navigation of Elizabeth river, in Virginia, with that of the waters of North Carolina, I have the honor to submit the following report:

The routes ordered to be examined are those two, for the opening of which charters have been granted by the Legislatures of Virginia and North Carolina; one, beginning at or near Whitehouse's landing, on the eastern branch of Elizabeth river, is proposed to be cut by the way of Kempsville, forming at that place an angle, and running thence nearly on a right line to the upper landing on North river, and will occupy a distance of between eight and nine miles.

North river cannot correctly be called a stream; it is rather a creek or arm of Currituck sound, whose small ramifications are found in a low swampy country, which adds to them scarcely any further supply than is derived from the downfall water. A slight swell of the ground separates North river from the small branches of Northwest river, and the southern branch of Elizabeth river. The lowest ground between North landing and the eastern branch of Elizabeth river is along the Beachen swamp, and the branch of North river which interlocks with it: this route, to some persons, has appeared to be the most eligible for the "coastwise canal;" but the projector has, for many cogent reasons, rejected it, and proposes to run the canal along higher ground to the eastward of it. It is not, therefore, to be supposed that a supply of water can be had for a canal so situated from the west; nor is the country to the east of the proposed route much better calculated to afford a supply, the Pungo branch of North river being the nearest body of water to it, (except mere catch-water drains,) and that flows over a tract of land parallel with, but lower than it.

This part of the route was examined in company with gentlemen who had an interest in it, and who acknowledged the impracticability of procuring a stream sufficient for the required purpose—an opinion the result not only of personal examination, but of the clear and unanimous testimony of every resident whom I consulted.

It being impracticable to procure a stream, or even downfall water, sufficient to feed the canal, it then becomes necessary to incur the difficulties, risk, and expense of making a cut eight or nine miles on one level, at least two or three feet below the level of the neap tides, in a swampy country; or, to avoid the swamps, recourse must be had to the high ground, and the expense increased beyond any calculations that have yet been exhibited in relation to the project; and, in doing so, the first difficulties of the work only are avoided, and there yet remains the difficulty of cutting below the level of the tides in a country which the great waters approach on all sides. But it is proposed to supply the canal by means of steam machinery, and this is the only feasible mode that has been suggested; the objection offered to it is, that it would be a constant source of expense, increasing with the decrease of timber.

From North landing the river is navigable for craft of any burden, except at one shoal, on which there is nearly five feet water at high tide. Abreast of White's house, on Church's island, in Currituck sound, and six miles southeast of the court-house, there is another shoal of black soft mud, with fine sand mixed; it has four and a half feet of water over it at high tide. Near Salier's, about nine miles south-southeast of the last-mentioned shoal, the channel becomes very narrow and crooked; immediately below Salier's, and about ten miles from White's channel, a sand-bar occurs, with less than four and a half feet over it at high tide. Having passed the sand-bar, the channel deepens as it enters the narrows, which wind in every possible direction through salt marshes for about one thousand six hundred yards to the mud flat, which must be crossed, running due south; it has four feet water on it at high tide. South by east of the mud flat is the Trout hole, a narrow channel running due west about four hundred and fifty yards; it is off the south end of Rattlesnake island. Thence the channel continues south by east one mile and a half to Jew's quarter, one hundred yards below which are the cross rocks, an oyster bank, making across nearly the whole width of the sound; the channel here has five feet water in it at high tide. Thence the channel runs south to Powell's Point, round which it winds in a course nearly west-southwest, and then makes eastwardly to Albemarle sound. It may be proper here to state that, in speaking (in the phraseology of the country) of the tides in Currituck, and the other sounds and inland waters with which it is connected, a regular periodical ebb and flow of the waters is not to be understood, but that change which is produced by the action of a strong and constant wind in driving the water from one sound into another; for the inlets are so small, compared with the extent and surface of the sounds and creeks, that the causes which produce tides in the ocean and open bays cannot sensibly affect them during the short period of their operation. In Currituck sound the highest tides prevail, usually, in May; sometimes during the month of March; ordinary tides during summer, unless it be very dry, or the wind prevail from the north or west; the lowest tides are in cold weather, and always when the wind is from the north.

To render the sound and river navigable at high tide for vessels of five feet draught, it becomes necessary to clear out at least one thousand three hundred yards of the channel at several places, and through shoals of various composition; and the distance to be cleared will be greatly increased if it be thought advisable to make the navigation tolerably direct. But to procure a channel for vessels of six feet draught, the distance to be cleared may be very safely stated at twenty miles, or more.

It has, I believe, been suggested that a canal from Currituck court-house, or its vicinity, to Indiantown, on Indian or North river, a branch of Albemarle sound, would avoid the shoals, and obviate all objections that can be

made to this part of the route. The distance on a right line from the court-house to Indiantown may be estimated at seven miles, and would make the whole distance to be cut, between Norfolk and Albemarle sound, about sixteen miles. But admitting that six feet water may be had at all seasons between the court-house and North river, (which, in truth, is very problematical,) it will be necessary to cut below the level of the surface of the water of the sound, to the depth of at least six feet, or, as in the case of the Kempsville canal, supply water by means of steam machines. The ground between the court-house and Indiantown is higher than the ground between Kempsville and North landing; and to open the canal to six feet below the surface of the sound would require, I presume, a section of nearly thirty feet perpendicular, in some places; and the distance from Kempsville to Albemarle sound would be also considerably increased, for Indian river is very crooked.

The other route ordered to be examined is occupied by the canal which extends from Deep creek, in Virginia, to Joyce's creek, in North Carolina: it is twenty-two miles and two hundred yards long, and is cut on two right lines, which, at two miles within the Virginia line, make with each other an angle of about one hundred and forty-seven degrees. This canal passes through the Great Dismal Swamp, three miles and a quarter to the eastward of Lake Drummond, or, as it is called in that section of the country, "Drummond's pond." This canal is supplied in dry seasons by a drain from the lake, and in very wet seasons by the flow of the waters of the swamp. It is, at the feeder, sixteen feet six inches above the ordinary level of the water in Joyce's creek, and in dry seasons at least six feet below the level of the lake. Other measurements have made the height of the surface of the lake, above high water mark, in Nansemond river, twenty-four feet.

The tract of country occupied by the swamp lies, to the southward, along the head branches of Perquimans river, Little river, Pasquotank river, and North or Indian river, which flows into Albemarle sound; to the eastward, along the branches of Northwest river, which flows into Currituck sound; to the northeast and north, along the heads of the southern and western branches of Elizabeth river; and to the northwest, along the eastern and southern creeks of Nansemond river. The ridge of land which separates the swamp from the head waters of Summerton and Bennet's creeks lies west of it. From the lake to the high ground west of it the distance is about three miles.

That the swamp is caused by the overflowing of Drummond lake and of the small streams to the westward of it, and not by its own springs, is an opinion generally entertained by the most intelligent and best informed persons in the neighborhood, and in support of which very cogent reasons are offered. The ridge of land which separates the heads of Bennet's and Summerton creeks from the swamp is about ten feet higher than the lake; from this ridge many small streams run to the eastward, until meeting with a sudden declivity, from whence also issue innumerable springs of water, they spread over the surface of the land, and fall chiefly into Lake Drummond, between Orapeake and Jericho; they cannot, however, be supposed to be equal to the supply of a body of water which is stated to be nearly seven miles long by five miles wide, having nine feet depth of water within thirty yards of its shores, twelve feet at three hundred yards, and fourteen feet in the centre, and which never shrinks more than eighteen or twenty inches in the very driest seasons, but continues to overflow at all times a tract of country so extensive as that which is covered by the Dismal Swamp.

When the canal was projected, twenty-five years ago, it was believed that the country through which it was to be cut was a perfect level, without an inclination of surface sufficient even to enable the waters of the lake to flow off through the canal when it should be opened. It was even feared, it would seem, that, should more water than was requisite to fill the canal be permitted to escape from the lake, the dry and cultivated lands in its vicinity might be injured; and such continued to be the opinion entertained, until, a ditch being cut and locks constructed, it was found, when in the dry seasons the water ceased to flow but through the feeder of the lake, that at the head of a lock the water was deep and smooth, while at some distance from it, and towards the feeder, there was a constant but shallow current.

This circumstance for the first time induced an opinion that the country between the tide waters and the lake was not perfectly level: there were then constructed intermediate locks, yet at the foot of each there has never been more than eighteen or twenty inches depth of water. In this situation the canal (if it may be so denominated) remained, until the late war and other circumstances combined to force into view the absolute necessity of a more liberal and enlarged intercommunication between Elizabeth or Nansemond river and the waters of North Carolina.

During the summer of the present year the managers have engaged in the work of deepening and widening the canal with a correct and enterprising liberality, which is, however, unfortunately limited by the difficulty of obtaining the requisite funds. They propose that, for the present, it shall have an average surface width of twenty-eight feet, with a talus just sufficient to preserve the banks, and that it shall be capable of floating vessels drawing at least four feet water. To accomplish this purpose, it is calculated that they must expend nearly $80,000. Heretofore the general surface width has not exceeded eighteen feet; in some places it is more, in some less. An additional cut in depth is making from the foot of each lock towards the head of the one next below it, so that the bottom shall in no place be less than six feet from the level of the country, or eight feet from the top of the bank.

The only doubts that occur as to the practicability of rendering this canal navigable for vessels of six feet draught arise from the nature of the soil through which it passes, and the depth of water at its outlets. When the first cut was made, the water oozed through the sides and bottom of the canal, carrying with it a quantity of sand, which in some places choked the passage, by forming shoals, which threatened to reappear as often as they were removed. They were supposed to be the most serious obstacle to the deepening of the canal. During the last summer, one of these places has been deepened two feet below the old bottom without any difficulty, and presents a fine dry surface of sand mixed with some blue clay; and it is believed that it might be further deepened without striking a vein of water. The sides of the canal have become compact and firm by the settling of the soil, as is the case with all the cleared land in the swamp since the water has been drained by the canal, and the numerous small *cuts* made for bringing shingles and staves out of the woods. Generally, the soil has sunk twelve inches; the doubts which arose from this source have, therefore, in a great measure ceased.

The Pasquotank is a deep and crooked river, into which Joyce's creek empties; the only obstruction in it is a narrow sand-bar about a mile and a half from the outlet of the canal, over which there is usually four feet water.

Deep creek, which empties into the southern branch of Elizabeth river, and into which the canal disembogues, has been filled up by the sand from the canal the distance of a mile nearly, and is incapable of floating vessels of any burden at low tide; at high tide, however, vessels drawing three and a half to four feet can navigate it. It is proposed either to remove the sand, or, which would be the most effectual and perhaps the cheapest method, to make a new cut of four or five hundred yards to another branch of the creek, which affords a sufficient depth of water for the required draught.

In considering the relative advantages of these routes for military and naval purposes, on the assumption that they may be of equal depth, (a proposition already considered in this report,) it is necessary to view them during a war with some maritime Power, in which rapidity of movement and complete security should, as much as possible, be combined in the transportation of supplies, materials, and troops.

Currituck court-house, near which the lower canal route must pass, is but ten miles distance from the inlet; and the sound, which is not more than four miles average width, is separated from the ocean by a sand beach so low as to expose to the view of ships cruising along the coast every thing that passes down it. It cannot be considered safe during war, unless an armed force be constantly stationed at the inlet. It is so near the Chesapeake as to be considered within the cruising ground of vessels blockading that bay, and was visited during the late war by the enemy, who burnt or carried off the few craft they found in it.

On the contrary, the upper route is perfectly safe, being separated from the ocean and bay by a very difficult country, and the land around Lake Drummond affords positions capable of being maintained by a small force against great numbers. The security of this route continues until it coincides with the other near Roanoke island, when it in some measure becomes exposed, yet not so much as the lower route is in passing down Currituck sound.

As it regards distance, the Currituck route has greatly the advantage, being about fifteen miles shorter than the swamp route, calculating from Norfolk to Roanoke island, near the entrance of Albemarle sound. But for the transportation of supplies from the country bordering on the Roanoke, Chowan, and Perquimans rivers, and the other branches of Albemarle sound, the upper route is the best, not only as it regards safety, but in distance also; and its connexion with the canal proposed to be cut from the falls of the Roanoke adds much to its importance. Whether this canal be cut round the south side of the falls, leaving the produce of the country connected with the Dan, Staunton, and Roanoke rivers, to pass off by the natural channel of the river; whether it be cut from the north side of the river to Murfreesborough on the Meherrin only; or, finally, whether it be continued up Bennet's creek to the White Oak Spring marsh, or to Suffolk on the Nansemond river, its connexion with the Great Dismal Swamp canal is intimate and important.

The country with which either of the canals would immediately connect Elizabeth river is capable of furnishing many materials and supplies for the army and navy; and there may now be had from it red and white oak of a large growth, red cedar, cypress, juniper, holly, beach, poplar, black and sweet gum, white, yellow, and pitch pine, and maple. Much flax is raised, and Indian corn, wheat, tobacco, cotton, and hemp may be had from it. Considerable numbers of horned cattle, sheep, and swine are raised in the low country for market; and the waters of North Carolina furnish great quantities of shad and herring. Iron ore is found in the mountains, where there are some foundries, and small quantities of lead have been procured; it is probable that sufficient for the purposes of Government might be had, if a communication were opened with the country containing those minerals. An assertion has been hazarded, which, though loose, deserves investigation—that sulphur and saltpetre may be procured from the mountains. Tar and turpentine form some of the principal articles for exportation, and are to be had from the country round Edenton, as well as from other places. It may be satisfactory to exhibit the following list of some of the most bulky articles passed through the Dismal Swamp canal in the year 1815, during the few weeks it was open for navigation; they are exclusive of articles paying toll by valuation, and of the large amount of coasting tonnage which passes to sea through Currituck and Ocracoke inlets, and down Core sound: 6,519,419 shingles, 1,160,591 staves, from the south and east sides of Lake Drummond, and exclusive of those sent by the way of Norfolk; 16,703 bushels of Indian corn; 2,313 bushels of rice; 2,138 hogsheads of tobacco; 2,762 barrels of fish; 3,575 barrels of tar; 329 casks of turpentine spirits; 2,475 bales of cotton; 119 barrels of black lead; 327 tons of iron; 181 tons of lead, and powder and shot.

Ship timber and the bulky materials for house building are immediately shipped for their place of ultimate destination; the canal, in its present state, being considered incapable of admitting them to pass through it. It is to be considered, also, that, on account of the difficulty presented by the falls of the Roanoke, the produce of the country bordering on that river, and on its branches, the Dan and Staunton rivers, generally finds its way over land to Petersburg. The country south of the Roanoke and of Albemarle sound is nearly equally accessible by both routes.

It may be well, also, before concluding this report, (already, perhaps, drawn to too great a length,) to observe, that if the navigation of Currituck sound be supposed to possess any peculiar advantages, except in point of distance, or if the value of the productions of the country bordering on it, or immediately connected with it, should justify the expense of a direct water communication with Elizabeth river, such communication can be obtained by connecting the head of Northwest river with the Dismal Swamp canal. This river has its source in the morass eastward of Lake Drummond, and serves as one of the drains of that body of water; it crosses the canal north of the feeder, and enters Currituck sound south, and within about a mile of the mouth of North river. By clearing out the bed of this stream for the distance of about four miles, or by making a lateral canal of much less than that distance, the desired communication would be established at a trifling expense compared with the cost of a practicable canal by the way of Whitehouse's landing and North river, and would possess nearly all its advantages, aided by its lateral cut, if we except that of the rapid movement of gunboats between Lynnhaven bay and Currituck sound.

I have the honor to be, very respectfully, sir, your obedient servant,

JAMES KEARNEY,
Major Topographical Engineers.

P. S. My report on so much of the order of May 31, 1816, as relates to the defence of the Chesapeake bay, &c. is in the hands of Lieutenant Colonel George Bomford, of the ordnance corps; other materials collected during the last summer remain to be reported as occasion shall require.

Respectfully, J. KEARNEY.

GEORGE GRAHAM, Esq., *Acting Secretary of War.*

14th CONGRESS.] No. 433. [2d SESSION.

AGRICULTURE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 21, 1817.

Mr. HULBERT, from the select committee to whom was referred the petition of the Berkshire Association for the promotion of Agriculture and Manufactures, praying for the establishment of a national board of agriculture, made the following report:

The great extent of the territory, and the richness, and consequent productiveness, of the soil of our country, can never fail to invite and employ in the cultivation of the earth far the greater portion of American industry. The

interests of agriculture must, therefore, be primarily important to the people of the United States, and must at all times deserve the warm support and liberal patronage of Government.

The committee observe with pleasure that President Washington, in his speech to Congress of the 7th of December, 1796, recommended to that body the interests of agriculture, and the establishment of a national board to promote the same.

In different parts of Europe, as well as in several States of this Union, such boards have been instituted under the auspices of Government, and have diffused much useful information, and contributed largely, as the committee believe, to the public welfare.

After due consideration of the subject, the committee are of opinion that it is advisable to establish at the seat of Government a national board of agriculture; and report a bill for that purpose.

14th Congress.] No. 434. [2d Session.

INQUIRY INTO THE OFFICIAL CONDUCT OF JUDGE TOULMIN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 27, 1817.

Mr. Hugh Nelson made the following report:

The Committee on the Judiciary, to whom were referred sundry documents furnished by Edwin Lewis to this House, containing charges against Judge Toulmin, which the said Lewis averred that he could maintain and prove, have had them under consideration, and report:

That there is no evidence whatever contained in these documents which could warrant any proceedings against Judge Toulmin; that the committee, although the charges were none of them proved, yet conceived themselves bound to give notice, as far as was practicable, to the citizen from whom the charges came that they are prepared to receive testimony to enable them to form a correct judgment upon the case, addressed a letter to Edwin Lewis, stating that this case was referred by the House of Representatives to their consideration, and gave him notice that he should forthwith adduce such testimony as he had pledged himself to produce in verification of his charges. The committee have been furnished with no other testimony. From the remoteness of the residence of Lewis, time sufficient may not have elapsed for the testimony, if any could be produced, to reach this place. The committee consider it improper that this case should be longer continued, upon the slender ground on which it now appears to be founded, to the annoyance of the judge; that Lewis will not be precluded from again submitting this subject to Congress, should he be able to support, by proper testimony, his allegations; that Lewis, being a lawyer, must have known that he ought to have exhibited testimony in support of his charges at the time of producing them, if such testimony has existence; and, particularly as he alleges that some of them could be proved by the records of courts of justice, he might easily have supplied abstracts from those records. The committee are of opinion that no further proceedings ought to be had in this case; and therefore ask to be discharged from further considering this subject.

15th Congress.] No. 435. [1st Session.

ROADS AND CANALS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 15, 1817.

Mr. Tucker, of Virginia, from the committee to whom was referred so much of the President's message as relates to roads, canals, and seminaries of learning, reported, in part:

That they have taken into consideration the subject referred to them, and bestowed on it that attention to which, by its importance, it is so eminently entitled. Involving, as it is supposed, a great constitutional question on the one hand, and intimately connected on the other with the improvement, the prosperity, the union, and the happiness of the United States, it presents the fairest claims to candid and diligent investigation. Nor is it without additional interest from the division of opinion to which it has heretofore given rise between the executive and legislative branches of the Government—a difference which, in the indulgence of the rights of free opinion, will be still found to exist between the sentiments promulgated in the message of the President, and those which will be advanced by your committee in this report. Nor do they conceive that the expression in the message of the President of an opinion unfavorable to the constitutional powers of the General Government should be permitted to have any influence on the disposition of Congress to legislate on this interesting subject; for if the constitutional majority of the two Houses should differ with the Executive Department, the opinion of the latter, however respectable, must yield to such an expression of *their* will. On the other hand, if, from deference to an opinion promulgated in an executive communication, Congress should refrain from entering upon the consideration of a question involving constitutional doctrine, it might happen that the opinion of the President would prevent the enacting of a law, even though there should be the constitutional majority of two-thirds of both Houses in its favor. Thus, by the introduction of such a practice, the presidential *veto* would acquire a force unknown to the constitution, and the

legislative body would be shorn of its powers from a want of confidence in its strength, or from indisposition to exert it. Whilst your committee are perfectly aware that nothing like this is contemplated by the executive branch of the Government, they presume the House of Representatives will scrupulously avoid a course which may be construed into a dereliction of their privileges. They deem it, therefore, not improper to offer some considerations upon the question of the constitutional powers of the General Government to pass laws for the improvement and construction of roads and canals with the consent of the States.

As it is obvious, however, that these several subjects of legislation do not rest upon the same foundations, and that one of these may be within the sphere of the constitutional powers of Congress whilst the others may belong exclusively to the States, it is proposed to treat them separately; and the subject of the improvement and construction of public roads, which appears to your committee most clearly to be reducible to the powers vested in the General Government, will be first taken into consideration.

An accurate attention to the real points of difference on this subject will greatly contribute to free the controversy from unimportant and irrelevant considerations. To attain this, we have only to compare what is manifestly admitted on the one hand with what is claimed and contended for on the other.

The laws of antecedent Congresses, approved by successive Executive Magistrates, and the acts of the Executive Magistrates themselves, will be resorted to as affording evidence of what may be regarded as conceded to be within the powers of the General Government. The commendable jealousy which they have manifested of all encroachments on State power, and their scrupulous adherence to the most rigid principles of construction in the interpretation of the constitution, afford a sure guaranty that more has not been admitted than may fairly be assumed to be within the provisions of that instrument. Taking, then, the acts both of the legislative and executive branches of the Government for our guide, we shall find it clearly admitted that there are *some cases, at least*, in which the General Government possesses the constitutional privilege of constructing and improving roads through the several States.

Thus, by the act of the 29th of March, 1806, confirmed, amended, and enlarged by subsequent acts, a road was directed to be laid out and constructed from Cumberland, in the State of Maryland, to the State of Ohio, upon obtaining the consent of the States through which it should pass. The fund provided for this noble undertaking was to consist of the proceeds of the sales of certain lands, the property of the United States, in the State of Ohio; so that this act furnishes the double admission that "roads may be laid out by Congress through the several States with their consent," and that "the expenses of constructing such roads may constitutionally be defrayed out of the funds of the United States." The act was approved by the President in office in 1806; and other acts, confirming, amending, and enlarging it, were passed by subsequent Legislatures in the years 1810, 1811, and 1815, and approved by the President in office at those periods. Nay, more: the last three acts contained appropriations to the amount of $210,000, payable out of any moneys in the treasury, but reimbursable out of the Ohio fund—a fund which might or might not prove adequate, and which, in point of fact, is believed hitherto to have been insufficient.

Similar to this act in some of its provisions, and analogous in principle, are the acts of 21st April, 1806, and of the 3d of March, 1817, "authorizing roads to be opened from Nashville and Reynoldsburg, in the State of Tennessee, to different points in the Mississippi Territory." But these acts go still further than the former in *omitting to require the previous consent of the State of Tennessee*, through whose territories a part of the roads was to pass, and in directing the expenses of making them to be defrayed out of the public treasury of the United States, without providing for its reimbursement in any manner whatsoever.

But lest the influence to be derived from these admissions should be deemed to be weakened by the consideration that the collision of opinion on the constitutional question has arisen since the passage of those laws, your committee will beg leave to refer to the date of the last act above mentioned, and to certain transactions of a date subsequent to the important and well-remembered difference of opinion between the Executive and Legislature at the last session of Congress. Since that period they have satisfactory information that a road has been directed by the Executive of the United States to be improved at the expense of the General Government, and doubtless for military purposes. This road is laid out from Plattsburg or its vicinity, in the State of New York, to Sackett's Harbor, in the same State. It is presumed that it is to be constructed at the expense of the General Government, and it is understood that the previous assent of the State has not been procured.

From this act, therefore, of the executive branch of the Government, emanating from that source at a late date, it would seem fair to infer that the constitution is admitted to have conferred upon the General Government a power *in some cases* to make roads, and to defray the expense of their construction out of the funds of the United States. And as the power is not denied *in all cases*, your committee will attempt to show that Congress has the power—

1st. To lay out, construct, and improve post roads through the several States, with the assent of the respective States.

2d. To open, construct, and improve military roads through the several States, with the assent of the respective States; and,

3d. To cut canals through the several States, with their assent, for promoting and giving security to internal commerce, and for the more safe and economical transportation of military stores, &c. in time of war; leaving in all these cases the jurisdictional right over the soil in the respective States.

1st. In examining the soundness of these positions, your committee will not find it necessary to resort to what is called a liberal construction of the constitution. They might, indeed, contend that, as the powers here attributed to the United States are not in derogation of State rights, (since they can only be exercised by their assent,) there is less reason for adhering to extreme rigor of construction. Where the authority claimed by the General Government is oppressive in its character, or dangerous in its tendencies; where it is asserted without deference to State assent, and in derogation of State power; where it is calculated to aggrandize the Union and to depress its members, there may be some reason for holding the representatives of the nation to the "letter of their authority." But where the power sought to be exercised is beneficent in its effects, and only felt in the blessing it confers; where it is not proposed to act except with the assent of the party which is to be affected; where the measure is more calculated to increase the opulence and the power of the State than to aggrandize the Union at its expense, it might fairly be contended that a less rigorous construction of the constitution would be justifiable. It is neither unprecedented nor improper to construe the same instrument liberally where the interests of the contracting parties will be thereby promoted, and to adhere to a greater strictness where injury may arise to either by an interpretation too latitudinous. That the powers in question are neither dangerous in their tendencies nor calculated to prove injurious to the States, would seem fairly inferrible from the recommendation to amend the constitution, and from the importance so justly attached to these objects on all hands.

But your committee, nevertheless, do not conceive it necessary to call to their aid the liberal principles of construction which the occasion might justify. They disavow any use of the general phrase in the constitution "to provide for the common defence and general welfare" as applicable to the enumeration of powers, or as extending

the power of Congress beyond the specified powers; and they admit that, to support their position, it must appear that the powers contended for are expressly granted, or that they are both "necessary and proper" for carrying into execution some other express power.

That Congress, with the assent of the States, respectively, may construct and improve their post roads under the power "to establish post offices and post roads," seems to be manifest, both from the nature of things and from analogous constructions of the constitution. It has been contended, indeed, that the word "*establish*," in this clause of the instrument, comprehends nothing more than a mere designation of post roads. But if this be true, the important powers conferred on the General Government in relation to the Post Office might be rendered in a great measure inefficient and impracticable. In some States a power is vested in the inferior tribunals or county courts to discontinue roads at their discretion: a post road designated by Congress might thus be discontinued, to the great embarrassment of the post office establishment. If the power to *establish* confers only the authority to designate, Congress can have no right either to keep a ferry over a deep and rapid river for the transportation of the mails, or to compel the owners of a ferry to perform that service; and yet our laws contain an act, acquiesced in for more than twenty years, imposing penalties on ferrymen for detaining the mail, and on other persons for retarding or obstructing its passage. It would be difficult to discover how this power of imposing penalties can be supported, either as an original or accessory power, except upon principles of more liberal construction than those now advanced. There are, therefore, not a few who believe that, under the authority to "*establish*" post roads, Congress have express power to lay out, construct, and improve roads for the transportation of the mails.

But, however this may be, the authority which is conferred by the constitution to make all laws which shall be "necessary and proper" for carrying into execution the enumerated powers is believed to vest in the General Government all the means which are essential to the complete enjoyment of the privilege of "establishing post offices and post roads." Even without this clause of the constitution the same principle would have applied to its construction, since, according to common understanding, the grant of a power implies a grant of whatever is necessary to its enjoyment.

Taking these principles for our guide, it may be asked if, under the narrow rules of construction contended for, the right of transporting the mails would not be held entirely at the will of the States, respectively? On the other hand, if the United States have the privilege of establishing post roads, and are under the corresponding obligation of transporting the mails, is it not essential to the performance of this duty, and to the enjoyment of this power, that they should have the right (with the assent of the respective States) to throw bridges over deep and rapid streams, to remove embarrassing and dangerous obstructions in the roads which they have the privilege of using, to level mountains which impede the velocity of transportation, and to render passable the morasses which intersect the roads through various parts of the Union? Can it be supposed that the convention, in conferring the power and imposing the duty of transporting the mails, (in its nature a matter of national concern,) intended to vest in Congress the mere authority to designate the roads over which it should be carried? Can it be denied that the right to render a road passable is "necessary" to the enjoyment of the privilege of transporting the mails? Or can it be denied that such improvement, with the assent of the States, is proper? And if "necessary and proper," is it not justified as an incidental power?

It is, indeed, from the operation of these words "necessary and proper," in the clause of the constitution which grants accessory powers, that the "*assent of the respective States*" is conceived to be a prerequisite to the improvement even of post roads; for, however "necessary" such improvement might be, it might be questioned how far an interference with the State jurisdiction over its soil, against its will, might be "proper." Nor is this instance of an imperfect right in the General Government without an analogy in the constitution: the power of exercising jurisdiction over forts, magazines, arsenals, and dockyards, depending upon a previous purchase by the United States, *with the consent of the State.*

Admitting, then, that the constitution confers only a *right of way*, and that the rights of soil and jurisdiction remain exclusively with the States, respectively, yet there seems no sound objection to the improvement of roads *with their assent;* for if, by the tenth amendment, this right is reserved to the States, it is within the power of the State to grant it, unless the United States are incapable of receiving such a privilege. But by various acts of the Government, whose validity has never been questioned, it appears to possess not merely the power of receiving so unimportant a privilege as this, but of acquiring territory *ad libitum.* The acquisition of Louisiana, one of the happiest events of our political history, evinces the power of this Government to acquire territory by treaty from foreign nations. The cession of the Northwest Territory by Virginia shows that, under the strict principles of the old confederation, which had so few features of nationality, the United States were deemed to have the power of acquiring lands even from the States of the confederacy. The Georgia cession, completed about the year 1802, is finally decisive of the practical and undisputed exercise of a power in the General Government to receive a cession of territory from any member of the confederacy under the present constitution. But if the General Government has the power to aggrandize itself by the acquisition of territories, can the inferior privilege be denied it of receiving from a State the right of making or repairing the roads over which it is compelled to transport the mails through the Union?

Moreover, it seems to be admitted that the United States have, since the Georgia cession, a constitutional right to make and repair roads in the ceded territory. If, then, by the transfer of the territory, Georgia could give, and the United States receive, the right to make roads within it, it is difficult to imagine a substantial objection to the validity of a grant to make a road without a transfer of the territory.

2dly. Your committee conceive that the General Government has the power of making and opening *military roads, with the assent of the respective States*, with a view to the common defence of the nation.

The power of opening a road during actual hostilities, for the purpose of transporting military stores and marching troops to points that are menaced, has never yet been called in question. In truth, without such a power the United States must fall a prey to foreign enemies; so that it seems fair to assume that, whenever a military road becomes necessary for the national safety, it is in the power of the General Government to construct it. Of this necessity that Government can be the only judge; and if the power of *judging* of this necessity be in them, the constitutional power to *act* must, of course, be conceded. In the exercise of this discretion, a very general sentiment at present prevails in favor of preparations during peace for a state of war; and if the power of judging *when* it is necessary be admitted, the constitutional right to do it at any time must be allowed.

It is not proposed to enter upon the delicate inquiry whether this right can be exercised by the General Government *without* the assent of the respective States through whose territories a road is constructed, in time of peace, with a view to military operations in any future wars. Leaving this question for discussion whenever the occasion may call it forth, your committee are content in this report to assert the right to exercise this "necessary" power, *with the assent of the States.*

Having taken this cursory view of the principles of the constitution in relation to the construction of roads by the United States, it may not be unimportant to examine what has been the practice under its provisions. The

laws of the Union and the acts of the executive branch of the Government, though they cannot be relied on to support acknowledged error, may safely be referred to in aid of our inquiries as to the proper construction of the constitution.

Among the most conspicuous of the analogies afforded by the acts of Congress is the establishment of the Cumberland road, already mentioned. This road has been constructed under the authority of the United States, with their funds, and through several of the States, with their assent. It has received the sanction of several distinct representative bodies, and of two Presidents of the United States. In short, if precedent alone were wanting, this act would furnish it.

Passing over the road from Nashville to Natchez, and the road from Reynoldsburg to a part of the late Territory of Mississippi, directed by an act of the last session of Congress, both of which afford precedents no less strong, we come to the military road lately directed by the executive authority to be constructed from Plattsburg, or its vicinity, to Sackett's Harbor. This road is not to be constructed with any express assent of the State through which it passes, nor by the authority of Congress; but the President has deemed it necessary as a military road, and has ordered it to be made accordingly—a measure the advantages of which are understood to be so palpable as to have given great satisfaction in the country where the road is made. Hence, however, the question results—whether the exercise of this power by the President is not an express admission of the right of the General Government to open military roads even in time of profound peace, when they are believed to be necessary; and if the power of judging of this necessity is possessed by the Executive, it cannot, it is presumed, be denied to the yet more important organ of the nation's will—the Legislature of the Union.

3dly. As to canals. It will not be necessary to recapitulate the arguments already used on the subject of roads, some of which will be found strongly applicable to canals. It may suffice to add, that the power to make canals and roads for the promotion and safety of internal commerce between the several States may justly be considered as not less incidental to the regulation of internal commerce than many of the powers exercised under the authority to regulate foreign commerce are accessory to that power. The embarrassments of the nation during war, from the want of good roads and canals, both in relation to trade and the transportation of cannon and military stores, have been too recently and sensibly felt to be forgotten. Vested with the power of making war, the constitution could never have intended the General Government should make it under such disadvantages. If there be any part of that instrument which demands a liberal construction, it is that which confers on the Federal Government the power of making war, and the duty of protecting the Union from foreign hostility. With a navy yet insufficient to insure the safe conveyance, coastwise, of troops, of implements of war, and military stores, and destined to contend with an enemy whose command of the sea enables them to assail, in rapid succession, the most distant positions, we have been compelled, from the want of an internal water communication, to encounter the most wasteful extravagance in the transportation of the means of defence. From the same cause, the internal trade between the States has been during war trammelled and embarrassed, and even cut off, and the productions of one portion of the community have rotted on their hands, whilst distant parts of the United States were suffering for the want of them.

It is true that the wants of the Union cannot confer power under the constitution, but they may justly be touched upon as affording aid in its construction. They must have been clearly foreseen, and must have been supposed to be provided for. If the power to carry on war implies "the necessary and proper" means of conducting it to a safe and prosperous issue, and if, without the use of these means, the burdens, and the privations, and the miseries of war are to be indefinitely increased, and its issue (always doubtful) rendered yet more precarious and unprosperous, are we not justified in presuming these means to have been contemplated as being vested in the General Government? Are we not justified in asserting this "necessary" power—the power of constructing roads and canals, at least *with the assent of the States.*

If your committee have not erred in attributing to Congress a constitutional power to make roads and canals, either as an original or accessory power, it would seem that no doubt could remain of the right of applying our revenues to those purposes. If, indeed, the power was denied to the General Government of constructing roads and canals themselves, a question might still arise whether it had not power to appropriate part of the revenue "to aid in the construction of roads and canals by the States?"

There is, perhaps, no part of the constitution more unlimited than that which relates to the application of the revenues which are to be raised under its authority. The power is given "to lay and collect taxes, &c.; to pay the debts, and provide for the common defence and general welfare of the United States;" and though it be readily admitted that, as this clause is only intended to designate the objects for which revenue is to be raised, it cannot be construed to extend the specified powers of Congress, yet it would be difficult to reconcile either the generality of the expression, or the course of administration under it, with the idea that Congress has not a discretionary power over its expenditures, limited only by their application "to the common defence and general welfare."

A few of the very great variety of instances in which the revenues of the United States have been applied to objects not falling within the specified powers of Congress, or those which may be regarded as incidental to them, will best illustrate this remark.

Thus, it can scarcely be conceived that, if construed with rigor, the constitution has conferred the power to purchase a library, either specifically or as a "necessary" incident to legislation; still less, perhaps, can the pious services of a chaplain, or the purchase of expensive paintings for ornamenting the hall of session, or various other expenditures of a similar character, be considered as "necessary" incidents to the power of making laws. Yet to these and to similar objects have the funds of the United States been freely applied at every successive session of Congress, without a question as to the constitutionality of the application.

It would be yet more difficult to reduce, under the specific or accessory powers of Congress, the liberal donation to the wretched sufferers in Venezuela, or the employment of our revenues in the useful and interesting enterprise to the Pacific.

The bounties allowed for the encouragement of the fisheries form another expenditure that does not fall under any of the powers granted by the constitution, nor could it fairly be considered as inferrible from the powers granted upon the strict principles sometimes contended for. The same objections would apply to actual bounties paid to manufacturers for their encouragement, and to the indirect encouragement given to them, and which operates as a bounty to one class of the community, and as a *tax* upon the rest. These, and a variety of other appropriations, can only be justified upon the principle that the general clause in question has vested in Congress a discretionary power to use for the "general welfare" the funds which they are authorized to raise.

Nor is there any danger that such a power will be abused while the vigor of representative responsibility remains unimpaired. It is on this principle that the framers of the constitution mainly relied for the protection of the public purse. It was a safe reliance. It was manifest that there was no other subject on which representative responsibility would be so great. On the other hand, while this principle was calculated to prevent abuses in the appropriations of public money, it was equally necessary to give an extensive discretion to the legislative body in the disposition of the revenues; since no human foresight could discern, nor human industry enumerate, the infinite

variety of purposes to which the public money might advantageously and legitimately be applied. The attempt would have been to *legislate*, not to frame a constitution; to foresee and provide specifically for the wants of future generations, not to frame a rule of conduct for the legislative body. Hence proceeds the use of this general phrase in relation to the purposes to which the revenues may be applied, whilst the framers of the instrument, in the clause which concludes the *enumeration of powers*, scrupulously avoid the use of so comprehensive an expression, and confine themselves to the grant of such incidental power as might be both "necessary and proper" to the exercise of the specified powers.

Nor is it conceived that this construction of the constitution is calculated to give that unlimited extent to the powers of the Federal Government which by some seems to have been apprehended. There is a distinction between the power to appropriate money for a purpose, and the power to do the act for which it is appropriated; and, if so, the authority to appropriate money "for the general welfare" does not, by fair construction, extend the specified or incidental powers of Government. Thus, in the case under consideration, if the power to make a road or dig a canal is not given, the power of appropriating money cannot confer it, however generally it may be expressed. If there were no other limitation, the rights of the respective States over their soil and territory would operate as a restriction.

Whilst this appears to be a safe as well as fair construction of the constitution, it is also that which has been practically given to it since the origin of the Government. Of this, the instances already mentioned furnish some evidence; and it is apprehended that, upon the rigid principles of construction asserted both in regard to the enumeration of powers and the appropriation of revenue, the acts of the Federal Government, including all its branches, will exhibit a continued series of violations of the constitution from the first session after its adoption to the present day.

It would behoove us to turn over the statute book, and deliberately examine how, upon these principles, the laws giving bounties to fishermen, encouraging manufactures, establishing trading-houses with the Indians, erecting and constructing beacons, piers, and light-houses, purchasing libraries, adorning with paintings the chambers of Congress, giving charity to suffering foreigners, constructing roads through the different States, and establishing banks, can be reconciled to the provisions of the constitution. If, as has been remarked by high authority, the constitutional question can be "precluded by repeated recognitions, under varied circumstances, of the validity 'of the exercise of a power by Congress' in acts of the legislative, executive, and judicial branches of the Government, accompanied by indications, in different modes, of a concurrence of the general will of the nation," the advocates for those powers in the General Government can find little difficulty in supporting the pretension.

From all these considerations, your committee submit it as their opinion that Congress has the constitutional power to construct roads and canals through the several States, *with the assent of the States*, on such terms as may be agreed on, leaving the *jurisdictional rights* in the States, respectively. To these and other national improvements which may be found to be within the constitutional powers of the Government, they think it advisable that the interest of the Government in the Bank of the United States should be appropriated. They forbear to give greater length to this report by enlarging on the important advantages to be derived from these national improvements; they also forbear, at this time, to offer the details of any plan upon the subject, presuming it most proper to obtain the sense of the House of Representatives, in the first instance, on the general proposition. For this purpose, they respectfully submit the following resolution:

Resolved, That, in order to promote and give security to the internal commerce among the several States; to facilitate the safe and expeditious transportation of the mails by the improvement of post roads, with the assent of the respective States; to render more easy and less expensive the means and provisions necessary for the common defence by the construction of military roads, with the like assent of the respective States; and for such other internal improvements as may be within the constitutional powers of the General Government, it is expedient that the sum to be paid to the United States, by the twentieth section of the act to incorporate the subscribers to the Bank of the United States, and the dividends which shall arise from their shares in its capital stock, be constituted as a fund for internal improvement.

15th Congress.] No. 436. [1st Session.

EFFECT OF THE JUDICIAL PROCEEDINGS OF ONE STATE IN THE COURTS OF THE OTHER STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 23, 1817.

Mr. Hugh Nelson made the following report:

The Committee on the Judiciary, who were instructed, by a resolution of the House of Representatives, to inquire "whether any, and, if any, what legal provisions are necessary to prescribe the effect which the public acts, records, and judicial proceedings of each State shall have in the courts of every other State," beg leave to report:

That, upon inquiry, it is ascertained that various and contradictory decisions have been made upon the construction of the act of Congress entitled "An act to prescribe the mode in which the public acts, records, and judicial proceedings shall be authenticated so as to take effect in every other State," which was passed the 26th May, 1790. In some of the courts it has been decided that the records of judgments coming from other States, authenticated in the manner prescribed in the act, are upon the same footing as foreign judgments; that they are merely *prima facie* evidence of the debt or demand, which evidence may be inquired into and rebutted by extraneous proof; and, finally, that the original cause of action may be again investigated. In other courts, it has been decided that such records are conclusive evidence of the debt, and cannot be impeached but upon some ground or fact occurring after the rendition of the judgment.

Your committee are of opinion that Congress has not yet executed the power given by the constitution of prescribing the effect which such records shall have. At all events, so much doubt rests upon the question, that, in the opinion of your committee, it is highly expedient that Congress should interpose by a law which will produce uniformity in the decisions throughout the Union, and which, by the establishment of a fixed and certain rule, will give confidence and security to commercial men in every part of the United States. They have therefore prepared a bill, which is herewith presented.

15th Congress.] No. 437. [1st Session.

LIST OF PERSONS HOLDING OFFICE AFTER THEIR ELECTION TO CONGRESS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 29, 1817.

To the House of Representatives of the United States: DECEMBER 29, 1817.

In compliance with a resolution of the House of Representatives of the 12th of this month, requesting to be informed whether any, and which, of the Representatives in a list thereto annexed have held offices since the 4th of March last, designating the offices, the times of appointment and acceptance, and whether they were at that time so held, or when they had been resigned, I now transmit a report from the Secretary of State, which contains the information desired.

JAMES MONROE.

DEPARTMENT OF STATE, *December* 24, 1817.

The resolution of the House of Representatives of the 12th of this month, requesting the President to communicate to that House whether any, and which of the Representatives named in the list thereto annexed have held offices since the 4th of March last, designating the offices, the times of appointment and acceptance, and whether they were at that time so held, or when they had been resigned, having been referred to this Department, the Secretary has the honor respectfully to report to the President as follows:

Persons named in the list from the House of Representatives.	States.	Office held since 3d March, 1817.	Time of appointment.	Time of resignation.
John Holmes,	Massachusetts,	Commissioner under the 4th article of treaty of Ghent,	Feb. 16, 1816,	Nov. 24, 1817.
Samuel Herrick,*	Ohio,	Attorney of the U. States,	Dec. 19, 1810,	Nov. 29, 1817.
Daniel Cruger,†	New York,	Postmaster at Bath,	June 29, 1815,	December 1, 1817.
Elias Earle,	South Carolina,	Postmaster at Centreville,	April —, 1815,	June 12, 1817.
Thomas H. Hubbard,	New York,	Postmaster at Hamilton,	March 11, 1813,	October 23, 1817.
Samuel C. Crafts,	Vermont,	Principal assessor for the sixth collection district,	Dec. 22, 1813,	December 1, 1817.
George Robertson,	Kentucky,	Principal assessor for the seventh collection district,	Jan. 4, 1815,	June 5, 1817.
George Mumford,‡	North Carolina,	Principal assessor for the tenth collection district,	- - -	No resignation has been rec'd from Mr. Mumford.
Levi Barber,	Ohio,	Receiver of public moneys at Marietta,	March 3, 1807,	December 1, 1817.
John F. Parrott,	New Hampshire,	Naval officer for the district of Portsmouth,	April 23, 1816,	Nov. 15, 1817.

JOHN QUINCY ADAMS.

15th Congress.] No. 438. [1st Session.

CONTESTED ELECTION OF SAMUEL HERRICK, A REPRESENTATIVE FROM OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1818.

Mr. TAYLOR, of New York, from the Committee of Elections, to whom was referred a memorial of C. Hammond, contesting the right of Samuel Herrick to a seat in this House, reported:

That, on the 19th December, 1810, Mr. Herrick was appointed attorney of the United States for the district of Ohio, which office he accepted, and held until his resignation thereof, on the 29th November, 1817. In October, 1816, he was elected one of the Representatives of the State of Ohio for the fifteenth Congress. The result of the election was publicly announced on the 7th January, 1817, in the presence of the Senate of that State. On the 15th September, 1817, the Governor executed a certificate of Mr. Herrick's election, according to the law of Ohio, which was received by him on or about the 30th day of the same month. Mr. Herrick, therefore, continued in office almost nine months after the 4th of March last, and two months after receiving the certificate of his election. It does not appear, on the part of the memorialist, and it is denied on the part of Mr. Herrick, that he performed any act as attorney of the United States after the said 30th September. He, however, continued in office, was liable to perform its duties, and was entitled to its salary until his resignation. Congress met December 1, 1817, and Mr. Herrick took his seat on that day in the House of Representatives.

The sixth section of the first article of the constitution provides that "no person holding any office under the United States shall be a member of either House during his continuance in office." The incompatibility is not

* See report of Committee of Elections, No. 438.
† See report of Committee of Elections, No. 439.
‡ See report of Committee of Elections, No. 445.

limited to *exercising* an office, and, at the same time, being a member of either House of Congress, but it is equally extended to the case of *holding;* that is, having, keeping, possessing, or retaining an office under such circumstances. If the membership of Mr. Herrick commenced either on the 4th of March or the 30th of September, 1817, he has vacated that membership by holding an office incompatible therewith.

We do not find that the question of incompatibility has been agitated in the House of Representatives on more than two occasions. The first case was that of John P. Van Ness, which occurred during the second session of the seventh Congress. The Committee of Elections were then instructed to inquire whether Mr. Van Ness, one of the Representatives from the State of New York, had not, after his election, *and after he had occupied a seat as a member*, accepted and exercised the office of a major of militia, under the authority of the United States, within the territory of Columbia. Mr. Van Ness freely admitted the fact as alleged, and thereupon the House unanimously resolved that he had thereby forfeited his right to a seat as a member of the House.

The other case was that of Philip Barton Key, decided at the first session of the tenth Congress. Mr. Key's seat was impeached, among other grounds, upon this: that, at the time of his election, and until a few days either before or after he took his seat, he held from the British Government, in his own right and name, the half-pay pension of a captain of infantry. The facts were briefly these: Mr. Key served as an officer in the British army, without the limits of the United States, from 1778 until 1783, when the corps to which he belonged was disbanded, and the officers placed on half-pay. The pension was paid, either for the benefit of himself or his assignee, until the month of December, 1805, when he received six months' half-pay. In January, 1806, he wrote to his agent in London, directing him to resign his claim to half-pay, and also to rank, if any could be supposed to exist; but it did not appear that any thing had been done in pursuance of that letter, nor, indeed, that it had ever been received by his agent.

On the 6th of October, 1806, Mr. Key was elected a Representative of the State of Maryland for two years, commencing on the 4th of March, 1807. On the 24th of October following he addressed a letter to Mr. Erskine, then His Britannic Majesty's ambassador at Washington, referring to the letter written to his agent, and repeating his resignation in a formal manner. This letter was not delivered to Mr. Erskine until the 28th or 29th of October, which was two or three days after the meeting of Congress, and after Mr. Key had taken his seat in the House of Representatives. Upon these facts the House decided that Mr. Key was entitled to his seat.

In regard to the several cases of Messrs. Turner, Dawson, and others, mentioned in the answer marked C, filed by Mr. Holmes, on the part of Mr. Herrick, we think a single remark sufficient. It does not appear that the House of Representatives was made acquainted with the existence of these cases; it cannot, therefore, be considered to have acquiesced in that of which it was ignorant.

The decisions of the House of Commons under the statutes of 5 William and Mary, chap. 7; 11 William III. chap. 2; and 12 and 13 William III. chap. 10, may serve to shed some light upon the subject under consideration. The first of these statutes enacts that no member of the House of Commons shall at any time be concerned, directly or indirectly, or any other in trust for him, in the farming, collecting, or managing any of the duties granted by that or any future act of Parliament, except the commissioners of the treasury, and the officers and commissioners for managing the customs and excise. The second act extends the disqualification to officers of the excise, declaring them incapable of sitting, voting, or acting as members; and the last-mentioned act applies the same provisions to all officers of the customs.

Many members of the House of Commons were, at different times, expelled for violations of these statutes; but the facts are reported in terms so general that it is impossible in most cases to determine whether the offence was committed before or after the member took his seat in the House. We find, however, two cases where the particulars are stated. The first was decided on the 13th of February, 1698, under the act above mentioned of 5 William and Mary. It is the case of Mr. Montagu, and is stated as follows by Hatsell in his precedents of proceedings in the House of Commons: The new Parliament was made returnable on the 24th of August, 1698, and was directed to sit for the despatch of business on the 29th of November. Mr. Montagu had been a commissioner of stamp duties, but in the commission which passed in September, 1698, he was left out; it appeared that he had acted under the former commission till the 4th of October, 1698; but, having informed the House that he did not qualify himself as a member till the 29th of November, and so conceived himself not to be within the law, he is, upon the question, called in to take his place, and a committee is appointed to draw up and state the matter of fact. It does not appear that the committee ever made report.

The other case is reported as follows: On the 5th of February, 1708, Sir Richard Allen was, on the hearing of his petition, declared to be duly elected for Dunwich. On the 7th of February he surrenders an office in the customs for life, to which he had been appointed in May, 1678. On the 8th of February this surrender is enrolled, and on the 9th of February he desires the sense of the House before he takes his seat on the clause of 12 and 13 of William III., chap. 10., which relates to the officers of the customs; and upon reading the letters patent and surrender, he is permitted to take his seat.

Persons elected to the House of Commons become at one time members for certain purposes, and at another time for other purposes. Thus, immediately upon executing the indenture of return by the sheriff or other returning officer, the person elected becomes entitled to the privilege of franking, although the day at which the Parliament is made returnable may not have arrived. Yet he is not a member; for he may thereafter be a candidate for election in another district, at any time before the Parliament is made returnable, and the return actually filed in the Crown Office. From the time last mentioned he becomes a member so far that he cannot be a candidate for another district, but yet he may thereafter hold an office incompatible with membership, and, upon resigning his office, he may immediately qualify and take his seat in the House. It has often been decided by their committee of elections that a person holding an office incompatible with membership is, nevertheless, capable of prosecuting his claim to a seat. After examination of all the parliamentary registers, histories, and journals within our reach, we have found no case where a person elected to the House of Commons was brought in on a call of the House before he had voluntarily appeared, qualified, and taken his seat; nor do we find any instance of a person having been expelled until after such time.

A very particular case occurred on the 10th of February, 1620. Sir John Leech, having been duly elected a member of the House of Commons, and appearing to take the oaths of allegiance and supremacy, was asked whether he had not already sat in the House that Parliament, in violation of the statute. He confessed that on the Wednesday morning previous he did sit in the House a quarter of an hour, being unsworn. For this offence Sir John was not expelled, but it was resolved that he was disabled to serve in the House, and a new writ of election was issued to supply the vacancy, in the same manner as if no election and return had taken place. The same course of proceeding has been pursued when a person duly elected and returned comes into the House and refuses to be sworn. Such was the case of Mr. Archdale, in the year 1698, who, being elected and returned, came into the House of Commons, and said he was ready to serve if his affirmation of allegiance could be accepted instead of his oath. The House resolved that it could not. Mr. Archdale, still declining to take the oath, was refused admittance to a

seat, and a new writ was issued to supply his place. This case is more peculiar, because a person elected to the House of Commons cannot relinquish his right to a seat, either before or after qualification, otherwise than by accepting an incompatible office; but, by refusing to be sworn, he may do that indirectly which he is not permitted to do directly. We have seen several similar cases which occurred in the Colonial Assembly of New York, but, not now having access to the journals, we are unable to report the particulars.

Persons elected and returned to the House of Commons may be chosen members of committees before they appear and qualify. But it is allowed for a reason similar to that which, in courts of law, permits a declaration to be filed *de bene esse* before the defendant appears in court. In both cases the act is conditional; and it is ineffectual unless the condition of appearance be performed.

The practice of this House, which does not allow the appointment of persons to be members of committees until they shall have been sworn and shall have taken their seats, is obviously more reasonable and convenient than the other. It was decided as early as the first session of the second Congress, in the case of John F. Mercer, who was chosen to supply a vacancy in the representation of the State of Maryland occasioned by the resignation of William Pinkney, that a Representative elect might decline his election before taking a seat, and before the first session of the Congress to which he was elected. We do not find that the question has since been agitated, although similar cases have often occurred. Our rule in this particular is different from that of the House of Commons; it is also better, for it makes our theory conform to what is fact in both countries, that the act of becoming in reality *a member of the House* depends wholly upon the will of the person elected and returned. *Election* does not of itself constitute membership, although the period may have arrived at which the congressional term commences. This is evident from the consideration that all the votes given at an election may not be received by the returning officer in season to be counted, whereby a person not elected may be returned and take the seat of one who was duly elected. Neither does a *return* necessarily confer membership; for if he in whose favor it be made should be prevented taking a seat at the organization of a House of Representatives, he might find, upon presenting himself to qualify, that his return had been superseded by the admission of another person into the seat for which he was returned.

At an election held in the State of Georgia, in October, 1804, Thomas Spalding was duly chosen a Representative to the ninth Congress; but, because the votes of three counties were not returned to the Governor within twenty days after the election, Cowles Mead received a certificate, and took his seat. Mr. Spalding afterwards presented his petition. The House vacated Mr. Mead's seat, and admitted Mr. Spalding.

In April, 1814, Doctor Willoughby was elected a Representative of the State of New York to the fourteenth Congress; but, by reason of a clerical error of certain inspectors in returning certificates of votes to the office of the county clerk, General Smith was declared duly elected, and a certificate of election was accordingly delivered to him; but he, having omitted to take a seat at the commencement of the session, was, on the ninth day thereafter, declared not entitled, and thereupon Doctor Willoughby was admitted in his stead.

Several other cases might be cited where persons were returned who never in fact became members, and where others became members who were not returned. Neither do *election and return* create membership. These acts are nothing more than the designation of the individual who, when called upon in the manner prescribed by law, shall be authorized to claim title to a seat. This designation, however, does not confer a perfect right; for a person may be selected by the *people* destitute of certain qualifications, without which he cannot be admitted to a seat. He is, nevertheless, so far the representative of those who elect him, that no vacancy can exist until his disqualification be adjudged by the House; yet it would be easy to state cases where he would not be permitted for a moment to occupy a seat, notwithstanding the regularity of his election and return. To no practical purpose could he ever have been a member. So, also, if a person duly qualified be elected and returned, and die before the organization of a House of Representatives, we do not think he can be said to have been a member of that body, which had no existence until after his death. We say which had no existence, for we consider that concert altogether fanciful which represents one Congress succeeding to another as members of the same corporation. It has no foundation either in fact or in the theory of our Government. Each House of Representatives is a distinct legislative body, having no connexion with any preceding one. It commences its existence unrestrained by any rules or regulations for the conducting of business which were established by former Houses, and which were binding upon them. It prescribes its own course of proceeding, elects its officers, and designates their duties. Even joint rules for the government of both Houses of Congress are not binding upon a new House of Representatives, unless expressly established by it. Although the fourteenth Congress had never assembled, the fifteenth would have met, under the constitution, clothed with every legislative power, as amply as it was enjoyed by the thirteenth. The constitution does not define the time for which Representatives shall be chosen; it is satisfied provided the choice take place at any time in every second year. The rest is left to the discretion of each State. Accordingly, in some States Representatives are usually chosen for one year and seven months, and in other States for a longer time.

The privilege of exemption from arrest, granted by the constitution to Representatives before a meeting of the House, and after its adjournment, furnishes no argument in favor of their membership at such times. Exemption from arrest is a privilege as old as the Parliament of England. There it is extended, not only to members, but to their servants, horses, and carriages. Our constitution adopts the very words of the common law, but restricts the privilege to members. In both countries the object is the same—not the benefit of the member, but of the public service. It is an essential incident to the right of being represented, and a consequence of that right. But that membership is not co-extensive with the enjoyment of that privilege is manifest, from the consideration that such a construction might make the members of one Congress continue in office, not only after the Congress had expired, but also after the next Congress was actually in session. This construction, therefore, is not only absurd, but it serves to illustrate the fallacy of that suggestion which fancies the Representatives of one Congress succeeding to the seats of their predecessors as members of the same corporate body.

The privileges of franking letters and of exemption from militia duty are not granted by the constitution; they are established by law, and liable to be changed at the will of the Government. They have been extended, and may be restricted, as public convenience shall require. Previous to the last Congress, the privilege of franking was not enjoyed until after the commencement of each session. But as that does not prove negatively that persons elected to the House of Representatives were not members before that time, so the existing law does not prove affirmatively that they are. It is true that the words "members of the House of Representatives" are used as descriptive of the persons to whom the privilege is granted, but it certainly was used without intending thereby to express an opinion, much less to decide, when membership commences, and probably without in anywise adverting to that inquiry. The late war had created claims in every part of the country which it was found convenient to send by mail to those who were elected to Congress in the several districts previous to their leaving home. The law was passed with a view to the convenience of these public claimants, as well as to that of the Representatives elected. We have seen that in England this privilege is enjoyed before the commencement of membership, and probably for a reason similar to that above mentioned.

It is not now necessary to inquire what construction ought to be given to the act which exempts "members of both Houses of Congress" from the performance of militia duty. We do not know that it has ever received a judicial exposition, and we presume that the practice under it by the officers of the militia furnishes no very high authority on the constitutional question before us.

In regard to the danger apprehended from executive influence in the concerns of legislation, we might rest satisfied with the remark that the business of *forming* a constitution is not confided to us. Ours is a more humble duty; it is to expound the text by a fair interpretation. We can neither add nor diminish; the object of our inquiry is, not what ought to be, but what is.

Whoever looks into the constitution will find provisions to guard the entrance of the legislative hall against those whose personal and immediate interest would be advanced by perpetuating offices and increasing salaries, but he will find more for the purpose of excluding the influence of executive patronage. The framers of the constitution either did not apprehend danger from that source, or they thought it impracticable to prevent it without hazarding still greater mischief. The great offices of the Union are objects of high and honorable ambition; they are left as open to the members of this House as to others, and they can only be obtained through executive favor. Nay, laws may be passed on the last day of a Congress creating offices and fixing their salaries, and on the next day the members by whose votes they were created may be appointed to fill them. The only antidote provided against an abuse of this pervading influence is the elective franchise. No dependant on the Executive can take a seat in this House. If any member become such, his seat is vacated; his power returns to the people. By a faithful and intelligent exercise of it, they may correct errors and punish delinquency. This is the regenerating principle of the constitution. If this remedy fail, it will be vain to look for another. The constitution was provided for a brave, wise, and virtuous people. If the citizens of the United States ever cease to deserve this character, our present political institutions will be found unsuited to their condition. This is the only constitutional answer we can give to the suggestion of possible danger from executive influence.

In fine, we have examined the memorial of Mr. Hammond with deliberate attention, and are of opinion that Mr. Herrick has not rendered himself incapable of being a member of this House by reason of having held the office of attorney of the United States after the 4th of March, and until the 29th of November last. We subjoin hereto the said memorial, marked A; Mr. Herrick's answer, marked B; and also an answer filed by Mr. Holmes, on the part of Mr. Herrick, marked C; and respectfully submit the following resolution:

Resolved, That Samuel Herrick is entitled to a seat in this House.

A.

To the honorable the House of Representatives of the United States in Congress assembled: The memorial of the undersigned, a citizen of the United States, and a resident and elector in the fourth congressional district of the State of Ohio, respectfully represents:

That, at the general election held in the State of Ohio, in the month of October, in the year 1816, Samuel Herrick, Esq. was duly elected to represent the fourth congressional district of the State of Ohio in the fifteenth Congress of the United States; that, on the 7th day of January, 1817, agreeably to the laws of said State, he was declared duly elected by the Governor and Secretary of State, in the presence of the Senate of said State; that he has obtained a certificate of his election, has appeared and taken the oaths required by law, and now holds and occupies a seat in your honorable body as one of the Representatives of the State of Ohio.

Your memorialist further showeth that, at the time Mr. Herrick was elected a member of the House of Representatives, he held the office of United States district attorney for the Ohio district, which office Mr. Herrick continued to hold, and continued to perform the duties thereof, and to receive the compensation attached thereto, until the month of September, in the year 1817; nor is it known to your memorialist that Mr. Herrick has yet resigned the said office.

Your memorialist further showeth that the office of United States district attorney is an office created by a law of the United States, and the persons appointed to discharge the duties of said office are nominated and appointed by the President, by and with the advice and consent of the Senate of the United States, and hold their offices during the pleasure of the President, and, besides perquisites of office, receive an annual compensation from the treasury of the United States.

Your memorialist further showeth that, by the sixth section of the first article of the constitution of the United States, it is, among other things, provided and declared that "*no person holding any office under the United States* shall be a member of either House [of Congress] during his continuance in office."

It is conceived that the Congress of the United States is a political institution of continual duration. Composed of the President, the Senate, and the House of Representatives, it must always be in existence while the Government exists. The members of all its component parts, though appointed for different, are still appointed for determinate periods. The moment the term of the predecessor expires, that of the successor commences, unless, from some cause, such successor has not been selected in the manner pointed out in the constitution. The commencement of every term is upon the 4th of March, that of the President every fourth, that of the Senate every sixth, and that of the House of Representatives every second year; and although it may possibly happen that the seat of a single member, or the representation of one or more States, may be vacant, yet this fact cannot possibly affect the continual existence of the institution itself; for, if the Congress once ceases to exist, the Government must from that instant be terminated.

As the members of the House of Representatives are appointed for but two years, and the other branches are appointed for a longer period, the election of a new House of Representatives is considered as constituting a new Congress. The present Congress is denominated the fifteenth Congress of the United States; but this description must be referred to the members who compose the Congress, and not to the institution itself. Though, at the end of the biennial term of the Representatives, that branch of the Congress becomes necessarily disorganized, still the Congress exists. The other branches are in complete organization, and the members of the representative branch are legally in existence, ready to be organized, should occasion require it.

All the rights and all the privileges of their station attach to the members elect the moment their term commences. There can be no space of time between the termination of one Congress and the commencement of another. The fifteenth Congress existed on the 4th March, 1817, as certainly as it now exists. The members of the Senate and of the House then elected, but who had not qualified themselves to act by taking the necessary oaths, were, notwithstanding this fact, members of Congress. The terms of Mr. Otis, in the Senate, and of Mr. Herrick, in the House, commenced at the same instant of time. Both were members. The President's proclamation convening the Senate called Mr. Otis to the immediate performance of his duties, but it could not constitute him a member of Congress. A proclamation convening the House of Representatives would have operated in the

same manner upon Mr. Herrick; and certainly, notwithstanding that the States of Virginia and North Carolina had omitted to appoint their representation, the President could have called the fifteenth Congress to meet upon the 4th day of March, 1817.

An opinion seems to have prevailed that a person elected a member of Congress is not, in fact, a member until he shall have declared his acceptance of the appointment by taking the oaths necessary to qualify him to discharge his duties on the floor. This opinion assumes that, although the appointment is complete, and the term commenced, still the seat remains vacant until the person appointed shall signify his pleasure upon the subject. This position is regarded as wholly untenable.

Either Mr. Herrick was a member of Congress on the 4th of March, 1817, or he was not a member. If he was a member, there could be no vacancy; if he was not a member, by what authority does he now occupy his seat?

The constitution of the United States provides that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof;" and it also provides that "when vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies." On the 14th of February, 1812, the Legislature of Ohio prescribed that, on the second Tuesday of October, 1812, the electors in that State should elect suitable persons to represent that State in Congress for a term of two years, to commence on the 4th day of March, 1813; and they further prescribed "that, at every period of two years from the said second Tuesday of October, the electors of each congressional district in that State shall, in like manner, vote for a suitable person to represent that State in the Congress of the United States for the term of two years, to commence on the 4th day of March next thereafter."

Under these provisions of constitutional and statute law, on the second Tuesday of October, 1816, Mr. Herrick was elected to represent the State of Ohio in Congress for the term of two years, to commence on the 4th day of March, 1817. By this election, the constitution of the United States and the law of Ohio were completely executed. Their office was performed, and no election could be held, except to fill a vacancy, until the recurring term of two years. If, after this, Mr. Herrick should die before the meeting of Congress, the Executive must issue his writ to supply the vacancy; and it seems difficult to comprehend how, if Mr. Herrick never was a member of Congress, his death could leave a vacancy to be filled by special election.

That persons elected members of Congress are legally members before they qualify by taking the oaths is evident, from the practice under the constitution in various particulars. It is provided by the sixth section of the constitution that the members of Congress shall be privileged from arrest in certain cases during their attendance at the session, and in going to and returning from the same. This privilege attaches to the members before they take the oaths when going to attend the first session after their election. If they were not members until the oaths were taken, this could not be the case.

The militia law of the United States exempts "the members of both Houses of Congress" from the performance of militia duty. This exemption has always been considered as attaching to the members from the commencement of their term. And, in like manner, the privilege of franking is claimed and exercised by the members elect before they take their seats. In the cases here enumerated, the practice is undoubtedly predicated upon the hypothesis that the persons elected to Congress are members from the commencement of their term.

If, then, according to the constitution, the person elected a member of Congress becomes a member upon the day at which his term commences, your memorialist conceives that upon that day he must be capable, under the constitution, of occupying his seat in the proper House. A person holding upon that day an office under the United States is not thus capable. On the 4th of March, 1817, Mr. Herrick held the office and received the emoluments of United States district attorney for the Ohio district. This is an office under the United States, and the constitution expressly declares that "no person holding any office under the United States shall be a member of either House of Congress during his continuance in office." *He shall not be a member.* If Mr. Herrick was not a member while he held his office, he cannot now be a member. If he was a member, and at the same time held an office under the United States, it would seem that the constitution is inoperative in his particular case.

The language of the constitution is clear and explicit. It did not mean to prohibit a person from performing the duties of a Senator or Representative, and the duties of any other office at the same time. Its object was to render the holding of an office under the United States and the appointment of a member of Congress utterly incompatible. The interpretation by which Mr. Herrick can hold his seat permits him to be a member of Congress, to enjoy the privileges and exemptions of a member of Congress, and to continue for nine months afterwards, and longer if he pleases, to hold and receive the emoluments of an office under the United States. Your memorialist most respectfully begs leave to insist that this interpretation never was contemplated by the framers of that instrument. Its purpose cannot be mistaken. It intended, by shutting out from both Houses the dependants and the creatures of the Treasury, to close the doors of the Legislature against undue executive influence. And this was done to preserve the American Congress from the baneful consequences of that indirect and invisible system of bribery which corrupted and disgraced the British Parliament.

The provision of the constitution occasions an absolute incapacity. A person elected to Congress, who, after the commencement of his term, continues to hold or accepts an office under the United States, is incapable of membership in the one case, and in the other vacates his own seat. Adopt a different construction, and Congress may soon be filled with men who receive executive appointments after their election, and resign them only long enough to serve executive purposes in the Legislature. Surely it cannot be necessary to an upright, intelligent, and enlightened legislation that Congress should strain for an interpretation of the constitution by which they may retain among them as members men so fond of distinction or so greedy of gain as to place themselves upon a level with the menial instruments of the most corrupt Government upon earth; for here your memorialist must beg leave to suggest that it can seldom happen that a high-minded and honorable man would wish to retain an employment under those whom, in discharging a trust of great confidence, he may soon be compelled to oppose or control.

The view which your memorialist has taken of this subject carries conviction to his mind that Mr. Herrick, by retaining his office, has rendered himself incapable of a seat in Congress; that, consequently, he has, by his own act, vacated his appointment, and has no right to a seat in your House. Your memorialist, therefore, prays that your honorable body will examine into the matters herein alleged, and that you will vacate the seat now occupied by Samuel Herrick, Esq. as a Representative in the fifteenth Congress from the fourth congressional district in Ohio.

And your memorialist will pray, &c.

C. HAMMOND.

B.

SIR: WASHINGTON, *December* 29, 1817.

The question submitted for the consideration and report of the committee is, whether a person elected a Representative to Congress on the second Tuesday of October, 1816, received the certificate of his election about

the 1st day of October, 1817, and who has held the office of attorney of the United States before and after the 4th of March, and down to the 29th of November, 1817, and no longer, is entitled to his seat as a member of Congress, in the House of Representatives, on the first Monday of December following, under the constitution of the United States, or not. This is the question, and these are the facts which make the case for the report of the committee. I am thus particular in stating the facts which make the case, in order that it may be decided upon its own peculiar merits, unconnected with the facts and circumstances which may relate to the case of any other gentleman (if any such there be) whose situation may be similar in some, though not in all respects, to mine. Not because I know, or even suspect, that the facts connected with this case are more favorable to my holding my seat than the facts relating to the case of any other gentleman may be favorable to him; but because I think it just that this, like every other case of individual right, before this, as before every other tribunal, should stand upon its own base, and be decided according to the facts and circumstances of each particular case. The constitution, by which the several departments of the Government have been created, is the only authority essentially connected with, or that has any bearing on, the question. As well may we call to our aid the by-laws of the corporation of the city of Washington or of Alexandria in giving a construction to that instrument, as the laws of the State of Ohio, or of any other State in the Union. I mean no disrespect to the laws of any State. They are all wise and proper, I presume, within their respective spheres, but they have no bearing on the question. Taking the constitution for our only text and guide, does it prohibit a person thus situated from becoming a member of Congress? I think not. He is not precluded, either by the words or the spirit of the constitution. That part of the constitution, and the only part that is regarded as prohibitory, in the sixth section of the first article, reads as follows: "And no person holding any office under the United States shall be a *member* of either House during his continuance in office." What, sir, is necessary to constitute a person a member of Congress within this provision of the constitution? Does the mere act of the people, by electing him their Representative, either in fact or in law, make him a member of Congress? I think not, sir; for, if so, the mere nomination of the President, or the mere nomination of the President with the approbation of the Senate, may constitute a judge, in law or in fact, of one of your courts, an ambassador, a consul, or any other officer, which the President and Senate have the power, under the constitution, of appointing; and that, too, with or without the consent of the person thus nominated, without any evidence of his acceptance, and without his taking the oath of office as prescribed and required by law—a doctrine which, I presume, would not be contended for even by the memorialist himself. And yet this position, as preposterous as it manifestly is, is nevertheless correct, if the election of a Representative by the people, without any act on his part evidencing his consent or proving his acceptance, will constitute him a member of Congress. So far from this being the law, as it regards this case, I believe in every instance, as well under the Government of the United States as under the several State Governments, there are always one or more acts to be performed, both by the candidate or contemplated officer, and by the Government or people, as the case may be, all of which must be performed before any person can be constituted an officer, either in law or in fact; and such is peculiarly the case as it respects a member of Congress. First, the people must elect him; secondly, the votes must be canvassed; thirdly, his election must be duly proclaimed; and, fourthly, the evidence of his election and certificate of the fact must be made out and furnished him by the Executive of the State. All these acts are required to be performed by the people and the Government, and that, too, before the person elected is bound even to *know* that he is elected; and even then it would be unreasonable to say that the person elected should not have some little time to reflect on the subject, and to make up his mind whether he would resign one office to accept of another. But the performance of all the acts above mentioned do not constitute him a member of Congress. He is merely a representative elect—an inchoate or inceptive member.

There are yet two other acts to be performed, one by the Government, another by the inchoate member or the Representative elect, before his right to his seat is consummated, and before he is, agreeably to the language and spirit of the constitution, a member of Congress. He must appear in this place, and consent to take the oath as prescribed to support the constitution, and the Speaker must administer that oath to him. This act of his, in *consenting* to take the oath, is the only legal evidence known to your constitution or laws of his having *accepted* the office; and his having *taken the oath* is the only legal evidence that he is, in law and in fact, a member of Congress, the other acts enumerated having also been performed. This case may be assimilated to that of any other contract made, where the people or the Government form one party, and an individual the other party; or to that of a contract made by two individuals—the assent of both to the contract must be proved, or it is no contract. If all the acts which I have enumerated are not necessary to be performed to constitute a member of Congress, how many are necessary? Where is the dividing line drawn? and by what is it drawn? The constitution has drawn no line between the performance of the whole or a part of those acts. And upon the same principle that the performance of any one of those essential acts and conditions to constitute a member may be dispensed with, the whole may be dispensed with, and a person is equally a member of Congress with or without the consent of the people, or of his own consent. It is contended that a Representative elect, in the State of Ohio, and before he takes the oath required by the constitution, was, on the 4th of March last, a member of Congress, or he was not a member; if a member, he could not hold the office of attorney; and if not a member, there was a vacancy, and the Executive should or might have issued a writ, ordering a new election to fill the vacancy. To support this position, a statute of Ohio is cited, and which, it is said, provides for the election of a Representative on the second Tuesday of October, for the term of two years, to commence on the 4th day of March thereafter. That there is such a statute is not denied. I have, however, before entered my protest against the propriety of dragging in the statute of any State to control or vary the correct meaning and construction of the constitution of the United States. From whence, sir, did the Legislature of Ohio derive their authority to pass a statute determining when the office of a member of Congress shall begin, or when it shall end, or how long it shall continue? Surely not from this constitution. The only power given by the constitution to the State Legislatures on this subject is that of prescribing the times, places, and manner of holding elections, (section 4th, 1st article.) The second section of the first article of the constitution provides for the election of the Representatives every second year by the people of the several States, without fixing any *time* when the office shall commence. As, then, neither the constitution, nor any law made by the authority of that instrument, fixes the time when the office of a member of Congress begins, it is but fair to conclude that it was the intention of the convention that the office should commence at the time the oath was administered to the Representative by the Speaker, and not before; or, otherwise, that convention of statesmen, good and wise as they were, would expressly have fixed on some other and earlier period, and not have left the question open for construction.

I accord with the position assumed, that a Representative elect, on the 4th of March, and before he takes the necessary oath, was a member of Congress, or he was not a member, within the sixth section of the first article of the constitution. I maintain the negative of this position. If a Representative elect was, on the 4th of March, and before he took the oath, a member, then not only all the rights and privileges of a member instantly attached to him, but also all the rights and privileges of the people on their Representative as instantly attached to them. I presume

it will not be said that the rights of the Representative elect on the people attach to him before the rights of the people on him attach to them. No, sir; those respective rights have a simultaneous beginning. And suppose the President had thought proper, on the 4th of March, or soon thereafter, to have called an extra session of Congress, (as he had a right to do,) and the Representative elect, before he had taken the oath, had been summoned to attend at this place, and refused obedience to the summons, could his obedience have been forced? No, sir. And suppose, on the 1st of December, the constitutional period for the meeting of Congress, the House had met; and there not being a quorum to do business, suppose a member elect, but who had not been sworn into office, was walking the streets of this city, attending to his ordinary private concerns, with the certificate of his election in his pocket, as made out by the Executive of the State—could the House compel the attendance of such Representative elect? Or suppose the sergeant-at-arms should seize the Representative elect, and drag him before the House *vi et armis*, and Mr. Speaker should rise with his Bible in his hand, and order him to be sworn, and to repeat the form of the oath after him, and the Representative should refuse, by saying he would not repeat the oath, he would not be sworn, and that he would not perform the duties of a member—I ask, would not Mr. Speaker, and would not the House, to use a homely phrase, be at the end of their tether? And why? Because a Representative elect cannot perform any duty enjoined upon him by law before he has taken the oath of office, and he cannot take the oath before Congress convenes, and which is the only legal, unequivocal, and certain evidence that he has accepted the office and has become a member. Nor do the rights and privileges of a *member* of Congress instantly attach to a Representative elect on the 4th of March, and before he takes the oath of office. If he *indeed* takes the oath on the 4th of March, I agree that his rights and privileges attach to him, in the manner as prescribed by the constitution, as soon as he takes the oath, and *not before*.

It will be perceived, sir, that there is an evident distinction running throughout the constitution between the meaning of the word "Representative" and the word "member." The word "*Representative*," as used in the constitution, signifies a person who has been elected, but not *qualified to act;* to him the rights and privileges of a member do not attach. The word "*member*" signifies a person who has not only been elected, but has taken the oath of office; it means a member *de jure* and *de facto;* to him the rights and privileges do attach. Thus, for example, in the fourth section of the first article: "The times, places, and manner of holding elections for Senators and *Representatives* shall be prescribed in each State by the Legislature thereof;" not for Senators and *members*. And again, by the fifth section of the first article: "Each House shall be the judge of the elections, returns, and qualifications of its own *members;*" not *of its own Representatives;* "and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent *members;*" not *the attendance of absent Representatives*. "Each House may determine the rules of its proceedings, punish its *members*," *not its Representatives*, "for disorderly behavior, and, with the concurrence of two-thirds, *expel a member;*" not *expel a Representative*. And the sixth section of the first article, called the *prohibitory* section, does not say that a person holding any office under the United States shall not be a *Representative* during his continuance in office; it says, no person holding, &c. shall be a *member* of either House during his continuance in office. And, however it may have been the fact in some instances that Representatives elect, before they were qualified and took their seats in the House, may have claimed exemptions from the performance of military duties, (as is alleged by the memorialist,) and the benefit of the privilege of franking letters, &c., (though I do not know that it is a fact that any gentleman has done it, I can answer for one that I have not done it,) yet I very much doubt whether the practice is warranted by the true construction and spirit of the constitution. Again, sir, if the convention who framed the constitution intended that no person holding any office under the United States should be a Representative elect during his continuance in such office, they would have employed the necessary and appropriate language for the expression of that intention, as they certainly were capable of doing, and not employed the language here used.

If such had been their intention, the convention would have employed the same language which they have used in the second section of the first article, where they have clearly expressed such intention when they say "no person shall be a *Representative* who shall not have attained to the age of twenty-five years, been seven years a citizen of the United States, and an inhabitant of that State in which he shall be elected." So, in the first section of the second article, "no Senator or Representative, or person holding any office of trust or profit under the United States, shall be appointed an elector." Here the convention has not only said that a person holding an office under the United States shall not act as an *elector*, but that he shall not be a candidate—*he shall not be appointed an elector.*

I have only to add, sir, that, if a contrary doctrine prevail, it will have the effect, in many instances, of defeating the views and thwarting the wishes of the people; it will have the effect, in some instances, of limiting the number of persons out of whom the people will be permitted to select their candidate for a member of Congress. I can assure you, sir, that I should not have permitted my name to be used as a candidate, if I had not most conscientiously believed that I had the right, lawfully and equitably, to hold the office of attorney (as inconsiderable as the emoluments of that office are) until I *took the oath* as a member of this House; for, by taking a seat in this House, I have not only resigned the office of attorney of the United States on the 29th November, (which I did cheerfully at the time,) but shall also suffer a considerable loss by neglecting the practice of my profession as a lawyer, which has heretofore been profitable. The latter loss I believed would be as great as my pecuniary circumstances could comfortably sustain for the honor of holding a seat in this House, *without* resigning the office of attorney *long before* I became *in fact a member of Congress.*

I have the honor to be, &c.

SAMUEL HERRICK.

To the Hon. Mr. TAYLOR, *Chairman of the Committee of Elections.*

C.

Answer of Mr. Holmes, filed in behalf of Mr. Herrick.

Mr. Herrick is duly elected a Representative in the Congress of the United States from the State of Ohio. At the time of his election, and until after the 4th of March last, he held the office of attorney of the United States for the district of Ohio, which office he resigned before the commencement of this session of Congress.

Upon these facts his right to a seat is contested. In the sixth section of the first article of the constitution of the United States, it is provided that "no Senator or Representative shall, during the term for which he was elected, be appointed to any *civil* office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding *any* office under the United States shall be a member of either House during his continuance in office." The first clause affects the *office*, the

last the *membership*. The first prohibits the Executive from taking away a Representative from the people, and very properly extends it to the whole period "for which he is elected;" and it guards against the temptation to create offices for our own emolument.

Had the prohibition in the other clause relating to *membership* been intended to extend to the same period of time, it would have been so expressed. The sentence would have then stood: And no person holding any office under the United States during the time for which he was elected shall be a member of either House. The changing the phraseology in the same paragraph would not have been without design. The prohibition does not extend to the time for which he is elected, nor even in which he is a member, but is expressly limited *to his continuance in office*.

When the constitution disqualifies a person from serving the people as their Representative, the reason of the disqualification is apparent. By the second paragraph of the second section of the same article, no person shall be a Representative who shall not, *when elected*, be an inhabitant of the *State*. The *inhabiting* is required *at the time of his election*, that the people may know his ability and his principles, and he may understand their interests and inclinations.

The first and principal inquiry, then, is, was Mr. Herrick, in the sense intended in this clause of the constitution, *a member* of this House during his continuance in office?

It would be difficult to perceive how a person can be a member of *either House* until he has met with the others, taken the oath, and submitted to the usual organization. Before this, he has no powers as a *member*. He can do no *act* in that capacity. He is, to be sure, a Representative or member *elect;* but he is not a member of the *House* until that House shall have judged of his "election, return, and qualification."

A person cannot be a member until he accepts the appointment. This is not done until he appears and expresses his willingness to act, or, *at least*, claims some privilege of his election. Many members do not receive their *credentials* until they arrive at the seat of Government. A notice that they are chosen does not make them *members*, nor is it evidence of their acceptance. When they *elect to act*, they signify their acceptance; when they are *qualified*, they become *members*.

The word "*member*" is used throughout the constitution to signify a constituent branch of an *organized House*. Thus, the *House of Representatives* is to be composed of *members*, &c. The Senate may convict, on impeachment, with the concurrence of two-thirds of the *members* present. Each House shall be the judge of the election, &c. of its own *members*, may punish its *members* for disorderly behavior, and, with the concurrence of two-thirds, expel a *member*. At the desire of one-fifth, the yeas and nays of the *members* are to be entered on the journals; and there is no instance in which they are spoken of as *members* except as constituting a *House*, unless the power to compel the attendance of *absent members* is an exception. If this power extends to compelling the attendance of those who have *never taken their seats*, it would seem that, in *one* instance, the constitution describes persons as members before they are qualified. But it is at least doubtful whether a *minority* of the House can exercise forcible means to bring in a man who has never taken the oath or submitted to the rules. It is not readily perceived what officer could be employed to execute a *capias* upon a member elect in a remote part of the country, who had never submitted to the authority of the House, or signified his acceptance of his place.

If the expression is intended to extend to those only who absent themselves *after* they are qualified, it is not an exception. But, *at most*, it is not an exception. It speaks of the *House* compelling the attendance of *absent* members, or *members elect*. The word *absent* qualifies the meaning. Besides, it only proves that the Representatives are called members *after* the commencement of the session, which might be safely admitted.

When they are spoken of in the constitution in relation to other times than while in session, they are invariably called *Senators and Representatives, and not members*. Thus, no person shall be a *Representative* who shall not have attained to the age of twenty-five years, and, *when elected*, be an inhabitant of the State. So of a Senator. The times, &c. of holding the elections of *Senators and Representatives* shall be prescribed by the Legislatures of the States. Senators and Representatives shall receive a compensation, and be privileged from arrest. These privileges embrace the time in which they are members, and *more*—including their *going and returning*. No Senator or Representative shall, *during the time for which he is elected*, be appointed to any civil office, &c.; and then comes the clause under consideration, that no person holding an office *shall be a member*.

This being the solitary instance among so many in which the word is extended beyond the session, there should be some good reason for this difference of its meaning. Now, what *is* the reason? Does the office influence the election? The objection comes too late. It seems to be agreed that a person may hold his office at least to the time of his election.

Does it influence the conduct of the member? The office ceases before he begins to act. There are very good reasons why a person shall not be a *member* during his continuance in office. His duties as a Representative are not to be interrupted by the duties of his *office*, nor his motives perverted by *executive influence*. If, before he is called to act as a Representative, he is disencumbered of the office, the former reason ceases; and why does not the latter? Can it be pretended that, because he *has had* an office, the influence continues after the office ceases? Is a Representative *purified* if he resigns an office on the 3d, and polluted if he holds it to the 4th of March? A doctrine like this leads to the most palpable absurdities. The election in New York is twenty months before the usual session in which the Representatives are to serve; that in Tennessee about four months. Suppose a gentleman in each State to be appointed to an office of the *same kind* on the *same day*. They both hold their offices *up to* the day in which the election takes place in Tennessee, resign on the same day, are chosen to Congress, and take their seats. Yet, because the gentleman from New York held his office after the 4th of March, and *after his election*, and the gentleman from Tennessee held his to the same time and *up to* his election, the latter is qualified, and the former disqualified. Here are two gentlemen who hold their offices and take their seats contemporaneously, and one is admitted, and the other rejected, and the reason is, that the one would be under executive influence, and the other would not. It is a poor compliment, indeed, to those venerable sages who framed the constitution, to suppose them capable of such palpable absurdities.

At the time the federal constitution was framed, an opinion had long prevailed that executive and judicial officers ought not to partake in legislation. It was deemed expedient that the three departments of the Government should be kept distinct, lest members of a Legislature, holding offices under the Executive, might be too much inclined to yield to his will, and extend his power. But it would have betrayed unreasonable jealousy to apprehend that gratitude for *past* or hopes of *future* favors would lure a member from his duty. Had the framers of the constitution apprehended any danger from this source, they would have defined and *equalized* the time that an office must be executed before the incumbent could act as a legislator; and they would have especially extended their prohibition to a period *after* the legislator's power had expired. Men are less inclined to be influenced by gratitude for *past* than hopes for *future* benefits. Selfishness induces the belief that when the office is executed the account is balanced; but the hopes of *future smiles* afford a much stronger inducement to a member to forget his constituents and cling to the Executive.

But it is insisted that Congress is a *perpetual body*, and as soon as one House expires another springs into existence. Visionary as is this theory, it becomes us to notice it. The constitution has provided that the House shall be composed of members chosen every second year, but has not defined at what time their period shall commence. It is the *law* that has established the 4th of March as the commencement of the two years *within which* a Congress shall meet and act. The time of election, however, is still left with the *States*. In Virginia, North Carolina, and Tennessee, the Representatives are chosen *after* the 4th of March. If membership commences at this time, the Representatives of those States must be excepted, or be members before they are chosen. And should the other States postpone their elections until after the 4th of March, which they have a right to do, this doctrine of a perpetual Congress would be subverted, and still the constitution and the liberties of the people would be safe.

But it is said that because, by the constitution and laws, Representatives are entitled to privileges before and after their sessions, this implies that they must be members while these privileges exist. This argument proves too much. Congress might be summoned to meet on the 4th of March; they must set out for the seat of Government, and would be exempt from arrest, before the former Congress expires. But they cannot be *members* while another Congress exists. They may, and generally do, hold their last session *until* the 4th of March, when their term expires. They are, however, exempt from arrests during their *return*, but they are not members during that time. The truth is, that while going to *become* members, and returning after they have *ceased* to be members, they are entitled to this privilege. The same reason will apply when speaking of their right of franking letters, or any privileges granted by law.

But it is apprehended that a Representative would resign his office and take his seat upon a *bargain* with the Executive that he should be reappointed. If this objection deserves a serious answer, it may be observed that this clause in the constitution, in its utmost extent, is no cure for the evil. *Before* the election, or *after* and *before the 4th of March*, the resignation would always be made under a promise of reappointment. Were we disposed to indulge in suspicion, we should have much more reason to fear a contract for a *new* appointment than a reappointment. But the constitution has provided against *neither*. To suppose it *possible*, would be a slander upon any Executive, and betray a jealousy totally unworthy a free and enlightened people.

The State constitutions afford a very good commentary upon the clause under consideration. The incompatibility is generally confined to the power of *acting*. In few instances it extends to *eligibility*, but in *none* to the precise time for which the person is elected.

By the constitution of Massachusetts, formed in 1780, executive and legislative powers cannot be *exercised* by the same *person*.

By that of Virginia, formed in 1776, the *exercise* of the powers of the different departments of the Government at the same time is prohibited.

By that of Delaware, of the same year, certain officers are made *ineligible* to either House, and members accepting of offices *vacate their seats*.

By that of New Jersey, of the same year, no person holding an office of profit, &c. shall be entitled to a seat in the General Assembly, but, on his being elected and *taking his seat*, his *office* shall be vacated. There are instances which happened during the Revolution, at a time when the corruptions of Parliament were deprecated and magnified.

Several of the State constitutions, adopted since that of the United States, have copied the words of that instrument in this particular.

By that of *Georgia*, however, the person holding an office shall not be allowed to *take his seat*.

By that of *Tennessee*, no persons of the above description *shall have a seat*.

By that of *Mississippi*, laid on the table during this session, the prohibition commences with the *first session* after the election. With such expressions of the opinions and inclinations of the people before them, the framers of this constitution made the provision in question; and it seems impossible to doubt their intention to prohibit merely the exercise of the powers of the different departments of the Government by the *same person* at the *same time*.

Were this construction a novel one, and resisted by the uniform practice of this House, the propriety of urging this doctrine might be reasonably doubted. Had the indulgence of the practice proved dangerous to the independence of the House, or the liberties of the people, it would be our duty to correct it. But ever since the first organization of the Government, repeated instances of the kind have occurred, and those even stronger than that of the member objected to.

Mr. Tracy, of Connecticut, while a Senator of Congress, was appointed by the President to the performance of some office relating to the Indians, the duties of which encroached upon the session of Congress, but he finished the duties, took, and retained his seat.

Mr. Dawson, a member from Virginia, between the first and second sessions of the Congress for which he was elected, was appointed a messenger to France. He performed the duties of his appointment, returned, and resumed and retained his seat.

Mr. Turner, of Massachusetts, claimed the seat occupied by Mr. Baylies. The House decided in his favor. He resigned the office of postmaster, and immediately took his seat.

Mr. Worthington and Mr. Morrow, Senators in Congress from Ohio, were, in 1812, appointed by the President to make a treaty with certain Indians in that State; they attended to the duties assigned, *after the 4th of March*, and returned, took, and retained their seats.

In nearly every Congress since the commencement of the Government postmasters have been returned as members, and such members have almost uniformly held their offices after the 4th of March succeeding their election. Since the year 1800 are, among others, the following cases: Benjamin Tallmadge, Erastus Root, Matthew Lyon, Thomas Gholson, Samuel McKee, S. Dana, E. Wickes, and U. Tracy. When a Representative is fairly elected by the people, every doubt should weigh in his favor. Unless the construction of the constitution is *plainly* against him, he should retain his seat. But when the letter and the spirit of the constitution, and its rational and practical construction, are favorable, there seems no plausible reason why a member should be disturbed.

J. HOLMES.

15th Congress.] No. 439. [1st Session.

CONTESTED ELECTION OF ELIAS EARLE, A REPRESENTATIVE FROM SOUTH CAROLINA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1818.

Mr. Taylor, of New York, from the Committee of Elections, to whom was referred a resolution of the House of Representatives of the 10th of December, 1817, and a message of the President of the United States of the 29th of the same month, reported, in part:

That, in the month of April, 1815, Elias Earle was appointed postmaster at Centreville, in the State of South Carolina. That, at the last congressional election in that State, he was elected one of its Representatives to this House. On the 10th of February, 1817, the Governor executed a certificate of his election, which Mr. Earle states to have been received by him in April or May thereafter. On the 10th of September, 1816, he addressed to the Postmaster General, and sent by mail, a letter requesting it to be accepted "as my [his] resignation as postmaster," and recommending the appointment of a Mr. Tillinghast, who was accordingly appointed, but, having omitted to execute the bond required by law, he was never commissioned. The office continued to be executed in the name of Mr. Earle, and he superintended the same, until the 12th of June, 1817, when his connexion with it ceased, as appears by the message above mentioned. We subjoin hereto a letter from the Postmaster General, (marked A,) and copies of two letters of Mr. Earle, (marked B and C,) which we desire may be considered as part of this report; and respectfully submit the following resolution:

Resolved, That Elias Earle is entitled to a seat in this House.

A.

General Post Office, *December* 30, 1817.

Elias Earle, esquire, being postmaster at Centreville, South Carolina, September 10, 1816, sent a resignation, and recommended Daniel H. Tillinghast to be his successor. An appointment was sent to Mr. Tillinghast, who never executed the bond. On the 12th of June, 1817, by letter, Mr. Earle recommended John Morris, jun. to be appointed postmaster. The appointment was sent to Mr. Morris, who also declined. During the above periods Mr. Earle superintended the direction of the office, though he considers his resignation to relate back to 1816.

R. J. MEIGS, Jun.

B.

Sir: Centreville, *September* 10, 1816.

You will be so good as to receive and accept of this as my resignation as postmaster at this place; and I also take the liberty of recommending Daniel H. Tillinghast as postmaster in my place. In answer to your inquiries, to know where I was born, I can only say in Virginia. Your obedient servant,

ELIAS EARLE.

C.

Sir: Centreville, *June* 12, 1817.

Enclosed is a receipt paid Alexander Waddle for the amount of forty dollars, returned by your order, which amounts to upwards of twenty more than is due you by the returns forwarded to you last mail from this office, which I paid at your request, and which can be settled for hereafter. This office is for several months without a postmaster, although I wrote on to you last September, and lately again. I hope you will name Mr. John Morris, jun., as it is impossible I can keep any charge of it, as I am almost constantly from home; it has hitherto been tolerably well attended to.

Your obedient servant,

ELIAS EARLE.

15th Congress.] No. 440. [1st Session.

ALTERATION OF THE FLAG OF THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 6, 1818.

Mr. Wendover, from the select committee appointed to inquire into the expediency of altering the flag of the United States, reported:

That they have maturely considered the subject referred to them, and have adopted, substantially, the report of the committee to whom was referred the same subject at the last session of Congress, as forming a part of this report, [see No. 418, page 412.] The committee are fully persuaded that the form selected for the American flag was truly emblematical of our origin and existence as an independent nation, and that, as such, it having met the approbation and received the support of the citizens of the Union, it ought to undergo no change that would decrease its conspicuity, or tend to deprive it of its representative character. The committee, however, believe that an increase in the number of States in the Union since the flag was altered by law sufficiently indicates the propriety of such a change in the arrangement of the flag as shall best accord with the reasons that led to its original adoption, and sufficiently point to important periods of our national history.

The original flag of the United States was composed of thirteen stripes and thirteen stars, and was adopted by a resolution of the Continental Congress on the 14th of June, 1777. On the 13th of January, 1794, after two new States had been admitted into the Union, the National Legislature passed an act that the stripes and stars should, on a day fixed, be increased to fifteen each, to comport with the then number of independent States. The accession of new States since that alteration, and the certain prospect that at no distant period the number of States will be considerably multiplied, render it, in the opinion of the committee, highly inexpedient to increase the number of stripes, as every flag must, in some measure, be limited in its size, from the circumstance of convenience to the place on which it is to be displayed; while an increase would necessarily decrease their magnitude, and render them proportionably less distinct to distant observation; this consideration has induced many to retain only the general form of the flag, while there actually exists a great want of uniformity in its adjustment, particularly when used on small private vessels.

The national flag being in general use by vessels of almost every description, it appears to the committee of considerable importance to adopt some arrangement calculated to prevent in future great or expensive alterations. Under these impressions, they are led to believe no alteration could be made more emblematical of our origin and present existence, as composed of a number of independent and united States, than to reduce the stripes in the flag to the original number of thirteen, to represent the number of States then contending for and happily achieving their independence, and to increase the stars to correspond with the number of States now in the Union, and hereafter to add one star to the flag whenever a new State shall be fully admitted.

These slight alterations will, in the opinion of the committee, meet the general approbation, as well of those who may have regretted a former departure from the original flag, as of such as are solicitous to see in it a representation of every State in the Union.

The committee cannot believe that in retaining only thirteen stripes it necessarily follows they should be distinctly considered in reference to certain individual States, inasmuch as nearly all the new States were a component part of, and represented in, the original States; and inasmuch, also, as the flag is intended to signify numbers, and not local and particular sections of the Union; nor can the committee view the proposed inconsiderable addition to be made on the admission of a new State in the light of a departure from that permanency of form which ought to characterize the flag of the nation.

The committee respectfully report a bill.

15th Congress.] No. 441. [1st Session.

SLAVES BROUGHT INTO THE UNITED STATES FROM AMELIA ISLAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 10, 1818.

Mr. Middleton made the following report:

The committee to whom was referred so much of the President's message as relates to the illicit introduction of slaves from Amelia island, having carefully taken the matter committed to them into consideration, respectfully report:

That, having applied to the Department of State for information respecting the illicit introduction of slaves into the United States, they were referred by the Secretary of State to the documents transmitted to this House by the President's message of the 15th of December last, consisting of various extracts of papers on the files of the Departments of State, of the Treasury, and of the Navy, relative to the proceedings of certain persons who took possession of Amelia island in the summer of the past year, and also relative to a similar establishment previously made at Galvezton, near the mouth of the river Trinity.

Upon a full investigation of these papers, with a view to the subject committed to them, your committee are of opinion that it is but too notorious that numerous infractions of the law prohibiting the importation of slaves into the United States have been perpetrated with impunity upon our southern frontier; and they are further of opinion that similar infractions would have been repeated with increasing activity without the timely interposition of the naval force under the direction of the Executive of our Government.

In the course of their investigation, your committee have found it difficult to keep separate the special matter given into their charge from topics of a more general nature, which are necessarily interwoven therewith; they therefore crave the indulgence of the House while they present some general views connected with the subject, which have developed themselves in the prosecution of their inquiry.

It would appear, from what can be collected from these papers, that numerous violations of our laws have been latterly committed by a combination of freebooters and smugglers of various nations, who located themselves in the first instance upon an uninhabited spot near the mouth of the river Trinity, within the jurisdictional limits of the United States, as claimed in virtue of the treaty of cession of Louisiana by France. This association of persons organized a system of plunder upon the high seas, directed chiefly against Spanish property, which consisted frequently of slaves from the coast of Africa; but their conduct appears not always to have been regulated by a strict regard to the national character of the vessels falling into their hands when specie or other very valuable articles formed part of the cargo. Their vessels generally sailed under a pretended Mexican flag, although it does not appear that the establishment at Galvezton was sanctioned by or connected with any Government. The presumption, too, of any authority ever having been given for such an establishment is strongly repelled, as well by its piratical character, as its itinerant nature; for the first position at Galvezton was abandoned, on or about the 5th of April last, for one near Matagorda, upon the Spanish territory; and, at a later period, this last was abandoned, and a transfer made to Amelia island, in East Florida—a post which had been previously seized by persons who appear to have been equally unauthorized, and who were, at the time of the said transfer, upon the point, it is believed, of abandoning their enterprise from the failure of resources which they expected to have drawn from within our limits, in defiance of our laws. There exists, on the part of these sea rovers, an organized system of daring enterprise, supported by force of arms; and it is only by a correspondent system of coercion that they can be met, and constrained to respect

the rights of property and the laws of nations. It is deeply to be regretted that practices of such a character, within our immediate neighborhood, and even within our judisdictional limits, should have prevailed unchecked for so long a time, the more especially as one of their immediate consequences was (to give occasion to the illicit introduction of slaves from the coast of Africa into these United States, and thus to revive a traffic repugnant to humanity and to all sound principles of policy, as well as severely punishable by the laws of the land.

By the seventh section of the act prohibiting the importation of slaves, passed in 1807, the President is fully authorized to employ the naval force to cruise on any part of the coast of the United States, or territories thereof, where he may judge attempts will be made to violate the provisions of that act, in order to seize and bring in for condemnation all vessels contravening its provisions, to be proceeded against according to law.

By the joint resolution of the Senate and House of Representatives of the 15th January, 1811, and the act of the same date, the President is fully empowered to occupy any part or the whole of the territory lying east of the river Perdido, and south of the State of Georgia, in the event of an attempt to occupy the said territory, or any part thereof, by any foreign Government or Power; and, by the same resolution and act, he may employ any part of the army and navy of the United States which he may deem necessary for the purpose of taking possession and occupying the territory aforesaid, and in order to maintain therein the authority of the United States.

Among the avowed projects of the persons who have occupied Amelia island was that of making the conquest of East and West Florida, professedly for the purpose of establishing there an independent Government; and the vacant lands in those provinces have been, from the origin of this undertaking down to the latest period, held out as lures to the cupidity of adventurers, and as resources for defraying the expenses of the expedition. The greater part of West Florida being in the actual possession of the United States, this project involved in it designs of direct hostility against them; and as the express object of the resolution and act of 15th January, 1811, was to authorize the President to prevent the province of East Florida from passing into the hands of any foreign Power, it became the obvious duty of the President to exercise the authority vested in him by that law. It does not appear that among these itinerant establishers of republics and distributors of Florida lands there is a single individual inhabitant of the country where the republic was to be constituted, and whose lands were to be thus bestowed. The project was, therefore, an attempt to occupy that territory by a foreign Power. Where the profession is in such direct opposition to the fact; where the venerable forms by which a free people constitute a frame of government for themselves are prostituted by a horde of foreign freebooters for purposes of plunder; if, under color of authority from any of the provinces contending for their independence, the Floridas, or either of them, had been permitted to pass into the hands of such a Power, the committee are persuaded it is quite unnecessary to point out to the discernment of the House the pernicious influence which such a destiny of the territories in question must have had upon the security, tranquillity, and commerce of this Union.

It is a matter of public notoriety that two of the persons who have successively held the command of Amelia island, whether authorized themselves by any Government or not, have issued commissions for privateers, as in the name of the Venezuelan and Mexican Governments, to vessels fitted out in the ports of the United States, and chiefly manned and officered by our own countrymen, for the purpose of capturing the property of nations with which the United States are at peace. One of the objects of the occupation of Amelia island, it appears, was to possess a convenient resort for privateers of this description, equally reprobated by the laws of nations, which recognise them only under the denomination of pirates, and by several of the treaties of the United States with different European Powers, which expressly denominate them as such.* It was against the subjects of Spain, one of the Powers with which the United States have entered into stipulations prohibiting their citizens from taking any commission from any Power with which she may be at war, for arming any ships to act as privateers, that these vessels have been commissioned to cruise; though, as the committee have observed, no flag, not even that of our own country, has proved a protection from them. The immediate tendency of suffering such armaments, in defiance of our laws, would have been to embroil the United States with all the nations whose commerce with our country was suffering under these depredations, and, if not checked by all the means in the power of the Government, would have authorized claims from the subjects of foreign Governments for indemnities, at the expense of this nation, for captures by our people, in vessels fitted out in our ports, and, as could not fail of being alleged, countenanced by the very neglect of the necessary means for suppressing them.

The possession of Amelia island as a post of refuge for such privateers, and of illicit traffic in the United States of their prizes, which were frequently, as before stated, slave ships from Africa, was a powerful encouragement and temptation to multiply these violations of our laws, and made it the duty of the Government to use all the means in its power to restore the security of our own commerce and of that of friendly nations upon our coasts, which could in no other way more effectually be done than by taking from this piratical and smuggling combination their place of refuge.

In order, therefore, to give full effect to the intentions of the Legislature, and in pursuance of the provisions of the above-recited resolution and acts, it became necessary, as it appears to the committee, to suppress all establishments of the hostile nature of those above described made in our vicinity, the object of which appears to have been the occupation of the Floridas, the spoliation of peaceful commerce upon and near our coast by piratical privateers, the clandestine importation of goods, and the illicit introduction of slaves within our limits. Such establishments, if suffered to subsist and strengthen, would probably have rendered nugatory all provisions made by law for the exclusion of prohibited persons. The course pursued on this occasion will strongly mark the feelings and intentions of our Government upon the great question of the slave trade, which is so justly considered by most civilized nations as repugnant to justice and humanity, and which, in our particular case, is not less so to all the dictates of a sound policy.

Your committee anticipate beneficial results from the adoption of these measures by the Executive, in the promotion of the security of our southern frontier and its neighboring seas, and in the diminution of the evasions (latterly so frequent) of our revenue and prohibitory laws. The experience of ten years has, however, evinced the necessity of some new regulations being adopted in order effectually to put a stop to the further introduction of slaves into the United States. In the act of Congress prohibiting this importation, the policy of giving the whole forfeiture of vessel and goods to the United States, and no part thereof to the informer, may justly be doubted. This is an oversight which should be remedied. The act does indeed give a part of the *personal* penalties to the informer, but these penalties are generally only *nominal*, as the persons engaged in such traffic are usually poor. The omission of the States to pass acts to meet the act of Congress, and to establish regulations in aid of the same, can only be remedied by Congress legislating directly upon the subject themselves, as it is clearly within the scope of their constitutional power to do. For these purposes, your committee beg leave respectfully herewith to report a bill.

* See the treaty of peace with France, 1778, art. 21, United States laws, vol. 1. p. 88; with the Netherlands, 1782, art. 19, vol. 1, p. 162; with Sweden, 1783, art. 23, vol. 1, p. 190; with Great Britain, 1794, art. 21, vol. 1, p. 218; with Prussia, 1785, art. 20, vol. 1, p. 238; and 1797, art. 20, p. 256; with Spain, 1795, art. 14, vol. 1, p. 270.

15th Congress.] No. 442. [1st Session.

PROGRESS MADE UNDER THE ACT "TO PROVIDE FOR THE PROMPT SETTLEMENT OF PUBLIC ACCOUNTS."

COMMUNICATED TO THE SENATE, JANUARY 22, 1818.

In obedience to a resolution of the Senate of the 11th of December, 1817, requiring the Secretary of the Treasury "to lay before the Senate information of the progress which has been made in the settlement of public accounts, under the act 'to provide for the prompt settlement of public accounts;' and that he also state what further legal provisions may be necessary, in his opinion, to insure the speedy settlement of public accounts," I have the honor to submit the enclosed reports of the First and Second Comptrollers and the five Auditors of the Treasury.

From them it appears that that portion of the public accounts which are subjected to the examination of the Second and Fourth Auditors have been adjusted, and that the books of those officers have been brought up to the 1st day of the last month.

In the office of the First Auditor much remains to be done before the accounts subjected to the examination of that officer can be adjusted.

The imposition of the internal and direct taxes in the year 1813, and in the subsequent years, together with the embarrassment produced by the issue of treasury notes bearing interest, (each of which, in its final redemption or payment into the treasury, not only presented a complicated account involving generally several calculations of interest, but rendered the account of every officer through whose hands it passed extremely complex,) greatly increased the duties of this officer and of the First Comptroller of the Treasury. This increase in the duties of those officers was not attended by a correspondent increase of the force placed at their disposition for the performance of the services required of them.

The great number of banks which became the depositories of the public money after the dissolution of the late Bank of the United States, and particularly after the derangement of the currency in the year 1814, together with the complexity introduced in the accounts of the Secretary of the Treasury, and of the Treasurer of the United States, by the subdivision of the public revenue into cash, special deposite, small treasury notes, and treasury notes bearing interest, had, during the years 1815 and 1816, produced some irregularity in the accounts of these two officers, which it has required much labor and assiduity to correct.

This circumstance, and the other causes which have been stated, have necessarily produced in the office of the First Auditor of the Treasury a considerable arrearage in the settlement of the accounts confided to him. So far as the accounts of the Secretary of the Treasury are connected with this arrearage, the cause of delay has been removed. The abolition of the internal duties will considerably diminish the labors of the First Auditor, and will enable him to settle with promptitude the accounts which are examinable in his office.

The accounts assigned to the Fifth Auditor of the Treasury were greatly in arrear. That officer, however, believes that, with the number of clerks subject to his direction, he will be able to examine and report upon them without unnecessary delay.

In the office of the Third Auditor of the Treasury, where all the old accounts of the War Department are to be examined, a great mass of accounts remain unsettled. It is in that office where the greatest difficulties are to be surmounted, where remedies of the most energetic character are required. By referring to the report of that officer, it will be found that the most serious obstacle to the prompt settlement of the public accounts is the want of power to compel delinquent officers to render their accounts and vouchers. In the Pay Department it is extremely unsafe to settle the accounts of any paymaster until the accounts and vouchers of every paymaster employed in the same part of the country are rendered.

The same observation applies with nearly the same force to the Quartermaster's Department. The great mass of officers employed in both of these departments during the late war, and whose accounts are still unsettled, are now out of office. Should a small number of these officers obstinately withhold their accounts and vouchers, the settlement of the accounts of the others, as well as their own, will be indefinitely protracted, unless the power of coercing settlements shall be greatly extended. At present, the means of compelling delinquent officers to render their accounts and vouchers for settlement consist, 1st. In ordering an action to be brought against the delinquent, upon the trial of which no voucher is admissible which has not previously been presented to the accounting officers of the Treasury; 2d. The forfeiture of commissions, and the payment of interest at the rate of 6 per cent. from the time the money was received until it is repaid into the treasury, if the final judgment should be in favor of the United States; and, 3d. The payment of costs, whether the judgment is for or against the defendant.

The first is found in practice to be wholly inefficient, as the party never fails, under the third and fourth sections of the act which contains these provisions, to have his retained vouchers presented to the Treasury after the commencement of the action, so as to remove that objection to their legal admissibility. The payment of interest from the time the money was received until it is repaid into the treasury is nothing more than what is required by the ordinary demands of justice, and can hardly be considered as a penalty. The forfeiture of the commissions to which the party would have been entitled had he acted correctly is generally more than balanced by the benefit derived from the possession of the public money for the length of time which generally elapses before the sum embezzled can by legal process be wrested from the delinquent. A reference to the acts of the 3d of March, 1795, and of the 3d of March, 1797, which contain the principal provisions for the recovery of debts due the United States, will furnish some idea of the delays to which the settlement of the public accounts must necessarily be subjected where the accounts of the delinquents are not connected with those of other officers; but where they are connected with the accounts of a great number of other officers, the delays which must necessarily result on account of the refusal or neglect of a small number of them to render their accounts and vouchers may be considered, with respect to any practical result, as interminable.

It is therefore respectfully suggested that further provision be made for compelling the officers of the Government to whom the disbursement of the public money is confided to render their accounts and vouchers at stated periods. As long as the officer remains in office, the power of removal vested in the Executive Department may be considered sufficient for this purpose; but when that power has been exercised, or when the office has in any other way become vacant, the means of coercing a settlement are extremely defective. For a definition of the power which ought to be vested in the officer charged with the collection of debts due to the United States, as well as for the general reasoning on this subject, the Senate is respectfully referred to the report of the Secretaries of the different Departments, made upon this subject to that honorable body on the 6th of December, 1816, and to a

letter from the same officers to the chairman of the committee to whom that part of the President's message relating to changes in the organization of the Departments was referred in the House of Representatives, bearing date the 31st day of December of the same year.

The opinions and views presented in those papers not only remain unchanged, but have acquired additional force from the experience of the past year. The money remaining in the hands of the officers employed during the late war, whose accounts remain unsettled, must be very considerable. In several cases where they have rendered their accounts, and admit considerable balances to be in their hands, they have refused to pay over the balance until their accounts are finally settled; which, from the explanations already given, may be protracted to a period so remote as to subject the Government to the eventual loss of the whole, from the death, insolvency, or emigration of the principal and sureties.

If the power recommended by the reports referred to should not be vested in the Government, some provision for promptly enforcing the payment of sums admitted to be in the hands of officers no longer employed is certainly necessary. The propriety of absolutely rejecting, on the trial of any action brought against a delinquent officer, every voucher which had not been presented to the accounting officers of the Treasury before the commencement of the action, is respectfully suggested.

Independent of the changes proposed in the existing provisions upon this subject, the appointment of an officer who shall be exclusively charged with the power of instituting and superintending all actions brought by the United States for the recovery of money is again respectfully submitted to the consideration of the Senate. This recommendation is founded upon the fullest conviction that the duties now required of the First Comptroller of the Treasury cannot be correctly performed by any officer whatever. The revision of accounts reported to that officer by the First and Fifth Auditors of the Treasury, and by the Commissioner of the General Land Office, if revision is intended to be any substantial check upon the acts of those officers, must, by every person who will take the trouble to examine into the subject, be considered sufficient to command the whole of his time and attention.

It is not expected that the principal officer in the primary or secondary departments of the Government will be able minutely to examine every case upon which they decide; but unless it is understood that a certain portion of the cases will be so examined, a degree of negligence and laxity on the part of the subordinate officers in those departments, whether principal or secondary, may reasonably be expected. The gradation from unintentional error to wilful negligence, and from the latter to the practice of deception, is gentle and almost imperceptible. The principal officer of each office is responsible to the nation for the correct discharge of the duties required of him, and legal checks have been devised to correct and detect the errors which may be committed in the execution of their public functions. The clerks or subordinate officers are responsible to the chief of the office for the correct discharge of their duties; the only check, however, which he possesses is the examination which he is able to make of their official acts before they receive his official signature. If, then, the duties required of any officer are so great and multifarious as to prevent his giving to the acts of his subordinate officers such an examination as will render the detection of any errors which may be committed by them probable, there is imposed upon him the highest responsibility, without the adequate means of acting up to that responsibility. Such is believed to be the situation of the First Comptroller of the Treasury.

The correspondence which he is compelled to carry on with the collectors of the customs, the district attorneys, and the marshals, will afford ample employment to an active and intelligent officer, aided by a recording clerk. Should it, however, be deemed advisable to continue with the Comptroller the duty of corresponding with the collectors of the customs, and deciding upon legal questions arising under the revenue laws, the officer proposed to be appointed might find ample employment by being charged with the light-house establishment, which is now under the superintendence of the Commissioner of the Revenue. He might also be directed to perform any other duty which the President of the United States might think proper to require of him.

From the best view of the subject which I have been able to take, the appointment of a Solicitor of the Treasury appears to me to be indispensable, without any reference to the decision of Congress upon the changes which have been proposed to the laws relating to the collection of debts.

If such an office is not created by law, it must exist in fact, as the Comptroller of the Treasury must of necessity delegate to one of his clerks the power of corresponding with the district attorneys and marshals, and hold him responsible for the due execution of that duty, without being able to examine his acts in a manner necessary to the exercise of a salutary check upon them.

The opinion expressed by the Second Auditor of the Treasury, relative to the distribution of the accounts of the War Department between the Second and Third Auditors, is entitled to consideration; but there is some reason to believe that the inconvenience of which he complains is rather the result of ignorance or negligence in the officers who make returns, than of any defect in the distribution made between those officers. The evil will necessarily diminish by time and experience. The irregularity in the returns of the quartermasters, military storekeepers, and commissaries, will be corrected by instructing them how to make their returns. It is not believed that the public service requires any essential change to be made in the distribution of duty between the accounting officers of the Treasury as now established by law. A more simple distribution between the two Comptrollers might confine the duty of the First to the settlement of all accounts arising from the collection of the revenue, and payment of it into the treasury; whilst the Second should take charge exclusively of all accounts resulting from its disbursement from the treasury. Some difficulty, however, would arise in carrying this principle into effect, especially in distributing the duty between the Auditors.

It may, however, be proper to observe that the report of the heads of Departments, before referred to, recommended a transfer of the Indian Department from the War to the Home Department. As that part of the system was not adopted, the Secretary of War is not relieved from examining and sanctioning all the contingent allowances made to the agents, interpreters, &c. employed in our intercourse with the Indian tribes. The transfer of the Indian accounts to the Fifth Auditor of the Treasury is not attended with any good effect. It introduces an anomaly into the Departments, by making the Treasury disburse the Indian appropriations under the direction of the Secretary of the War Department. As relief to the Secretary of War, and not to the Second and Third Auditors, was the object of that recommendation, the assignment of those accounts to one of the Auditors last mentioned is respectfully recommended.

It may be proper to state that this suggestion does not embrace the accounts of the Superintendent of Indian Trade, which were previously settled in the Treasury Department.

All which is respectfully submitted.

WM. H. CRAWFORD.

TREASURY DEPARTMENT, *January* 21, 1818.

SIR: TREASURY DEPARTMENT, COMPTROLLER'S OFFICE, *January* 5, 1818.

In compliance with your request to be furnished, so far as the accounts under my direction were involved, with the information required by the resolution of the honorable the Senate of the United States of the 11th ultimo, relative to the progress which has been made in the settlement of public accounts, under the act to provide for the prompt settlement of public accounts, and as to what further legal provisions may be necessary to insure the speedy settlement of those accounts, I have the honor to state that a communication on the subject was addressed by me to the First and Fifth Auditors of the Treasury, copies of whose answers are transmitted herewith.

It will be seen, from the representation of the First Auditor of the Treasury, that all the accounts of the customs for the year 1816 have been reported upon by him, which, with a few exceptions, have been revised and finally passed upon by me; that he is progressing with, but has not yet reported on, the accounts relative to the internal revenue for the same year, a small proportion of the accounts under which head for the year 1815, recently reported on by him, remain to be revised and passed by this office; and that the accounts of every other description are examined by him as presented, and adjusted with all the despatch which their bulk and nature admit of. These accounts may be comprised under the following heads, viz:

1st. Accounts of marshals.

2d. Accounts of the Bank of the United States, its branches, and of such State banks as have been designated by that institution, under the act of 3d March last, to perform the duties of the late commissioners of loans relative to the public debt and to the payment of pensions of invalids.

3d. Accounts of the officers under the civil list.

4th. Accounts relative to the marine hospital establishment.

5th. Accounts relative to the light-house establishment.

6th. The accounts of the Treasurer of the United States for receipts and expenditures of the United States.

7th. His accounts as agent for the War and Navy Departments.

8th. Accounts of the mint.

9th. Accounts of the Superintendent of the city of Washington, and Commissioner for Public Buildings.

10th. Accounts on the awards by the commissioner for liquidating claims for property lost.

11th. And a variety of miscellaneous accounts.

The accounts of the War Department, comprehended under the head of "Old books," to the 30th June, 1814, and those under the head of "New books," to the 31st December, 1814, and the accounts of the Navy Department to the 31st December, 1813, have been finally acted upon by me.

The First Auditor of the Treasury has reported on the accounts of the War Department for the first and second quarters of 1815, and of the Navy Department for the first, second, third, and fourth quarters of 1814, which are now in my office to be passed upon. He has remaining in his office the accounts of the War Department for the third quarter of 1815, and of the Navy Department for the fourth quarter of 1814, and for the first, second, third, and fourth quarters of 1815.

It results that all the accounts settled by the late Accountant of the War Department, from the 1st October, 1815, to the 3d March, 1817; by the late additional Accountant, between the 29th April, 1816, (the date of the act establishing the office,) and the 3d March, 1817; and by the late Accountant of the Navy Department, from the 1st January, 1816, to the 3d March, 1817, remain to be reported upon by these officers, respectively, and to be transmitted to the First Auditor of the Treasury, after whose revision of them they are to be finally acted upon at my office.

In relation to the representation made by the Fifth Auditor of the Treasury, I have to observe that all the accounts which have been reported upon by him have been revised and passed upon by this office, with the exception of the accounts of the General Post Office. These I have not been able to take up, as I had previously received four quarterly accounts of that Department reported upon by the First Auditor of the Treasury under the former organization of the Departments. Three of these quarterly accounts have been examined and passed upon by me since the 3d March last, as well as three quarterly accounts of the late Accountant of the War, and three of the late Accountant of the Navy Department, which had also been reported upon by the last-mentioned Auditor.

The following is a concise view of the accounts to be reported upon by the Fifth Auditor of the Treasury, and of course to be revised and passed upon at my office, viz:

1. Accounts of ministers, consuls, and foreign agents of every description.

2. Accounts under the Indian Department in all its ramifications.

3. Accounts of all the postmasters and mail carriers in the United States, rendered quarterly by the Postmaster General.

4. And a variety of miscellaneous accounts.

Beside the accounts already enumerated, the accounts of the land officers, or receivers of public moneys, which are in the first instance examined in the office of the Commissioner of the General Land Office, and reported upon by him directly to me, form a component (and not a small) part of the public accounts coming under my cognizance for revision. These accounts are increasing by the increase of the number of land offices.

In relation to the progress made in their settlement since the 3d March last, the following view of them is communicated, viz:

The accounts of James Findlay, from the 1st January, 1809, to 31st December, 1815, have been finally passed upon.

The accounts of Park Walton, from 1st July, 1810, to 31st December, 1813, have been finally passed upon.

The accounts of John Brahan, from 8th August, 1809, to 31st December, 1813, have been finally passed upon.

The accounts of Samuel Smith, from 1st July, 1815, to 25th May, 1817, have been finally passed upon.

The accounts of Peter Wilson, from 3d November, 1808, to 30th June, 1816, have been finally passed upon.

The accounts of Samuel Findley, from 1st April, 1806, to 30th June, 1815, have been finally passed upon.

The accounts of Edmund H. Taylor, from 1st January, 1812, to 31st December, 1813, have been finally passed upon.

The accounts of Benjamin Stephenson, from 28th October, 1816, to 31st December, 1816, have been finally passed upon.

With reference to that part of the resolution of the Senate which requires information as to what further legal provisions may be necessary to insure the speedy settlement of public accounts, I take leave to observe that, out of the number of clerks appropriated for my office, I have not been able, from the various duties incident to it, to assign more than seven of them for the examination and revision of *all* the *accounts* enumerated as coming under my superintendence.

From the nature and extent of the accounts committed to the charge of these clerks, it is impracticable for them to enter into a minute and correct investigation of principles and details, and at the same time progress so fast in the settlements with that accuracy and despatch which the public interest requires as to bring up the accounts of the office now in arrear.

When the accounts of the internal revenue shall have been finally settled, and the accounts of the late Accountants of the War and Navy Departments, to the 3d March 1817, shall have been brought up, the number of clerks now employed in my office being put on other accounts appertaining to it, will, I trust, insure a careful, efficacious, and prompt examination of them after that time. But I must take leave to observe that it will be morally impracticable, without more clerks, to keep pace with the current accounts, *and bring up the arrears of business in the office* which existed for many years anterior to my accession to it, (and I speak confidently,) for want of the requisite number of clerks.

Whilst on this subject, I cannot forbear to mention that even after the War and Navy accounts shall have been completely settled up, under the former organization of the Departments, the accounts to be passed upon by me will not have been much diminished, as the accounts to be reported upon by the Fifth Auditor of the Treasury, agreeably to the act for the prompt settlement of public accounts, for expenditures under the head of Indian Department, annuities to Indians, trading-houses with Indians, &c., and the great increase in the Post Office and Land Office accounts, will, in a great measure, counterbalance them.

It may be remarked, too, that since the peace the revenue business appertaining to my office has been increased to a great extent. This, among other causes, may be ascribed to the change in the system produced by the adoption of a new tariff of duties, the convention with Great Britain, and by recent acts of Congress relative to tonnage duties, &c.

These changes have produced a multiplicity of applications to this Department for decisions on questions arising under the new tariff, the convention, and these acts of Congress.

The correspondence on this branch of business has consequently been swelled beyond all former precedents; another cause for which is to be looked for in the unexampled embarrassments experienced by the mercantile class of the community for some years past. I am fully satisfied, from experience, that the other public avocations of my office will not allow me to devote as great a portion of time to the means necessary to a prompt and rigorous collection of the many old balances due to the Government, and to prevent their accumulation, as the importance of this business requires; for it has been found, by experience, that an extensive and *persevering* correspondence with the attorneys, marshals, and other officers, and in many instances with the debtors themselves, is indispensably requisite; and this correspondence has hitherto been done almost exclusively by myself. I therefore consider it a duty which I owe to the Government as well as to myself respectfully to state that the interest of the public would be materially promoted if Congress would either authorize the appointment of a Solicitor for the Department, (whose duty it should be to attend specially to this business,) or to grant me such an appropriation as will enable me to employ a clerk of the requisite qualifications to attend to it under my superintendence.

I have the honor to be, with great respect, your most obedient servant,

JOS. ANDERSON.

The Hon. WM. H. CRAWFORD, *Secretary of the Treasury.*

SIR: TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE, *December* 23, 1817.

In compliance with the resolution of the honorable the Senate of the United States of the 11th instant, I have now the honor to state the progress that has been made in the settlement of public accounts in the War and Navy Departments, under the act "to provide for the prompt settlement of public accounts," to wit:

The accounts relating to the different branches of expenditure in the War Department, including arrearages, which have been adjusted and settled from the 4th March last to the 22d instant, inclusive, amount to - - - - - -	$2,390
The accounts relating to the Navy Department for the same period, which have been settled, amount to - - - - - - -	397
Aggregate of accounts settled, - - -	$2,787

The number of warrants drawn on account of the War Department for the above-mentioned period, including advances to contractors, &c., is 1,966, amounting to $6,555,688 97.

The number of warrants drawn on account of the Navy Department for the same period, including advances, &c., is 635, amounting to $2,679,733 95.

Respecting the progress made and making in the settlement of the several species of accounts, I beg leave to refer you to the reports of the Second, Third, and Fourth Auditors, herewith enclosed.

With great respect, I have the honor to be, sir, your obedient servant,

RICHARD CUTTS,
Second Comptroller of the Treasury.

Hon. WILLIAM H. CRAWFORD, *Secretary of the Treasury.*

SIR: TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE, *December* 15, 1817.

In reply to your letter of the 13th instant, I have the honor to state that the settlement of the revenue accounts in this office has been much retarded by the want of warrants to cover payments by the collectors into the treasury. Those of the customs, however, are now completed to the 31st December, 1816; and those relating to the internal duties and taxes for the same year are fast progressing. The accounts of every other description are examined as presented, and are adjusted with all the despatch which their bulk and nature admit of.

I am, very respectfully, sir, your obedient servant,

R. HARRISON.

JOSEPH ANDERSON, Esq., *Comptroller of the Treasury.*

TREASURY DEPARTMENT, *December* 19, 1817.

The Second Auditor, to whom has been communicated the resolution of the Senate of the 11th instant, requesting the Secretary of the Treasury to lay before them information of the progress which has been made in the settlement of public accounts under the act "to provide for the prompt settlement of public accounts," and that he also state what further provision may be, in his opinion, necessary to insure the speedy settlement of public accounts, has the honor to report to the Second Comptroller:

That there are, of the current business of his office, but few unsettled accounts, and they are under examination; and that the books of his office have been brought up to the 1st of the present month. That, since the

undersigned came into office, numerous accounts to a very considerable amount, in discharge of claims originating in the current business of the office, between 1st July, 1815, and his appointment, have been presented and settled; many others have yet to come in, and he presumes, in the coming year, he will be able to close them all, should they be presented.

It is proper for him to state that, by the division of the office of the Accountant of the War Department, which took place in May, 1816, the additional Accountant then appointed became charged with the arrearages up to the 30th June, 1815. As that arrangement threw considerable business into the office of the additional Accountant, it was thought reasonable that the Accountant should prepare for the Treasury all the quarterly statements which were by law required to be submitted to the accounting officers of that Department for revision, up to May, 1816. In consequence of this arrangement, one of the bookkeepers attached to this office has been exclusively occupied in balancing the books of the Accountant of the War Department and in preparing the quarterly statements. They have been completed to the end of the third quarter of the year 1815, and the statements have been sent to the Treasury.

The undersigned does not think that the balancing of the old books and arrearages in these quarterly accounts properly belongs to this office; but, in order to assist all in his power in the prompt settlement of public accounts, he has thought it his duty to continue the preparation and adjustment of them, though the work militates greatly against the current business of the office, which, to be kept up, ought not to be shackled with any old arrearages.

Under the act of the 3d of March, for the prompt settlement of public accounts, there have been assigned to this office, under the head of military and hospital stores, all accounts relating to the Ordnance Department, including arsenals, armories, materials for mounting cannon, &c.; while to the Third Auditor the accounts of the Quartermaster's Department have been assigned.

This distribution does not tend to the prompt settlement of public accounts; on the contrary, it retards it. When the quartermasters' accounts arrive at the Third Auditor's office, he dissects them, and sends to this office such parts as relate to the discharge of all claims originating between 1st July, 1815, and 31st December, 1816, together with all the vouchers appertaining to the Medical and Hospital Department, Ordnance Department, and contingencies; from which vouchers new abstracts are to be made out in this office.

The making out of these abstracts and dissecting these accounts causes confusion, and creates as much labor as would the whole of the quartermasters' accounts, were they to be adjusted in this office. The same confusion takes place in many of what are called store accounts. It has been thought expedient, under the act of 3d March, 1817, to charge the Second Auditor with the settlement of the principal part of the accounts of the late office of Superintendent General of Military Supplies, as coming also under the head of military and hospital stores. By this distribution, he is to adjust the accounts relating to ordnance, military stores and equipments, clothing, medical and hospital stores, also quartermasters' stores in the hands of military storekeepers and assistant commissaries. He is to hold officers accountable to the United States for the public property in their possession, to see that all issues are made conformably to law, and upon proper vouchers, and to be able at any time to give a full and explicit statement of the quantity of public property in the possession of officers and at the various depots. Here a like inconvenience occurs as relates to the quartermasters' stores, for the division of these accounts with the Third Auditor is attended with as much trouble as the entire examination and settlement of the whole would occasion: for, owing to the returning officers having for so long a time been accustomed to blend quartermasters' stores with other property either received or issued, they are frequently embraced in the same invoice or voucher.

These remarks are made to show the necessity of transferring the whole of the quartermasters' accounts from the Third to the Second Auditor. It is proper here to observe that the affairs of this office suffer considerably for want of room for the clerks. The undersigned has five persons in the room with him; the remainder are distributed about the house at a considerable distance from him, and out of the reach of that close inspection which is necessary in the discharge of all public business, and particularly that of the settlement of accounts. Five rooms for the clerks, and a fireproof one for the accounts, are necessary for the proper distribution of the business of the office, and the speedy settlement of public accounts.

Respectfully submitted.

WM. LEE, *Second Auditor.*

To Richard Cutts, *Second Comptroller.*

Sir: Treasury Department, Third Auditor's Office, *December* 22, 1817.

I have received your letter of the 13th instant, enclosing the copy of a resolution of the Senate of the United States requiring information of the progress which has been made in the settlement of public accounts under the act "to provide for the prompt settlement of public accounts," and requesting me to furnish a statement of the progress made in the settlement of the public accounts in this office. I have accordingly to state that, so far as it regards the accounts of the current service, confided by the aforesaid act to the Third Auditor, it may be stated that they have been generally rendered and settled for the third quarter of the present year; in some cases, accounts have not been rendered as late, and in others, where they have been rendered, some explanations and additional vouchers are necessary to a settlement, but they are comparatively small.

Of the other description of accounts confided to the Third Auditor under the act of the 3d of March, consisting of all the accounts of the War Department which remained unsettled at the conclusion of the late war, a great variety, and to a very large extent, remain to be settled. These may be arranged under the following heads:

1st. Accounts of the several States for disbursements made on account of the services of their militia whilst in the service of the United States.

2d. Paymasters and their assistants, and others employed in paying regular troops, militia, and volunteers.

3d. Officers' recruiting and contingent accounts.

4th. Quartermasters' accounts.

5th. Contractors' accounts.

6th. Outstanding claims for supplies during the war, and for arrearages due soldiers discharged, and officers and soldiers deceased, of the regular army, militia, and volunteers.

1. Of State accounts.

There has not been much progress made in the examination of this description of accounts. Those of the State of Virginia, having been first rendered, were taken up for examination, and, from the great extent of disbursements and vouchers, have necessarily consumed a great length of time in their examination. The accounts are nearly completed. The other accounts remain unexamined.

2. Of paymasters' accounts, and those of their assistants and others employed in paying troops.

There have been but an inconsiderable number of the accounts of this description settled, owing to the preparatory measures necessary. There were turned over to this office for settlement, on the 27th June, 1816, one hundred and ninety-eight unsettled accounts of persons who had received public money on account of the pay department. It was found necessary, before any of those accounts could be correctly settled, to ascertain, from the investigation of all the payments, the names of the persons who had received public money, that it might be known whether all the accounts had been rendered: this was a business of great labor, and was only completed during the last summer. It resulted that, in addition to the accounts rendered, a large number of persons had received public money who had not rendered any accounts, and others who had only rendered them in part. It therefore became necessary to call upon all such persons, and some of both descriptions have been received, but a number yet remain to be rendered, constituting, in the aggregate, more than three hundred accounts in this Department which remained to be settled on the 3d of March last: of those in the office, fifteen paymasters' accounts have since been settled, and a number have been examined, and only await explanations and some additional vouchers to complete their settlement.

3. Of officers' recruiting and contingent accounts.

There were also turned over for settlement to this office a large number of this description of accounts, and others have been called for and received; a considerable number yet remain to be rendered. Of those in the office, there have been settled, since the 3d of March last, three hundred and seventy-one accounts, but a large number remain unsettled.

4. Of quartermasters' accounts.

There have been settled, since the 3d of March last, eighteen accounts of this description, and a number yet remain to be settled, and others to be rendered.

5. Of contractors' accounts.

There have been settled, since the 3d of March last, seven accounts of this description, and some yet remain to be settled.

6. Of outstanding claims and balances due officers and soldiers, &c.

Of this description of accounts there have been eleven hundred and seventy settled since the 3d of March last; those relating to soldiers' arrearages forming the principal part; and, from the daily applications and the large number remaining in the office, this branch of business may be stated to be yet in a very unsettled state, and will require much time and labor to complete.

Thus the number of settlements made of the accounts of the late war have, in the aggregate, amounted to upwards of seventeen hundred since the 3d of March last.

It may be proper further to add that the books of the office were greatly in arrears on the 3d of March last, and have required the attention of all the force applicable to that object to bring them up to that date: they are not yet completed. This may be accounted for from the circumstance of there being upwards of five thousand accounts open on the books.

From the foregoing view of the business of this office, it will appear manifestly necessary that additional means be afforded to make an impression on the unsettled accounts within any reasonable period; these consist, in the opinion of the Auditor, of an increased number of clerks, and additional room for their accommodation.

The pressing business of the office has prevented an early reply to your letter.

Very respectfully, I am, sir, your obedient servant,

PETER HAGNER, *Auditor.*

RICHARD CUTTS, Esq. *Second Comptroller of the Treasury.*

SIR: TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE, *December* 16, 1817.

I have received your letter of the 13th instant, in which was enclosed a resolution of the Senate, requiring the Secretary of the Treasury to lay before them information of the progress which has been made in the settlement of public accounts under the act "to provide for the prompt settlement of public accounts;" and also what further legal provision may be, in his opinion, necessary to insure the speedy settlement of public accounts.

To answer these inquiries, as far as relates to the business of this office, I have to observe that it was necessary that all the accounts in the office of the Accountant of the Navy should be closed, and the balances carried forward to the books of this office. This required considerable labor and many separate statements.

In the principal seaports there are navy agents. Applications have been daily made from every section of the Union for balances due to officers or seamen; therefore, whenever these balances have not exceeded one hundred dollars, orders have been given for the amount upon the nearest navy agents to the residence of the applicant. This mode has greatly facilitated business, as these orders will be passed to the credit of the agents upon the settlement of their accounts.

The examination of pursers' accounts is very laborious, and occupies more or less time, according to the length of the cruise of the vessel to which they are attached. Monthly returns of accounts and vouchers have hitherto been required, and will be continued to the end of the present year, from the several navy agents: these have been examined, and settlements made thereof as rapidly as has been consistent with correctness. After the 1st of next January these returns will be made quarterly.

In order that there should not be any unnecessary delay in the settlement of small accounts by claimants residing near to the seat of Government, one of the clerks performs in this office the duties of a navy agent.

Besides the aforegoing, there is a deal of current business which it would be difficult to define. What, however, has been noticed, gives full employment. The books of this office are brought up to the 1st day of the present month; and, in future, they will always be in this state of forwardness.

As the new system has been in operation but nine months, it might be presumptuous to pronounce it the best which could be devised; but, so far as it has gone into effect, it has admirably answered all the good expected from it in this office. I should not, therefore, propose any alteration for the present.

I am, with great respect, sir, your obedient servant,

CONST. FREEMAN, *Auditor.*

RICHARD CUTTS, Esq., *Second Comptroller of the Treasury.*

SIR: TREASURY DEPARTMENT, FIFTH AUDITOR'S OFFICE, *December* 22, 1817.

I have had the honor to receive your letter of the 13th instant, enclosing a resolution of the Senate requiring information as to "the progress which has been made in the settlement of public accounts under the act 'to

provide for the prompt settlement of public accounts,' and as to what further legal provisions may be necessary to insure the speedy settlement of public accounts."

The law above alluded to assigned to this office the settlement of all accounts appertaining to the Department of State, to Indian Affairs, and to the General Post Office; in addition to which, the unsettled accounts of the late office of Commissary General of Prisoners were attached to it by the Executive. It will be proper to notice them under distinct and appropriate heads.

OF THE DEPARTMENT OF STATE.

It has been, and still is, the practice of the ministers and consuls of the United States, and of all their other agents abroad, to receive their salaries and other authorized allowances of the bankers of the United States, either at London or Amsterdam, and, on the receipt of the bankers' accounts at the Treasury, to charge the respective persons with the sums they may have received. In some cases no accounts have been rendered by the agents to balance these charges; and, in others, where accounts have been received, they were so imperfect as not to admit of settlement. Thus, individuals have been reported to Congress as public debtors, and the Treasury books been swelled with balances, where nothing was really due. Most of the accounts have been of long standing, and some of them of more than twenty years.

In entering upon the duty assigned me under the law for the prompt settlement of public accounts, my attention was forcibly drawn to accounts of this nature, and every exertion has been made to effect a due and speedy settlement of them. Many of the persons interested, and who are yet living, were in different parts of Europe, or in remote places in the United States, from whom the necessary vouchers and explanations could not immediately be procured. As much progress, however, has been made in the settlement as these circumstances, the current business of the office, and the short period which has elapsed since its organization would admit of, as will be seen by a comparison of the balance list of the present with that laid before Congress the last session.

OF INDIAN AFFAIRS.

These accounts are of two classes: 1st. Those relating to trading-houses; 2d. Those of annuities to Indians, expenses of agents, commissioners treating with Indians, implements of husbandry, &c.

Upon these accounts, and those of the Department of State, four persons have been employed, and many of the accounts of the second class, involving considerable expenditures, have been adjusted. In those of the trading-houses the same progress has not been made; but I feel confident that, with the application of the same force the ensuing year, the old accounts, both of the Department of State and of Indian Affairs, as well as the current business in those branches, will be duly disposed of.

OF THE GENERAL POST OFFICE.

None of these accounts were settled subsequently to the year 1810. They are rendered quarterly by the General Post Office, and comprise the accounts of about two thousand five hundred post offices, and increase in number as they advance in point of time. Although five persons have been employed on them, yet, so extensive and laborious are the examinations and calculations they require, that those gentlemen have been unable to advance with the settlement to a later period than the last quarter of 1812. I do not, however, consider any additional aid in this branch of the accounts necessary.

OF THE LATE OFFICE OF COMMISSARY GENERAL OF PRISONERS.

Many accounts were received from this office on its termination in March last, some wholly unsettled, and others partially so. Two persons of that office who accompanied the accounts, on their transfer, have been employed in the adjustment of them, under the superintendence of the Fifth Auditor, and it is expected they will be able finally to close them in the first half of the ensuing year.

I have the honor to be, with great respect, sir, your most obedient servant,

STEPHEN PLEASONTON.

The Hon. JOSEPH ANDERSON, *Comptroller of the Treasury.*

15th CONGRESS.] No. 443. [1st SESSION.

PROGRESS MADE IN MAKING ROADS BY AUTHORITY OF THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 23, 1818.

To the House of Representatives of the United States: WASHINGTON, *January* 23, 1818.

In compliance with a resolution of the House of Representatives of the 9th of December last, requesting information as to what roads have been made or are in progress under the authority of the Executive of the United States; the States and Territories through which they pass, or are intended to pass; the periods when they were ordered to be made, and how far they have been executed, I now communicate a report from the Secretary of the Treasury, and likewise a report from the Secretary of War, containing the information which is desired.

JAMES MONROE.

TREASURY DEPARTMENT, *December* 29, 1817.

The Secretary of the Treasury, to whom was referred the resolution of the House of Representatives, requesting the President of the United States to cause to be laid before that House information of what roads have been made or are in progress under the executive authority of the United States; the States and Territories through

which they pass, or are intended to pass; the periods when they were ordered to be made; and how far they have been executed, has the honor to submit statements No. 1 and No. 2 from the office of the Register of the Treasury, which show the number of roads embraced by the resolution, the sums which have been expended upon them, the periods when the money was paid at the Treasury, and the persons to whom the money was paid.

Statement No. 3 shows the amount of the two per cent. fund arising from the sale of the public lands in the State of Ohio, under the act of Congress for admitting the Northwest Territory into the Union as an independent State; and statement No. 4 shows the amount of the same fund in the State of Indiana which is understood to be applicable to the construction of the Cumberland turnpike road, commencing at Cumberland, in the State of Maryland, passing through a part of the States of Maryland, Pennsylvania, and Virginia, and intersecting the river Ohio at the town of Wheeling.

This road is completed from Cumberland forty-five miles west of that place. Contracts have been executed early in the present year for the construction of that part of the road lying west of the forty-fifth mile from Cumberland to Uniontown, a distance of nearly fifteen miles; and, from the activity with which the work is carried on by the contractors, there is just ground to believe that it will be completed thus far early in the ensuing year.

Contracts have also been made for completing upwards of thirty miles of the road west of the Monongahela, including a section on the eastern margin of that river.

These contracts embrace such parts of the roads between the Monongahela and the Ohio as presented the most serious difficulties to travelling and the transportation of heavy articles between those rivers.

Statement No. 5 presents an estimate of the appropriations which will be necessary to enable the Treasury Department to discharge the demands which have accrued, and which will be demandable by the contractors pending and at the completion of those sections of the road which they have severally engaged to construct.

Statement No. 6 shows the estimated amount of the expense of completing the whole road from Cumberland to Wheeling, which is not yet undertaken, including bridges over the Youghiogeny and Monongahela rivers.

It may be proper to observe that the demands which have already accrued beyond the appropriation for that object, and which now remain unpaid, exceed $38,000.

The vigor with which the present contractors have prosecuted their labors furnishes the most satisfactory evidence of their capacity and determination to perform their engagements within the time stipulated. There is also just reason to believe that the whole of the distance yet to be undertaken, both on the eastern and on the western side of the Monongahela, may be advantageously let in the course of the ensuing year; and that the road from Cumberland to the Ohio may be completed in the best manner in two years from the present time, if appropriations equal to the object shall be made during the present session of Congress.

By statement No. 2 it appears that the appropriations for opening a road from the frontiers of Georgia to New Orleans, and for opening another from Nashville to Natchez, were paid to and disbursed by the Postmaster General; those roads being intended principally for the transportation of the mail through the wilderness, separating the different points from whence they commenced and terminated. Those roads were completed as far as the object for which they were intended required, and are understood to be at this time in a state to be useful to that object.

The appropriations for opening roads from the Mississippi to the Ohio, and to the former Indian boundary line established by the treaty of Greenville; from the foot of the rapids of the Miami of Lake Erie to the western line of the Connecticut Reserve; and from Shawneetown to Kaskaskia, in the Illinois Territory, have been expended, as far as they have been carried into effect, by the Treasury Department.

The route of the last-mentioned road has been explored, and the commissioners employed in the execution of that service have transmitted a map thereof for the sanction of the President; but nothing more has yet been done. From the extent of the other roads which have been opened under the direction of the Treasury Department, compared with the sums appropriated and expended, the state of them may be readily conceived, but no particular information of their present state exists in this Department. The appropriations were made for opening them, and, when that was accomplished, no further agency was required from the Department.

The last two appropriations exhibited in No. 2 were placed at the disposition of the War Department. The money has been paid from the treasury upon the requisition of the Secretary of the War Department, but no information has been received at this Department of the application of the money to that object, nor of the state in which those roads are at this time.

All which is respectfully submitted by

WM. H. CRAWFORD.

The PRESIDENT OF THE UNITED STATES.

No. 1.

Schedule of the several appropriations made by law in relation to the opening and making roads, exhibiting the amount expended thereon, so much thereof as was unapplied and carried to the surplus fund, and so much thereof as remains to be applied.

Date of acts.	Designation of the roads.	Amount appropriated.	Amount applied.	Amount not applied, carried to the surplus fund.	Balance remaining to be applied.	Remarks.
1806. April 21 1809. Feb. 17 June 28	Opening a road from the frontier of Georgia to New Orleans, - -	13,800 00	5,500 00	8,300 00	-	Under the direction of the President of the United States.
June 28	Opening roads through the territory lately ceded by the Indians to the United States, from the Mississippi to the Ohio, and to the former Indian boundary line, which was established by the treaty of Greenville,	7,800 48	5,539 35	2,261 13	-	Ditto.
June 28	Opening a road from Nashville, in the State of Tennessee, to Natchez, in the Mississippi Territory, - -	9,000 00	3,000 00	6,000 00	-	Ditto.
1811. Dec. 12	Surveying and making roads within the State of Ohio, as contemplated by the treaty of Brownstown, - -	6,000 00	5,945 50	54 50	-	Ditto.
1812. Jan. 8	Roads from the line established by the treaty of Greenville to the North Bend, in the State of Ohio, -	800 00	-	800 00	-	Ditto.
1816. April 27	Roads in the Illinois Territory, -	8,000 00	1,208 51	-	6,791 49	Ditto.
April 27	Roads between Columbia, Tennessee, and Madisonville, Louisiana, & Fort Hawkins, Georgia, & Fort Stoddert,	10,000 00	10,000 00	-	-	Under the direction of the Secretary of War.
1817. March 3	Opening a road from Reynoldsburg, on Tennessee river, in the State of Tennessee, through the Chickasaw nation, to intersect the Natchez road near the south end of the Chickasaw Oldtown, - - - - -	4,000 00	4,000 00	-	-	Ditto.
			$35,193 36			

Extract from the records.

JOSEPH NOURSE, *Register.*

TREASURY DEPARTMENT, REGISTER'S OFFICE, *December* 17, 1817.

No. 2.

PARTICULARS OF THE SUMS STATED IN THE WITHIN TO HAVE BEEN APPLIED.

Opening a road from the frontier of Georgia to New Orleans.

To Gideon Granger, Postmaster General, on account of said road:

Warrant No. 8658, dated March 11, 1807, - - - -	$4,000 00	
1505, dated July 28, 1809, - - - -	1,500 00	
		A $5,500 00

Opening roads through the territory lately ceded by the Indians to the United States, from the Mississippi to the Ohio, and to the former Indian boundary line which was established by the treaty of Greenville.

To John Badollet, agent for opening said road,	warrant No. 9009, dated June 30, 1807,	$315 00	
	9645, dated Dec. 31, 1807,	338 77	
	9920, dated March 31, 1808,	450 75	
	539, dated Sept. 30, 1808,	950 00	
	540, dated Sept. 30, 1808,	145 00	
	541, dated Sept. 30, 1808,	400 00	
	542, dated Sept. 30, 1808,	100 00	
	543, dated Sept. 30, 1808,	1,500 00	
To Nathaniel Ewing, agent for do. do.	warrant No. 1403, dated June 30, 1809,	1,000 00	
	2117, dated March 31, 1810,	130 58	
To Benjamin Chambers, agent for do. do.	warrant No. 3711, dated August 1, 1811,	209 25	
			B 5,539 35

Opening a road from Nashville to Natchez.

To G. Granger, Postmaster General, on account of said road, warrant No. 8659, dated March 11, 1807, C 3,000 00

Roads under the treaty of Brownstown.

To Resin Beall, one of the commissioners,	warrant No. 5010, dated Aug. 26, 1812,	$190 50	
To Benjamin Van Cleve, do.	warrant No. 5011, dated Aug. 26, 1812,	255 00	
To Return J. Meigs, Governor of the State of Ohio, on account of the said roads,	warrant No. 5382, dated Dec. 17, 1812,	5,500 00	
			A 5,945 50

Roads in the Illinois Territory.

To Jonathan Taylor, Joseph M. Street, and Thomas Sloo, commissioners:

Warrant No. 1982, dated Dec. 18, 1816,	$600 00	
216, dated April 28, 1817,	524 51	
557, dated June 10, 1817,	84 00	
		A 1,208 51

Roads between Columbia, Tennessee, and Madisonville, Louisiana, and Fort Hawkins, Georgia, and Fort Stoddert.

To Thomas T. Tucker, agent for the War Department, warrant No. 171, dated Oct. 30, 1817, A $10,000 00

Opening a road from Reynoldsburg, on Tennessee river, through the Chickasaw nation, &c.

To Thomas T. Tucker, agent for the War Department, warrant No. 135, dated July 31, 1817, - A 4,000 00

$35,193 36

Those accounts marked A remain unsettled.
That marked B is settled.
That marked C is settled, and a balance due Mr. Granger of $2,946 65 on that account.

No. 3.

Estimate of moneys received for lands in the State of Ohio, upon which two per cent. is appropriated for roads leading to that State.

From 1st July 1802, to 30th September, 1817, - - - -	$7,816,012 15
Two per cent. on that amount is, - - - - -	156,320 00

No. 4.

Estimate of moneys received for lands in the State of Indiana, sold from the 30th November, 1816, to the 30th September, 1817, upon which amount two per cent. is appropriated for roads leading to that State.

Received at Vincennes.		Received at Jeffersonville.		Received at Cincinnati for lands in Indiana.	
1816. December, -	$9,807 70	1816. December, -	$25,446 86	1816. December, -	$14,910 23
1817. January, -	9,726 51	1817. January, -	23,320 85	1817. January, - -	16,580 70
" February, -	8,302 04	" February, -	19,776 99	" February, -	11,263 25
" March, - -	7,271 37	" March, - -	6,188 59	" March, - -	10,433 79
" April, - -	6,985 30	" April, - -	10,998 94	" April, - -	13,174 09
" May, - -	12,691 35	" May, - -	14,925 37	" May, - -	13,327 67
" June, - -	15,645 11	" June, - -	13,419 74	" June, - -	14,478 09
" July, - -	13,972 22	" July, - -	9,736 50	" July, - -	16,064 41
" August, - -	15,875 93	" August,	14,268 24	" August, - -	18,885 88
" September, -	19,249 76	" September, -	20,595 27	" September, -	18,688 88
	$119,527 29		$158,677 35		147,806 99
					158,677 35
					119,527 29
					426,011 63

Deduct expenses:	Register's and receiver's salaries, - -	$3,000	
	Commission on $426,011 63 at 2½ per cent. -	10,650	
	Incidental expenses, - - -	3,000	
			16,650 00
	Nett amount received,		$409,361 63

GENERAL LAND OFFICE, *December* 19, 1817.

JOSIAH MEIGS.

No. 5.

Estimate of the amount necessary to be appropriated to enable the Treasury Department to discharge the demands which have accrued, and which will be demandable by the contractors, pending and at the completion of those sections of the Cumberland road which they have engaged to construct.

Amount of claims presented at the Treasury remaining unpaid, - -	$52,984 60
Amount of demands which will be made under the existing contracts, - -	260,000 00
	$312,984 60

No. 6.

Estimate of the amount necessary for the completion of the whole of the road from Cumberland to Wheeling, which is not yet undertaken.

Thirty-five miles, including the cost of the construction of the bridge over the Monongahela, $400,000 00

DEPARTMENT OF WAR, *January* 20, 1818.

The Secretary of War, to whom was referred the resolution of the House of Representatives requesting the President of the United States "to cause to be laid before that House information of what roads have been made, or are in progress, under the executive authority of the United States; the States or Territories through which they pass, or are intended to pass; the periods when they were ordered to be made; and how far they have been executed," has the honor to state that, in March, 1816, the general commanding the southern division was ordered to employ the troops in cutting a military road from the most convenient point upon the Tennessee river to New Orleans. This road has been surveyed, and a considerable part of it has been completed.

Orders were given in May, 1816, to the commandant of the fifth military department to employ the troops under his command in the construction of a military road from Detroit to Fort Meigs, at the foot of the rapids of the Miami of the Lakes. This road, it is believed, is nearly completed.

In May, 1816, a survey was ordered, extending this road from Fort Meigs to the Connecticut Reserve, in the State of Ohio; and another was intended to be opened at the same time from the reservation at the rapids, on the Sandusky, to the settled parts of the Ohio south of that point.

During the last autumn the troops at Plattsburg were ordered to repair and complete the military road between that station and the station at Sackett's Harbor, on the St. Lawrence, through Chautauque county, State of New York, in which some progress is made.

A part of the appropriation for the repair of the road between Fort Hawkins and Fort Stoddert, and of that between Columbia and Madisonville, has been applied, and it is believed the repairs in the latter have been considerable.

In October last orders were given to open the road from Reynoldsburg, on Tennessee river, to Natchez. It is believed the work is in considerable forwardness.

J. C. CALHOUN.

The PRESIDENT OF THE UNITED STATES.

15th CONGRESS.] No. 444. [1st SESSION.

CITY OF WASHINGTON: ADDITIONAL EXECUTIVE OFFICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 26, 1818.

Mr. PARRIS, from the committee to whom was referred so much of the President's message as relates to the "public buildings, and to the erection of new edifices for the accommodation of the heads of Departments and the Attorney General," reported:

That, among the most important objects to which their attention was called by that part of the President's message specially committed to their consideration, was the insufficiency of the public buildings for the accommodation of the several Executive Departments. For the purpose of ascertaining their present situation, and also what further provision might be necessary for their better accommodation, the committee, on the 10th of December, addressed a note to the head of each of the Executive Departments, requesting such information, and also requesting to be informed what number of rooms were then occupied by each Department in the public buildings appropriated for that purpose, and also what number, if any, in buildings which had been rented of individuals. In compliance with this request, the committee have been furnished with statements from each Department giving the information desired, which statements are herewith submitted as a part of this report.

From the information thus derived, the committee became satisfied that the public buildings at present occupied as public offices are altogether insufficient for the transaction of the business connected therewith; that placing different branches of the Departments at a distance from the head, as must be the case while the public buildings are so crowded as to render it necessary to resort to private buildings, and as is now the fact in the Treasury, War, and Navy Departments, is both inconvenient and expensive, and, therefore, that the erection of new buildings, sufficient to afford ample accommodation for all the branches of the several Departments, and in a situation convenient for each, is necessary.

Believing it to be expedient to place the buildings about to be erected near those now occupied as public offices, the Commissioner of the Public Buildings was, on the 31st of December, directed to examine and report whether the northwest and northeast corners of what is called the President's square would afford convenient sites for such edifices, to be placed on a line parallel with the other offices. The report of Colonel Lane, made in compliance with this request, is herewith communicated. The next object of the committee was to ascertain the probable expense of erecting and completing such buildings as, in their opinion, the public interest required. For this purpose they directed Colonel Lane, the Commissioner of the Public Buildings, to furnish an estimate, detailing as particularly as possible the expense of erecting and finishing fit for occupation two buildings, similar in structure to those at present occupied by the Treasury and War Departments.

The answer of the commissioner, accompanied with drawings and a detailed report made to him by James Hoban, an architect in the employment of the Government, is also herewith communicated. The reports and estimates which have heretofore been received from this architect, particularly of the President's house, have been so correct as to justify the expectation that the actual expenditure in completing the buildings contemplated to be erected will not exceed the estimates. The committee have, therefore, reported a bill to provide for erecting additional buildings for the accommodation of the several Executive Departments.

SIR: DEPARTMENT OF STATE, WASHINGTON, *December* 27, 1817.

In answer to your letter of the 10th instant, I have the honor to inform you that there are occupied by this Department five rooms on the second floor of the south and east end of the public building west of the President's house; four rooms in the garret of the same building; two rooms occupied for the Patent Office in the building where the General and City Post Office is kept.

The only house rented by the Department is that in which the messenger resides. These rooms are not sufficient for the transaction of the daily and ordinary business of the Department. Independent of which, a room is wanted for the convenient arrangement of the books and papers belonging to the office of the Secretary of the Congress under the confederation; for the constantly accumulating archives and records of the Department; for the library belonging to it; and for the safe keeping of the models in the Patent Office. These necessities, already pressing, must necessarily become more urgent from year to year, in proportion as the increasing population of the country multiplies its relations of intercourse both at home and with foreign nations. The whole building in which the office of the Department is kept would even now, after providing for the convenience of the public service, leave little, if any, room unoccupied.

I am, with great respect, sir, your very obedient servant,

JOHN QUINCY ADAMS.

ALBION K. PARRIS, Esq.,
Chairman of a Committee of the House of Representatives.

SIR: TREASURY DEPARTMENT, *December* 17, 1817.

In reply to your letter of the 10th instant, inquiring what further accommodations are necessary for the different branches of the Treasury Department, and also what number of rooms is at this time occupied by that Department in the public buildings appropriated for that purpose, and what number, if any, in buildings which have been rented of individuals, I have the honor to state that, at present, in what is generally called the Treasury Office, thirty rooms (exclusive of two fireproof rooms for the preservation of the records, and the rooms in the garret) are occupied by the Secretary of the Treasury, the Comptroller, the First and Fifth Auditors, the Register of the Treasury, the Treasurer of the United States, and the Commissioner of the Revenue; that, in the building generally called the War Office, the Second Comptroller, and the Second, Third, and Fourth Auditors of the Treasury, occupy fourteen rooms; that the General Land Office occupies eight rooms rented of an individual.

At present, two rooms in the Treasury building are occupied by the office of discount and deposite. This accommodation was afforded the bank under an expectation that measures would be promptly taken to procure or erect a building suitable for the purpose; and the board of directors, who have as yet taken no steps for the accomplishment of that object, will be informed that their occupancy of the rooms in question must shortly terminate. These rooms, with those now occupied by the Commissioner of the Revenue, when his duties shall be terminated, will render the situation of the offices now kept in the Treasury building convenient and proper for the despatch of public business.

The Second Comptroller, and the Second, Third, and Fourth Auditors, are more inconveniently crowded in the rooms which they occupy, than the offices which are kept in the Treasury building.

Instead of the fourteen rooms now occupied by them in the War Office, they require twenty-nine rooms; and if the additional number of clerks necessary to bring up, in a reasonable time, the arrearage in the office of the Third Auditor, should be provided for by law, two additional rooms would be required, making, in the whole, thirty-one. The Commissioner of the General Land Office now occupies eight rooms, and believes that twelve will be necessary. As the business of that office must necessarily be greatly increased, in consequence of the continual increase of the number of land offices, there can be no doubt but that in a very few years that number of rooms would not be more than the public service would require.

If it is intended that all the offices comprising the Treasury Department should be accommodated in one range of buildings, it will be necessary to enlarge the Treasury building so as to furnish forty-three additional rooms.

Such an arrangement would leave unoccupied in the War Office a sufficient number of rooms to accommodate, in a suitable manner, the Attorney General, the Commissioners of the Navy Board, and the Ordnance Department. That building would then be occupied by the State Department, the War Department, including the offices of adjutant and inspector general, of the paymaster general, and of the Ordnance Department; the Navy Department, including the office of Commissioners of the Navy Board; and the office of the Attorney General. If, however, it should be considered necessary that the offices of the Second Comptroller, and of the Second, Third, and Fourth Auditors, should be kept in the buildings occupied by the Secretaries of the War and Navy Departments, then an addition of twelve rooms in the Treasury building for the accommodation of the General Land Office will be all that will be required, unless it should be deemed expedient to furnish the Attorney General with an office in that building. The greatest addition to the public offices would then be made in the War Office, where seventeen additional rooms will be required for the accounting officers before enumerated, exclusive of the accommodation necessary for the Navy Board and Ordnance Department.

I have the honor to be, very respectfully, sir, your most obedient servant,

WM. H. CRAWFORD.

Hon. ALBION K. PARRIS, *Chairman of the Committee on Public Buildings.*

SIR: DEPARTMENT OF WAR, *December* 15, 1817.

In answer to your letter of the 10th instant, requesting me to inform the committee of the House of Representatives to whom was referred "so much of the President's message as relates to the public buildings what further accommodations are necessary for the different branches of the Department of War," I have the honor to state that ten rooms, in addition to those now occupied by the War Department in the public buildings, will be required for its accommodation. The Department of War occupies at this time five rooms in the public buildings, including two assigned to the paymaster general, and rents eight rooms of individuals, for which a high price is paid.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Hon. ALBION K. PARRIS, *Chairman of the Committee on Public Buildings, &c.*

SIR: NAVY DEPARTMENT, *December* 18, 1817.

In compliance with your request in behalf of the committee of the House of Representatives relative to the public buildings, I have the honor to state that the business of the Navy Department, and of the Commissioners of the Navy immediately connected with it, has long suffered great inconvenience from the crowded state of the rooms which are occupied in the *public buildings;* and the Navy Commissioners have been badly accommodated in different private houses remote from the Navy Office.

I therefore improve the occasion offered by your communication to suggest that two additional rooms are necessary for the Navy Department, in order to a prompt execution of the important duties at certain periods, free *from interruption.*

The Commissioners of the Navy Board suggest for their accommodation five rooms of ordinary size, and one large room for models, maps, and other valuable articles, which are now in a very crowded place, and difficult of access and examination in the usual course of business.

The Navy Department now occupies three rooms in the public buildings, and one small garret room for the deposite of extra books and papers, without a fireplace.

The commissioners rent a small house at three hundred dollars per annum, consisting of five rooms, without affording one for models, maps, &c.

All which is respectfully submitted.

B. W. CROWNINSHIELD.

Hon. ALBION K. PARRIS, *Chairman of the Committee on Public Buildings.*

SIR: WASHINGTON, *January* 7, 1818.

Upon examination, I am of opinion that the proper site for the erection of two buildings similar to the Treasury and War Offices would be directly north of those offices, leaving a sufficient court between.

Very respectfully, your obedient servant,

SAMUEL LANE, *Commissioner of Public Buildings.*

Hon. ALBION K. PARRIS, *Chairman, &c.*

SIR: WASHINGTON, *January* 21, 1818.

I now forward plans and estimates of two buildings similar to those at present occupied by the Treasury and War Departments, as required by your letter of 31st ultimo. These have been delayed in consequence of the architect having to attend court as a witness.

I have the honor to be your obedient servant,

SAMUEL LANE, *Commissioner of Public Buildings.*

Hon. ALBION K. PARRIS.

SIR: JANUARY 21, 1818.

The following is an estimate of a building to contain forty rooms on two floors, exclusive of the garret and basement stories, to be built in a substantial manner of brick and stone, with a portico of six columns of the Ionic order, with a pediment and flight of steps, with a cornice round the building, all of cut stone, and the basement story to be arched, every room and passage with brick, and to be covered with slate, thereby rendering the building as secure from fire as the nature of such a building will admit.

It may be proper to remark that the coal and wood for the use of the offices are deposited in the basement story.

To 2,751	yards cube, digging foundation, basement story, at 25 cents per yard, -	$687 75	
881	perches stone in foundation, basement walls, at $4 50 per perch, -	3,964 50	
1,192	thousand bricks, and laying, at $15 per thousand, - -	17,880 00	
210	thousand bricks, arching basement story, at $25 per thousand, -	5,250 00	
10,500	yards of plastering, three coats, at 40 cents per yard, - -	4,200 00	
3,300	yards plastering counter-ceiling, at 10 cents per yard, - -	330 00	
180	squares roofing, boarding, and slating, at $30 per square, - -	5,400 00	
297	squares of floors and joists, at $20 per square, - - -	5,940 00	
297	squares of counter-flooring, at $6 per square, - - -	1,782 00	
1,260	feet run of copper gutter and water pipe, at 75 cents per foot, -	945 00	
12	cistern heads, of copper, at $12 each, - - -	144 00	
7,386	feet beaded skirting to rooms and passages, at 12½ cents per foot, -	923 25	
1,484	feet angle beads to quoins, at 8 cents per foot, - - -	118 72	
840	feet border to hearths, at 10 cents per foot, - - -	84 00	
			$47,649 22
1,220	yards painting skirting and window heads and sills, at 33⅓ cents per yard, -	406 66	
48	windows, trimming, principal story, frames, shutters, sashes, &c., at $53 92 each, - - - - - -	2,588 16	
48	windows, painting, principal story, hinges, pulleys, weights, &c., at $39 90 each, - - - - - -	1,915 20	
50	windows in second story, frames, sashes, jambs, arch, &c., at $37 80 each, -	1,890 00	
50	windows second story, painting, glazing, pulleys, weights, &c., at $32 20 each, - - - - - -	1,610 00	
5	semicircular windows in centre of recess, at $34 18 each, - -	170 90	
3	Venetian entrances, first story, doors, sashes, &c., at $102 50 each, -	307 50	
3	Venetian entrances, glazing, painting, iron saddle, &c., at $54 30 each, -	162 90	
2	Venetian windows, second story, frames, sashes, &c., at $96 56 each, -	193 12	
2	Venetian windows, second story, glazing, painting, &c., at $71 each, -	142 00	
40	doorways, trimming, first story and second, hinges, locks, &c., at $63 68 each,	2,547 20	
18	doorways in garret, doors, jambs, locks, hinges, &c., at $32 98 each, -	593 64	
18	dormers to roof, frames, sashes, glass and painting, &c., at $68 each, -	1,224 00	
2	stories of stairs, three flights to each story, at $500 each, - -	1,000 00	
44	cast iron gratings to basement semi-windows, at $7 each, - -	308 00	
34	feet run of iron railing to portico, at $6 per foot, - -	224 00	
2	windows in pediments, frames, sashes, glazing, &c., - -	146 00	
60	centres to trimmer arches, at $1 25 each, - - -	75 00	
516	feet run of fillet gutter to roof, at 30 cents per foot, - -	154 80	
1,007	yards painting on stone, &c., at 33⅓ cents per yard, - -	335 66	
			15,994 74
			$63,643 96

Cut stone work.

223½	tons of freestone in plinth and base, at $12 50 per ton, - -	2,793 75	
3,228½	feet work in plain face, at 40 cents per foot, - - -	1,291 40	
550	feet sunk moulded base, bed, and door sills, at $1 20 per foot, -	660 00	
96	window sills, at $5 each, - - - -	480 00	
4	Venetian window sills with brakes, at $10 50 each, - -	42 00	
8	pilasters, back part moulded, at $30 each, - - -	240 00	
4	heads, part circular, at $15 each, - - -	60 00	
1	window sill in pediment, at $10 50 per window sill, - -	10 50	
1,282	feet steps and platforms in three flights, at $1 10 per foot, - -	1,410 20	
561	feet run of façade course, at 95 cents per foot, - - -	532 95	

96	window heads, at $6 each,	$576 00		
70	feet door sills, best hard stone, at $1 20 per foot,	84 00		
		8,180 20		
	Add for setting 10 per cent.,	818 02		
				$8,998 22
507	feet of stone cornice, moulded, at $8 per foot,			4,056 00
	Portico, with six columns, entablature, &c.			
318½	tons of freestone, at $13 50 per ton,	4,299 75		
4,154	feet plain face work, at 40 cents per foot,	1,661 60		
1,133	feet circular plain face work, at 70 cents per foot,	793 10		
1,229	feet sunk moulded work, at $1 per foot,	1,229 00		
165	feet circular sunk moulded work, at $1 50 per foot,	147 50		
644	feet stone, and work in steps, at $1 10 per foot,	708 40		
2	pilaster capitals, at $90 each,	180 00		
6	column capitals, 2 feet 9 inches diameter, at $200 each,	1,200 00		
		10,219 35		
	Add for setting 10 per cent.,	1,021 93		
				11,241 28
131	perches of foundation stone to steps and platforms, at $4 per perch,			524 00
				24,819 50
266	feet steps and platforms leading to basement, at $1 10 per foot,			290 60
	Iron and lead for stone work,			150 00
	Scaffolding, as poles, plank, blocks, cordage, and labor,			1,200 00
12	chimney-tops, of stone, at $22 87 each,			274 44
				26,736 54
	Brought over,			63,643 96
	Amount of estimate,			$90,380 50

Respectfully submitted by, sir, your obedient servant,

JAMES HOBAN.

SAMUEL LANE, Esq., *Commissioner of Public Buildings.*

15th CONGRESS.] No. 445. [1st SESSION.

CONTESTED ELECTION OF GEORGE MUMFORD, A REPRESENTATIVE FROM NORTH CAROLINA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 6, 1818.

Mr. TAYLOR, of New York, from the Committee of Elections, to whom was referred a resolution of the House of Representatives of the 10th of December, 1817, and a message of the President of the United States of the 29th of the same month, further reported, in part:

That, in the year 1813, subsequent to the passage of the act for the assessment and collection of direct taxes and internal duties, George Mumford was appointed principal assessor of the tenth collection district of the State of North Carolina; that he accepted the said office, and executed the duties appertaining thereto, under the several acts afterwards passed laying direct taxes upon the United States; and that he has not resigned the said office.

In the month of August, 1817, he was elected a Representative of the said State, and on the first day of the present session he was qualified, and took his seat in this House.

The act of July 22, 1813, under which Mr. Mumford held his appointment, was prospective and without limitation. No law then existed laying a direct tax; but, as Congress intended resorting to that system of revenue, it was enacted "that, for the purpose of assessing and collecting direct taxes," the United States should be divided into collection districts, and a principal assessor appointed for each district. If this act has neither expired nor been repealed, Mr. Mumford is still in office, and cannot rightfully be a member of this House. But, by the second section of the act to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same, approved January 9, 1815, the said act was repealed, except so far as the same respected collection districts, internal duties, and the appointment and qualification of collectors and assessors; in all which respects it was enacted that the said act should be and continue in force for the purposes of the last-mentioned act. The act of July 22, 1813, so far as the same was not repealed, was thereby limited to the duration of that act, and was continued in force only for its purposes. By that act a direct tax of $6,000,000 was annually laid upon the United States, and apportioned agreeably to the provisions of the constitution. At the first session of the fourteenth Congress that act was modified, by repealing so much thereof as laid an annual tax of $6,000,000, by reducing the same to $3,000,000, and by limiting its continuance to one year; and it was expressly enacted that all the provisions of the act of Jan-

uary 9, 1815, except so far as the same had been varied by subsequent acts, and except the first section thereof, which related to the apportionment of the tax, should be held to apply to the tax of $3,000,000 thereby laid: thus the act of July, 1813, was again limited, and it was continued in force for the purposes of the $3,000,000 tax laid March 5, 1816. Whenever those purposes were fulfilled, that act expired; and, of course, all offices created by it ceased to exist.

By the letter of the Secretary of the Treasury, hereto annexed, enclosing a report of the Commissioner of the Revenue, it appears that the entire tax assessed in the tenth collection district of North Carolina was accounted for previous to the 1st of December, 1817, and that no official duty then remained to be performed by Mr. Mumford, the principal assessor of that district. His said office, therefore, expired previous to his taking a seat in this House. The committee, therefore, respectfully submit the following resolution:

Resolved, That George Mumford is entitled to a seat in this House.

SIR: TREASURY DEPARTMENT, *January* 31, 1818.

In reply to your letter of the 27th instant, requesting to be informed whether on the 1st day of December, 1817, any official act remained to be performed by the principal assessor of the tenth collection district of the State of North Carolina, of which George Mumford was principal assessor; and whether the same has been performed, and, if so, by whom, I have the honor to submit the enclosed report from the office of the Commissioner of the Revenue.

I have the honor to be your most obedient and very humble servant,

WM. H. CRAWFORD.

The Hon. JOHN W. TAYLOR,
Chairman of the Committee of Elections of the House of Representatives.

SIR: TREASURY DEPARTMENT, REVENUE OFFICE, *January* 28, 1818.

I have the honor to state, in respect to the letter from the chairman of the Committee of Elections of the 27th instant, referred to me, that the entire tax assessed in the tenth collection district of North Carolina was accounted for previous to the 1st of December, 1817; that no official duty in the capacity of principal assessor has been since performed by Mr. George Mumford; and that no official duty remained to be fulfilled by him on that day.

I am, very respectfully,

S. H. SMITH, *Commissioner of the Revenue.*

Hon. SECRETARY OF THE TREASURY.

SIR:

Being about to defend myself against what appears to be a charge that implicates my honor and my character, I ask your attention whilst I make such an exposition as shall exonerate me from the imputation of having taken a seat in Congress contrary to the constitution, or contrary to the principles of an honest man and a gentleman.

Before I enter into the argument, I will briefly relate the facts as far as they are recollected. I was appointed principal assessor at the commencement of the system of direct taxation, and continued until its termination, which happened at the last session of Congress; previous to which time I had discharged all the duties assigned me by the law, and had settled all my accounts. I did not write a letter to any person saying that I resigned the office, for it would at that time (whatever it might since) have been extremely ridiculous, as the office had left me. Some time, however, in the spring I received a letter from the Commissioner of the Revenue, written under the authority of the act of the 3d March last, which was calculated to clothe me with new power, so that any of the duties which might not have been finished should be completed. I do not recollect having performed any duty after the receipt of that letter. The election at which I was chosen was held on Thursday, the —— of August. On the Thursday following, the sheriffs of the three counties, viz. Rowan, Randolph, and Chatham, composing the tenth district of North Carolina, met, declared me to be duly elected, and gave me their joint certificate to that effect. Early in October I left home for Portsmouth, New Hampshire, and when on my way, I arrived in the city of Raleigh, and presented that certificate to the Governor, who, on receiving it, gave me a commission as a Representative, bearing date at *that* time. As I passed through this place, I intended to have remained here a few days, and meant to have called on the Commissioner of the Revenue for the purpose of giving him all the information I could relative to the probable business that might arise in the course of the completion of the collection by the collector. This visit was due from respect to an officer under whose direction I had served, and which, though not official, would have been proper, and which should have been paid had it been in my power. Having remained at Portsmouth, out of my assessment district, during the intervening period, I returned to this place on the last day of November, and on Monday, the 1st of December, I appeared in the Representatives hall, was qualified by taking the oath to support the constitution, and took my seat; when, as soon as the resolution inquiring what members held offices was adopted, I made a written communication of my circumstances to the chairman of the Committee of Elections.

This, sir, is the history; you will now please to indulge me while I make some remarks, and, in attending to them, you will be good enough to bear in mind that the inquiry is, *whether I am a member of Congress or not—whether I am in the House or not?*—a question so plain that it was not without some difficulty that I brought my mind into a train of reasoning to prove it. Indeed, if I had not so much at stake, and if it were not that the question, plain as it appears to me, seems to be doubted by those, or some of those, whose opinions I am bound to respect, and whose votes may be injurious to my rights, I should hardly trouble you to discuss the question. It is more than doubted, for it appears to be taken for granted that, if a person holds an office up to the time of his qualification as a member, it would affect his seat; and it further appears to be taken for granted that, if a person has held an office at any time since the 4th of March, or subsequent to his election as a Representative, it ought to affect his seat; and that a person who has held an office must write a letter to some one saying that he resigns it, otherwise the omission would be considered a proof that he continued to hold the office, notwithstanding his qualification and taking his seat. I contend for the contrary of all these propositions, and hope I shall place them in so clear a point of view as to leave no doubt on your mind; and, in doing so, will give you the plain words of the constitution, attaching to them the plainest and most obvious meaning of which they are susceptible. Be so good as to turn to it, and you will find that it is in the second clause of the second section of the first article that the *qualifications* of a Representative are enumerated, viz: " No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when

elected, be an inhabitant of that State in which he shall be chosen." *And these are all that are enumerated as qualifications.* After going through with the House of Representatives, the constitution begins with the Senate, and, in the third clause of the third section of the same article, enumerates the *qualifications* of a Senator in these words, viz: "No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen." And these are all that are enumerated as qualifications of a Senator. After having thus mentioned, in express terms, the qualifications of each; after having said what shall entitle a person to a seat as a Representative, and what as a Senator; after having gone through every thing relative to the person of each, until you get to the last clause of the sixth section, it then provides that "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person *holding* [continuing to hold] any office under the United States shall be a member of either House *during his continuance* in office." What, let me ask, was the object of this clause? What did the people intend to guard against when they spoke these words? Let us inquire; and we cannot do so as effectually in any other way as by seeing what would have been our situation if this clause, or any part of it, had been omitted in the constitution. Suppose, then, that that whole clause had been omitted; what would have been the consequence? Would there have been any thing to prevent the same person from holding United States offices while he was a member, or being a member while he held such offices? You must say not. Then may we not fairly conclude that that clause, *taken altogether*, was intended to prevent the occupancy of both at once? But suppose the latter part only, viz: "No person holding any office under the United States shall be a member of either House *during his continuance* in office;" suppose this had been omitted, what would there have been left that would have prevented a member from being appointed to or from holding any office, except such as happened to have been created, or to have had their emoluments increased, during the time for which he was elected? Surely nothing. Then may we not as fairly conclude that *this part* of the clause was *intended*, not to prevent the *appointment* of a member to an office, nor to prevent his *acceptance* of it; not to prevent the people from *choosing an officer* to be a member, nor to prevent his *acceptance and qualification as such*, but to provide that, although you may be appointed to an *old* office, although you may be elected to serve as a member, you shall not, *during your continuance* in office, be a member; you shall not, *during your continuance* as a member, be an officer. Now, sir, let us suppose that the *first part* of the clause only had been omitted; would there have been any thing to prevent a member from being appointed to a *new office* as well as he can *now* be to an *old one?* As certainly not. This part of the clause was, therefore, intended to provide, not merely that a member should not hold a new office during the time he was a member, but that he should not *hold it at all during the time for which he was elected.* Indeed, sir, if the words that make the latter part of this clause, viz: "And no person *holding* any office under the United States shall be a member of either House *during his continuance* in office," had stood alone; if they had been intended to contain *all the condition* that should have entitled a person to a seat, it would have been a forced construction, and not less forced than unreasonable and unjust, to say that a person who had qualified and taken his seat as a member ought to have it vacated because he *had held* an office, without any proof, or even a suggestion, that he *was then holding it*, and especially after hearing him declare (as I do, and as I did to the committee) that he does not hold or continue to hold any office under the United States, and that he has not discharged any duties of any such office since his election as a Representative. Is it not indecorous, after a man has taken the oath to support the constitution, and thereby qualified himself and taken his seat as a member, to insist that he *does hold an office*, which is as much as to say that he has violated the constitution and his oath, without having *some evidence* that he has discharged, or attempted or wished to discharge, other duties than those of a member? But, sir, these words, viz: "And no person," &c. &c., do not stand alone; they are not a part of a clause merely; they are a part of a sentence; they are included in a period with others, divided only by a semicolon; their very situation and connexion prove that they were not intended to contain the *only condition, or any condition* which should entitle a person to a seat as a member, that having been provided for in the second clause of the second section, as before mentioned. The object of that clause must have been simply to declare that no officer should be a member, and, of course, that no member should be an officer, viz: that no person shall be both at once. This must have been the intent and meaning of that part of the clause, because, if the other meaning had been intended, viz: that no officer should be a member until he had formally resigned, would not the convention, instead of putting them where they are, have added them to the second clause of the second section, thus: "No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen; and no person holding any office under the United States shall be a member of either House *during his continuance* in office?" And even then, sir, it would have been very ambiguous, leaving a doubt whether you must resign, or whether your acceptance of a subsequent appointment did not, in itself, vacate the office. Here it may not be improper to remark that a resignation, viz: a written communication saying that you resign, is a thing that does not appear to have been contemplated as necessary, it not having been either described or prescribed.

From all which, it seems to be clear that no person *holding* an office under the United States can be a member; and it is equally clear that no person, *being a member*, CAN hold an office. This will bring the question to what it ought to be, viz: Whether a member does, by being appointed, and qualifying as an officer, vacate his seat? and whether an officer does, by being elected, returned, and qualified as a member, vacate his office? or, to reduce them to a single proposition, whether an officer or a member must *resign* the commission, office, or appointment which he holds, before he can be constitutionally authorized to discharge the duties of one which is subsequently conferred upon him?

If, sir, you will now suffer yourself to resort to common sense and common usage, (for here the constitution is silent,) I think you will find *that a resignation would, in many cases, be as unnecessary as it would be absurd*, and *that, in all cases where a person goes from one appointment to another, under the same general authority, it is not necessary*, though in many it is useful, and in all it is respectful; leaving it to be necessary only in cases where the person wishes to withdraw from the authority under which he is acting, to place himself under *his own* or *that of another;* and then it is not necessary as a means of releasing himself from the employment, but that he may vacate it quietly, that he may save himself from the sentence of a court. Is it not the universal practice and understanding relative to all offices and appointments, (which are incompatible,) *that the accepting the last*, viz: the being constitutionally and legally initiated into the last, *virtually dissolves or vacates the first?* Is there an exception, from a village council and constable to the Congress and President of the United States? Suppose the United States, or the President and Senate, in her name, and under her authority, were to appoint a member of the House of Representatives to be Secretary of War; could he not accept, qualify, and enter upon the duties of the War Department until he had either said or written to the House, or to the people of his district, or to somebody, that he resigned his seat? He might have been appointed *pro tempore*, before Congress had assembled; could he not act as Secretary until the House met and received his resignation? Suppose the Legislature of North Carolina

should choose a member of the House of Representatives as one of her Senators; would the Senate refuse to receive him as such until he had *proved* that he had said, or sung, or written a resignation of his seat there? Would they have stopped their proceedings, after having suffered him to take his seat, to inquire into such a fact? Does the constitution require it? Does common sense demand it? Suppose the House of Representatives had contended that, as he had not resigned, he was still a member of that body; could a justification have been found in the constitution for an attempt to compel his attendance? Suppose the people should elect a man who was a collector to be a Representative; would he, besides the *qualifications* enumerated in the constitution, be obliged to produce proof that he had resigned his collectorship? To whom must he resign? Do you say to the Secretary of the Treasury? He did not appoint him. Must it be to the President, or the Senate, or to both? May it be sent by the mail? It may miscarry. Who proves that you did not send it? And is the Secretary of the Treasury to send to the House of Representatives, and claim his once subordinate, and take him from the high and important duties assigned him by his constituents, because, forsooth, a letter did not happen to get on safely? And does the House intend to expel a member because it does not appear that he has written a few lines to the Secretary of the Treasury, informing him of what it is his duty to know, and what he cannot help knowing, viz: that the person who *was collector* is *now a member*, and, of course, no longer a collector—the two being incompatible by the constitution which he has sworn to support, and which it is supposed is before him? But suppose the people should choose one who had been a principal assessor, (I say had been,) one who had discharged the duties of his office as long as there were any to perform, one who had continued in that office as long as that office had continued to exist, under the laws prescribing the duties of the assessor; must he still be considered to be an assessor, because a law was passed at a session subsequent to the termination of all his duties authorizing the Secretary of the Treasury to give the assessors new and distinct powers? Must he still be considered an assessor, notwithstanding he has told you, in the oath he has taken qualifying himself as a member, that he holds no office, civil or military, under the United States? Has he not told you so? And does he not now declare to you the same thing in writing? Must he still be considered an assessor, whether he agreed to act under this last direction or not, to the performance of the duties of which there was no compensation allowed? Surely not. Shall I take the liberty to refer you to the act appointing assessors, and the act renewing their authority? On reading them, you will find that all the duties were performed; they were obliged to be performed previous to the commencement of the last session of Congress, if done agreeably to any law *then* existing. You will find, from the tenor of the law of the 3d of March last, that Congress acted under the impression that the power of the assessors and that of the Treasury Department had ceased; else why renew it? And, having renewed it, without affixing any compensation, was I bound to accept it? Did I accept it? I say I did not. I performed no duty under it. And does not the very omission to perform the duties amount to a refusal to accept a new office?

But, sir, a resignation is necessary in some cases, as I have stated. A constable cannot fairly and quietly vacate his office by merely abstaining from the duties of it, or by refusing to act; nor can an assessor, or any other officer. He must give *notice* to the authority that appointed him of his intention, or he will be liable to be sued. But suppose the same court which had appointed him constable should appoint him sheriff; what then? I say he must give notice of his intention to accept; and, after acceptance, and a regular initiation into the last office, the first *is vacant;* for where is the necessity of a resignation, (that is, a notice that he intends to quit his constableship,) *when that information is contained in the notice of acceptance of the sheriffalty?* A judge cannot leave the bench to accept an appointment given him by another authority, without resigning, viz: without giving notice. He must discharge the duties assigned him until he gives notice to the person or persons authorized to fill the vacancy of his intention to withdraw; and he is liable if he does not: for, otherwise, it would be in his power, not only to refuse justice, but to prevent any other person from being appointed to dispense it. But suppose the Legislature of a State were to elect one of its judges to be Governor; where would be the necessity of a resignation of his seat on the bench? If he came forward and became qualified as Governor, all they would or could want to know would be, whether he was Governor; and, that being before their faces, they would, as in duty bound, proceed to fill the vacancy on the bench. Suppose a Legislature were to elect one of the judges to be a Senator in Congress. It would, to be sure, be decorous for him to say *immediately* whether he intended to accept the senatorship or not, that they might proceed, during their session, to fill the vacancy; but it is not an imperative duty. He may go through a summer's circuit, and appear in Congress hall on the first Monday of December afterwards, and take his seat. If he did not resign his seat on the bench (viz: *say that he accepted the senatorship*) to the Assembly, he could do so, at any time, to the Governor. If he did so while they were in session, they would fill the vacancy; if he did so to the Governor, he and his council would fill it *pro tem.* If he did not give this notice, he would be bound to perform the duty until he took his seat as Senator, and would be liable to be impeached if he refused or neglected to do so. Would the Senate, on his arrival, enter into an examination of his conduct? *Would they require any thing except an assurance that he was duly elected Senator, and that he came under the description of the third clause of the third section of the first article of the constitution? They would not;* for some of the States permit their State officers to be members of Congress, and some do not. It is a matter, therefore, that Congress have nothing to do with, and they would not trouble themselves to inquire into it. When a State officer has been elected, and *has taken his seat as a member of Congress*, his State is bound to know it, without notice from him by way of resignation. Yet it often prevents difficulties, and is always respectful, to give notice of your intentions. They cannot help knowing it; for he is, as to the office, held politically dead. Suppose an assessor wishes to retire from his office. He must resign. The Treasury Department must have notice of his intention, in order to provide that the public service shall not be injured; and the assessor would and ought to be liable in damages if he *left* his duty, the same as if he *neglected* it. But when the President and Senate have appointed him to a different and incompatible station, is not his acceptance of that a sufficient notice to the President that he is no longer an assessor? and would he not proceed to recommend another to fill the vacancy? Will any one contend that he would not, or ought not, until the assessor had resigned? Surely not. And is not the case much stronger when it is not merely the President and Senate (who are but servants of the people) that make the appointment, but the people themselves? Must the assessor go, or send, or write to some one of the other servants of the same master, to ask *him* to permit the transaction? Is not the President bound to know and to provide for the vacancy in an office which they have, before his face, made vacant, and made it his duty to fill? Do you suggest that he might not know it? Would not the Commissioner of the Revenue, when he saw the officer with whom he had been in the habit of transacting business sitting as a member of Congress, know it? Would he not know that the office was vacant if he saw the officer lying dead? and would that be plainer than seeing him sitting as a member of Congress? And are they not *equally* incompatible, so long as we have *nature* and the *constitution* for our guide?

Does the President, or the Secretary of State, or of the Treasury, or the Commissioner of the Revenue, recognise me as an assessor? Would they not frown indignantly on the man so lost to every sense of propriety and of virtue as to attempt to continue to hold an office under their absolute control after he had taken the oath to support the constitution, and his seat as a member of Congress? *Would they not be equally guilty to suffer it?* Can they,

now that I have taken my seat as a member of Congress, transact business with me *as an assessor*, without a violation of the oaths that they have taken? Would they not be liable to impeachment for continuing, or attempting to continue, a man in the execution of the duties of an office after that man had become a member of Congress? *Is not that one of the ways in which an undue executive influence could be exercised in this House?*

Besides, sir, in all cases where it is necessary that a resignation should be sent, it is equally necessary that it should be received, and *as important that it should be agreed to*, and all for the reason before given, viz: to enable the officer to retire quietly. But to contend for this proceeding in all cases would put it completely in the power of the heads of Departments, by refusing to accept, or by omitting to acknowledge, the receipt of a resignation, to prevent any one who held an office from taking his seat as a member of Congress. Now, sir, will it be contended that the President, or the Secretary, or the Commissioner (neither of whom pretends to recognise me as an assessor) intended, by saying in their report, "that no resignation had been received from Mr. Mumford," to fix upon him the stigma of having violated the constitution and his oath, and to deprive him of his reputation, and his constituents of the Representative of their choice? Impossible. If I am asked why the resolution required information "whether any offices were at that time [December 12] so held," and why, by the answer given, "that no resignation had been received from Mr. Mumford," it is left to be inferred that he is yet in office, I could answer, that it would not have been proper for the President (or the Secretary of State) to have expressed an opinion as to Mr. Mumford's qualifications as a member. He had simply to state the facts, viz: that Mr. Mumford had been appointed to an office heretofore, and that no resignation had *been received.* He could not with propriety say whether a resignation was or was not necessary; nor *(when the extent of the question is understood)* could it be expected that he would answer as to whether any of the members held offices at that time: no inference ought therefore to be drawn from the report on either of these points. Suppose, sir, that I had held an office after the 4th of March: what then? I was not elected as a Representative until August. But suppose that I had held an office up to the 1st of December: does it follow that I held it up to the 12th, and that *I continue to hold it now?* Does *my having held* prove that *I do hold?* Do you ask when I became a member? When does a man become a witness, or a juror, or a husband? *Can they become so in an instant?* Can you *make* a mathematical point? Is a man married until the last ceremony is performed? Yet has he not privileges as a bridegroom? and have not witnesses and jurors and Representatives privileges also? When does a quill become a pen? Before you have put your knife to it, it is a quill; at the instant that it is nibbed, it is a pen, and not before.

But, after all, it may be asked, what great object of state policy is expected to result from knowing the offices, the term of appointment, of acceptance, and of resignation, by persons *who are now* members of Congress? Some invidious person might suppose that it was intended that the few names on that list should be known and held up to public view as suspected of executive influence. Some spiteful enemy might insist that it was intended that Mr Mumford (who was appointed, accepted, and served to the end, in the unthankful and laborious office of principal assessor, and who, after having so served, had received, in his election to a seat in Congress, the reward due only to the faithful) should be so held up. But inasmuch as there is another way of vacating an office besides dying, resigning, and dismissing, as there is such a thing as political death as to an office without political disgrace, and as the office which he *held* has become *vacant in that way*, it would seem to become the moral duty of those who have cast the odium to wipe it off. It may be said, however, that it was not intended or expected that he would have been touched in this business. Sir, I believe it; I am convinced that he was not thought of when that resolution was introduced and passed; but the ill-natured will not be disposed to view it so favorably, which leaves it to be lamented that a stone should have been thrown in the dark. Only suppose, sir, that, instead of *looking back*, that resolution had *looked forward*, and, instead of asking the President to tell how many of the members he was secretly and unconstitutionally keeping in office, (for this is really the question,) it had been required of him to communicate whether any, and to which of the members of the House of Representatives he had promised an appointment, designating the office, the time promised, whether it was to be accepted, and how far a right to a seat was affected thereby—this stone would not have fallen on my head. Sir, the cautious had better look *forward* for danger than backward. Being convinced that it could not have been intended to charge me with a wrong by a resolution in which I am not named, nor to find me guilty by a report *that does not say that I hold an office*, I shall rest my case here. Indeed, sir, I believe I should have paid a better compliment to your understanding, and to that of the House, if I had rested it in silence; and I should have done so, but that the language of the resolution, affecting to be the language of the House, made it my duty to treat it with more attention. Sir, I became a member of Congress on Monday, the 1st day of December. I have held no office, nor have I discharged the duties of any, since; nor have I held or discharged the duties of any since I became officially informed of my election. And as I possess all the qualifications prescribed by the constitution, I trust that you will so report.

Very respectfully, I am, sir, yours, &c.

GEO. MUMFORD.

To the Hon. Mr. TAYLOR, *Chairman of the Committee of Elections.*

15th CONGRESS.] No. 446. [1st SESSION.

AMENDMENT PROPOSED TO THE CONSTITUTION IN RELATION TO TITLES OF NOBILITY, &c.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 6, 1818.

To the House of Representatives: WASHINGTON, *February* 4, 1818.

Pursuant to a resolution of the House of Representatives of the 31st of December last, requesting information of the number of States which had ratified the thirteenth article of the amendments to the constitution of the United States, I transmit to the House a detailed report from the Secretary of State, which contains all the information that has been received upon that subject.

No time will be lost in communicating to the House the answers of the Governors of the States of South Carolina and Virginia to the inquiries stated by the Secretary of State to have been recently addressed to them, when they are received at that Department.

JAMES MONROE.

DEPARTMENT OF STATE, *February* 3, 1818.

The Secretary of State, to whom was referred a resolution of the House of Representatives of the 31st of December last, requesting information of the number of States which have ratified the thirteenth article of the amendments to the constitution of the United States proposed at the second session of the eleventh Congress, has the honor respectfully to report to the President that it appears, by authentic documents on file in the office of the Department of State, that the said article was ratified—

1. By Maryland, on the 25th of December, 1810.
2. By Kentucky, on the 31st of January, 1811.
3. By Ohio, on the 31st of January, 1811.
4. By Delaware, on the 2d of February, 1811.
5. By Pennsylvania, on the 6th of February, 1811.
6. By New Jersey, on the 13th of February, 1811.
7. By Vermont, on the 24th of October, 1811.
8. By Tennessee, on the 21st of November, 1811.
9. By Georgia, on the 13th of December, 1811.
10. By North Carolina, on the 23d of December, 1811.
11. By Massachusetts, on the 27th of February, 1812.
12. By New Hampshire, on the 10th of December, 1812.

That it further appears by authentic documents, also on file, that the said article was rejected—

13. By New York, on the 12th of March, 1812.
14. By Rhode Island, on the 15th of September, 1814.
15. That it was submitted to the Legislature of the State of Connecticut at May session, 1811; but that as late as the 22d of April, 1813, according to a letter of that date from Governor Smith, no final decision had taken place thereon; that, in pursuance of the resolution of the House of Representatives, in conformity to which this report is made, the Secretary of State addressed a letter to the Governor of Connecticut, and enclosed to him therewith a copy of the proposed amendment to the constitution, requesting information as to any final decision in relation to it; and that the answer to said letter, under date of the 22d ultimo, was accompanied by an authenticated copy of resolutions of the General Assembly of that Commonwealth, declaring that the said amendment was not ratified.
16. That, on the 29th November, 1811, a report was made by a committee of the Senate of South Carolina, recommending the adoption of the amendatory article, which report was agreed to, and ordered to be sent to the House of Representatives, in which House a report was also made on the subject on the 7th of December, 1813, recommending the rejection of the said article, but which report does not appear to have been definitively acted upon by that House; that the Secretary of State addressed to the Governor of South Carolina a letter, with a copy of the amendment, of a like tenor and date to that which he addressed to the Governor of Connecticut, to which he has not hitherto received any answer.
17. And that a similar letter, accompanied also by a copy of the amendment, was written by the Secretary of State to the Governor of Virginia, from whom, up to this period, no answer has been received at the Department of State on the subject.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

SIR: EXECUTIVE OFFICE, CHARLESTON, *February* 14, 1818.

Your communication of the 7th ultimo was received in due time, but, owing to my absence from Columbia, it was out of my power to give you the necessary information required at an earlier date. You will now receive, enclosed, authenticated copies of the proceedings of the Legislature of this State upon the proposed amendment of the constitution of which you enclosed me a copy, by which it will appear that the amendment was not agreed to.

I have the honor to be, with very great respect, your humble servant,

ANDREW PICKENS.

The Hon. JOHN QUINCY ADAMS, *Secretary of State United States.*

Extract from the Journals of the Senate.

NOVEMBER 29, 1811.

The House then took into consideration the following report:

"The committee to whom was referred the resolution of the Congress of the United States, proposing an amendment to the federal constitution, in the words following: '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, (*two-thirds of both Houses concurring*,) That the following section be submitted to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid and binding as a part of the constitution of the United States: If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any Emperor, King, Prince, or foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of profit or trust under them, or either of them,' beg leave to report: That they have duly considered the foregoing resolution, and are of opinion that it ought to become a part of the constitution of the United States. Your committee, therefore, beg leave to recommend to the Senate to concur in the adoption of the said resolution, and, when it may be agreed to and concurred in by three-fourths of the Legislatures of the several States, that it may become a part of the constitution of the United States of America."

The House, having considered the report, agreed thereto.

Ordered, That the same be sent to the House of Representatives for their concurrence. By order of the Senate.

OFFICE OF CLERK OF THE SENATE, *February* 3, 1818.

I do hereby certify that the foregoing is a correct extract from the journals of the Senate.

J. MURPHY, *Clerk of the Senate.*

Extract from the Journals of the House of Representatives of the State of South Carolina.

DECEMBER 21, 1814.

The committee to whom was referred the message of his excellency the Governor, (No. 5,) calling the attention of the House to a resolution of the Senate and House of Representatives of the United States, proposing an amendment to the constitution thereof, passed on the — day of December, 1811, report: That the resolution referred to the committee was submitted to this House as early as the session of 1811, and referred to a select committee, who reported favorably, and recommended the adoption of the said amendment; and their report on the said resolution was several times taken up and considered by this House, and ultimately postponed on the 21st of December, 1811, without coming to any final decision thereon. That the said resolution was again brought to the view of the Legislature of 1813, by a message from his excellency the Governor, reminding them that no decision had yet been made thereon, and enclosing a resolution of the Legislature of New Hampshire, approving and adopting the same. That, at the September session of 1813, a committee was appointed to examine the journals of this House, and to report its proceedings on this resolution; and that the report made by them was ordered to lie on the table, and was not further acted upon during that session. That, at the last session, this resolution was referred to a committee, who reported thereon, and recommended its rejection. It does not appear that this report was ever called up or acted upon, thus still leaving the subject undecided by any expression of the sentiments of this Legislature. Your committee beg leave to report that they have had the aforesaid resolution under consideration, and are of opinion that a respect for the recommendation of the Congress of the United States and for our sister States imperiously requires that this House should, during the present session, finally make known their sentiments upon the proposed amendment. They beg leave to observe that they are not aware that any evil consequences have resulted from the existing provisions of the constitution, while, on the other hand, they cannot but believe that the adoption of such an amendment would operate injuriously on innocent individuals as well as the community at large. Under these views of this important subject, your committee recommend the rejection of the aforesaid resolution, which is in the words following: "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,)* That the following section be submitted to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid and binding as a part of the constitution of the United States: If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any Emperor, King, Prince, or foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of profit or trust under them, or either of them." Your committee, therefore, recommend the adoption of the following resolutions, viz:

Resolved by the Senate and House of Representatives of the State of South Carolina, That the foregoing amendment, proposed by Congress to the constitution of the United States, be disagreed to, and the same is hereby rejected on the part of this State.

And be it further resolved, That his excellency the Governor be requested to transmit copies of the foregoing resolution to the President of the Senate and Speaker of the House of Representatives of the United States, and to each of the Governors of the several States.

Ordered, That the same be sent to the Senate for their concurrence.

COLUMBIA, *February* 3, 1818.

I do hereby certify that the foregoing is a correct extract from the journals of the House of Representatives.

J. MURPHY, *Clerk of the Senate.*

15th CONGRESS.] No. 447. [1st SESSION.

CITY OF WASHINGTON: LOCATION OF THE PUBLIC OFFICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 10, 1818.

SIR: OFFICE OF COMMISSIONER OF PUBLIC BUILDINGS, *February* 6, 1818.

In compliance with a resolution of the House of Representatives of the 2d instant, I now enclose a copy of one of the original deeds of conveyance to the trustees of the United States for the ground in the city of Washington, (the deeds from the other proprietors being of the same tenor;) also, copies of all the correspondence which I have been able to find in this office relating to the location of the public offices on the President's square.

I have the honor to be, with great respect, your obedient servant,

SAMUEL LANE, *Commissioner of Public Buildings.*

Hon. HENRY CLAY, *Speaker of the House of Representatives.*

This indenture, made this twenty-eighth day of June, in the year of our Lord one thousand seven hundred and ninety-one, between Samuel Davidson, of the State of Maryland, of the one part, and Thomas Beall and John Mackall Gantt, of the State of Maryland, of the other part, witnesseth: That the said Samuel Davidson, for and in consideration of the sum of five shillings to him in hand paid by the said Thomas Beall and John Mackall Gantt before the sealing and delivery of these presents, the receipt whereof he doth hereby acknowledge, and thereof doth acquit the said Thomas Beall and John Mackall Gantt, their executors and administrators, and also in consideration of the uses and trusts hereinafter mentioned to be performed by the said Thomas Beall and John Mackall Gantt, and the survivor of them, and the heirs of such survivor, according to the true intent and meaning thereof, hath granted, bargained, sold, aliened, released, and confirmed, and by these presents doth grant, bargain, sell, alien, release, and confirm, unto the said Thomas Beall and John Mackall Gantt, and the survivor of them, and the

heirs of such survivor, all the lands of him, the said Samuel Davidson, lying and being within the following limits, boundaries, and lines, to wit: beginning on the east side of Rock creek, at a stone standing in the middle of the road leading from Georgetown to Bladensburg; thence along the middle of the said road to a stone standing on the east side of the reedy branch of Goose creek; thence southeasterly, making an angle of sixty-one degrees and twenty minutes with the meridian, to a stone standing on the road leading from Bladensburg to the Eastern Branch ferry; thence south, to a stone eighty poles north of the east and west line already drawn from the mouth of Goose creek to the Eastern branch; thence east, parallel to the said east and west line, to the Eastern branch; then, with the waters of the said Eastern branch, Potomac river, and Rock creek, to the beginning; with their appurtenances, except all and every lot and lots of which the said Samuel Davidson is seised, or to which he is entitled, lying in Carrollsburg or Hamburg; to have and to hold the hereby bargained and sold lands, with their appurtenances, to the said Thomas Beall and John Mackall Gantt, and the survivor of them, and the heirs of such survivor, forever, to and for the special trusts following, and no other, that is to say: that all the said lands hereby bargained and sold, or such part thereof as may be thought necessary or proper to be laid out, together with other lands within the said limits, for a federal city, with such streets, squares, parcels, and lots, as the President of the United States for the time being shall approve: and that the said Thomas Beall and John Mackall Gantt, or the survivor of them, or the heirs of such survivor, shall convey to the commissioners for the time being, appointed by virtue of the act of Congress entitled "An act for establishing the temporary and permanent seat of the Government of the United States," and their successors, for the use of the United States, forever, all the streets, and such of the said squares, parcels, and lots, as the President shall deem proper for the use of the United States; and, as to the residue of the said lots into which the said land hereby bargained and sold shall have been laid off and divided, that a fair and equal division of them shall be made; and if no other mode of division shall be agreed on by consent of the said Samuel Davidson and the commissioners for the time being, then such residue of the said lots shall be divided, every other lot alternate to the said Samuel Davidson; and it shall, in that event, be determined by lot whether the said Samuel Davidson shall begin with the lot of the lowest number laid out on the said land, or the following number; and all the said lots which may in any manner be divided or assigned to the said Samuel Davidson shall thereupon, together with any part of the said bargained and sold land, if any, which shall not have been laid out in the said city, be conveyed to the said Samuel Davidson, his heirs or assigns, by the said Thomas Beall and John Mackall Gantt, or the survivor of them, or the heirs of such survivor; and that the said other lots shall and may be sold at such time or times, in such manner, and on such terms and conditions, as the President of the United States for the time being shall direct. And the said Thomas Beall and John Mackall Gantt, or the survivor of them, or the heirs of such survivor, will, on the order and direction of the President, convey all the lots so sold and ordered to be conveyed to the respective purchasers in fee simple, according to the terms and conditions of such purchases; and the produce of the sales of the said lots, when sold as aforesaid, shall, in the first place, be applied to the payment, in money, to the said Samuel Davidson, his executors, administrators, or assigns, for all the part of the land hereby bargained and sold, which shall have been laid off in lots, squares, or parcels, and appropriated as aforesaid to the use of the United States, at the rate of twenty-five pounds per acre, not accounting the said streets as part thereof; and the said twenty-five pounds per acre being so paid, or in any other manner satisfied, that then the produce of the same sales, or what thereof may remain as aforesaid, in money, or security of any kind, shall be paid, assigned, transferred, and delivered over to the President for the time being, as a grant of money, and to be applied for the purposes, and according to the act of Congress aforesaid. But the said conveyances to the said Samuel Davidson, his heirs or assigns, as well as the conveyances to the purchasers, shall be on and subject to such terms and conditions as shall be thought reasonable by the President for the time being for regulating the materials and manner of the buildings and improvements on the lots generally in the said city, or in particular streets or parts thereof, for common convenience, safety, and order; provided such terms and conditions be declared before the sales of any of the said lots, under the direction of the President. And in trust, further, and on the agreement that he, the said Samuel Davidson, his heirs or assigns, shall and may continue his possession and occupation of the said land hereby bargained and sold, at his or their will and pleasure, until the same shall be occupied under the said appropriations for the use of the United States, as aforesaid, or by purchasers. And when any lots or parcels shall be occupied under purchase or appropriation, then, and not till then, shall the said Samuel Davidson relinquish his occupation thereof. And in trust, also, as to the trees, timber, and wood on the premises, that he, the said Samuel Davidson, his heirs or assigns, may freely cut down, take, and use the same as his or their property, except such of the trees and wood growing as the President or commissioners aforesaid may judge proper, and give notice, shall be left for ornaments; for which the just and reasonable value shall be paid to the said Samuel Davidson, his executors, administrators, or assigns, exclusive of the said twenty-five pounds per acre for the land. And in case the arrangement of the streets, lots, and the like, will conveniently admit of it, he, the said Samuel Davidson, his heirs and assigns, shall, if he so desire it, possess and retain his buildings and grave-yard, if any, on the hereby bargained and sold lands, paying to the President at the rate of twelve pounds ten shillings per acre of the land so retained, because of such buildings and grave-yards to be applied as aforesaid, and the same shall be thereupon conveyed to the said Samuel Davidson, his heirs and assigns, with his lots; and if the arrangements of the streets, lots, and the like, will not conveniently admit of such retention, and it shall become necessary to remove such buildings, then the said Samuel Davidson, his executors, administrators, or assigns shall be paid the reasonable value thereof, in the same manner as the squares or other ground appropriated for the use of the United States are to be paid for. And because it may so happen that, by the deaths or removals of the said Thomas Beall and John Mackall Gantt, and from other causes, difficulties may occur in fully performing the said trusts, by executing all the said conveyances, if no eventual provision is made, it is therefore agreed and covenanted between all the said parties that the said Thomas Beall and John Mackall Gantt, or either of them, or the heirs of either of them, lawfully may, and that they, at any time, at the request of the President of the United States for the time being, will convey all or any of the said lands hereby bargained and sold, which shall not then have been conveyed in execution of the trusts aforesaid, to such person or persons as he shall appoint, in fee simple, subject to the trusts then remaining to be executed, and to the end that the same be perfected. And it is further granted and agreed between all the said parties, and each of the said parties doth for himself and his heirs covenant and grant to and with the others of them, that he and they shall and will, if required by the President of the United States for the time being, join in and execute any further deed or deeds for carrying into effect the trust, purposes, and true intent of this present deed.

In witness whereof, the parties to these presents have hereunto interchangeably set their hands, and affixed their seals, the day and year first above written.

SAMUEL DAVIDSON. [L. S.]

Signed, sealed, and delivered, in the presence of
R. Hooe,
Daniel Jenifer, Jun.

Received on the day and year first above written, of and from the within-named Thomas Beall and John Mackall Gantt, the sum of five shillings, currency, the consideration money within mentioned to be by them paid to me.

SAMUEL DAVIDSON.

R. HOOE.
DANIEL JENIFER, Jun.

On the 28th day of June, 1791, came before me, one of the judges of the general court, the within-named Samuel Davidson, and acknowledged the within and foregoing instrument of writing to be his act and deed.

THOMAS JOHNSON.

Extract of a letter from George Washington, President of the United States, to the Commissioners of the City of Washington, dated

MOUNT VERNON, *October* 21, 1796.

As the business of the executive officers will be chiefly, if not altogether, with the President, sites for their offices ought to be convenient to his residence; but as the identical spots can be better chosen on the ground, with the plan of the city before one, than by the latter alone, I shall postpone this decision until my arrival there.

Extract of a letter from George Washington, President of the United States, to the Commissioners of the City of Washington, dated

GENTLEMEN: PHILADELPHIA, *March* 3, 1797.

Three things relative to the city of Washington call for my decision, and this is the last day I have power to give any.

The first respects the dispute with Mr. Law touching the conveyances of lots. The second, to my approbation of the plans for the executive offices. The third, &c.

The second not only meets my approbation, but is much approved also by the heads of Departments, and may, when the funds and other circumstances will permit, be carried into effect; for which purpose the plans are returned with my approving signature.

Copy of a letter from Alexander White, one of the Commissioners of Washington City, to the Commissioners of Washington City, dated at

GENTLEMEN: PHILADELPHIA, *March* 8, 1798.

I have received your favor of the 27th ult. I am sorry that any difficulty has arisen respecting the roof of the Capitol, which renders a full board necessary to its completion. I am still more concerned to find the prospects here so gloomy. I had not been long in this city when I found opinions circulating, which never came from me, mostly savoring of the clashing interests which have caused so much discord in Washington. Some proposed that there should be a small house erected near the Capitol for the residence of the President, and that the executive offices should be built in the same vicinity; some wish this house to be the permanent, others the temporary residence of the President. Those who wish it permanent talk of making a judiciary of the President's house, and allege that the seat of justice would be as advantageous to the adjacent proprietors as the residence of the President. Others propose making the President's house the residence of Congress; and too many on both sides of this question are of opinion that only one of these houses should for the present be finished, and that any money granted should be appropriated by the act to finishing the one which might be preferred. Another opinion prevailed, that we wanted only $100,000; and the old clamor against the style of the buildings was revived. I endeavored to suppress all these opinions, and to show that although the plans of the buildings may be extensive, yet the mode the late President had pointed out for their completion is the most proper now to be pursued. By an adherence to this line of conduct, I have given offence probably to Mr. Law, certainly to General Forrest, between whom and myself some letters passed, and an explanatory conversation took place. This discussion brought to light several facts of which I had previously no knowledge, and one which had been communicated to me confidentially by a person whom I could not suspect of stating a falsehood, yet attended with some circumstances which rendered it difficult to give credit to it; this was, that the commissioners had authorized or requested General Forrest to give his aid or assistance in promoting the business on which I was sent. It really did appear to me highly improbable that you should have appointed an assistant without giving me notice, that we might have formed some system and co-operation in the measures to be pursued. No such notice was given me, nor did General Forrest ever give the most distant hint of it till the correspondence above mentioned brought it forth. The facts previously unknown to me are, that the President's house had, from the beginning, through the management or influence of some of those interested in the adjacent property, been calculated for the accommodation of Congress, and that General Forrest had lately procured from Mr. Hoban estimates of finishing it, both for the reception of Congress and the residence of the President; that the first (exclusive of slating the roof) might be done for $12,000, and that the latter would cost $54,000. General Forrest said Mr. Hoban at first doubted the propriety of giving these estimates, but at length consented. How easy would it have been to apply to the board had those estimates been intended for purposes which the general thought proper to avow? In this state of things, the committee had several meetings before they could come to any resolution. Yesterday morning a majority agreed to recommend the appropriation of $100,000 only, for which measure Mr. Craik was a strenuous advocate. But part of the majority wished the money to be applied to finishing the north wing of the Capitol, and erecting a temporary house for the President, and executive offices as near to it as may be. An amendment to that effect was offered by Mr. Sprigg; this lay over for consideration till to-day; it was withdrawn, and another amendment offered, confining the appropriation to the Capitol. These amendments brought up Mr. Craik with great warmth against them, on the principle that it was a breach of faith with those who had given up their property in expectation that the building would be completed according to the original plan; and with still more zeal, on the principle that if the original system were broken through, the President's house was the proper place for the reception of Congress. On this point he suggested the propriety of sending a committee to view on the spot the advantages of the rival houses. A member of the committee observed that he supposed, when the committee should report, another committee must be sent to inquire whether they had done their duty. At length this amendment was also withdrawn, the resolution of yesterday reconsidered, and a resolution agreed to recommending the appropriation of $200,000 at three annual instalments, which it is expected will complete the Capitol, the President's house, and the executive offices; the judiciary

not being considered as immediately necessary. This resolution, and a note of mine given in at the desire of the committee, stating the last loan from Maryland, and its operation on our funds, agreeably to our letter to the President on that subject, were reported to the House, and ordered to be printed. Whatever may be the event of this measure, it is my opinion we ought as soon as possible to advertise a sale of Morris and Greenleaf's lots to the amount of the sum due. If I recollect right, we wrote them that this measure could not be postponed longer than till the 1st of March. I conversed to-day with a master builder in this city respecting the wages of mechanics: he says it cannot yet be ascertained, but he expects the wages of stonecutters will be 9*s.*, and of bricklayers 12*s.* 6*d.* per day. There is no mahogany yet arrived.

I am, with great regard and respect, gentlemen, your most obedient servant,

ALEXANDER WHITE.

COMMISSIONERS *of the Federal Buildings, City of Washington.*

Copy of a letter from Alexander White, one of the Commissioners of Washington City, to the Commissioners of Washington City, dated

GENTLEMEN: PHILADELPHIA, *March* 11, 1798.

Since my letter of the 8th instant, I have been a good deal among the members of Congress, and am of opinion that no law will pass granting money for the federal buildings, without appropriating it to the objects which Congress may approve, unless the President's sentiments on the subject are previously known. I was alarmed at the consequence of that opinion, because I knew the investigation necessary to determine the proper objects would lead to a delay, and might probably end in a rejection of our memorial. I therefore waited on the President, to know whether it would be agreeable to him that I should communicate what had passed between him and me on the subject. The President was pleased to say that what he had said to me he had not mentioned to any other person. He repeated the substance of former conversations by observing that, with respect to the President's house, so far as concerns himself, he is perfectly satisfied. He said he could go a mile and a half, whenever his official duty may require it, as long as he shall remain in office, or, if he should find it inconvenient, he could hire a house; that he paid great regard to the opinion of General Washington, but, from the best view he could take of the subject, he was of opinion that the executive offices ought to be as near the Capitol as a convenient place could be found for them, as well for the accommodation of the members of Congress, who have frequent occasion to recur to those offices, as a means of collecting the inhabitants to a point, so as to secure accommodations for the Government when the time comes for its removal; but that he would not reverse the orders of his predecessor without knowing your sentiments. If you concur with him, he will then make his opinion known. It is my earnest wish that the plans of the late President, and his orders for carrying them into effect, in every respect, be fulfilled; but, as I said before, I do not believe a grant of money can be obtained without particularly appropriating it, unless the appropriation is prevented by a previous knowledge of the President's intentions. I find no advocate for the President's house as the residence of Congress except Mr. Craik; and the measures which have been taken to adapt it to that purpose, as stated by General Forrest, are not calculated to gain proselytes; yet it will probably be made a question, much time will be spent, and perhaps the benefits expected from our application to Congress totally frustrated. I sincerely wish that, in a question of this delicacy and importance, there may be unanimity; but if that cannot be obtained, I would suggest the propriety of individual opinion. Should it be determined that the executive offices shall be near the Capitol, I would suggest the propriety of finishing the south wing for their reception rather than erecting other buildings; ~~for sure~~ I am that that superb and elegant building will not be finished during the present age, unless it is appropriated to some useful purpose. The west part of the main body may, in that case, be finished for the House of Representatives. The President has read the draught from which this letter is taken, and says he has no corrections to make.

I am, with sentiments of great regard, gentlemen, your most obedient servant,

ALEX. WHITE.

COMMISSIONERS *of the Federal Buildings, Washington.*

SIR: WASHINGTON, *March* 16, 1798.

We have received your two favors of the 8th and 11th instant, and are desirous of expressing our opinions as soon as possible on this momentous occasion. The President's opinion, derived from your letter, is, that the offices for the several Departments ought to be near the Capitol, and that he is willing to reverse the appropriations of the late President if the board advise the measure. We understand that it is your opinion that the original destination of the President's house ought to be changed, and the south wing of the Capitol finished for the public offices.

When the late President of the United States called together the original proprietors who granted the soil on which the federal city was to be erected, he laid before them a plan, with the present appropriation, for the Capitol and President's house, and the offices for the several Departments contiguous to the latter; and, under the faith of these several appropriations, thus publicly declared, the proprietors agreed to make the several grants, which afterwards took place. These two appropriations, viz: for the Capitol and President's house, the only ones made until the year 1796, were published on the engraved plan promulgated by the President, and were declared to be sanctioned by him at all the public sales of lots which took place at the early period of the city. The commissioners, and all others who have made sales of lots in the city, have made their sales and contracts under a full persuasion that these appropriations were permanent and unalterable.

When the President has, under the deed of trust, once executed his power by establishing a public appropriation, how far he can afterwards change or abolish it, or how far a court of equity will countenance and sustain sales made by the commissioners of lots apparently contiguous to some great national building, which is afterwards abolished, or changed by the President, are questions worthy of consideration, and will no doubt be well weighed before they are acted upon.

It cannot be questioned but that a change in the city, to the extent contemplated by your letter, must shake public confidence to its centre, and create more contentions than can at present be easily foreseen. It was the decided opinion of the late President that real inconveniences would result from the public offices being near the hall of Congress. This opinion, with the reasons for it, were publicly declared to the board, on the ground, when these sites were fixed. The frequent communications between the President and Departments, which must of necessity take place, would render it convenient and proper that they should not be far apart. These observations were made by the President, when occupied on this subject. If the measures recommended by you were well founded

in principle, (which we cannot but deny,) the policy or expediency would still be very questionable. We think that the erecting of the south wing of the Capitol, for the purpose proposed, is not only improper, but impracticable, with all the aid expected from Congress. You know that the foundation walls of that part of the building have been much questioned, and have not yet been well examined. The north wing, now on hand, and not yet carried within eight or ten feet of the intended height, including the balustrade, has cost the sum of $229,223 97, though the two great articles of freestone and timber for that wing (or a great part, at least, of these articles) were laid in when they were a little more than half the present prices. Can we safely calculate that the south wing would, at the present advanced prices of every material and of labor, cost less than the north has done?

With respect to converting the President's house into a judiciary, it may be remarked that it is much too large, and by no means fitted to that object; that fifteen rooms in the Capitol, besides those for Congress, averaging not less than twenty-four feet ten inches by thirty-five feet, and some much larger, will well afford one for a temporary judiciary, and leave a sufficient number for the committees of Congress.

Since writing the above, we have received a letter from two principal original proprietors of the city, a copy of which we enclose to the President, together with a copy of this letter.

We are, sir, &c.

G. SCOTT,
W. THORNTON.

ALEXANDER WHITE, Esq., *Philadelphia.*

GENTLEMEN: GEORGETOWN, *March* 15, 1798.

Mr. Dunlop, who has just returned from Philadelphia, mentions that efforts were making by Mr. ——— and others (not discouraged, as he understood, by Mr. White) to remove the public offices for the great Departments from the President's square to the Capitol.

We hope it will not be forgotten that the late President, at a meeting between himself and the proprietors of the ground in the city, produced the plan of the city which he had determined to adopt, placing the offices for the Treasury and War Departments near the President's house, and that this took place before the deeds were given by the proprietors for the ground; at the same time the President explained his reasons for fixing these buildings convenient to the President's house. More than fifty people attended on this occasion, and witnessed this transaction. Mr. Young, Mr. Carroll, Mr. Burns, and others in the city, must remember the circumstance here mentioned. Nor can you have forgotten, gentlemen, that President Washington fixed on the actual spots for those buildings when on his way to Congress in October, 1796. Feeling ourselves interested that the original design should not, without evident necessity, be departed from, we have taken the freedom to make this communication,

And remain, with high respect, gentlemen, your most obedient servants,

ROBERT PETER,
SAMUEL DAVIDSON.

GUSTAVUS SCOTT and WM. THORNTON, Esqs., *Comm'rs of Washington City.*

SIR: WASHINGTON, *April* 18, 1798.

The commissioners were informed by a letter from Mr. White of the 11th of March last, "that the President was of opinion that the executive offices ought to be erected as near the Capitol as a convenient site could be found for them, as well for the accommodation of the members of the Legislature, who have frequent occasion to recur to those offices, as a means of collecting the inhabitants to a point so as to secure accommodation for the Government when the time comes for their removal." We exceedingly regret this opinion, because the late President always held up the idea that the executive offices ought to be attached to the President's house, for this obvious reason—that the business of heads of Departments was principally with the President; and not only so, but he stated that it was a universal complaint among them that, while the Legislature was in session, they could do little or no business; so much were they interrupted by the individual members, that they were often obliged to go home, and deny themselves, in order to transact the current business of their Departments. He not only gave us his opinion, with his reasons, but on the ground personally pointed out the places on which the executive buildings were to be erected, with orders to erect them there when we should possess the means. We now possess the means, and consider the act of the late President as full authority to proceed in the work. We flatter ourselves the present President will not obstruct this measure, because the erecting those buildings in any other place would indicate an intention to abandon the President's house as the residence of the President, which, we think, cannot be done consistently with the good faith due to those who gave up the property on and near which it stands, and those who have purchased in the vicinity. We are likewise of opinion that a change in the situation of these buildings, instead of tending to secure accommodations for the Government when the time comes for their removal, will have a directly contrary effect, because it will withdraw from those who hold property in that part of the city the strongest inducement to build—that of immediate profit; it will not lessen the buildings near the Capitol, because the utmost exertions of the proprietors in that vicinity will not be sufficient to provide more houses than will be immediately occupied on the removal of the Government. We intend to cease the work on the President's house, as soon as it can be laid by in safety, till the buildings more immediately necessary shall be finished; but we wish not to do an act which, in our opinion, would be injurious, not only to individual rights, but to the general interests of the city.

We are informed that a bill has passed both Houses of Congress authorizing a loan of $100,000 for completing the public buildings in this city; but that it had not, when Mr. White left Philadelphia, been presented to the President for his approbation. That approbation we have no doubt it has received, and, in consequence, have written to the Secretary to forward us the act, with directions as to the forms to be pursued in obtaining the money. We wish the business may be completed as soon as convenient, to prevent the necessity of selling stock at its present low price. Part of the money will be wanted in ten days.

We are, with sentiments, &c.

G. SCOTT,
W. THORNTON,
A. WHITE.

PRESIDENT OF THE UNITED STATES.

SIR: WASHINGTON, *May* 7, 1798.

We took the liberty of addressing you, by letter dated the 18th ultimo, on the subject of the executive offices, expressing our regret that your opinion did not coincide with that of your predecessor, agreeably to whose order

we should long since have commenced the work had we possessed the means, and expressing our hope that, now we do possess the means, you will not obstruct the measure. We stated some of the reasons which the late President was pleased to inform us governed him in respect to the sites of these buildings, and our own reasons for believing a change in this arrangement would be injurious. We flattered ourselves that we should receive an answer to this letter, and were not without hopes of the concurrence of the present President with his predecessor and ourselves on this subject. We are sensible the pressure of more weighty business may have occasioned you to delay an answer, unless, indeed, you meant to give counter-orders, in which case, we presume, you would have communicated them before this time, as the building season is fast advancing. We consider the existing orders as sufficient authority for us to proceed with the building; but to secure the completion of the north wing of the Capitol, and the finishing whatever buildings may be commenced, in due season, we mean at present only to contract for one of the executive buildings, and, as soon as that shall be undertaken, to discontinue the work on the interior of the President's house, leaving the other executive building untouched, and only finishing the stone work, (which is nearly completed,) and slating the roof of the President's house, till the extent and efficacy of our resources are better known. We will receive proposals for undertaking the building now to be erected till the 20th day of June next, of which notice will be given in the newspapers of Philadelphia, Baltimore, and Alexandria.

We are, with sentiments of the highest respect, &c.

G. SCOTT,
W. THORNTON,
A. WHITE.

PRESIDENT OF THE UNITED STATES.

GENTLEMEN: PHILADELPHIA, *May* 10, 1798.

I have this morning received your favor of the 7th instant, and, although I have not found time to answer your former letters, I will give you a short answer to this, that you may meet with no delay or embarrassment in your proceedings. Although I may have been inclined to an opinion that a variation of the measures might have more surely prepared the city for the residence of Government at the time prescribed, I have been far from feeling any determination to give orders contrary to your unanimous judgment. I therefore approve of your proceeding, without loss of time, in the manner you propose in this letter.

I am, gentlemen, with much esteem, your humble servant,

JOHN ADAMS.

COMMISSIONERS *of Washington City.*

15th CONGRESS.] No. 448. [1st SESSION.

CITY OF WASHINGTON: PROGRESS MADE IN REBUILDING THE PUBLIC EDIFICES.

COMMUNICATED TO THE SENATE, FEBRUARY 16, 1818.

To the Senate of the United States: WASHINGTON, *February* 13, 1818.

In compliance with a resolution of the 28th of January last, I now transmit to the Senate a statement of the expenditures upon the public buildings, and an account of their progress, for the year one thousand eight hundred and seventeen.

JAMES MONROE.

SIR: OFFICE OF THE COMMISSIONER OF PUBLIC BUILDINGS, *February* 10, 1818.

In obedience to a resolution of the Senate of the United States passed the 28th ultimo, I enclose a statement of the expenditures upon the public buildings during the year one thousand eight hundred and seventeen, marked A; also a report and estimate for the Capitol, marked B, and of the President's house, marked C.

All which is respectfully submitted.

SAMUEL LANE, *Commissioner of Public Buildings.*

PRESIDENT OF THE UNITED STATES.

A.

Abstract of disbursements made by Samuel Lane, Commissioner of Public Buildings, during the year 1817.

CAPITOL.

1,091 tons 10 feet 2 inches freestone, - - - - -	$11,369 98	
1,179,675 hard bricks, - - - - - -	11,157 64	
317,011 feet of lumber, - - - - - -	6,995 79	
All other materials, - - - - - -	8,752 47	
Labor, including marble quarry, - - - - -	113,748 03	
Incidental, - - - - - - -	7,631 20	
		$159,655 11

PRESIDENT'S HOUSE.

1,015 tons 4 feet freestone,	$10,927 48	
202,149 hard bricks,	2,121 15	
168,340 feet of lumber,	5,881 07	
All other materials,	6,354 68	
Labor,	74,933 26	
Incidental,	8,963 14	
		109,180 78
		$268,835 89

Errors excepted.

WASHINGTON, *February* 10, 1818.

SAMUEL LANE, *Commissioner of Public Buildings.*

B.

SIR: FEBRUARY 5, 1818.

Since the time when I entered upon the duties of surveyor of the Capitol of the United States, I have been occupied in examining into the state of the building, and in viewing the original plans and designs for the work already commenced. Great progress having been made towards rebuilding the north and south wings, it will be necessary to complete them according to the designs already adopted, and on the foundations already made. From a knowledge of the plans, and from the view of the work as far as it has advanced, I have no doubt that the public rooms of Congress will be very splendid, and exhibit favorable specimens of correct taste and of the progress of the arts in our country. I have been engaged in preparing drawings for the centre of the Capitol, and hope soon to be able to present several designs to the President of the United States, from which he may select the one he may most approve for computing the building.

Agreeably to your desire, I have taken measures to obtain as correct an estimate as circumstances will allow of the probable expense of finishing the two wings. Statements have been given me from those at the head of each branch of business, which have enabled me to present the following:

Of the work prepared and materials on hand.

A large quantity of freestone is prepared for finishing the Representatives room, and the marble stairs and back stairs of the north wing are ready to be laid as soon as the season will permit. The dome of the north wing is ready for the copper covering, and the frame of that of the south wing is two-thirds prepared.

All the window frames and sashes are made, and a great part of the doors; a sufficient quantity of copper for the roofs is on hand, and of glass for the windows, and about 100,000 feet of boards and plank, and 30,000 feet of scantling and timber.

It is estimated that about four hundred tons of freestone are wanted for the Representatives room, viz.

	Stones.
For architrave,	6
For frieze,	7
For cornice, first bed,	15
For cornice, upper course,	12
For blocking in the circle,	26
For blocking, straight,	25
For gallery wall,	161
For cupola, north wing,	160
For plinth of balustrade, both wings,	189
For balusters, both wings,	240
For work above balusters,	100
	941

22 stonecutters are employed, who could complete the above stone in 7 months, the expense of which would be		$8,400 00
Laborers' attendance,		1,092 00
Cost of stone, 400 tons, at $13 25 per ton,		5,300 00
Setting the above in place,		3,000 00
Setting what is now prepared,		3,500 00
35 additional steps to back stairs,		500 00
30,000 feet of pavement for floors of both wings, part of marble, part stone,		15,000 00
Setting 22 marble columns and 4 pilasters, with their bases and capitals, at $45 each,	$1,170 00	
2 iron bands for blocking course, 486 feet, 5 lbs. each foot, at 62½ cents per foot,	303 75	
Stairs at each end of gallery, at $200 each,	400 00	
		1,873 75
		$38,665 75

Estimate of carpenters' work on north wing.

18 windows, finished complete, at $80 each,	$1,440 00	
20 windows, finished complete, at 75 each,	1,500 00	
17 windows, finished complete, at 40 10 each,	681 70	
100 doors with jambs, soffits, groundsel, &c. at $32 each,	3,200 00	
4,025 feet of groundsel, base of plinth, at 36 cents per foot,	1,449 00	
2,340 feet of ceiling of Senate chamber, to be panelled, coffers complete, at $1 per foot,	2,340 00	
360 feet of circular sashes and frames, at 75 cents per foot,	270 00	
168 feet of blinds, at 60 cents per foot,	96 00	
Mahogany handrail for stairs,	300 00	
Fixtures, platforms for seats, &c. Senate room,	1,000 00	
Fixtures, platforms for seats, &c. court room,	500 00	
Jobs of carpenter's work to assist stonecutters, masons, &c.	1,000 00	
Nails, sprigs, glue, &c.	1,000 00	
		$14,776 70

Coppering the roof.

17,699 lbs. of copper, to be laid at 17 cents per lb.,	$3,008 88	
400 lbs. of block tin, to be laid at 40 cents per lb.,	160 00	
5,244 yards of coarse linen under the copper, at 15 cents per yard,	786 60	
Laborers, carting, copper, &c.	200 00	
		$4,155 48

Plastering.

3,200 yards of plastering and cornice, at 50 cents per yard,	$16,000 00	
400 casks of lime, at $2 50 per cask,	1,000 00	
50 tons of plaster of Paris, at $16 per ton,	800 00	
1,000 bushels of hair, at 20 cents per bushel,	200 00	
		18,000 00

Brick work.

50,000 bricks, laid in arches, mortar included, at $20 per thousand,		1,000 00

Painting.

6,591 yards of 3 coat painting outside and inside of roof, at 33 cents per yard,	$2,197 00	
661 lights of glass, set in sashes, at 30 cents per light,	198 40	
5,500 lbs. lead for sash weights, at 10 cents per lb.,	550 00	
Iron cramps for stonemasons, and other iron work wanted,	400 00	
		3,345 40
		$41,277 58

Estimate of expense of finishing south wing.—Carpenter's work.

For finishing and putting up the external and internal domes and roofs, ready for copper,	$3,500 00	
3,515 feet of groundsel, base, surbase, and plinths, at 36 cents per foot,	1,264 40	
14 windows, finishing complete, at $30 each,	1,120 00	
12 windows, finishing complete, at $82 each,	984 00	
14 windows, finishing complete, at $45 each,	630 00	
24 door jambs, linings, soffits, &c. at $32 each,	768 00	
Fixtures in Representatives room,	2,000 00	
3,500 feet groined centering, at 12 cents per foot,	420 00	
2 mahogany doors, at $25 each,	50 00	
		$10,736 40

Copper work.

17,699 lbs. copper, to be laid at 17 cents per lb.,	$3,088 88	
400 lbs. block tin, at 40 cents per lb.,	160 00	
5,244 yards coarse linen under copper, at 15 cents per yard,	786 60	
Laborers, carting, copper, &c.	200 00	
		4,235 48

Plastering.

32,000 yards of plastering and cornice, at 50 cents per yard,	$16,000 00	
25 tons plaster of Paris, at $16 per ton,	400 00	
400 casks of lime, at $2 50 per cask,	1,000 00	
1,000 bushels of hair, at 20 cents per bushel,	200 00	
		17,600 00

Brick work.

100,000 bricks laid in ground arches, at $20 per thousand,		2,000 00

Painting.

6,591 yards of 3 coat painting outside and inside of domes, at 33 cents per yard,	$2,197 00	
500 lights of sashes glazed, at 30 cents per light,	1,500 00	
5,500 lbs. lead for sash weights, at 10 cents per lb.,	550 00	
Nails, sprigs, glue, &c.	600 00	
		3,497 00
20 laborers to aid in work on both wings, at $300 each,		6,000 00
3,000 lbs. iron bands for dome, and cramps for stone work, at 17 cents per lb.,		510 00
		$44,578 88

Of marble columns, pilasters, &c.

There are 18 columns and 4 pilasters in hand, of which 3 columns and 2 pilasters are completely finished; two columns in hand polishing, and others in various stages of finishing; the stonecutting work of all is done, except five pieces of columns and one pilaster, now at the quarry; four columns are not yet taken out of the block.

It is estimated that all the columns for the Senate and Representatives rooms may be finished by August next.

Expenses necessary to finish them,	$28,000 00

Marble chimney-pieces.

20 for committee rooms, at $80 each,	$1,600 00	
20 for committee rooms, at $100 each,	2,000 00	
10 for principal rooms, at $200 each,	2,000 00	
2 marble door-cases at entrance of Representatives and Senate rooms,	1,000 00	
16 marble pilasters in upper circular wall of Senate chamber, at $200 each,	3,200 00	
		9,800 00

Carving.

20 cinctures of marble to columns, at $100 each,	$2,000 00	
11 bases to marble columns, at $100 each,	1,100 00	
12 Corinthian capitals, at $200 each,	2,400 00	
12 Ionic capitals, at $166 each,	1,982 00	
		7,482 00
Sculpture of allegorical figures of emblematic bas-relief, &c. It is impossible to estimate the cost of separate figures, but the expense of the artists now employed for one year, exclusive of materials, will be		8,000 00
		$53,282 00

RECAPITULATION.

Estimate of stone work,	$38,665 00
Estimate of work on north wing,	41,277 58
Estimate of work on south wing,	44,578 88
Estimate of marble columns, carving, and sculptured figures,	53,282 00
	$177,803 46

The above estimate is exclusive of the piazza, which I find by the plan is intended to be attached to the north and south ends of the building, and, being wholly of stone, will probably cost $50,000. As these piazzas may be built at any future time, I propose to omit proceeding the ensuing season, but to bestow the labor that they would require on the foundations and walls of the centre.

Respectfully submitted.

CHARLES BULFINCH, *Surveyor Capitol U. S.*

SAMUEL LANE, Esq., *Commissioner of the Public Buildings, U. S.*

C.

Report of James Hoban, architect and superintendent of the President's house, of the works necessary to the completion of that building and the offices thereto attached, comprised under the following heads, viz:

1,161 sheets of copper, grooving and laying on roof of the house, 14 pounds to the sheet, 16,254 pounds, at 20 cents per pound,	$3,250 80
6,000 feet run of strips screwed to roof, at 8 cents per foot,	480 00
24 lights, mahogany sash, for elliptic room, chamber story, at $1 50 each,	36 00
24 lights, glass and glazing, 18 by 28 inches, at $2 50 each,	60 00
21 marble chimney-pieces, fitting and setting, at $20 each,	420 00
8,953 yards painting on wood, inside and outside, at 10 cents per yard,	895 30
2,500 yards bagging to lay under copper, at 10 cents per yard,	250 00
	$5,392 10

The following items were not included in former estimates:

1,272 yards paving round the house, brick on edge, at 75 cents per yard,	$957 00
510 feet run of curb-stone, faced, and laying ditto, at $1 per foot,	510 00
990 yards plain painting on walls and ceiling of hall and elliptic room, at 20 cents per yard,	198 00
270 yards painting walls and circling of elliptic room, in compartments, at $2 per yard,	540 00
720 yards painting walls and circling of hall, in compartments, at $2 per yard,	1,440 00
	$3,645 00

Of the drawing-room, 40 by 80 feet, 20 feet 6 inches elevation between the floor and ceiling, not included in former estimate.

3,200 feet of flooring to drawing-room, at 10 cents per foot,	$320 00
796 feet Venetian blinds, of mahogany, in two heights, at $1 50 per foot,	1,194 00
414 feet filling-shutters and wall-linings, at 70 cents per foot,	289 80
240 feet framed backs and elbows to windows, at 40 cents per foot,	96 00
970 feet groundsel, sunk, grooved, &c., at 12½ cents per foot,	121 25
370 feet architrave, moulded and sunk face, at 30 cents per foot,	111 00
690 feet architrave panelling in compartments and soffits, at 50 cents per foot,	345 00
400 feet base plinth and surbase, at 30 cents per foot,	120 00
810 yards painting on walls, (plain,) at 25 cents per yard,	202 50
810 yards plastering walls and ceiling for painting, at 50 cents per yard,	405 00
614 yards painting on wood work, at 20 cents per yard,	122 80
600 superficial feet of stucco cornice, enriched, at $1 50 per foot,	900 00
810 yards painting walls and ceilings in compartments, at $2 per yard,	1,620 00
2,600 feet clear Susquehannah pine plank, 6-4, at 6 cents per foot,	156 00
2,750 feet clear Susquehannah pine plank, 4-4, at 4 cents per foot,	110 00
9 sets of pivots to hang Venetian blinds, at $4 per set,	36 00
56 feet mahogany border to hearths of fireplaces, at 50 cents per foot,	28 00
	$6,177 35

Of the offices east and west of the President's house.

761 sheets of copper, 14 pounds to the sheet, 10,654 pounds, at 40 cents per pound,		$4,261 60
10,654 pounds, grooving and laying, at 20 cents per pound,		2,130 80
830 feet entablature to colonnades, at 20 cents per foot,		166 00
1,040 feet casing and brackets, at 20 cents per foot,		208 00
6,656 feet top floor and bearers, at 10 cents per foot,		665 60
236 feet circular window frames, at 50 cents per foot,		118 00
97 feet strong gate frames to north gate-ways, at 50 cents per foot,		48 50
200 feet of jambs and soffits to doors, at 40 cents per foot,		80 00
340 feet single architrave, at 12 cents per foot,		40 80
132 feet strong gate, framed and panelled, at 50 cents per foot,		66 00
1,205 yards painting, three coats, on wood, at 33⅓ cents per yard,		401 66
392 feet glazing to circular sashes, at 60 cents per foot,		235 20
153 yards paving colonnade, brick on the flat, at 50 cents per yard,		76 50
392 feet circular sash to window of colonnade, at 75 cents per foot,		294 00
1,803 yards plastering walls and ceilings, at 40 cents per yard,		721 20
5,000 feet of 6-4 flooring plank, for top floors, at 6 cents per foot,		300 00
8 locks, at $1 each, and 7 pairs of hinges, at 50 cents each,	$11 50	
10 locks, at $2 50 each, and 10 pairs of hinges, at 50 cents each,	30 00	
4 pairs of gate hinges, at $3 each,	12 00	
		53 50
		$9,867 30

Of the south portico.

The foundation is laid, and the arcade of the basement is nearly ready to set.

565 tons of freestone for columns, entablature, &c., at $13 50 per ton,		$7,627 50
851 cubic feet of Baltimore, Philadelphia, or New York marble steps, at $2 75 per foot,		2,340 25
662 feet of marble paving, at $1 50 per foot,		993 00
10 tons of freestone for arches, at $13 50 per ton,		135 00
3,498 feet work on circular plain face, at 60 cents per foot,		2,098 80
1,490 feet circular moulded work, at $1 50 per foot,		2,235 00
6 column capitals, Ionic order, at $230 each,		1,380 00
		16,809 55
23 thousand bricks for backing of walls, &c., at $13 50 per thousand,	$310 50	
14 thousand bricks in ground arches, at $20 per thousand,	280 00	
Setting, 15 per cent. on $16,809 55,	2,521 43	
Iron and lead entablature,	200 00	
Digging foundation and masonry,	165 00	
Setting steps, and setting iron railing horizontally,	800 00	
		4,276 93
Amount of stone and brick work,		21,086 48
114 sheets of copper, 14 pounds each, 1,596 pounds, at 40 cents per pound,	638 40	
1,596 pounds, grooving and laying, at 20 cents per pound,	319 20	
1,200 feet strong framing and boarding, at 12 cents per foot,	144 00	
880 feet of circular ceiling, at 12 cents per foot,	105 60	
1,500 feet 5-4 plank flooring under copper, at 6 cents per foot,	90 00	
1,000 feet square scantling, at 6 cents per foot,	60 00	
99 yards plastering, (circular,) at 50 cents per yard,	49 50	
190 feet run of iron railing to steps, platforms, and portico, at $6 per foot,	1,140 00	
		2,546 70
Amount of south portico,		$23,633 18

Of the north portico.

159½ tons of freestone, at $13 50 per ton,		$2,151 00
463 tons of large freestone columns and entablature, at $14 per ton,		6,482 00
266 cubic feet of Baltimore, Philadelphia, or New York marble steps, at $2 75 per foot,		731 50
665 feet work on marble steps, &c., at $1 75 per foot,		1,163 75
6,750 feet moulded work on entablature, &c., at $1 10 per foot,		7,425 00
665 feet of marble paving in squares, at $1 75 per foot,		1,163 50
1,568 feet work on plain face, at 45 cents per foot,		705 60
264 feet work on plain face, (circular,) at 60 cents per foot,		158 40
Setting of freestone,		2,300 00
Setting of marble,		240 00
Lead and iron bars,		500 00
Cast iron truss,		250 00
Foundation and masonry,		681 20
17,250 bricks, (backing,)		258 75
		24,210 70
196 sheets copper covering, 14 pounds each, 2,744 pounds, at 40 cents,	$1,297 60	
2,744 pounds of copper, grooving and laying, at 20 cents per pound,	548 80	
2,640 feet roofing and boarding, at 15 cents per foot,	396 00	
1,575 feet curbing, at 15 cents per foot,	236 25	
		2,478 65
Amount of north portico,		$26,689 35

Of the wall and iron railing north of the President's house.

1,500 feet taking down wall, and fitting coping, at $1 per foot,	$1,500 00
1,500 feet run of iron railing, at $6 per foot,	9,000 00
3,000 holes, cutting and leading, at 23 cents each,	690 00
2 piers and 2 iron gates,	810 00
	$12,000 00

RECAPITULATION.

President's house,	$5,392 10
Items not included in former estimate,	3,645 00
Drawing-room, not included in former estimate,	6,177 35
Offices east and west of the President's house,	9,867 30
Wall north of the President's house,	12,000 00
Amount of porticoes,	50,322 53
½ per cent. on amount for contingencies,	4,365 16
Total amount,	$91,769 44

The above estimate is respectfully submitted by, sir,

Your obedient servant,

JAMES HOBAN.

SAMUEL LANE, Esq., *Commissioner of Public Buildings.*

15th CONGRESS.] No. 449. [1st SESSION.

ENCOURAGEMENT TO IRISH EMIGRANTS.

COMMUNICATED TO THE SENATE, FEBRUARY 16, 1818.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled: The memorial of the New York Irish Emigrant Association respectfully showeth:

That your memorialists, while they presume most respectfully to solicit your attention to the helpless and suffering condition of the numerous foreigners who, flying from a complicated mass of want and misery, daily seek an asylum in the bosom of the United States, are emboldened by the recollection that a liberal encouragement to the settlement of meritorious strangers has always characterized the Government and constituted authorities of the Union. The wise and brave fathers and founders of its independence held out to the oppressed and suffering of every nation the consoling assurance that in this country, at least, they should find a refuge and a home. The successors of these illustrious men have continued to redeem, in calmer and happier times, the pledge made to philosophy and benevolence amidst perilous scenes of distress and difficulty. From this humane and beneficent policy America has reaped a rich and happy harvest. She has added to the national resources the moral and physical strength to be derived from so many thousands and tens of thousands, who, actuated by attachment to her free constitution, have adopted the nation where liberty has made, and is making, her most glorious stand, as the country of their choice.

Your memorialists, in addressing your honorable body, need not seek to enforce by argument the generally received maxim of political economy that the wealth and solidity of a nation consist in the number, the social comforts, and the productive industry of its people. In the dense and crowded states, and under the existing Governments of Europe, these sources of wealth and stability are not always found well combined. It frequently does not happen that the social comforts, or even the productive industry, are proportioned to the number of the people. In the extended territory and scattered population of the United States, however, and under their free and blessed institutions, it is an unquestionable and important truth, that every increase of inhabitants, when wisely and judiciously distributed and settled, adds to the social comforts and productive industry of the whole, and that the excess of population, which cannot be considered as giving stability to the various Governments of Europe, if suffered or encouraged to settle here, would incalculably increase our wealth and strength. But that accession is doubly valuable which also brings to the common fund, with a mass of laborious industry, unalterable attachment to the laws and constitution of the country. And, surely, to give a wise direction to that industry, and to secure by well-placed kindness that attachment, are among the noblest exercises of legislative authority.

Your memorialists beg leave respectfully to represent that at no period since the establishment of American independence have the people of Europe, particularly the laboring classes, discovered so great a disposition as at present to emigrate to the United States. But the people of Ireland, from the peculiar pressures under which that country has so long been placed, have flocked hither in the greatest numbers, and perhaps under the most trying and necessitous circumstances. They come, indeed, not to return and carry back the profits of casual speculations, but to dedicate to the land of their hopes their persons, their families, their posterity, their affections, their all.

It is, however, a truth, regretted by those who have the best means of observation, that, for want of guides to their steps, and congenial homes, where all their honest energies might be called at once into activity, and their hardy enterprise turned to their own advantage, as well as to the general good, they remain perplexed, undecided, and dismayed, by the novelty and difficulty of their situations. They have fled from want and oppression—they touch the soil of freedom and abundance; but the manna of the wilderness melts in their sight. Before they can taste the fruits of happy industry, the tempter too often presents to their lips the cup that turns man to brute, and the very energies which would have made the fields to blossom make the cities groan. Individual benevolence cannot reach this evil. Individuals may indeed solicit, but it belongs to the chosen guardians of the public weal to administer the cure. Nor is the misdirection or the destruction of the capabilities and industry of these emigrants to be regretted only on its own account. The story of their blasted hopes and fortunes is transmitted back, and retailed with malicious exaggeration. Others, possessing more abundant means and more prudent habits, who have been accustomed to look with longing eyes to this free country, and contrast its happiness with the present state of Europe, are discouraged and deterred by their sufferings and misfortunes; and thus a large current of active population and wealth, inclined to flow into and enrich the United States, is dammed up at the fountain-head. A serious consideration of these circumstances induces your memorialists to hope, and most earnestly but respectfully to request, on behalf of those whose interests they urge, that a portion of unsold lands may be set apart or granted to trustees, for the purpose of being settled by emigrants from Ireland, on an extended term of credit. The conditions of this grant your memorialists wish to be such as may give to the settlers its entire benefit, and may exclude all private speculation in others. They also beg leave to suggest, after contemplating the various uncultivated tracts which invite the labor of man, that a situation peculiarly adapted for a settlement of that description might be found among the lands lately purchased in the Illinois Territory.

Your memorialists are fully sensible that many of the most persuasive arguments in favor of their application must be addressed, and will not be addressed in vain, to the benevolence and sympathies of the Legislature; but they also confidently appeal to its wisdom and patriotism. The lands to which they have alluded, being frontier and remote, are neither likely to be speedily exposed to sale, to be rendered by cultivation subservient to the general prosperity, nor by settlement conducive to the general strength. The portion which might be granted on extended credit would probably be paid for almost as soon as if it had not been brought into the market before its regular turn. During that time, in which it would otherwise remain unproductive, (and therefore unprofitable,) thousands of families would have acquired opulence, would have benefited the country by its cultivation, by the establishing of schools, the opening of roads, and the other improvements of social and civilized life. They would form a nucleus round which a more abundant population would rapidly accumulate, and all the contiguous lands would be largely increased in value. The small loss which might appear to be sustained by the suspension of interest on the credit (if it should have any existence) will be abundantly compensated by the money and labor that must be almost immediately expended on works of general utility, which the convenience and necessities of the settlers will naturally induce them to accomplish. But who can calculate the physical or moral, or even the pecuniary advantages, in time of war, of having such a strong and embattled frontier?

The Irish emigrant, cherished and protected by the Government of the United States, will find his attachment to their interest increase in proportion to the benefits he has received. He will love with enthusiasm the

country that affords him the means of honorable and successful enterprise, and permits him to enjoy unmolested and undiminished the fruits of his honest industry. Ingratitude is not the vice of Irishmen. Fully appreciating his comparative comforts, and the source from whence they flow, he will himself cherish, and will inculcate on his children, an unalterable devotion to his adopted and their native country. Should hostilities approach her in that quarter, whether in the savage forms of the tomahawk and scalping-knife, or with the deadlier weapons of civilized warfare, the Irish settlers, with their hardy sons, will promptly repel the invasion, drive back the war upon the enemy, and give to our extended frontier security and repose.

Your memorialists therefore humbly pray your honorable body to receive and listen favorably to their application. And, as in duty bound, they will ever pray, &c.

On behalf of the New York Irish Emigrant Association:

THOS. ADDIS EMMET, *President.*
DANIEL McCORMICK, *Vice President.*
JAMES McBRIDE, *2d Vice President.*
ANDREW HERRIS, *Treasurer.*
JOHN W. MULLIGAN, *Secretary.*
WILLIAM SAMPSON, *Secretary.*

NEW YORK, *December*, 1817.

Wm. J. Macneven,	Matthew Carroll,	John R. Skidds,
James Sterling,	Thomas Kirk,	Dennis McCarthy,
Mat. L. Davis,	John Mayhue.	Robert Fox,
Wm. Edgar, jun.	D. H. Doyle,	James R. Mullany,
J. Chambers,	John Heffernan,	R. Swanton.

15th CONGRESS.] No. 450. [1st SESSION.

RENEWAL OF A PATENT RIGHT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 25, 1818.

Mr. WHITMAN made the following report:

The committee to whom was referred the petition of Daniel Pettebone, presented in behalf of himself and Ezekiel Chapman and Josiah Nichols, on the 5th instant, having attended to the same, beg leave to report:

That the said Pettebone, Chapman, and Nichols, on the 22d of December, 1802, obtained a patent as original inventors of an improvement in the manner of welding cast steel to iron. This patent having expired, they request that the Secretary of State may be authorized to renew it, including some further improvements, extending the utility of the original invention. For these supposed improvements they have already obtained two patents, viz: one in 1806, and the other in 1813. The patentees allege that they cannot duly enjoy the benefit of these later discoveries without having them incorporated with the original invention.

But your committee are not fully satisfied that the pretended improvements are such as to entitle the patentees to an exclusive use thereof. It would rather seem that they are the necessary results of an application of the supposed original invention to practical purposes, and to be comprehended substantially in the specification accompanying the patent of 1802. It is not every new modification of portions of the machinery in an original invention that can be considered as within the purview of the statute securing to inventors the [exclusive] use of their original inventions. When a new principle is invented, whatever is within the scope of the specification, and essential to carry the principle into effectual operation, must necessarily be considered as an incident to, and a part of it.

The statutes on this subject have been framed upon the presumption that fourteen years of exclusive use of any new invention is a sufficient period to enable the inventor to avail himself of ample remuneration for the exercise of his ingenuity, and the trouble and expense of putting a new invention into operation. There may occur cases in which this length of time would be too short for the purpose, but it does not appear to your committee that the present is one of that description; they therefore recommend the following resolution:

Resolved, That the prayer of the petition of Daniel Pettebone, presented on the 5th instant, in behalf of himself, Ezekiel Chapman, and Josiah Nichols, ought not to be granted.

15th CONGRESS.] No. 451. [1st SESSION.

BOUNDARY BETWEEN KENTUCKY AND TENNESSEE.

COMMUNICATED TO THE SENATE, MARCH 2, 1818.

To the Congress of the United States of America: The memorial of the General Assembly of the Commonwealth of Kentucky respectfully represents:

That, for many years past, an unpleasant controversy has existed between this State and the State of Tennessee, relative to the boundary line between them. Many attempts have been made to settle the difference to the mutual

satisfaction of both States, but hitherto all these attempts have been unavailing; and, judging from the past, there remains very little ground of hope that the dispute will be adjusted by amicable arrangement and mutual concession. As far back as the year 1801, the Legislature of Kentucky passed an act, the object of which was to ascertain and mark the true position of the boundary line between the two States, according to their chartered limits. This act was repealed at the next session of the General Assembly of this Commonwealth. In the year 1812, the subject was again taken up by the Legislature of Kentucky, and an act passed authorizing the appointment of commissioners, to co-operate with commissioners to be appointed on the part of the State of Tennessee, for the purpose of running and marking the boundary line between the two States, according to its true position. This act was predicated on a resolution passed by the General Assembly of the State of Tennessee, the provisions of which were promptly acceded to by this State. It was at this period that the people of Kentucky contemplated a speedy termination of the differences between the two States. Both parties had assented to the same proposition, and public faith seemed to stand pledged to carry into effect the mutual agreement. But this fair prospect was soon darkened by the conduct of the State of Tennessee. The State of Kentucky saw with regret that the State of Tennessee would not abide by the terms which she had at first proposed; she abandoned her own propositions, and, by the departure, defeated the adjustment of the existing difference. The consequence of this conduct on the part of the State of Tennessee was the passage of an act by the General Assembly of Kentucky, in the year 1813, requesting the Governor of this State to communicate to the Executive and Legislature of the State of Tennessee the ultimate determination of our Government on the subject of the boundary between the two States. By this act of 1813 our Executive was requested to solicit from the Government of the State of Tennessee a recognition of the principles contained in the resolutions adopted by the State of Tennessee, in pursuance of which our act of Assembly in 1812 had been passed, and the adoption of the necessary measures for carrying the same into complete operation; and, further, to express to the Government of Tennessee, in case of their final rejection of the overture made by the act of 1813, that the disagreeable necessity of having the contested question of boundary finally settled by a resort to the means pointed out by the constitution of the United States for the decision of such controversies would be imposed upon the Government of Kentucky. The Government of the State of Tennessee gave no official answer to the communications made in pursuance of the act of 1813. Her failure produced a memorial by the Legislature of Kentucky to your body, asking the interference of Congress, as the last resort for settling the controversy, (all other means having apparently failed,) approved by the Executive of this State February 1, 1814. During the session of the General Assembly of this State in the winter of 1815–'16, the State of Tennessee sent a commissioner to our Government authorized to renew the negotiations between the two States on the subject of boundary. He was heard at the bar of the House of Representatives. The result was the passage of a law on our part, approved February 10, 1816, the provisions of which, in the opinion of this Legislature, are liberal, as it relates to the State of Tennessee. The people of this State waited with much anxiety for the meeting of the Legislature of the State of Tennessee after the passage of the act of 1816. It was hoped that the Government of Tennessee would not hesitate to accede to all the propositions contained in our act of 1816; but in this we have been greatly disappointed. It is true that the Legislature of Tennessee took up the subject at their last session, and passed an act concerning it, but its provisions fall very far short of those contained in our act of 1816, and are such as cannot meet with the approbation of this Legislature. This Assembly is constrained to regard the failure on the part of the State of Tennessee to reciprocate the provisions of the act of 1816 as evincing a disposition to delay the settlement of the controversy, unless done upon terms derogatory to the interests and rights of Kentucky; it therefore becomes the imperious duty of this Assembly to appeal to your body as the arbiter, under the authority of the constitution of the United States, to point out the mode by which the contest unhappily existing shall be decided. The laws which the Legislature of Kentucky has passed on the subject, and to which your body is referred for more particular information, will prove that our State has not been wanting in exertions to have the difference amicably adjusted. It is conceded on all sides that the true line should run on a parallel of thirty-six degrees thirty minutes north latitude. The constitutions of the States of North Carolina and Tennessee both recognise that latitude as limiting their northern boundary; and in this they coincide with the charter of King Charles II. It is presumed that no objection can be made to the establishment of the true line, unless it be on account of the effect it will probably have on individual rights to land lying between the said latitude and what is now called Walker's line, to which, at present, both States exercise jurisdiction. To obviate this objection, the Legislature of Kentucky will be governed by the most liberal principles. If the establishment of the true line should operate so as to give more territory to this State, whereby many persons, now citizens of Tennessee, living on lands title to which they have derived by grant from the State of North Carolina or Tennessee, this Legislature doth pledge the faith and character of Kentucky to ratify all such claims wherever they do not interfere with claims founded on the land laws of the State of Virginia, or of this State; and where they do so interfere, the occupant in all cases shall have the benefit of the laws in force in this State for the time being, made for the protection of occupying claimants, the statute of limitations excepted. The unsettled state of the line is calculated to have an effect in the formation of new counties which bind on it. To particularize all the evils to the State, and especially to those individuals who have claims to land founded on the laws of Virginia and this State, lying within our chartered limits, and who are kept from the enjoyment of those rights by the present exercise of jurisdiction over their lands by the State of Tennessee, would be unnecessary. Nothing short of the establishment of the line between this State and the State of Tennessee, according to its true latitude, will now comport with the wishes of this Legislature; and as it is a right appertaining to our State, which can only be enforced by the Supreme Court of the United States, acting under the wise provisions of the constitution of the United States, we ask of your body the passage of a law directing the proceedings in the Supreme Court by which one State, having a subject of difference with another, may have the same legally decided. To effectuate this desirable object, this General Assembly concur in the following resolutions, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the foregoing memorial to Congress be adopted as the earnest prayer of this Legislature.

Resolved, That the acting Governor of this State be, and he is hereby, requested to transmit a copy of this memorial and resolutions, and copies of all laws passed by the Legislature of Kentucky, and all laws and resolutions passed by the Legislature of Tennessee alluded to in the foregoing memorial, to each of our Senators and Representatives in Congress, to be by them laid before that body.

Resolved, That our Senators in Congress are hereby instructed, and our Representatives requested, to use their exertions to effectuate the object of this memorial.

Resolved, That the acting Governor be, and he is hereby, also requested to transmit copies of this memorial and resolutions, and copies of all laws and resolutions passed by the Legislatures of this State and Tennessee, to each of the Senators and Representatives of the State of Tennessee in the Congress of the United States.

Resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to report to the Governor of this State the steps which they may take to effectuate the object of the foregoing memorial, and the result to be by the Governor laid before the next General Assembly.

AN ACT concerning the boundary line between this State and the State of Tennessee. Approved December 14, 1801.

Whereas doubts have arisen with respect to the position of the boundary line, or some part thereof, between this State and the State of Tennessee: therefore,

Be it enacted by the General Assembly, That the Governor of this State be authorized and requested, as soon as he is informed that commissioners are appointed on the part of the State of Tennessee, to appoint two commissioners to meet such commissioners, and with them to settle and remove all doubts upon the subject aforesaid, by running and marking the said line, or as much thereof as may not extend within the lands reserved by Congress to any Indian tribe, agreeably to the chartered limits of the States of Virginia and North Carolina; and the commissioners so appointed shall have power to employ a surveyor, and as many hands as may be necessary to carry the same into effect, at the joint expense of both States. The commissioners so appointed on behalf of this State shall receive for their services and expenses three dollars per day for every day they may be actually employed in going to, continuing on, and returning from, said line; and shall make report to the Governor of their proceedings as soon as the same is completed; and also certify how many hands were employed, and for what purpose, and what is due to said hands from this State; which report and certificate the Governor shall lay before the next Assembly. And if the proceedings of the said commissioners shall be approved by this State and the State of Tennessee, the line so run and marked shall be the line forever between the said States, unless altered by mutual consent. If any lands claimed under titles derived from the State of Tennessee shall be found, on running the said line as before mentioned, to lie within the limits of this commonwealth, all such claims shall, as soon as a similar and reciprocal law shall be passed by the Legislature of the State of Tennessee, on behalf of persons claiming lands lying in the said State, under titles derived from this State, be as valid as if they were derived from this commonwealth. And the Auditor, on the order of the Governor, shall issue a warrant to the said commissioners for any sum not exceeding one hundred and fifty dollars, to enable them to provide for the execution of the business assigned them by this act, and the Treasurer shall pay the same accordingly, out of any money in the treasury. The Governor of this State shall transmit a copy of this act to the Governor of the State of Tennessee as soon as possible, who is requested to lay the same before the next Legislature which shall be held for said State.

AN ACT to repeal the act entitled "An act concerning the boundary line between this State and the State of Tennessee." Approved December 22, 1802.

Whereas it appears to this present General Assembly that the act passed at the last session entitled "An act concerning the boundary line between this State and the State of Tennessee" is defective, inasmuch as it provides that the boundary line between the said States shall be run agreeably to the chartered limits of the States of Virginia and North Carolina, and it does not appear to us that any charter ever was granted describing the limits of the last mentioned States, respectively: therefore,

Sec. 1. *Be it enacted by the General Assembly*, That the said recited act shall be, and the same is hereby, repealed.

Sec. 2. *And be it further enacted*, That the Executive of this State shall, as soon as possible, send a copy of this act to the Governor of the State of Tennessee.

This act shall be in force from its passage.

AN ACT to provide for the ascertainment of the boundary line between this State and the State of Tennessee. Approved February 4, 1812.

Whereas it is desirable to have the boundary line between this State and the State of Tennessee run and marked according to its true position: and whereas the General Assembly of the State of Tennessee have passed a resolution at their last session authorizing the Executive thereof to appoint two commissioners to cause to be run and marked the boundary line between this State and the State of Tennessee: wherefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor of this State be, and he is hereby, authorized to appoint two fit persons as commissioners, who shall be, and they are hereby, authorized to meet the commissioners to be appointed on the part of the State of Tennessee under the resolution aforesaid, and then proceed to run and mark said line according to its true position, as it is established by the charter of King Charles II., and recognised by the twenty-fifth section of the declaration of rights in the constitution of the State of North Carolina, and also recognised by the thirty-second section of the declaration of rights in the constitution of Tennessee, beginning on the top of Cumberland mountain, at thirty-six degrees and thirty minutes north latitude, when accurately taken, and from thence to run west a right line in thirty-six degrees and thirty minutes north latitude, so far as not to run into the lands claimed by the Indians.

Sec. 2. *Be it further enacted*, That the said commissioners are empowered to employ a surveyor at three dollars and fifty cents per day, and chain-carriers and markers at one dollar per day each, and cause the said line to be run and marked between this State and the State of Tennessee agreeably to the provisions of this act.

Sec. 3. *Be it further enacted*, That the commissioners so to be appointed on behalf of this State are authorized to confer with the commissioners on behalf of the State of Tennessee as to the most advisable plan for quieting the titles to land which may be claimed by the citizens of either State between the boundary line and the line commonly called "Walker's line."

Sec. 4. *Be it further enacted*, That if the commissioners on the part of the State of Tennessee shall fail or refuse to act and proceed with the commissioners to be appointed on the part of this State, or if the Executive of said State of Tennessee should not appoint such commissioners, nevertheless the commissioners so to be appointed on the part of this State may proceed, (unless forbidden by the Executive of the State of Tennessee,) upon proper observations of the true point and direction of thirty-six degrees and thirty minutes north latitude, to cause the said boundary line to be run and marked so far as not to run into the lands at present claimed by the Indians.

Sec. 5. *And be it further enacted*, That said commissioners shall, for the time they shall be necessarily employed in said service, each receive the sum of five and a half dollars per day; and that, upon the Governor's certificate of their appointments as commissioners, and of their being ready to proceed to the discharge of the duties herein prescribed, they shall be entitled to draw a sum from the treasury of this State, (for which the auditor is hereby required to issue his warrant on the treasurer,) not exceeding six hundred dollars, for the payment in part for a surveyor, chain-carriers, markers, and furnishing the requisite provisions; which latter shall be furnished at the expense of the State.

Sec. 6. *And be it further enacted*, That it shall be the duty of the commissioners to report their proceedings, together with an account of the necessary expenses of said services, to the next session of the Legislature.

AN ACT concerning the boundary line between this State and the State of Tennessee. Approved February 3, 1813.

Whereas it appears, from the communications made by the Governor to this Legislature at the commencement of the present session, that the Legislature of the State of Tennessee, by an act of their last session, have indicated a disposition to depart from the proposition formerly made by their Government to this, of proceeding by the agency of commissioners mutually appointed on the part of each, and acting in concert together, to ascertain, by correct and scientific observation, the true line of separation between the respective States, agreeably to their chartered limits: and whereas it is deemed by this Legislature that the true interest and sound policy of this State, as well as those of Tennessee, require an explicit declaration of the views and ulterior determination of each other on this point, so important to the cultivation of harmony and a proper understanding between the Governments as well as citizens of two contiguous and friendly States: wherefore,

Sec. 1. *Be it enacted by the General Assembly*, That the Governor of this commonwealth be requested to communicate to the Executive and Legislature of the said State the final determination of the Government of this commonwealth in relation to the ascertainment of the said boundary line, to be in conformity with that evinced by the Government of Tennessee in their proposition to ascertain the true boundary line between the said States, agreeably to their chartered limits as first alluded to in the preamble of this act, and to solicit, in the most respectful terms, from the said Government, a recognition of this principle, and a correspondent determination on their part, with the adoption of the necessary measures for carrying the same into complete operation; and further expressing to the said Government, in case of their final rejection of this overture, the disagreeable necessity imposed upon the Government of Kentucky of having the long-contested question finally settled by a resort to the means pointed out by the constitution of the United States for the decision of such controversies.

AN ACT to settle the boundary line between this State and the State of Tennessee. Approved February 10, 1816.

Whereas a dispute exists as to the true position of the boundary line between this State and the State of Tennessee, which has produced many attempts at accommodation hitherto unsuccessful; and the State of Tennessee, by an act of its Legislature, passed on the 17th day of November, in the year 1815, has appointed a commissioner to wait on the constituted authorities of this State, and adopted the principles for adjusting the said boundary line; and although this State cannot meet every proposition contained in the said recited act, and pass one on the part of this State in all respects similar, because, first, the establishment of Walker's line (as it is usually called) would not determine the whole extent of boundary between the two States; and, secondly, because this Legislature is forbidden by our own constitution to form any compact with a sister State, or do any other thing within the purview of legislative authority, which might take from individuals a right of property in lands near the contemplated line, without previously paying the claimants a compensation therefor: yet, the Legislature of this State, being willing to keep open the door of accommodation and adjustment, and feeling desirous that mutual harmony between the two States should not be molested by a territorial controversy, do propose the following terms:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the line usually called Walker's line, so far as it was originally run and marked, to wit, from a point near the mouth of Obed's *alias* Aba's river to the Tennessee river, be the true jurisdictional line between this State and the State of Tennessee; and as to the residue of the line between the two States, the following shall be adopted as the true position thereof: At the eastern extremity of Walker's line, near the mouth of Obed's river aforesaid, a line shall be run at right angles, either north or south, as the case may require, till it reaches the true chartered limits of the two States, in the latitude of thirty-six degrees and thirty minutes north; and from that point the line shall be extended to the east, still keeping the same latitude, till it reaches the eastern boundary of this State. And at the west extremity of Walker's line, to wit, at the Tennessee river, a line shall be extended up or down said river, (as the case may require,) till it reaches the true chartered latitude of thirty-six degrees and thirty minutes north; and from that point the line shall be extended due west, still keeping the same latitude, till it reaches the river Mississippi. And the line so pointed out by this act shall be and remain the true jurisdictional line between this State and the State of Tennessee: *Provided*, The following articles, conditions, and stipulations hereby adopted on behalf of this State, are acceded to on the part of the State of Tennessee, to wit:

First. The lines so pointed out shall be marked or re-marked, and well cleared, at the joint expense of each State, by two commissioners, attended with proper surveyors, chainmen, markers, and laborers; and one of said commissioners shall be appointed by each State. And, in running that part of the line called Walker's line, the commissioners shall be governed by the old marks, if they can be found, or the most notorious places of the line as now acknowledged, still making the line as straight as can be practicable if the old line shall be found to be crooked.

Second. The true chartered limits between the two States shall be run on that part now supplied by Walker's line, and marked in numerous places, so that hereafter it may be found with ease and convenience, and may furnish evidence of the situation of claims when they shall be adjusted as hereafter directed.

Third. If the true chartered limits in that part of the line supplied by Walker's line shall turn out to be north of Walker's line, and encroach on what is now under the jurisdiction of Kentucky, and any fair connected titles to land derived under the laws of the State of North Carolina or Tennessee, completed by patent from the proper authority, shall appear between Walker's line and the true chartered line, and shall interfere with any title, or cover any occupant holding title under the laws of this State or the State of Virginia, the claimants, at their option, may relinquish such claim, and be entitled to compensation for the value thereof from the State of Kentucky, ascertained in a manner pointed out by this act; or such claimants may take any remedy to recover the land which may be most proper for their case; and if, on the contrary, the true chartered limits shall be south of Walker's line, and include a portion of the land now under the jurisdiction of the State of Tennessee, and any fair connected titles to land derived under the laws of the State of Virginia or Kentucky, completed by patent from the proper authority, shall appear between Walker's line and the true chartered line, and shall interfere with any title, or cover any occupant holding title under the laws of the State of North Carolina or Tennessee, the claimants, at their option, may relinquish such claim, and be entitled to compensation for the value thereof from the State of Tennessee, ascertained in the manner pointed out by a stipulation between the two States; or such claimants may take any remedy to recover the land which may be most proper for their case.

Fourth. If any claimant holding title under one State shall not elect to take compensation for the land according to the next preceding article, and shall, by any suit in law or equity, recover the land from any occupant holding title under the laws of the other State, he shall be compelled, in a mode pointed out by the laws governing such court where the recovery may be had, to compensate the occupant for his improvements on the land according to their intrinsic value, without any deduction for rents or waste; and for such compensation the occupant shall have a lien on the land so recovered, and shall not be disturbed in the possession thereof till the compensation legally ascertained shall be paid to such occupant.

Fifth. If any claim for land shall fall between Walker's line and the true chartered limits, and shall come under the jurisdiction, by this arrangement, of the State from which such title did not originate, and shall not be patented when [said] line is thus settled, and shall interfere with a title derived from the State to whom the jurisdiction shall be assigned by this compact, no patent shall ever issue therefor; and all patents issued contrary to this article shall be void.

Sixth. If in the territory ceded by this compact there shall exist any claim between Walker's line and the true chartered limits, which claim shall be regularly derived under the laws of either State or the parent States, and shall not interfere with any other claimant, but shall be on land vacant as to other claims, the same shall be, and is hereby, ratified; and if not completed by patent, provision shall be made by the State into whose jurisdiction it may fall to complete the title by the emanation of the grant.

Seventh. And whereas it is believed that many claims granted for actual settlement under the laws adopted by the State of Kentucky since its separation from Virginia were granted contrary to the true intent and meaning of said laws, without any actual *bona fide* settlement, and that some of them are laid south of what is actually Walker's line; and it is also believed that many removed certificates under the laws of the Commonwealth of Kentucky, originally granted for actual settlement, have been removed and located for speculative purposes south of Walker's line; now it is hereby declared that such claims, where they interfere with any claims derived under the laws of North Carolina and Tennessee, south of Walker's line, are not aided by the provisions of this act, and that the owners of such claims shall not be entitled to any compensation under this compact, provided they fall within the ceded territory, nor shall the State of Tennessee be bound to allow patents to emanate for such claims unless they are entered on land entirely vacant.

Eighth. If any claimant between Walker's line and the true chartered limits shall choose to relinquish his claim according to the first article of this compact, he may produce authenticated copies of his title-papers to any court of general jurisdiction of matters of law and equity in the State of Kentucky which may hold its sessions nearest the lands so to be relinquished, and also to some court of the State of Tennessee which may possess general jurisdiction of matters of law and equity, and which may hold its sessions nearest the lands so to be relinquished; and said courts shall each appoint some discreet person to act as commissioner to value said lands so to be relinquished, if the claim shall come within this act; and said two commissioners shall proceed to appoint and associate with them one other commissioner, and the three being duly sworn before some judge or justice of the peace well and truly to value the land so relinquished according to the best of their skill and judgment, without partiality or favor to either party, and without regard to any improvements which may have been made thereon, shall proceed to value said lands, and certify the same under their hands and seals; and, on producing said valuation to the court appointing the commissioner in the State where the land lies, and also producing a certified copy of the relinquishment of said land according to the laws of that State where the land may then be, the court shall order the value thereof, so ascertained by commissioners, to be certified, and the same shall be paid out of the public treasury of that State in which the land may be situated.

Sec. 2. *Be it further enacted*, That if the State of Tennessee shall pass a law at or before the next stated session of their Legislature, similar in all respects to this act, the Governor of this State shall proceed to appoint a fit person as commissioner, to run and ascertain the position of the lines directed to be run by this act, who shall receive for his services five dollars per day during the time he shall be necessarily employed in running the lines aforesaid, and five dollars per day for every twenty-five miles he may necessarily travel in going to and returning from the lines aforesaid. The surveyor or surveyors, if any are employed on the part of this State, shall each receive for his or their services five dollars for each day he or they may be actually employed in running the lines aforesaid. And said commissioner shall take an oath well and truly to execute all the duties assigned him by this act to the best of his skill and judgment, and to render a true account thereof; and his services, certified by the Governor, shall be paid out of the public treasury, by virtue of a warrant from the auditor of public accounts. Each laborer and chain-carrier employed on behalf of this State shall receive as a compensation for his services three dollars per day, to be paid by the commissioner out of any funds which may be placed in his hands by the Governor of this State for that purpose; and the Governor of this State shall have at his disposal, to be drawn from the treasury at his order, two thousand dollars, to be paid in contingent expenses, for the purposes aforesaid. Each chain-carrier shall be sworn by the commissioners, or one of them, well and truly to carry the chain, and render a true account of the distance. But if the State of Tennessee shall refuse to pass an act similar in its provisions, this act shall cease to operate, and have no force and effect; nor shall any fact or concession therein be binding or obligatory upon the State of Kentucky in any future discussion of the said boundary line, whether that discussion be legislative or judicial.

AN ACT for adjusting the boundary line between this State and the State of Kentucky.

Whereas great injury may happen, as well to the citizens of the State of Kentucky as to the citizens of this State, from suffering any part of the boundary line between the two States to remain unascertained and unmarked: therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line commonly called Walker's line, so far as the same has been run and marked, shall be considered and taken to be the true line between said States.

Sec. 2. *Be it enacted*, That so soon as the State of Kentucky shall pass a law agreeing thereto, a direct line from the eastern extremity of the line called Walker's line as marked at Cumberland river, to Walker's line at a place called Cumberland Gap, shall be taken and considered the true line between the two States.

Sec. 3. *Be it enacted*, That this State will, provided the State of Kentucky agree thereto, apply to the Executive of the United States to appoint a commissioner to ascertain the true point where the boundary line between this State and the State of Kentucky will strike the Tennessee river on the western bank thereof, and that from said point a line shall be run directly west to the west boundary line of the State of Tennessee, which shall be the line between the two States.

Sec. 4. *Be it enacted*, That the Governor of this State shall have full power and authority, whenever he shall receive information that the State of Kentucky has agreed to the appointment of commissioners to run and mark the lines herein described, to appoint commissioners on behalf of this State, to superintend the running and marking the said lines.

Sec. 5. *Be it enacted*, That, when said lines shall have been run and marked, every grant which may have been issued by the State of Kentucky, and which may cover lands lying south of said line, shall be considered as good and valid as if such grants had been issued under the authority of the State of Tennessee: *Provided, always*, That this section shall not have any effect until the State of Kentucky shall have passed a law containing a similar provision with respect to such grants as may have been issued by the State of Tennessee, and may cover lands lying north of the line.

SEC. 6. *Be it enacted*, That this State shall stand pledged to pay one-half of the expense of the commissioner who may be appointed by the Executive of the United States.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

Passed November 24, 1817.

AN ACT to repeal all laws passed by this State relative to the southern boundary line. Approved January 30, 1818.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all laws heretofore passed by the General Assembly of this Commonwealth, relative to the boundary line between this State and the State of Tennessee, shall be, and the same are hereby, repealed.

SEC. 2. *Be it further enacted*, That the southern boundary line of this State shall be and remain on a line running west from the top of Cumberland mountain to the Mississippi river, in thirty-six degrees and thirty minutes north latitude, any thing in any former law passed by this State to the contrary notwithstanding.

STATE OF KENTUCKY, } *sct.*
Secretary's Office, }

FRANKFORT, *February* 13, 1818.

The foregoing memorial and resolutions, and the several laws annexed thereto, are true copies of all the proceedings and laws passed by the Legislature of this State, and of the last law passed by the Legislature of the State of Tennessee, on the subject of the boundary line between those States.

Attest: JOHN POPE, *Secretary.*

15th CONGRESS.] No. 452. [1st SESSION.

MISCONDUCT OF CERTAIN CLERKS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 30, 1818.

Mr. HOLMES, of Massachusetts, made the following report:

The select committee of the House of Representatives appointed to "inquire whether any and what clerks or other officers in either of the Departments, or in any office at the seat of Government, have conducted themselves improperly in their official duties," ask leave to report:

That several cases have come to their knowledge, which they have investigated with that attention which the interest of the Government and the reputation of its officers require. The inquiry had excited suspicions, and it became necessary that these suspicions should be removed, or their foundation ascertained. To listen to hearsays or surmises, further than they were the means of furnishing proof, would have been illiberal and unjust. We have, therefore, given to each case to which our attention has been directed a full examination, and it is either dismissed as groundless or here reported.

Our attention has been called to the Post Office Department, and we have been urged to re-examine a report of a committee of a former Congress. This we have declined. Justice to the officers implicated in that inquiry, and respect for the decision of a former committee, were sufficient to prevent us from a further investigation.

It was suggested that there were facts which did not come to the knowledge of that committee; but this suggestion was not found to be true; we could not see the propriety of re-examining a report made by gentlemen of intelligence, experience, and fidelity, and upon a much fuller and more extensive examination than we could possibly afford.

Our inquiry has, however, been called to another subject relating to that Department. It was stated and *proved* that Aaron T. Crane, a clerk in the General Post Office, was very extensively concerned as agent for claimants against the United States, and in purchasing soldiers' lands; that this business occupied a considerable portion of his time; that he attended to it at the offices of the different Departments during office hours; and that it was worth to him about $1,500 per year. The proofs of these facts will be found in the papers marked B, C, D, G, H, M, N.

Mr. Crane was heard before the committee, and his statement accompanies this report. He did not deny any material fact, but stated as a justification that his salary of $1,000 was small; that there was assigned him *a given duty* to be performed in *a given time*, and that what he could gain he considered his own.

But your committee cannot forbear to disapprove and condemn a practice which tends so strongly to infidelity. Mr. Crane's duty was the adjustment of the accounts of the several postmasters of the United States, and which were to be completed in every *six months*. The temptation to indifference or neglect, when *private duties* pressed him, would be too strong to be resisted; and we apprehend that the public have little reason to expect fidelity from an officer whose *unofficial labors* are the principal object of his attention.

Where the blame in this case should attach, is an inquiry more suitable for the House than its committee. It is matter of inference, from the facts reported, whether the fault is in the *chief* or subordinate officer, or in the *law* regulating the Department. From the high character of the officer who controls this Department, we are disposed to hope and believe that no intentional fault is imputable to him. But surely it neither comports with the dignity of the Government, nor the confidence which its officers should inspire, to permit them to engage in speculations which would be scarcely correct in any private citizen.

We have also examined the cases of James L. Edwards and William M. Stuart, clerks in the War Department, in the section of bounty lands, and the evidence is contained in the papers marked A, B, C, D.

These cases are alike, and, by the facts proved and not denied, it appears that they have transacted business as agents for claimants against the United States, principally in obtaining land warrants for the *Canadian volunteers*, for which they have received compensation. There was no proof that either of these gentlemen was much absent, or that their agencies materially interfered with their official duties. But the tendency of the practice renders it

necessary that it should be prevented. The clerks in this office are numerous, and it is necessary to rely much on their correctness and fidelity. Claims passing through *interested hands* would be likely to succeed, without the proper scrutiny. If the public have not already suffered from these agencies, there is certainly danger in indulging, and safety in preventing the practice.

The existing laws do not prohibit the clerks from transacting other than *official* business, with the exception of those in the Treasury Department. The allowances made by Government were deemed sufficient to command their exclusive labors.

If they engaged in employments incompatible with their duties, a corrective was expected in the *chiefs* of the Departments, to whom they were respectively responsible. But as the number of clerks is exceedingly multiplied, and many are removed from the immediate view of their *principals*, it would, perhaps, be safest to compel their exclusive services by laws to be enforced with suitable penalties; in this way only could we depend on their attention and fidelity.

Your committee have examined the case of Benjamin Homans, chief clerk in the Navy Department, and the evidence is contained in the affidavits of William Blagrove and Mr. Homans himself, and their statements marked O, R, T, U, V, W, Y. The evidence against Mr. Homans went to show that he had loaned for his own benefit a part of the *Epervier fund*, being a grant of $12,000 made by Congress to the widows and heirs of those lost in that ship; and also that Mr. Homans had appropriated to his own use a horse and forage belonging to the Navy Department.

Upon hearing the whole case, however, it appears that the fund was paid over for the use of the claimants, by the Secretary of the Navy, to Mr. Homans, who gave bonds for its faithful application, to be accounted for in two years; that Mr. Homans had in one or two instances accommodated a friend with money from this fund; that the two years were not expired, and that no claimant had been denied or delayed; that the story of the horse and forage was at most a trifling affair, and there appeared in it nothing improper on Mr. Homans's part.

We know not whether it has been the practice for those *bound* to apply public moneys to specific purposes to use the money, provided they were always ready to account; but we are strongly inclined to the belief that public money should never be touched by the trustee, but for the purposes of executing the trust. Mr. Homans, however, it is believed, is a faithful officer and a responsible man, and that the money is perfectly safe in his hands.

We have also examined the case of Ezekiel Macdaniel, a clerk in the Navy Department, and the evidence is contained in the papers marked P, L, X.

It appears that George Beale, jun., a purser in the navy, was, by the captors of the Champlain squadron, appointed their prize agent, and that about $290,000 of the money granted them by Congress was put into his hands for their use by the Secretary of the Navy. The Secretary of the Navy took surety of Beale for the faithful application of the money. After this, Beale was ordered to the *Mediterranean*, while a considerable part of this money was in his hands; he substituted Macdaniel to draw on his father of this city, and pay over to the claimants. The prize agent has not yet returned, and the father has neglected to furnish Macdaniel with money, whence several claims have been rejected *for want of funds*. That the conduct of the prize agent has been unfaithful, there can be no doubt. But no suit has been instituted against the sureties of Beale; and it is surely matter of regret that an officer so responsible as a purser in the navy should have contrived to delay and defraud the *honest tar* who has conquered for his country, and be still suffered to remain in employ. Public confidence should be withdrawn from a man who has so grossly abused a private trust, and withheld from our naval heroes the rewards of victory.

Macdaniel is agent of this Mr. Beale *without funds;* objections to agencies in public offices are, consequently, applicable to him. It does not appear that he has squandered any of the money; but it will be perceived that when clerks in the Departments are permitted to connect themselves with men like Beale, the public confidence will be impaired, and suspicions may attach where they ought not.

We, however, learn by the letter of the Secretary of the Navy of 16th February last, that Beale is ordered home to settle his accounts, and are in hopes that this error will be corrected.

But while this affords consolation to the claimants, it proves that Beale's duties as prize agent are incompatible with his office in the navy.

We have examined the case of Daniel Parker, adjutant and inspector general, and the evidence is contained in the paper marked S.

It appears that certain claims for property captured by the enemy were presented to the commissioner for allowance; they purported to be examined and vouched by "Isaac Clark, late col. 26 R. R." The papers were *entire forgeries*. Before their allowance, it was necessary that the genuineness of Clark's signature should be certified by Parker. Parker made the certificates, and but for the vigilance of Peter Hagner, Third Auditor of the Treasury, who discovered the fraud, these claims would have been paid.

General Parker attributes his *inadvertence* to a press of business, which prevented a due examination; but the forgeries being exceedingly apparent, the papers written throughout by the same hand, and Clark's official signature being of the *26th rifle regiment*, when no such regiment existed, the committee perceive in this case a very culpable, if not inexcusable neglect. Happily in these cases the fraud was detected; but we are told that several other forged claims certified as genuine by General Parker have succeeded, and the money has been paid.

By the eighth section of the act of the 2d September, 1789, the first section of the act of 3d March, 1791, and twelfth section of the act of 8th May, 1792, it is, in substance, provided that no clerk in the Treasury Department shall purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase of any public securities of any State, or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the said Department, other than what shall be allowed by law, under a penalty of $500, removal from office, and perpetual disqualification.

Your committee have examined several cases which appeared to have infringed or evaded the provisions of these acts.

The first is the case of Lund Washington, a clerk in the Treasury Department, and the evidence is contained in the papers marked B, C, D, G, H.

It appears that Mr. Washington is an agent for claimants generally; that he receives the claims usually by mail, attends to their passage through the several branches of the Department to which they belong, and takes a commission for doing the business; and that his agency extends to the transfer of *United States stocks.*

The next case is that of Michael Nourse, a clerk in the same Department, and notary public to the branch bank. The evidence is contained in the papers marked B, E, F, G.

It appears that he is an agent for claimants, of whom he takes a reward; that he transacts their business at the proper Departments, and receives and transmits their money.

The next case is that of Edward Fox, another clerk in this Department; the evidence is contained in the papers marked D, E, F.

It appears that he is agent chiefly for claims at the office of Mr. Lee, under the property act, so called. In a case of Colonel Jameson, of the Pennsylvania volunteers, he admits he received a commission of five per cent. In this case an error had escaped, and the sum of $1,100 had been paid Jameson, without deducting $600 previously paid to a captain of the same corps. We did not *find* that any blame could attach to Mr. Fox in *this case;* but when mistakes do happen, and redound to the profit of the clerks who are agents, it may excite reasonable jealousies in the public mind.

It was the design of these acts to guard the Treasury against the cupidity of its officers. The opportunities afforded the subordinate officers of this Department to learn the fluctuations of the public property are strong temptations to speculate, and to attempt to engross every important bargain without danger of competition. But if the law prohibits the clerks from purchasing public property or stock for *themselves*, and permits them to do it as *agents for others*, they would enable their *friends* to realize all the *exclusive benefits* intended to be prevented by these acts. Besides, it would in most cases be difficult to distinguish an agency from a *real interest*, and the clerks in the Treasury would be purchasers for *themselves* in the *names of others*, and without the possibility of detection.

But your committee have no doubt that to transact any business relative to the Department, in that Department, for *pay*, is a direct violation of the provisions of the law. It is the business of this Department to adjust and pay the demands against the United States. The subordinate officers should have no interest in any account or claim which they might be called upon to inspect or examine. An agency *coupled with an interest* operates as a reward paid by the claimant for the adjustment and allowance of his demand. This, then, is not merely "taking and applying to his own use an emolument or gain" for doing his duty; it is more—it is taking that which may encourage him to obtain what is *not* due or *more* than is due, under an expectation of augmenting the reward. Although the correct organization of this Department may, and generally will, prevent the evils of which we speak, yet the reason (and perhaps the expression) of the law applies with equal force to agents as to others.

Your committee are confident that no fault is attributable to the respectable officer who directs this Department: the honor, integrity, and talents of that gentleman are sure pledges that in him the public confidence will not be misplaced. Nor are we sure that the public *have materially* suffered from a practice which we condemn. We lay our animadversions on the *facts proved* before this House, subject to their investigation and correction. We feel the full force of the delicacy and perplexity incident to such an inquiry. While we regret that it has fallen to *our* lot, it will be matter of satisfaction to us that we shall have done our duty; and that among so many public agents so few instances of conduct of dangerous tendency have yet been discovered. The gentlemen whose cases are here reported were notified and heard, and their answers accompany this report. It is but justice to state that their conduct was frank, candid, and honorable, and that they did not appear to be conscious that the acts proved were incompatible with their duty.

We are, however, well satisfied that the practices developed by this inquiry are improper and inadmissible, and that, if a corrective is not to be found in the existing laws, these should be so altered as to effect a prohibition.

We are, nevertheless, aware that, after the most effectual legislative guards, much must depend on a prompt execution of the laws by the principal officers of the Department. They have the appointment of their clerks, and public opinion holds them responsible for the performance of their duties, and that those duties should not be perverted by practices dangerous to the fidelity of the clerks and the interests of the public.

We therefore recommend the following resolutions:

Resolved, That it is expedient to prohibit the clerks in the several Departments from acting as agents for claimants against the United States.

Resolved, That it is expedient to prohibit the officers in the several Departments from engaging in any business of trade.

Resolved, That the several acts relating to the Treasury Department should be amended, and certain penalties should be increased.

Resolved, That a committee be appointed to report a bill or bills to carry into effect the above resolutions.

J. HOLMES, *Chairman.*

A.

Joseph Watson's affidavit.

I, Joseph Watson, of the city of Washington, agent for claimants against the United States, testify and declare that, about January, 1817, Dudley Frink, of Buffalo, in the State of New York, called on me, I having been employed by him as agent to support his claims against the United States. He asked me if, by offering compensation to a Mr. William M. Stuart, a clerk in Mr. Nathaniel Cutting's office, it would not facilitate his business? I told him I thought he would not accept of such an offer. I understood, after this, from Mr. Frink's letter to me, that he had employed Mr. Stuart. After this, Mr. Stuart told me that he was the agent of Frink, and that Frink had advised his friends to send their business to him, which quite encumbered him, and he proposed to me to do the business for him, and let him have a portion of the charges. I stated to him that I would transact the business for my regular charges, and he must make his own arrangement on the subject; he said he would converse with me further on the subject, but he did not. He has frequently stated to me that he has received business as an agent from various quarters, particularly from the south. He never stated what compensation he had for doing this business, but I always understood from him that he received pay for it; nor did I ever know what sum he did receive. Mr. Frink, however, told me that Mr. Stuart's price was five dollars for each Canadian land warrant.

I have taken up a large package in an office, from Dudley Frink, as appeared by the handwriting, addressed to James L. Edwards, clerk in the War Department. I do not know what the package contained, but Stuart told me, when he made the proposition herein alluded to, that the transacting the business would be equally for the benefit of himself and Edwards. I further know that, in Mr. Stuart's absence, packages, addressed by Frink to him, were opened by Edwards, and the business was transacted by him.

I further recollect that Stuart, in the conversation above alluded to, observed that, as Edwards had done business of this nature for him in his absence, he (Edwards) would be equally entitled to the benefit of any business which might be done by me. I further testify that Lewis Edwards, a clerk in the War Department, has transacted agency business in relation to Canadian land claims. I had a number of Canadian claims sent me from Detroit, for a Doctor Crosby. I presented these papers to Lewis Edwards, as his agent. He acknowledged himself as such, and endorsed one of the papers in that capacity.

JOSEPH WATSON.

House of Representatives of the United States, in committee appointed pursuant to a resolution of 16th January, 1818: On the 4th February, 1818, personally appeared the above-named Joseph Watson, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

B.

Peter G. Washington's affidavit.

I, Peter G. Washington, a clerk in the Treasury Department, testify and say that Aaron T. Crane has frequently presented claims to the Third Auditor's office, in the Treasury Department, in which I am clerk, as an agent for claimants. What compensation he had, or whether any, for doing this business, I do not know. I know an instance in which Mr. Crane, several months ago, presented a claim for the pay of a discharged soldier; there was some defect in the papers, and they were returned to him. They were afterwards sent for, and Mr. Crane made some objections to returning them, stating that if he gave them up he might lose his *compensation* for doing the business; but he did give them up without security for compensation.

I further testify that James L. Edwards presented claims for pay of certain Canadian volunteers at Mr. Hagner's office; he acted as agent, but the claims were not allowed. William M. Stuart presented some of the same description, in the same capacity, and they met with the same fate.

I further testify that William Bayard has presented claims, as an agent, at Mr. Hagner's office, and has frequently received pay for them.

I further testify that Michael Nourse, a clerk in the Treasury Department, has frequently presented claims at Mr. Hagner's office, as an agent for claimants, and received them in that capacity. My father, Lund Washington, a clerk in the Treasury Department, has acted as an agent for claimants; he has collected claims in most of the offices of Government from different parts of the United States, and received compensation for them. His charge is three per cent.

P. GRAYSON WASHINGTON.

House of Representatives of the United States, in committee appointed pursuant to a resolution of 16th January, 1818: On the 4th February, 1818, personally appeared the above-named P. Grayson Washington, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

C.

John E. Frost's affidavit.

I, John E. Frost, clerk in the War Department, in the section of bounty lands, testify and say that James L. Edwards and William M. Stuart, clerks in said section, have acted as agents in obtaining soldiers' land warrants. I heard them say that they received pay for it; but I do not know what compensation they received.

I have frequently seen Aaron T. Crane in Mr. Cutting's office, in office hours, acting as agent for claimants or *their* agents; he is pretty extensively concerned.

I know that Mr. Lund Washington has frequently transacted agency business at Mr. Cutting's office.

JOHN E. FROST.

House of Representatives of the United States, in committee appointed pursuant to a resolution of 16th January, 1818: On the 2d February, 1818, personally appeared John E. Frost, above named, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

D.

Richard T. Queen's affidavit.

I, Richard T. Queen, clerk in the paymaster general's office, testify and say that, in the paymaster general's office pay for extra services has been uniformly refused. I know that Aaron T. Crane has acted as agent for claimants, and has been frequently at the office of the paymaster general in that capacity during office hours. He appears to be extensively concerned.

I further testify that Lund Washington, a clerk in the Treasury Department, acts generally as agent for claimants; he is at the paymaster general's office in office hours frequently. I do not know what compensation either of these gentlemen receives.

I further say that I have frequently seen Edward Fox, a clerk in the Secretary of the Treasury's office, at the paymaster general's office, acting as agent relative to the transactions of a court-martial of the Pennsylvania militia. Letters have come to Edward Fox under cover of an address to the paymaster general, and, as I understood, from Pennsylvania, relative to this transaction.

I further testify that I received of a Mr. Tallman, by the hands of a Colonel Watson, $50, but not for any business in the offices, or either of them; this money was due me from a Mr. Carson, and paid me by Tallman.

I further testify that James L. Edwards and William M. Stuart have acted extensively as agents in business relative to the Canadian volunteers; but Mr. Edwards told me he did not receive a cent for doing this business; and I do not know whether Stuart did receive any thing or not.

I further say that Ezekiel Macdaniel, clerk in the Navy Department, acts as agent for George Beale, a purser of the navy. This I understood from him.

RICHARD T. QUEEN.

House of Representatives of the United States, in committee appointed pursuant to a resolution of the 16th of January, 1818: On the 6th day of February, 1818, personally appeared Richard T. Queen, above named, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

William M. Stuart's statement.

SIR: WAR DEPARTMENT, SECTION OF BOUNTY LANDS, *February* 22, 1818.

Agreeably to your request, I have the honor to inform you that I had received, by power of substitution and for agents only, three months' extra pay and land warrants for that class of claimants denominated "Canadian volunteers," and for which I have taken a compensation of not more than one-fourth of what is usually charged by

the regular agents in this place; by which means the claimants have been benefited, as the agents only charge, in addition to their own fees, what they have to pay to their substitutes here; and I am confident that the Government has lost nothing by the transaction.

First. Because I have a regular fixed business in this office, and have frequently been obliged to attend after three o'clock during the recess of Congress, and almost constantly when it is in session, to keep my business up, when I have, more than ten times over, repaid for the few moments that I have spared from my official duties in signing my name for warrants and money; and it is well known that I have never made out such warrants, or passed a single claim.

Secondly. Agents have sent claims to me which may have been just, but I did not think them so, and therefore declined handing them to Mr. Cutting for his inspection; those claims are now in my possession; the discharges on which they were predicated had the word "honorable" erased, but might very easily have been suppressed, and a certificate obtained from the records of the army to show that the claimants were borne on the rolls the length of time required by law; but, in place of acting the *subtle agent*, I retained the documents, because I thought it a duty I owed the War Department, and thereby lost my commission.

Colonel Watson has stated to the committee that I have received claims from the south. I most positively deny the charge, and assert, without fear of contradiction, that I have never transacted any agency business for any other person than Messrs. Frink, Jewett, Hopkins, Strong, and Pettis, of the State of Vermont, except a few patents that I have received for some gentlemen of the first *respectability* from the States of New Hampshire and New York for the soldiers of the late war, and for which I never would accept of more than fifty cents each; and, indeed, I never would have engaged in the business if it had not been represented at this office that Colonel Watson had sent to a correspondent of his in the State of New York the papers of a poor wounded soldier, who made the following charge for the colonel: notification, four dollars; pension certificate, four dollars; and for his services, four dollars more; to which the correspondent added for his own services seven dollars more—amount, nineteen dollars; and I have been credibly informed that he charges for patents four dollars, which are sent to his agents, who, for themselves, charge the same amount, and postage also.

I have the honor to be, sir, very respectfully, your most obedient servant,

WM. M. STUART.

The Hon. JOHN HOLMES, *Chairman of the Committee of Inquiry.*

James L. Edwards's statement.

SIR: WAR DEPARTMENT, *February* 18, 1818.

In conformity with your request, I now do myself the honor of making a statement to you explanatory of the evidence which has been adduced before the committee of investigation, of which you are chairman, relative to certain business which I have transacted as an agent while employed as a clerk in the Department of War.

The testimony alluded to goes to show that I have received compensation as an attorney in procuring land warrants for a certain description of troops called Canadian volunteers. This evidence is strictly true; and had I conceived that there was any impropriety in such an agency, I should have been one of the last to have engaged in it.

The material objections which I understand to exist against the national clerks being employed as agents for individuals who have demands against Government are—

1st. That Government has not sanctioned the employment of agents for such purposes.

2d. That the employment of persons in the public offices as agents would lead to corrupt practices, in authorizing, for example, a clerk to receive a compensation as an attorney in a case where the claim was investigated by him, and where perhaps his judgment might be perverted in consequence of having an interest in the claim.

3d. That the clerks would, in their capacity as agents, consume a part of the time which should be devoted to official duty, and for which the Government pays them.

To the first of these objections I reply that, from the nature of the business in which I have been employed by individuals, an attorney was indispensably necessary if the claimant did not apply in person. A Canadian land warrant is transferable property; and a heavy responsibility is imposed on the person who undertakes to transmit it by mail several hundred miles to the individual to whom the agent is accountable: to be paid, therefore, for such business is, I presume, nothing more than reasonable; it is what no public officer is obliged to do.

To the second, that I have never, in my official capacity, investigated the claims of Canadian volunteers.

To the third, that I have never devoted any time during office hours to the transaction of business as an agent, except a few minutes in signing receipts.

For the evidence to support my assertions, I beg leave to refer you to the accompanying letter of Nathaniel Cutting, Esq., the superintending clerk of the Bounty Land Office.

So far from supposing that the employment of clerks in this office as agents has been detrimental to the public interest, I believe it has been advantageous to the Government, as well as beneficial to the individual who had a just claim. For instance, several claims have been presented by volunteers, who had served upwards of six months, but who did not receive honorable discharges: had these claims fallen into the hands of dishonest men, how easy would it have been for them to have suppressed the discharges, and obtained from the records of the War Department evidence of having belonged to the army for six months, (which is all that the law requires as to service,) and thus have passed the claims. That spurious claims are frequently presented by agents out of the public offices is a well-known fact; and this justifies the belief that, had the business which has been confided to gentlemen in this Department been confided to other hands, the Government would have been more liable to imposition. As to the compensation which I have received, I can only say that it is not more than one-fourth of what other agents have charged for similar services. Here, then, I consider the honest claimant and the Government equally benefited.

In the whole of this business I have done nothing which I conceive incompatible with my principles as a man, or my duty as an officer. A former Secretary of War gave permission to a clerk in his office to transact business similar to that in which I have been engaged. That gentleman is as much distinguished for sound judgment as correct principles. His character and abilities were never questioned. Whatever may be thought of my conduct in this business, I shall always have the consolation of a self-approving conscience.

I have the honor to be, with the most perfect respect, your obedient servant,

JAMES L. EDWARDS.

Hon. JOHN HOLMES, *Chairman of the Committee of Investigation, &c.*

SIR: WAR DEPARTMENT, *February* 7, 1818.

I shall be highly gratified if you will be so obliging as to answer the subjoined queries. You will, no doubt, readily perceive the object I have in view in making this request.

1. Does not every claim for warrants for bounty land granted to "certain Canadian volunteers" pass through your hands for examination?

2. In obtaining warrants of the above description, is not the employment of an agent or attorney necessary if the claimant does not apply in person?

3. During the period of nearly two years that I have been in the War Department, have you ever found me remiss in my duty?

4. Did you ever consider my conduct reprehensible in transacting any extra-official duty?

I am, most respectfully, your obedient servant,

NATHANIEL CUTTING, Esq. JAMES L. EDWARDS.

SIR: WAR DEPARTMENT, SECTION OF BOUNTY LANDS, *February* 7, 1818.

In reply to your queries of this date on the annexed page, I have no hesitation to reply that no warrant has been issued under what is commonly called the "*Canadian volunteer*" act, without my examining the evidence so far as to see that *the local authorities*, as was represented at this office, duly attested the *American citizenship* of the claimant *anterior* to the late war, and *his residence in Canada* at the commencement of it; and, since the *additional* act of March 3, 1817, that he had served six months with some regiment or corps of the United States army, was required to be attested from records in the War Department.

2d. A warrant has never been issued for *military bounty land* under the act above cited without my requiring that some person, *legally authorized*, should sign a *receipt upon the record* before delivery of the warrant. If, then, neither the *claimant* nor his immediate *attorney* appears here for that purpose, *a substitute* of the latter is indispensable.

To the third and fourth questions, I unequivocally reply in the negative.

Amicably, your obedient servant,

M. JAMES L. EDWARDS. NATHANIEL CUTTING.

E.

Joseph Watson's affidavit.

I, Joseph Watson, of the city of Washington, agent for claimants against the United States, testify and say that Edward Fox, clerk in the Treasury Department, transacted agency business, from information, and from seeing him in the office of the Commissioner of Claims inquiring about and attending to claims.

I further testify that Michael Nourse, clerk in the Treasury Department, is notary public and agent for claims. I have seen him in Mr. Hagner's office attending to claims and inquiring about them in office hours, and have seen documents in that office filed with his name as agent. I understand that he is also notary public to the Bank of the United States, and transacts business in that capacity. I have understood that he has done business as agent in transferring stocks of the United States.

I further testify that Lund Washington, a clerk in the office of the Comptroller of the Treasury, has acted as agent for claimants against the United States, particularly for claims under the *property act*. I have seen him in the office of the Commissioner of Claims, frequently transacting business of this description, and I have understood it from his own conversation, and he expressly told me that he charged a commission for transacting this business.

JOSEPH WATSON.

House of Representatives of the United States, in committee appointed pursuant to a resolution of 16th January, 1818: On the 4th February, 1818, personally appeared Joseph Watson, above named, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

F.

Thomas Dungan's affidavit.

I, Thomas Dungan, clerk in the Treasury Department, testify and say that Edward Fox has, I understand, acted as agent for claimants against the United States under the *property act*, so called. His name appears as such on the books, but I do not know that he has received any pay for it.

I further testify that Michael Nourse very often hands certificates of United States stock to me to be transferred, and appears to have some agency in this business, but I do not know how far he is concerned, and the transacting this business takes but little time. I do not know that he receives any pay for it.

THOMAS DUNGAN.

House of Representatives of the United States, in committee appointed pursuant to a resolution of the 16th January, 1818: On the 7th of February, 1818, personally appeared Thomas Dungan, above named, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

Edward Fox's statement.

SIR: WASHINGTON, *February* 20, 1818.

In compliance with the wish expressed by the honorable committee over which you preside, that I should make a written and concise reply to the depositions of Messrs. Watson, Dungan, and Queen, and that I would also offer such explanations touching the same as they might seem to require, I have the honor to state that those depositions are substantially correct, and that I have, at various times, transacted business at this place, for which I have in most cases made a regular charge, but have never in any instance received a compensation, other than that allowed by law, for performing those services which were required of me in my official capacity.

I presume, sir, I need offer to the committee no other explanation on this subject than simply to state that, as no doubt of its propriety had ever occurred to me, I have not hesitated to attend openly to any business intrusted to my care which did not interfere or was not inconsistent with my official duties.

I have the honor to be, with the highest respect, sir, your most obedient servant,

EDWARD FOX, JUN.

The Hon. JOHN HOLMES, *Chairman of a Committee of Congress.*

G.

Thomas B. Dashiell's affidavit.

I, Thomas B. Dashiell, clerk in the Treasury Department, testify and say that Michael Nourse, a clerk in the office of the *Register*, has frequently received money from the treasury as agent or attorney for claimants. I do not know whether he received any reward for this service. Mr. Nourse is notary public for the Branch Bank of the United States. He sometimes brings the papers to the Treasury himself, and sometimes he sends them.

I further testify that Lund Washington, a clerk in the *Auditor's* office, transacts business as agent for claimants. He has drawn very often from the treasury for claimants for property lost during the war.

I further testify that Aaron T. Crane is pretty extensively concerned as agent for claimants. He told me he had made a great deal of money by it. He has very frequently drawn money from the treasury in that capacity.

THOMAS B. DASHIELL.

House of Representatives of the United States, in committee appointed under a resolution of the 16th January, 1818: On the 5th day of February, 1818, personally appeared Thomas B. Dashiell, above named, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

Michael Nourse's statement.

SIR: WASHINGTON, *February* 17, 1818.

I beg leave to submit the following facts and explanation in relation to the business which has been transacted by me, and which has claimed the attention of your honorable committee:

1st. With respect to the settlement of public accounts.

The documents upon which these have been obtained have all (three or four instances excepted) been sent to me by one gentleman, lately an officer in the army. His letters are opened and read at home, the papers examined, and, after being assorted, are generally sent under cover to the proper officer. When adjusted, I call and receipt for the payments. All letters in relation to claims and remittances are written and copied at home. The commission charged has in no instance exceeded one per cent. The claims received by me during the last year were about fifty.

2d. With respect to the transmission of stock warrants.

The certificates to which these warrants are attached are forwarded by mail directly to my address, either by the proprietor or his agent. When the warrants, which are filled up and attached to the certificates in the office of the Secretary of the Treasury, are completed, they are transmitted agreeably to advice received. Letters of advice receive my attention at home, where my answers are prepared, and a record of each transaction made. This agency has always been considered at the Treasury entirely of a private character, and altogether distinct from any thing like buying and selling of stock, inasmuch as the agent has no more control over the property than if it were a bill of exchange payable to a merchant in Charleston, and deposited in his hands for transmission.

3d. In relation to my duties as notary, I beg leave to refer to Mr. Smith's letter.

The committee will, I trust, excuse me in troubling them with one or two general but short remarks.

After being in the public employment for upwards of twenty years, during which period, with all my economy, I had barely subsisted, I found myself surrounded with a large family; to feed and clothe them, my salary in *this place* was *but* sufficient; to educate them, it would not enable me; to accomplish this most desirable object, other means were necessary; the commission business presented itself as one most likely to be useful, while, at the same time, it would interfere but little with my official duties. In attending to claims on Government, perhaps on each half an hour of public time has been employed; my commission has, however, been moderate, and the charges made only in consideration of my attention at other hours. Permit me, however, to remark that, having been blessed with good health, I have not, to the best of my recollection, been absent from my desk one whole day during the last three years. The commission business, however, did not answer my expectations; I therefore declined further proposals, and applied for the situation I now hold in connexion with the branch bank, which interferes still less with my public duties, and for which I am thankful, not only as it aids me in improving the minds of my children, but as it affords the means of contributing to the support and comfort of others who have peculiar claims on my benevolence.

I am, with the greatest respect, sir, your most obedient servant,

MICHAEL NOURSE.

The Hon. JOHN HOLMES, *Chairman of the Committee, &c.*

DEAR SIR: OFFICE OF DISCOUNT AND DEPOSITE, WASHINGTON, *February* 16, 1818.

In answer to your inquiry, I have to state that the principal part of the notes protested in this office have been put into your hands at or near three o'clock on each day. Some few that we wished to send away by a particular mail have been delivered to you at earlier hours, with a request that they might be proceeded with and returned to us before the closing of the bank.

I am, dear sir, yours, very respectfully,

RD. SMITH, *Cashier.*

MICHAEL NOURSE, Esq.

H.

Edward Stephens's affidavit.

I, Edward Stephens, clerk in the War Department, in the section of bounty lands, testify and say that Aaron T. Crane, a clerk in the General Post Office, has acted as an agent in obtaining the warrants for soldiers of the regular army. I have made out a great many for him. He has been very often there, attending, in office hours, to obtain these warrants, and to transact the business relating to his agency. He is very extensively concerned.

I further testify that warrants, to the best of my recollection, have been made out for Michael Nourse, a clerk in the Treasury Department, as an agent or attorney for the soldiers.

I further testify that Lund Washington, a clerk in the office of the Comptroller of the Treasury, has acted as agent in obtaining several land warrants—perhaps a hundred at various times. I do not know what compensation he received for this, or whether any.

EDWARD STEPHENS.

House of Representatives of the United States, in committee appointed pursuant to a resolution of the 16th January, 1818: On the 2d February, 1818, personally appeared Edward Stephens, above named, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

Lund Washington's letter.

SIR: CITY OF WASHINGTON, *February* 20, 1818.

Conformably to your request, I proceed to state, for the information of Congress, that I have acted as an agent for claims upon Government from the month of October, 1816, to this time.

The claims have been for the pay of soldiers, and pensions of widows, and lost property, say horses, arms, and accoutrements, and for obtaining land warrants and patents upon soldiers' discharges.

The collections have, in the whole, amounted to seventeen thousand dollars, the land warrants to about sixty, and the patents to about thirty. For my services I have charged three per cent. on moneys collected, on land warrants two dollars each, and on patents one dollar each.

The claims have been forwarded to me by Mr. T. G. Bradford and Mr. Washington Perkins, Nashville; Mr. T. F. Bradford, Shelbyville; and Messrs. Jones & Moore, Murfreesborough, all in Tennessee; and by Mr. George Kesling, Lebanon, Ohio, and from no other persons.

The giving receipts, obtaining money from bank, &c., have been necessarily done in hours of office business. Mr. Brent and Mr. Lee, in whose offices nearly all the business has been done, know that this has not taken much time as respects myself; and this may be established by the gentlemen who are my companions in business. I with great confidence assert that, as a clerk in the Treasury Department, I have done a great deal of business, and done it well; and I really believe I have actually performed as much or more labor, in my official capacity, since I have been an agent, than I ever did before.

I did not, nor do I now, entertain any doubt about the correctness of my own conduct in this matter. I have, however, under date of the 22d January, notified the gentlemen named above that I have withdrawn from the business. I have done this, lest the continuance of the agency should be considered among the causes *why* the great body of persons attached to the public offices as clerks do not receive from the Government, for their services, such compensations as will enable them decently to maintain themselves and families.

I am, very respectfully, sir, your most obedient servant,

LUND WASHINGTON.

J. HOLMES, Esq.

I.

James Hewitt's affidavit.

I, James Hewitt, clerk in the General Post Office, testify and say that the final settlement and registering the accounts of the postmasters of the United States is assigned to myself and Aaron T. Crane, and that this service is as much as two persons can well perform in office hours. Mr. Crane has frequently attended to business as an agent, and has, as he states, received pay for it. Mr. Crane is a very expeditious clerk, and does his equal proportion of this duty. I have done considerable of other business in the office; but I do not know that Mr. Crane has done any except that *assigned*. He is frequently absent from the office in office hours.

JAMES HEWITT.

House of Representatives of the United States, in committee appointed pursuant to a resolution of said House, 16th January, 1818: On the 12th of February, 1818, personally appeared James Hewitt, above named, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

K.

Joseph Watson's affidavit.

I, Joseph Watson, of the city of Washington, agent for claimants against the United States, testify and say that Aaron T. Crane and William Bayard, clerks in the General Post Office, have transacted agency business. Crane is a general agent; has so advertised in the papers. I have seen him transact business at the Land Office, and attending during office hours, for the purpose of purchasing lands from the soldiers; and he has told me that he was agent for claims generally. He stated that during the last year he made fifteen hundred dollars in this business. I have also seen him transacting business at other offices, particularly at Mr. Hagner's and Mr. Cutting's offices: this was also in office hours. Mr. Bayard's agency was, I think, confined to transacting business from the State of Ohio. I know that he received pay for this business, for he told me so. I have repeatedly seen him in office hours attending the offices in his capacity as agent, particularly at the paymaster general's office. Mr. Crane had powers of attorney to receive several patents, and a few days after he received them, as I understood, he went to New York to distribute them, and last summer he was absent in Virginia for two or three weeks.

JOSEPH WATSON.

House of Representatives of the United States, in committee appointed under a resolution of the 16th of January, 1818: On the 4th of February, A. D. 1818, personally appeared Joseph Watson, above named, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

L.

Ezekiel Macdaniel's affidavit.

I, Ezekiel Macdaniel, clerk in the Fourth Auditor's office, in the Treasury Department, testify and say that George Beale, jun. was purser in the navy, attached to the squadron on Lake Champlain, and about three hundred

and ten thousand dollars was placed in his hands, as agent for the captors of the British squadron. Mr. Beale is now in Europe. When he went away, about two years ago, he requested me to attend to the business; I consented; and he left about six thousand dollars in my hands to pay to the captors. At this time he directed me to call on his father, George Beale, of this city, for further funds. I have drawn from him about four thousand dollars more. This money has been paid over to the captors, except about twelve or fifteen hundred dollars, which I received about a month ago. I have frequently called for money, but could not obtain it. Mr. George Beale, jun. paid off a considerable part of the prize money himself before he went to Europe.

Question by the chairman. On what terms do you transact this business for George Beale, jun.?

Answer. I do not know what compensation I shall receive.

Question by the chairman. Was there no agreement between you and George Beale, jun. relative to your agency in this business; and, if any, what?

Answer. There was no agreement.

Question. Do you expect to receive any compensation?

Answer. It is a question which I am not prepared to answer.

EZ. MACDANIEL.

House of Representatives of the United States, in committee appointed under a resolution of the 16th of January, 1818: On this 11th of February, A. D. 1818, personally appeared Ezekiel Macdaniel, above named, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

M.

Edward Stephens's affidavit.

I, Edward Stephens, clerk in the War Department, in the section of bounty lands, testify and say that James L. Edwards and William M. Stuart, clerks in the section of bounty lands, acted as agents and attorneys in obtaining the Canadian land warrants; they appear so on the books in the office. I never knew on what terms they did the business; the principal part of the business, I think, was done for Dudley Frink, who lives somewhere to the northward—if I mistake not, in Burlington, Vermont. The papers were examined by these gentlemen principally after office hours; and, after they were so examined, passed through the hands of Mr. Cutting for further examination. I have no knowledge of their being agents for any other claims.

EDW. STEPHENS.

House of Representatives of the United States, in committee appointed under a resolution of the 16th of January, 1818: On the 2d day of February, A. D. 1818, personally appeared the above-named Edward Stephens, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

N.

William Paine's affidavit.

In December, 1816, I presented the claims of John Smith, of the 1st rifle regiment, and James Whitehead, of the 24th infantry, for clothing due to them, with powers of attorney legally executed. Mr. Hagner, the accounting officer, refused to admit the claim, and informed me there was no law existing to authorize the payment.

In March, 1817, I presented the claim of James Hanna, late a soldier, with power of attorney and papers. The claim was rejected under an alleged imperfection in the papers. Mr. Lund Washington, clerk, informed me that he received, (six or eight months subsequently,) on the same papers, the amount due to Hanna.

In May, 1817, I presented the claim of John May, administrator of Richard May, late a soldier, with power of attorney. This claim remained in the office for several months unsettled. P. G. Washington, a clerk in the same office, became authorized; and (as Mr. L. Washington, the father, informed me) the claim was settled and paid.

James Mathews, of the 5th infantry, and I. W. Winklehearke, of the same regiment, left their discharges with the district paymasters, who certified this fact, and (as it is said) forwarded the original discharges, with other vouchers, to the War Department. With a view that the land warrant might issue to the soldiers, I presented the certificates above mentioned to the Third Auditor, in order to obtain the discharges. He observed that his clerks could not be employed in searching for such papers. I then filed them in the office of Mr. Cutting, with an expectation that *he* might obtain the discharges. After six or eight months, I was again written to by the gentleman who sent me the papers; and, finding that nothing had been done, I again applied to the Auditor, who observed that he would not deliver the discharges unless I produced an order from the soldier.

Mr. Stuart, (a clerk in Mr. Cutting's office,) some time last summer, said he had received within a short time (a few days) twenty dollars, as commissions, &c.

Lund Washington has frequently told me that he was engaged as an agent, &c.; that he received commissions for his services; that he had obtained a number of patents, &c. I have myself delivered him a number of papers to establish claims, &c., which he said he was authorized to receive.

I have heard Aaron T. Crane say that he was extensively engaged as agent for claimants. He said his emoluments were considerable, and offered me a partnership in this business.

WM. PAINE.

House of Representatives of the United States, in committee appointed pursuant to a resolution of 16th January, 1818: On the 5th February, 1818, personally appeared the above-named William Paine, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

O.

William Blagrove's affidavit.

I, William Blagrove, clerk in the Navy Department, testify and say that Benjamin Homans, clerk in the Navy Department, has loaned out of the *Epervier fund* (so called) about ten thousand dollars. This I know by his loaning to me about four hundred dollars; and he stated that he had loaned to a friend from eight to ten thousand dollars, and smaller sums to others.

I know that a horse, purchased for the Department, was kept at Mr. Homans's stable, and not used by the Department for more than a year; the forage was purchased at the public expense, and the horse was used in Mr. Homans's family.

I further testify that Ezekiel Macdaniel, a clerk in the *Fourth Auditor's* office, is agent for George Beale, jun., a purser of the navy, and prize agent for the Champlain squadron. Three hundred and sixty thousand dollars, appropriated by Congress to pay for the captured fleet, was placed in the hands of Beale. He is now absent, in Europe, and his father transacts his business here. Macdaniel transacts the business for prize claimants to obtain their pay out of this fund.

WM. BLAGROVE.

House of Representatives of the United States, in committee appointed pursuant to a resolution of 16th January, 1818: On the 7th February, 1818, personally appeared William Blagrove, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

William Blagrove's affidavit.

Benjamin Homans, at	$2,000,	-	nett quarter	$500,	$300	additional,	-	$800
John Boyle,	1,200,	-	do.	300,	180	do.	-	480
William Blagrove,	1,300,	-	do.	325,		-	-	325
Noah Fletcher,	1,200,	-	do.	300,		-	-	300
Henry Rich,	800,	-	do.	200,		-	-	200
Thomas Fillebrown, 79 days, at $2,		-		-		-	-	158

Leaving a balance still of $29 in his hands.

The above is the apportionment first made by Mr. Homans of the surplus fund, at the end of the year 1817; afterwards it was modified, in consequence of our resistance.

WM. BLAGROVE.

Sworn to 26th March, 1818.

P.

Joseph Watson's affidavit.

I, Joseph Watson, now residing at the city of Washington, being interrogated and duly sworn, do depose and say that I have understood that the British armed vessels captured on Lake Champlain were appraised agreeably to the act of Congress approved on the 3d April, 1815, at the sum of $310,000, and that $290,000 of that sum was, in the month of June following, placed in the hands of George Beale, jun. as prize agent, with an authority to deduct from his payments three per cent.; of which last sum $40,000 was in District money, and the remainder in treasury notes. That said prize agent, after making payments in Boston, New York, in the city of Washington, and elsewhere, was ordered on board of one of the United States vessels bound to Europe, in his capacity as purser in the navy; since which time, Ezekiel Macdaniel, a clerk in the office of the Fourth Auditor, has disbursed moneys to persons holding prize claims. That, on or about the 13th April, 1817, I received a claim of one Abijah Dudley, for prize money, amounting to $116 40; and on or about the 16th June following, the claim of Robert Hamilton, also for prize money, amounting, as I was informed by Mr. Macdaniel, when presented on the 17th June, to about $640; at which last time, or a few days after, he (Macdaniel) did endorse on the claim "exd. good," and apprized me, as he had before, in reference to Dudley's claim, that payment could not be made for want of funds; for, although he had undertaken to examine the claims and disburse the money, yet the prize agent had deposited the funds in the hands of his father, George Beale, of this city, who expected shortly to receive some bank dividends. In the course of the many conversations which I subsequently had with Mr. Macdaniel, he stated that George Beale, jun. had employed the funds in speculations which had not proved fortunate, and particularized the nature of the speculations; after this I saw Mr. Beale, and having urged him much on the subject, stating to him that Hamilton had been waiting in New York, and would wait there to receive his prize money, he agreed, as I understood him, to raise the money by discounting a note at sixty days, and to pay it the day following. But, on calling at the time appointed, Mr. Macdaniel tendered me a blank note, dated, I think, on the 5th September, which he informed me he had been requested by Mr. Beale to fill out in any name. This note I declined receiving, expressing my surprise at this mode of disbursing moneys, and stating that I was not authorized to make the claim an individual one. I have not yet received payment on the claims above alluded to, and have reason to believe, from letters received, that Hamilton is yet in New York patiently expecting his money. It is my impression that there are many prize claims remaining to be paid by Beale. When treasury notes commanded a high premium abroad, and District money was at a discount, I frequently was compelled to accept the greater portion of the claims intrusted to me in District money. I annex the original of one of the certificates which I, on those occasions, exacted from Mr. Macdaniel. I cannot state what compensation Mr. Macdaniel receives from Mr. Beale for his services, and whether he has any thing to do with the adjustment of the accounts of the prize agent in his capacity as clerk, but do know that the payments he has made to me have been so made during office hours.

JOSEPH WATSON.

House of Representatives of the United States, in committee appointed pursuant to a resolution of the 16th January, 1818: On the 11th February, 1818, personally appeared the above-named Joseph Watson, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

Isaiah Hacket and Perly Foster's claims for prize money have been paid by me to Col. Watson, in District money.

EZEKIEL MACDANIEL.

JANUARY 15, 1817.

A. T. Crane's statement.

DEAR SIR: WASHINGTON CITY, *February* 17, 1818.

Agreeably to the suggestions of the honorable committee, I have made a statement relative to my official duties as a clerk, and also stated the manner in which, and my reasons for, undertaking the agency in which I have been employed.

The friendly manner in which you received and answered my first communication emboldens me to trouble you with a plain statement of my ideas upon the business I have been engaged in for the last two years, and I trust

that the openness with which I treat the subject will be excused, as the only object is to exhibit in as fair a light as possible every thing that has transpired.

That part of the evidence received by the honorable committee tending to show that I was "frequently absent from my office" may be explained by stating that twice or thrice, and sometimes oftener, I have had occasion, in the course of a week, to appear at some of the Departments or offices for the purpose of looking after the business confided to me by individuals. Upon the whole, it might possibly average twice a week the year round, and the time I was absent might be computed at from a half to three-quarters of an hour upon each occasion. This, in the winter season, is generally taken between the hours of 2 and 3 o'clock, just before the hour for closing the office. Well knowing the value of this time, a little extra industry and close application to my books have afforded me the opportunity by the gain I could make in my office business. In the summer season the clerks in the General Post Office attend to business one hour earlier than in most of the other Departments, and for that reason are not rigidly confined to the hour of 3 o'clock P. M.

That the transacting business of individuals with the Government in the capacity of agent is honorable and respectable, I must ever believe, for it has been done from time immemorial, and very few in any capacity who appear here have not more or less to do for their friends and others. That the attending to this business when it can be done without interfering with my office duties is correct, I am fully satisfied; and that the receiving compensation for what I have done, distinct from the office and duties required of me by the United States, is what I owed to myself, and for which I think no blame can be imputed.

It was said in my hearing by an honorable member of the House of Representatives that agencies were in no instance necessary. I do not know that they really are; but I know that the gentleman who made the observation had frequently presented claims to the different offices, and attended to their final settlement; he did not receive a per centage for his services, but *the act* as to necessity of agency I consider as pretty good evidence.

In the course of my hearing on Monday last, one of the honorable committee observed that a statement had been made that I was a long time absent visiting the States of Virginia and New York during the last year. That I have been absent and visited as is stated, I readily admit; and can only defend it by stating that the time thus spent could not be esteemed unreasonable in the course of two years, as it did not exceed *seven weeks*, two-thirds of which was expended in pursuit of health, and the remainder on a visit to my relations and friends. And as for furloughs or leave of absence, I would say that no class of society but the criminal is excluded from a partial share of freedom. I never knew or heard of any in the employ of Government or otherwise but expected an occasional liberty to follow inclination. The officer and the *private soldier* expect and *receive* their *furlough;* and from the *highest* to the least, through all the grades in the Departments and offices, I believe every man calculates upon an occasional recess. In my case, however, I feel a consciousness of meriting no censure for the little share of liberty that was enjoyed by me, as my official duty was exacted of me, and the time I was absent made good by extra labor after my return.

If any thing remains upon which yourself or the honorable committee are not perfectly satisfied, I shall be happy to again appear and make any explanation in my power; and if the certificate herein enclosed is not such as is required, an intimation thereof will be thankfully received and attended to. For the trouble I have imposed and the friendship you have shown, be assured of my grateful remembrance.

Very respectfully, I have the honor to be your obedient servant,

Hon. JOHN HOLMES. AARON T. CRANE.

GENERAL POST OFFICE, *February* 16, 1818.

I, Aaron T. Crane, clerk in the General Post Office, do, upon honor, certify that during the late war I was a captain in the United States army, and consequently became acquainted with many who had accounts with the United States; that after my removal to, and permanent location at, the seat of Government, I frequently received applications from those who had been my companions in arms, requesting my assistance in the settlement of their claims: these requests were at first attended to on the score of friendship, and not unfrequently have my services been repaid, by those for whom I labored gratuitously, by their allowing me to pay the postage on their letters.

The many calls I received for this kind of service, and offers made of remuneration, induced me to make a business of it, which I the more readily undertook as the compensation ($1,000 per annum) which I received from the United States I found was not adequate to my *support* in the *city of Washington*. This agency then became an object to me, and was industriously pursued, but, at the same time, my duties as a clerk were as punctually performed as if no agency had existed.

I would here state that *my official duties* are a *specific task which necessarily must be performed within a given time*. The part assigned to me is considered fully sufficient to occupy the time of an individual during the hours of office; and if I gain upon my duty, it is by extra industry, or the performance of it after and without the established office hours. For the proof that my business is done, and well done, I appeal to the head of the Department, and to the books which it has been my duty to keep.

AARON T. CRANE.

R.

Joseph Mechlin's affidavit.

I, Joseph Mechlin, clerk in the Fourth Auditor's office, in the Treasury Department, testify and say that Benjamin Homans, clerk in the Navy Department, stands charged on the books in the Fourth Auditor's office with about twelve thousand dollars—money appropriated, as I understood, to pay off the widows and orphans of the persons lost in the *Epervier*.

J. MECHLIN.

House of Representatives of the United States, in committee appointed pursuant to a resolution of 16th January, 1818: On the 11th February, 1818, personally appeared the above-named Joseph Mechlin, and made oath to the truth of the above affidavit by him subscribed.

JOHN HOLMES, *Chairman.*

S.

Satterlee Clark's affidavit.

I, Satterlee Clark, testify and say that Isaac Clark, late a colonel in the army of the United States, is my father. Some time in the month of January or February last, certain claims which had been previously presented to the

office of Richard B. Lee, commissioner of claims for property lost by the war, were shown to me by Peter Hagner, Esq., Third Auditor. Those claims purported to have been certified by my father, whose name was upon each, of which, I think, there were about twenty, and Daniel Parker, adjutant and inspector general, had certified that the signatures, purporting to be those of my father, were genuine. Upon examination, I discovered that they were forgeries.

SATTERLEE CLARK.

House of Representatives of the United States, in committee, 25th March, 1818: The above Satterlee Clark made oath to the truth of the above affidavit by him subscribed before me.

JOHN HOLMES, *Chairman.*

T.

Benjamin Homans's affidavit.

I, Benjamin Homans, chief clerk in the Navy Department, testify and say that, in the month of April, 1817, the Secretary of the Navy appointed me prize agent under the act of Congress passed 3d March of same year, to distribute the amount of six months' extra pay to the widows and heirs of the officers, seamen, and others, lost in the United States brig Epervier; and that I received the sum of $12,654, estimated by the pay-roll for that purpose, and for which I gave bond and security in due form; and that I have paid out of the said fund every just claim that has ever been presented at the office, promptly and without delay.

I further testify and say that, at the earnest and repeated solicitations of William Blagrove, a clerk in the said office, I did loan to him, out of my own private funds, about $450, for which I hold his note; but that I have not loaned the public money to any person. I further testify and say that, to avoid the further importunities of the said Blagrove, I may have said to him that I have lent *thousands* to some individuals, or that I had loaned all the money I could spare; and as I hold myself responsible, and ready at any time to settle up the account of my disbursement of the money aforesaid, the *proof* of loaning money is to Mr. Blagrove alone; by continued payments, the sum is now reduced to about one-half, and claims are daily coming in, not *one* of which has ever been refused, when properly authenticated.

I further testify and say that the horse belonging to the Navy Department having been abused and neglected by the messenger, and the hay and provender wasted, I took the horse to my own stable for better keeping; that I have no other horse, and the bills rendered for horse feed are duly examined and passed at the Treasury, and that they are within the strictest limits of economy.

BENJAMIN HOMANS.

WASHINGTON COUNTY, *ss:*

On this 25th day of March, 1818, before me, a justice of the peace for said county, personally appeared Benjamin Homans, Esq., and made oath in due form that the facts stated in the foregoing deposition by him subscribed are true to the best of his knowledge.

DANIEL RAPINE.

U.

W. Blagrove's document.—Extract.

SIR: NAVY DEPARTMENT, *February* 6, 1818.

In reply to your letter of the 28th ultimo, as chairman of a committee appointed by the honorable House of Representatives to inquire what alterations are necessary to be made in the act entitled "An act to regulate and fix the compensation of clerks," &c., I have the honor to communicate, for the information of the committee, that five clerks were constantly employed in this Department during the year 1817, and the amount of compensation paid to them was as follows, viz:

To the chief clerk, - - - - - - - -	$2,204
To the second clerk, - - - - - - - -	1,350
To the third clerk, - - - - - - - -	1,355
To the fourth clerk, - - - - - - - -	1,250
To the fifth clerk, - - - - - - - -	850
To two temporary clerks who were employed in the year 1817, one for 34 days, and the other for 79 days, at $2 per day, - - - - - -	226
	$7,235

Making an aggregate sum of seven thousand two hundred and thirty-five dollars, being the amount appropriated by Congress on the 3d of March, 1817, for compensation to the clerks employed in the office of the Secretary of the Navy.

So far as relates to that part of your letter which has reference to the respective employments of the clerks, I have the honor to state that the *chief clerk* has the arrangement and disposition of all the books, papers, and documents of the Department of which he has the charge and responsibility, and takes care to preserve them in perfect condition and regular order, so that reference may be had to any subject with promptness and perspicuity. He has the exclusive charge of all the furniture and effects, of the seal and keys of the office, to which no person is to have access out of office hours unless himself or such person belonging to the office as he shall permit. He has the general direction and distribution of the duty to be performed by the several clerks, and he apportions such duty according to circumstances and to the vacant time each may have from his special duty. He receives from the Secretary all letters, papers, and documents, with his notes and instructions for the correspondence or orders to be taken thereon, and distributes the same to the clerks according to the duties assigned to them. He attends personally to the general correspondence, and prepares all reports, estimates, and statements, except such as may be particularly assigned to some other clerk, and superintends the execution of the general duties of the Department, and sees that each clerk performs the duty required of him; and all letters, orders, and papers of every description, prepared by any of the clerks, pass through his hands for examination, before being offered to the Secretary for signature; he alone being held responsible for their correctness.

The *second clerk* aids the chief clerk in the general correspondence and in preparing instructions to commanding officers, reports and statements to Congress, chairmen of committees, &c. He has charge of the miscellaneous books, and keeps regular entries of the names, rate, and class; dimensions of hull, masts, and spars, and of the tonnage; actual force in guns, officers, and men; commanders' names, and special employment of all the ships and vessels in the navy, noticing, particularly, all the variations that take place in any of the public vessels. He likewise

keeps a record of all stores belonging to the navy, comprehending ordnance, small arms, ammunition, and implements of war of every description, nitre, sulphur, gunpowder, and naval stores of all kinds, so as to know the particular quantity at each place or station, and the aggregate balance at the end of each month. The second clerk also files the recommendations and applications of candidates for appointment in the navy, and keeps fair registers of the candidates' names, their place of residence, age when mentioned, dates of applications, persons recommending them, and such short but comprehensive notes of particular qualifications or merits and demerits as are represented in the letters addressed to the Department. He also keeps a record of the correspondence with the board of naval commissioners, and assists in such other general duties as his special employment may admit, or the pressure of particular business require.

The *third clerk* is charged with the correspondence between this Department and the officers of the navy, embracing orders, furloughs, &c. He endorses on all letters from officers to the Department the substance thereof, and files them in alphabetical order. He keeps a correct register of all the officers of the navy according to their several stations, and showing their place of residence, the age of midshipmen, number and date of commission or warrant, and the ship or station to which each officer is attached. He also keeps an alphabetical record of all the lieutenants, surgeons, surgeon's mates, pursers, sailingmasters, midshipmen, gunners, boatswains, and carpenters, in which he enters, from time to time, the vessel or station to which they are respectively attached, the nature of the service, notes of their general character and conduct, and of meritorious or reprehensible acts, with a short reference to the circumstance, letter, or document indicating such acts; and the register and the records are at all times in such order that the actual situation, rank, and character of any such officer may in a moment be ascertained. He prepares all the exhibits required by the President and by Congress in respect to officers of the navy, and all nominations to the Senate, the confirmations of which he records in a book appropriated for that purpose. He fills all commissions and warrants for officers, and affixes to the same the seal of the Department after the commissions and warrants have received the signatures of the President of the United States and of the Secretary of the Navy. He also attends to any other duties of the office as circumstances require, and which do not interfere with those specially assigned to him.

[After this are detailed the duties of the fourth and fifth clerks, *and a reference is made to the report recently made by the heads of Departments to Congress on the subject of the salaries of the clerks.*]

Honorable SAMUEL D. INGHAM,
Chairman of a Committee, &c., House of Representatives.

V.

Benjamin Homans's document.

The United States, to Benjamin W. Crowninshield. DR.

1818.

Jan. 1. For his salary as Secretary of the Navy, and the salaries of the clerks and messenger employed in his office, for the quarter ending with the 31st of December, 1817:

Benjamin W. Crowninshield, Secretary of the Navy, salary at $4,500 per annum,	$1,125 00
Benjamin Homans, chief clerk, salary $2,000 per annum, additional $204,	704 00
William Blagrove, clerk, salary $1,300 per annum, additional $55,	380 00
John Boyle, clerk, salary $1,200 per annum, additional $150,	450 00
Noah Fletcher, clerk, salary $1,200 per annum, additional $50,	350 00
Henry Rich, clerk, salary $800 per annum, additional $50,	250 00
Thomas Fillebrown, temporary clerk, from 13th October to 31st December, inclusive, 79 days at $2 per day,	158 00
William Righter, messenger, at $410 per annum,	102 50
	$3,519 50

Pay to Benjamin Homans.

B. W. CROWNINSHIELD.

True copy of the record:

JOHN BOYLE.

I, Benjamin Homans, chief clerk in the Navy Department, do testify and say that there is an annual surplus appropriation for paying extra clerk hire, the balance of which has been divided at the end of the year among the clerks in addition to their salaries, at the discretion of the Secretary of the Navy; and the mode adopted by William Jones, Esq., late Secretary, the first year he came into office, was by *pro rata*, according to the several salaries, and has been practised ever since; that every year there has been more or less extra clerk hire paid, which has varied the proportions; that the highest I ever received as chief clerk was about $204, in two different years, and in one year $178. I further testify and say that the neglect of some of the clerks during the year 1817 induced the Secretary of the Navy to deduct the extra clerk hire paid from their proportions, leaving mine and Mr. John Boyle's the same as the preceding year. As the extra services had been required in consequence of their neglect, it was not considered equitable to charge the same to those who had punctually performed their duty.

BENJAMIN HOMANS.

Sworn and subscribed to before me, this 27th March, 1818, in the city of Washington, District of Columbia.

ROBERT BRENT.

W.

Benjamin Homans's letter.

SIR:

I have the honor to state to the honorable committee of which you are chairman, that, in giving my counter-deposition to that of William Blagrove, I have endeavored to avoid prolixity, and to meet the facts he alludes to with as little digression as possible.

I am not disposed to animadvert upon the malignity which dictated the accusations, or to recriminate any charge but that of *ingratitude*, which appears upon the face of his own statement.

A man in the desperate circumstances of Blagrove may do many unjustifiable acts, and discover a lamentable turpitude of character; but in this case it ought to be remembered that I obtained for him the place he now holds

at $1,300 a year, and that I have been his best and only friend, until his own misconduct exposed him to general reprehension and contempt, and necessarily compelled me to withdraw my confidence from him; that he is under a load of obligations to me, and ought to have been the last man in the world to attempt to injure me.

It will appear obvious that, had I cause of apprehension for any act of my own in dereliction of duty, I should have conciliated every one, with a view to secure their good-will and to skreen myself. I have no hesitation in declaring, what I can prove, that my attention to public business, devotion of my whole time, to the neglect of my private concerns, and my endeavors to make others perform their duties in the Department, have been the causes of my having enemies of this description; and while I have sacrificed my health and domestic comforts to the public good, those who complain of me have never earned the salaries they have received from the Government.

I can appeal to the most respectable testimony, if necessary, to prove my zeal and faithful exertions for the last five years, and that I have a fair claim upon public confidence, and for additional remuneration from the Government.

I tender to you and the committee my perfect respect.

BENJAMIN HOMANS.

Hon. JOHN HOLMES, *Chairman of a Committee of Congress, &c.*

X.

B. W. Crowninshield's letter.

SIR: NAVY DEPARTMENT, *February* 16, 1818.

In reply to your letter of the 9th instant, in relation to the claims of Abijah Dudley and Robert Hamilton for prize money on account of the victory achieved over the British on Lake Champlain, in September, 1814, I have to inform you that George Beale, jun., the prize agent, is ordered to return to the United States; and, on his arrival, proper measures will be taken to cause immediate payment to all having just claims against him for prize money.

I am, very respectfully, sir, your obedient servant,

B. W. CROWNINSHIELD.

JOSEPH WATSON, Esq.—*Present.*

Mr. Blagrove's document.

SIR: WASHINGTON, *March* 26, 1818.

I beg leave to trouble the honorable committee of which you are chairman with a recital of the grievances which have caused my complaints against the conduct of Mr. Homans, and I flatter myself the honorable committee will agree that I am entitled to file this statement with the depositions they have taken upon subjects entirely unconnected with my complaints—subjects, too, *not originally introduced by me to their consideration:* I mean the Epervier fund and the messenger's horse. I have felt, Mr. Chairman, most unhappily situated, in regard to obtaining a correction of abuses, in consequence of the proper channel of complaint being closed against me, and a consciousness of being at the mercy of arbitrary power, possessing within itself the means of oppression or *destruction*, and of self-vindication. Hence I have been brought to this alternative—passive submission and non-resistance, or such an exposure of facts to a committee of Congress as might lead to an effectual corrective. In adopting the latter, I am sensible of having hazarded the imputation of malice and revenge; perhaps my narrative may convince the honorable the committee that I am actuated by neither of these motives, which I most solemnly disclaim. I want justice and right; I want impartial and honorable treatment, and nothing more. Had I been permitted by the Secretary of the Navy to go into a full explanation of the causes which produced the misunderstanding between Mr. Homans and myself, I could have convinced him that he had been deceived as to those causes; that they were altogether of a private nature, and that I had not been so grossly blameable as must have been represented to him. For instance, the odious charge of *ingratitude* has been made against me, from which it would seem the reciprocal acts arising from a state of *friendly* intercourse have been nicely weighed, and those conferred upon me greatly overbalance those I conferred. Perhaps my scales might *reverse* that balance; but, between *friends*, I never knew that these acts were ever weighed. It is the sentiment, the sincere feeling of friendship, which keeps the scales always even; it is perfect equality and community of feeling. Mr. Homans cannot pretend to say I have ever been his dependant; if he does, his numerous assurances of friendship were hollow hearted. Certain it is, I never believed, till latterly, that he could have so much mistaken my character as to think me capable of holding his friendship upon such terms. No, sir, I can safely appeal to all who know me, as well here as in Boston, where I resided fourteen years, that I am not of an *ungrateful*, an *unjust*, a *malicious*, or a *quarrelsome* disposition. I never *coveted or abused power;* and, in my intercourse with society, there is no one who can charge me with intentionally inflicting pain, or withholding redress for unintentional injury. I am, however, not insensible to my faults; perhaps they may be numerous; but be they what they may, *they do not affect the happiness of others.* I pray your forgiveness for speaking so much of myself; *it is not from egotism, or rather a fondness for it*, but to aid in a just estimate of my statements.

In April, 1816, I entered the Navy Department, under an official letter of appointment from the Secretary, as clerk of "the registry"—a situation always considered that of *second clerk.* Previously to accepting this appointment, it was a question of calculation whether it were better to retain my then happy situation of chief clerk under General Mason, and take my chance at the termination of his office, or to accept at once an appointment which promised a permanency. I beg leave to refer to the letter from that excellent man as illustrative of this very question. However, upon the assurances of Mr. Homans that I should have the same income which Mr. Duval, my predecessor, received, the whole of which was enumerated, and amounted to $1,745 per year, to wit, $1,300 regular salary, fifteen per centum surplus upon that at the end of the year, and the secretaryship of the privateer pension fund, of $250 salary, I found the preponderance in favor of the change, and accordingly accepted the appointment. Immediately upon commencing my new duties, Mr. Homans informed me he had found it necessary, to pacify Mr. Boyle, who was calculating upon the same situation, to give him the secretaryship last mentioned. I acquiesced, because I felt certain it was all proper and right, and because I had no disposition to dispute with those I was associated with. At the end of the year I did not doubt of receiving my fifteen per centum; this was then my impression; but in the course of the year it was explained to me that *extra clerks* might be wanted temporarily, and they must be paid out of the surplus money; so it proved, and at the end of the year I received $60 short of the sum at first promised me. I made no remonstrance at this, because I saw it bore as well upon Mr. Homans

and the other clerks as upon myself, and also believed the employment of extra clerks was necessary. Things went on tolerably smooth until last summer. Mr. Homans received twelve thousand and odd dollars for the heirs of the *Epervier* sufferers, and, upon my application to him, he spontaneously told me it was his intention to circumscribe his accommodation to others, in order to render *me* some substantial aid in my then little embarrassments, all of which I had made known to him. Notwithstanding this voluntary assurance, he required me soon after to reimburse what I had borrowed, stating he had lent Mr. Mallory and others so much that he had not sufficient money for his marketing. To one individual he said he had lent eight or ten thousand dollars, but he felt certain of its safety. I told him I could not repay him then; that the money was not borrowed under an idea of my being obliged to repay it until he was obliged to account for the balance of the fund, in two years. Besides, he had not lent me half the amount I wanted, and had been encouraged to expect. I discovered a coldness in his manners, and endeavored to lead him into a candid discussion, but was unsuccessful. An overbearing disposition (perhaps a constitutional infirmity) began plainly to show itself in his conduct to me—a disposition I had frequently seen exercised towards others. I adopted a system of reserve, and avoided him, except upon office business. In the third quarter of the year he withheld all the salaries several days, and mine a fortnight; at the end of the fourth quarter the same was repeated, and he was preparing to cut off from any share of the surplus the two gentlemen in my room and myself; but, being resisted, he made an unequal and unprecedented distribution of it, by which we, to be sure, received a share, though he himself and his favorite received the greatest share. The chief clerk having the distribution of the daily labors of the office, it is always in his power to enable any favorite clerk to make a greater show of work than the rest; and if my predecessor, Mr. Duval, were called before your honorable committee, perhaps he could testify that for weeks, perhaps months, Mr. Homans did not assign him the least employment in the current business of the office. The fact was, Mr. Homans hated him, and hoped thus to show how unnecessary he was to the Department. Many instances have occurred at the Department in which he has extended this hatred to officers of the navy who were friendly to Mr. Duval, and in which those officers have become objects of official slight.

If it should be asked how it happens that a *chief clerk* should possess this power, I can only answer, that, from some cause or other, he has *managed* to get the honorable Secretary to do just what he dictates. The letters to the Department are first opened by him; and it is his usual practice to dictate answers at once, and leave it only to the Secretary to put his signature. Doubtless, the Secretary acquiesces in this course from the fullest confidence that every thing is conducted strictly right. But this confidence has had the unfortunate effect of placing the Secretary almost entirely in the power of the chief clerk. Hence, all he had to do when he aimed at depriving us of our proportion of the surplus money was only to represent to the Secretary that we were inattentive to duty, and often absent during office hours. A bold and open resistance, it is true, prevented the full accomplishment of his design, though it was in part accomplished. On the score of absences, it might be well asked how Mr. Homans could suffer himself to prefer charges against other clerks for *that* which he had himself been most guilty of; for it is a fact that the business of the office has been greatly obstructed by his visits to New York, to Philadelphia, and to Baltimore, at three several periods during the last summer—the latter while the Secretary was also absent. On the score of inattention to the duties assigned the clerks, I assert that they have done whatever has been allotted to them. A particular duty assigned to me—that of preparing a new registering book—furnishes the only exception; but to all my suggestions as to the steps necessary to be taken previously to my commencing the work he turned a deaf ear. There were not materials in the office for making a correct register; and as I had prepared a book, upon a new and acknowledged improved plan, which I did not wish to spoil, I omitted commencing upon it until such materials could be had. But the current business of the office has not suffered for want of this book. It would certainly be a convenient thing for reference; but the great object of facilitating the settlement of accounts by the Auditor is not obstructed by its non-completion. As to all other duties, I assert that the other gentlemen and myself have performed them promptly and cheerfully.

His animosities, therefore, are of a private nature. They have grown out of his imperious manners, his constant attempt to play the tyrant, and a moderate degree of independence on the part of those who were the objects of his tyranny. He cannot exist without a display of this paramount propensity. None, therefore, but *abject sycophants* can please him long.

The last thing he has attempted, and in which he has succeeded so far as to get the Secretary's signature, is the raising the fourth clerk over the heads of the third clerk and myself, not by the open and direct mode of telling us such was the new arrangement, but by describing, in an official letter to the chairman of a committee of Congress, the duties of the *fourth clerk* under the title of *second clerk*, in contradiction to an official report, made only one month before, to the honorable Speaker, and to written instructions, signed by the Secretary, issued in January, this year, wherein we are all designated by name as first, second, third, fourth, and fifth clerks. This was done with a view of securing to Mr. Boyle the salary of $1,600 as second clerk, according to the new bill for graduating the clerks of the respective offices.

I will not longer trespass upon the patience of the honorable committee, trusting that it will be apparent to them that, if I am made the sacrifice to the tyranny and injustice of a vindictive man, to whom I gave no cause to justify hostility, the affairs of an important Department of the Government must still be in a precarious situation, unless an entire change be made in the system now in practice.

I have the honor to be, very respectfully, sir, your most obedient servant,

WM. BLAGROVE.

Hon. JOHN HOLMES, *Chairman of the Hon. Committee of Investigation.*

SIR: FEBRUARY 9, 1818.

In the evidence incidentally given by me on Saturday last, I made a misstatement, which I beg leave to correct. It was impressed upon my mind that the amount of the prize money placed in Mr. Beale's hands was $360,000; but, on reference to our books, I find that the amount was only $290,438 19, and that it was paid over to him in 1815. Permit me, sir, to request the favor of your correcting this error in the testimony subscribed by me.

Very respectfully, I have the honor to be, sir, your most obedient servant,

WM. BLAGROVE.

Honorable Mr. HOLMES, *Chairman of Committee of Investigation.*

15th Congress.] No. 453. [1st Session.

HISTORY OF CONGRESS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 30, 1818.

Mr. Robertson, of Louisiana, from the committee to whom was referred the memorial of Gales and Seaton, reported:

That the memorialists are engaged in publishing a History of the Congress of the United States from the commencement of the Government to the present day, and a continuation of the same history, to keep pace with the present and future transactions of that body. The memorialists solicit the aid of the Government in this their laborious and expensive undertaking. The committee are fully impressed with the importance of this work. Nothing can be more useful than a correct legislative history of the United States. It is a source of much regret that one has not heretofore existed; and, now that it is proposed to be published, there can be no hesitation in giving it encouragement. The views and opinions of the great actors on the theatre of Government are not less necessary to be known than their acts themselves. The utility of judicial reports is very generally admitted; and, if the reasons of the judge ought to accompany his exposition of the law, how much more proper is it that this should be the case in respect to the views of the legislator, the author of the law itself. To a right understanding of statutes, nothing is more essential than a knowledge of the causes and motives which produced their enactment; and this can in no way be so satisfactorily obtained as by a resort to contemporaneous debate.

That the aid of Congress is necessary to this work arises out of the great labor and expense attending it, whilst, at the same time, no adequate remuneration can be expected from its sale. The agriculturist, the merchant, the mechanic, and the physician, who purchase other books, will feel comparatively but little interest in this, however useful it may be to the politician, the historian, and the lawyer. The work will not afford amusement to the general reader, but without it the archives of the nation are defective.

Congress has not been backward in giving aid to publications of a similar character. Of the new edition of the Laws of the United States a subscription was directed of one thousand copies before the work was commenced. Three or four hundred have been since purchased of that work, and it is now proposed to purchase eight hundred copies more. A subscription was, in like manner, authorized to Wait's edition of the public documents; and it is further proposed to purchase an equal number of copies of an additional volume of that work about to be published. The policy is not less just than liberal which provides for the widest attainable diffusion of whatever concerns the development of the springs and principles of our Government.

With such views it is that, at the present session, the publication of the journals of the convention and of the secret journal of the old Congress has been authorized; and, with such views, the committee ask leave to report a bill authorizing a subscription to the History of Congress.

15th Congress.] No. 454. [1st Session.

CITY OF WASHINGTON: EXPENDITURES FOR REBUILDING THE PUBLIC EDIFICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 3, 1818.

Mr. Tucker, of Virginia, from the Committee on the Expenditures of the Public Buildings, reported:

That, having called on the Commissioner of the Public Buildings for his accounts of expenditures, they received from him the abstract marked A, which accompanies this report.

From this abstract, it will appear that, from the 30th of September, 1816, to the 1st of October, 1817, the disbursements on account of the public buildings were as follows:

For the Capitol, - - - - -	$104,337 27	
For the marble quarry, - - - - -	25,205 43	
		$129,542 70
For President's house, - - - - -	-	116,945 00
For contingent expenses, - - - - -	-	3,247 52
Total amount, - -	-	$249,735 22

From the letter marked B, enclosed at the request of the committee, as appears by the letter C from the commissioner, it appears that the accounts of the commissioner at the Comptroller's office have been settled up to the 30th of September, 1817, and that there was at that time an unsettled balance standing against him of $72,503 58; but, from the letter of the commissioner, marked D, it appears that "the contingent expenses of the office, and the sums advanced upon contracts not yet completed, and for materials and labor, where no regular voucher had been received, amounted, on the 31st of December last, to the sum of $80,576 13." It is alleged, and your committee believe truly so, that the existence of the balance against the commissioner on the settlement at the office of the Comptroller arises from the vouchers not yet being completed for the support of certain items in the account. This may well be the case, as many of the transactions require advances to be made before complete vouchers can be given; and not a few of the articles have been procured from foreign countries, from whence the vouchers may not yet have been received. The incomplete vouchers were submitted to the inspection of the committee.

With a view of obtaining such information as might enable your committee to fulfil the duty assigned them, and afford information to the House, the letter marked E was written to the commissioner, from whom the letter marked F was received in reply; and the papers marked G and H have been received through the same channel.

From a reference to the laws, and from these documents, the following statement in relation to the subject of *appropriation* results:

The appropriations for the public buildings previous to the present session of Congress have been as follows:

Amount appropriated February 13, 1815, - - - - -	$500,000 00
Amount appropriated March 3, 1817, - - - - -	100,000 00
	600,000 00
The disbursements, as per document F, up to the 1st of January, 1818, have amounted to -	681,454 17
Making an excess of disbursement beyond the appropriation of - - -	$81,454 17

But this has been more than provided for by the appropriation, during the present session, of a further sum of $200,000; making the sum hitherto appropriated for the rebuilding of the public edifices in this city equal to - - - - - - $800,000 00

Of which, on the 1st of January last, had been expended - - -	681,454 17
Leaving on that day unexpended only the sum of - - - -	118,545 83
But, from the documents F, G, and H, it appears that on the 5th of February, 1818, the estimate of the sums necessary to complete the public buildings amounted to - -	269,572 00
Making the further sum of - - - - - -	$151,026 17

which it will be necessary to appropriate for the completion of the buildings. Indeed, as experience has proved that the estimates fall far short of the actual cost, and as, in the interval between the 1st of January, 1818, and the 5th of February, when the estimates were made, a considerable sum must have been disbursed out of the sum of $118,545 83, it is probable that $200,000 more, at the least, will be wanting. Hence, the appropriations hitherto having amounted to - - - - - - $800,000 00

And the contemplated appropriations to - - - - -	200,000 00
The cost of rebuilding the public edifices, exclusive of the centre, must amount to at least -	$1,000,000 00

Your committee feel it a duty to call the attention of the House to two facts in connexion with the foregoing:

1st. That the estimated expense of rebuilding all the public edifices in the year 1815 fell short of $500,000, as appears by the report of the committee on the subject.

2d. That, from the document marked F, it appears that the original cost of the whole of the public buildings amounted only to the sum of $1,214,291 94. But this did not include the finishing the large room in the President's house and the contemplated porticoes. Whether the heavy expenses of pulling down walls, removing rubbish, and the other charges arising from the state of destruction in which the buildings were, will account for the cost of rebuilding so far exceeding the estimates, and approaching so nearly the original cost, though so large a quantity of the most expensive materials were on hand, and so much work completed, your committee do not feel competent to decide.

It would have afforded much satisfaction to the committee to have been able to ascertain, with accuracy, the cause of the great excess of expenditure above the estimates, and of the near approximation of the cost of rebuilding to the original cost of the work. The rise in the price of materials and of labor but imperfectly accounts for it, and they are compelled to attribute it to the alterations which take place in the plans, and which occasion the pulling down of vast portions of finished work, not only to the great loss of labor, but to the great destruction and waste of materials. These sources of expense, it is expected, will not again occur.

Your committee have no doubt of the faithful application of the public moneys by the Commissioner of Public Buildings, of whose fidelity and zeal they have no doubt. It is difficult for them to decide, and it is probably not within their province to determine, whether the course which has been pursued has been judicious; but as the quarry has been opened at very considerable expense, from which the columns for the Capitol are procured, they beg leave to refer to the document marked I for the reasons which induced the undertaking of this work.

All which is respectfully submitted.

I.

SIR: WASHINGTON, *January* 24, 1818.

In laying before you the abstract of my disbursements for the last year, it may not be improper to give some explanation of the circumstances under which those charged to the *marble quarry* were made.

The former Commissioners of the Public Buildings had determined to substitute for the columns of the House of Representatives the variegated marble of the upper Potomac in place of the coarse material of freestone heretofore used; but, before they had completed their arrangements for this object, the task devolved on me. A contract was therefore entered into with a marble mason for the columns required, at $1,550 each, delivered in this city; and a sum of money advanced, upon security, to the contractor. But the difficulties and expenses attending an enterprise of this kind proved to be greater than had been calculated upon. In short, the money advanced and the private resources of the contractor were expended before much progress had been made at the quarry; and the contractor being unable to give such security as would authorize further advances, to the extent which might be required, it became necessary to abandon the undertaking altogether, or to adopt some other mode of carrying it into effect.

After a full investigation of the state of the quarry by persons of science and skill, and a consideration of all the circumstances connected with this subject, it was thought best to prosecute the works at the quarry; and, as no contractor of responsibility could be procured, this could only be done by employing artists and hands on the public account. These inquiries, and the necessary arrangements with the owner and lessee of the quarry, were not completed until the latter end of March last.

As much time had already been lost; as the repairs of the Capitol were in danger of being delayed for want of the columns; and as the season for engaging hands had passed by, great and persevering exertions were necessary to procure the requisite number of workmen. Hence, sir, you will observe many charges of agents whom I was compelled to employ in travelling through the country, in different directions, to engage and send on hands.

The quarry being situated in a country where no accommodation could be had for the workmen, imposed on me the necessity of purchasing materials and erecting temporary huts, of laying in provisions, utensils for cooking, bedding, &c., and, in some instances, clothing for servants, hired of their masters with that condition.

The introduction in the repairs and embellishment of the public buildings of a new and beautiful material, inexhaustible in quantity, and conveniently situated in relation to the seat of Government, was thought to be an object of some importance; but to me the establishment has been a source of perpetual anxiety and vexation, which could have been rendered supportable only by the aid of a gentleman of probity and high standing in the county, Mr. Solomon Davis, who, from motives of friendship to me, undertook to superintend the whole. In his judgment, vigilance, and integrity I knew I ought to confide.

This short statement, it is hoped, will suffice to explain some items of a character not usual in public accounts.

I have the honor to be, with great respect, your obedient servant,

SAML. LANE, *Commissioner of the Public Buildings.*

Hon. HENRY ST. GEORGE TUCKER.

15th CONGRESS.] No. 455. [1st SESSION.

DISTRIBUTION OF THE JOURNALS AND OTHER PRINTED DOCUMENTS OF CONGRESS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 8, 1818.

DEPARTMENT OF STATE, *April* 7, 1818.

In compliance with a resolution of the House of Representatives of the 19th ultimo, requesting information whether a distribution has been made of the journals and documents published under the orders of the Senate and House of Representatives, respectively, pursuant to the joint resolution of the 27th December, 1813, and what further provision is necessary to insure the transmission of the said journals and documents according to the said resolution, the Secretary of State has the honor to report that the documents referred to have, up to the year 1817, been transmitted as prescribed, partly by mail, and partly by water and land carriage.

That, of the documents for the year 1817, twenty-five copies have been deposited in the library of Congress, and that a copy of the same has been forwarded by mail, under the frank of this Department, and in conformity to the fourth section of the act of the 18th of April, 1814, to each of the judges of the Supreme Court of the United States, of the district courts, and of the Territories of the United States, with the exception of the Mississippi Territory, which, during that year, was passing, in part, from the Territorial to the State form of government, whereby it became difficult to identify therein the particular judges who were entitled to the said documents.

That the remainder of the documents for the year 1817 were, as usual, and according to the plan adopted for the distribution of the laws of the United States, deposited in the hands of an agent convenient to navigation, with a view to their being shipped and conveyed, by water and land carriage, to the Executives of the several States and Territories, in the proportions that the acts of Congress are transmitted to the same, and according to the injunctions of the joint resolution of Congress of the 27th of December, 1813.

That none of the documents for the year 1817 have been shipped from this place, owing (as the agent states) to the late period at which they were delivered to him by the bookbinder, and to the want of an opportunity thereafter to ship them hence.

If further provision be necessary to insure the transmission of the journals and documents according to the said resolution, Congress may deem it expedient to make an application of supernumerary copies to be substituted for those which, by casualties and accidents unavoidable in the conveyance of packages so bulky and so liable to take damage to the most distant quarters of the Union, are occasionally prevented from reaching their destinations. Delays of several months must necessarily occur after the expiration of every session of Congress before the laws, journals, and documents of the session can be forwarded in the requisite numbers to all the States and Territories, respectively. By the employment of a greater number of printers and bookbinders these delays might, doubtless, to a certain extent, be abridged, but not, probably, without a considerable increase of expense.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

15th CONGRESS.] No. 456. [1st SESSION.

DISPUTED BOUNDARY WITH GREAT BRITAIN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 11, 1818.

Mr. P. P. BARBOUR made the following report:

The committee to whom, by a resolution of the House of Representatives of March 27, 1818, were referred the President's message and accompanying documents upon the subject of the expenses incurred under the fourth, fifth, sixth, and seventh articles of the treaty of Ghent, with instructions to inquire into the nature and causes of said expenses, and into the principles upon which the commissioners under the sixth and seventh articles of said treaty have proceeded in the execution thereof, report:

That they have endeavored, as far as they have been able, to investigate the subjects which have been confided to them, and now beg leave to present to the House the result of their inquiries. They will begin with the sixth and

seventh articles first, though last in numerical order, because their attention has been much more particularly called to them, and they have had more evidence before them in relation to these articles, upon which they feel it to be their duty to make a detailed report.

The sixth article, in substance, authorizes the commissioners, by a report or declaration under their hands and seals, to designate the boundary from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraguy, through the said river, the Lakes Ontario, Erie, and Hudson, through the water communications between said lakes, and to the water communication between Lake Huron and Lake Superior; and to decide to which of the two contracting parties the islands lying within the said river, lakes, and water communications do respectively belong, in conformity with the true intent of the treaty of 1783, by which it was provided that this whole line should uniformly pursue the middle of these waters.

The seventh article authorizes the same commissioners to fix the boundary line from the water communication between Lakes Huron and Superior, to the most northwestern point of the Lake of the Woods, and to decide to which of the two parties the several islands lying in the rivers, lakes, and water communications forming said boundary do respectively belong, in conformity with the treaty of 1783, and to cause such parts of said boundary as require it to be surveyed and marked. It further requires the commissioners to designate the boundary aforesaid, to particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other parts of said boundary as they may deem proper. These are the duties to be performed. In relation to the manner of their performance, the committee refer to the letter of General Peter B. Porter, the American commissioner, to the Secretary of State, under date of November 3, 1817, marked F;* to a statement in writing of the same gentleman presented to the committee, under date of April 3, 1818, marked G; and to an affidavit of David P. Adams, the astronomical surveyor, marked H; all of which are annexed as a part of this report. The letter and statement of General Porter describe in general terms the manner in which the commissioners proceeded to ascertain the boundary line, but the affidavit of Mr. Adams goes into a minute description of it; from that it will be seen that an accurate survey of the line was considered necessary, and the plan which was adopted was this: a connected series of triangles was arranged throughout all the various channels, and an entire concatenation of them was preserved along the whole extent of the work, being somewhat more than forty miles in extent, executed the last year; all the angles were carefully measured and verified at their respective stations; likewise all the angles of the incurvation and excurvation of the intermediate coast or water lines were minutely measured for the purpose of platting the shores with exactitude. It is obvious that this course must be extremely slow in its execution, and must involve an immense expense; and, consequently, if any mode could be devised which would answer the proposed purpose, and at the same time be much cheaper, and require much less time for its execution, it would be highly desirable. General Porter, in his letter and statement before referred to, goes into reasoning to prove the propriety of the course adopted; he considers that the line cannot be correctly designated but by a map; that, being a water line, it must be delineated by relation to the shores and islands, and that this cannot be done but by actual survey. That the mode adopted is the most precise and accurate one, cannot be questioned; but the committee, though they are not conversant with such subjects, are decidedly of opinion that the accuracy and precision which are produced by the course pursued are not necessary to designate the boundary; they further are impressed with a belief that a map is not required for that purpose, and that even surveying is not necessary, unless in particular situations. Although the treaty of 1783 fixes upon the middle of the river, lakes, &c. as the line, yet it would seem that it must have contemplated the middle of the best navigable channel; otherwise, in pursuing the precise course of the middle, islands would frequently be separated into parts, and one part belong to each of the Governments; and, further, the right of navigation of each would be impaired, if not destroyed, by the line crossing the navigable channel. If this idea be correct, the great subject of inquiry would be to ascertain the best navigable channel; and this, it seems to the committee, might be done by observation, and sounding the depth of the water: all the islands which had names of notoriety might be described by their names; and where they had not such names, monuments might be erected upon them, and, if thought necessary, monuments might also be erected upon the land opposite to them, and their relative position, as well as distance from the shore, might be ascertained by survey. This system, if it would answer, would save much time and money; for, to proceed in the same manner, and with only equal speed, as was done last year, would require a long series of years to complete the work. Mr. Adams states, indeed, that, from the changes which he understands are proposed in the mode of proceeding, they will be able to proceed the next year with double the celerity; and General Porter, in his statement before referred to, expresses the opinion that as the last year was one necessarily in some degree of projection and experiment, and as they have determined to change the mode of proceeding, in the manner pointed out in his statement, they can, with not much increase of expense, proceed with three or four times the speed, and, after passing the St. Lawrence, in which there are many obstructions, with rapidity; but, even with all these changes and improvements, there is no comparison between the mode adopted by the commissioners and that suggested by the committee (if it will answer the purpose proposed) in point of expense, and the time necessary for the completion of the work. The committee are disposed to think that the treaty did not contemplate a map of this boundary, from this circumstance—that the fifth article requires the commissioners to make a map of the boundary therein mentioned, whereas there is no such provision in the sixth and seventh articles. The committee differ in another respect from the commissioners in regard to the manner of executing their duties; they seem to have thought that, with a view to the complete execution of those duties, it was necessary for them to attend in person, and superintend the survey. The committee are disposed to think that, whatever course should have been pursued in order to get the necessary evidence upon which to settle the boundary, whether by survey or otherwise, the commissioners constitute a court whose business is to decide, and that it belongs to the agents to furnish the facts for decision; they, however, do not mean to say that the commissioners may not direct the agents' attention to such points as they may deem necessary, nor that they might not, in particular cases of difficulty, make actual personal observations: this opinion results from what they consider a correct construction of the treaty. The sixth and seventh articles have reference to and adopt the provisions of the fourth, in relation to the oath and duty of the commissioners; by the fourth it is provided that they shall be sworn impartially to examine and decide upon the said claims, according to such evidence as shall be laid before them on the part of His Britannic Majesty and the United States, respectively. After the board of commissioners was organized, a difference arose between them and Samuel Hawkins, agent of the United States, in relation to the boundaries of the respective Powers. The views of the agent, together with his reasons, will be seen by reference to three documents herewith referred to, and numbered from 5 to 7, both inclusive: the first, a remonstrance presented by the agent of the commissioners the 29th May, 1817; the second, a statement addressed to the Secretary of State the 26th February, 1818; and the third, a statement presented to the committee under date of the 2d April, 1818. As connected with this part of the report, the committee also refer to a correspondence between the agent and Secretary of State, numbered from 1 to 4, inclusive. The views of the commissioners will be seen by reference to a document marked R, June 24, 1817. The committee, being referred to the precedent under the treaty of 1794, sought information in relation thereto from the

* This and all the papers subsequently referred to in this number have been omitted.

State Department. The information obtained will be found in the letters from that Department, marked L and N; from the latter of which it appears (the first not being considered sufficiently precise) that the commissioners did personally inspect the rivers respectively alleged to be the St. Croix of the treaty of 1783; but they did not attend at the actual astronomical surveys and the projection of the maps. It ought to be remarked that, for some time after the board was organized, no agent was appointed on the part of Great Britain.

As it respects the principles upon which the commissioners have proceeded, (if thereby be meant the rules of decision by which, as general principles, the individual questions of doubt and difficulty are to be determined as they may occur,) it cannot perhaps be said that any have been solemnly decided. The only information which the committee have will be found by a reference to a part of the document marked G, (General Porter's statement,) that, though the commissioners have had full and frequent conversations as to the principles by which they should be guided in certain hypothetical cases which might arise, yet they have never adjudicated or settled any abstract principles; and he does not feel himself at liberty to give to the committee, as such, the incidental conversations above alluded to.

We come now to the expenses incurred in the execution of the sixth and seventh articles. The document marked E shows the aggregate amount to be $35,283 53½, composed of, first, commissioner's compensation for two years $8,888; secondly, the proportion of the United States, that is, one-half of the contingent expenses, which proportion is $10,357 39½; thirdly, agent's account for two years' salary and contingent expenses, $16,038 14.

The compensation of the commissioner is provided for in the eighth article of the treaty, by declaring that the commissioners shall be paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of the treaty. The document K shows an agreement between the United States and the British chargé des affaires, declaring the principles of the payment of the commissioners to be the same as under the treaty of 1794, that is, the expense to be equally borne; but it does not fix the amount. It appears, however, by a letter from the Secretary of State, (marked L,) to be *understood* that the American commissioners are entitled to £1,000 sterling.

As to the contingent expenses, the eighth article of the treaty provides that all other expenses (after having provided for the payment of the commissioners) attending the commission shall be defrayed equally by the two parties. The document marked C shows the whole amount of the United States' share of the contingent expenses, and that, together with the one marked M, exhibits the several items composing that amount. From an examination of these, it will be seen that $6,580, part of the $10,357 39½, goes to the salaries and wages of assistant secretary, surveyor, and others employed. The treaty recognises the appointment of a secretary by name, but not of an assistant secretary; and though it authorizes the employment of such surveyors and other persons as shall be judged necessary, yet the committee incline to the opinion that these words do not include the idea of any distinct office: of this, however, the House will judge for themselves. If their idea as to the assistant secretary be correct, then his salary of $2,200 may be saved; and if their opinion also be correct as to the practicability of ascertaining the boundary without actual survey and map, then there would be a very great saving in the other items of the wages and expenses of persons concerned in the survey. According to the opinion of the committee, that part of the expenses which are personal to the commissioners is not properly chargeable to the Government. It is for the House to determine what influence the precedent under the treaty of 1794, hereafter mentioned, shall have as to the expenses of a passage to the river to be decided on. As to the residue, as the document C presents them in minute detail, the House have upon the subject all the information which the committee have. General Porter considers that he was referred by the Government generally to the proceedings of the commissioners under the treaty of 1794 for precedents, and he was of opinion that the precedent of those commissioners justified the charge of his necessary personal expenses. In relation to the opinion of the Government that the commissioners would pursue the rules established in 1794, see letter from the Department of State, No. 4. The committee have procured from that Department one letter (marked L) of the 3d April, 1818, and another (marked N) of the 8th April, 1818; the first of these states, in general terms, that no allowance was made to the commissioners for their personal expenses in addition to their salaries; the second letter states that the commissioners did allow themselves the contingent expenses of their passages by sea between the United States and the British provinces, which became necessary for the execution of their duties, and that no other personal expenses appear to have been allowed to them.

As to the expenses of the agent, the statement before referred to (marked E) shows the whole amount of the agent's account, consisting of two years' salary and contingencies, to be $16,038 14. The account D, therein mentioned, shows the items of which it is composed. Those items are, first, two years' salary, at $4,444 44, equal to $8,888 88; secondly, one year's salary paid the secretary of the agency, $1,000; thirdly, contingent expenses thus charged: "For expenses for myself, Major Roberdeau, boatmen, chainmen, flagmen, &c. on an exploring excursion from St. Regis to Lake Superior, audited in March, 1817, $3,258 12," (see document O;) and fourthly, contingent expenses thus charged: "To amount of expenses for agency for 1817, as per account, $2,891 14." The particulars of the audited part of the contingent expenses do not appear before the committee other than as above stated; but as to the other charge for contingent expenses, to wit, the $2,891 14, not yet audited, (as is believed,) there is a paper before the committee purporting to be an account of them, though not signed by the agent, from which the particulars appear. (See that paper, marked P.) It appears also from a document marked Q, (an audited account,) that $428 was allowed to Major Isaac Roberdeau as topographical engineer on the exploring party with the agent. The agent considers himself entitled to a salary of £1,000 sterling for the following reasons: he says in his statement (No. 7) that, in 1816, the then Secretary of State (Mr. Monroe) assured him his salary should equal that of the British agent; that, though in the formation of the register under a resolution of Congress the sum of $3,000 was set against his name, he was assured by the Department of State that it was not intended by that act to settle the agent's salary. He refers in his statement to the letter of Mr. Rush, then Secretary of State, (No. 4,) in which it is said that it is the wish of the President that his salary should ultimately be equal to that of the British agent, should that exceed $3,000, at which his was then for the present fixed. He states, further, that the State Department having learned that the British agent received £1,000 sterling, both under the treaty of 1794 and that of Ghent, the accounting officer of that Department informed him his salary was fixed at that sum; and, finally, that the agent's salary under the fourth article has been actually fixed at that sum. These are the grounds of his claim; they are submitted to the House. The committee would have doubted much the power of the agent under the treaty to appoint a clerk; the letter, however, from the Secretary of State (No. 4) authorized him to do so, at a salary of $1,000, which is what has been paid. (See also the agent's reasoning as to the necessity of one in his statement No. 7.) As to the residue of the expenses attending the agency, the committee have presented all the evidence in their possession to the view of the House; they will only add that, by the letter from the Secretary of State, (No. 2,) dated 8th July, 1816, the scheme of exploring the whole boundary in dispute, taking an accurate view of each island, the depth of the water, &c., is approved.

In the progress of this inquiry, two intimations were given to the committee, which they thought it their duty to investigate, to wit: 1st. That General Porter was interested in the islands of the St. Lawrence; 2d. That he had

acted improperly in the disbursement of a part of the money which the Government had advanced him towards paying the expenses of the commission. As it respects the first of these subjects, (that is, the interest of General Porter in the islands, &c.,) the committee have examined every person who was suggested to them as probably knowing any thing in relation to it. The various statements subjoined to this report, and sworn to, marked S, T, U, and V, contain the whole of the evidence. From this, the committee are satisfied that General Porter is in no-wise concerned or interested in any island in the St. Lawrence; nor is there any proof that he has any interest in any but one upon the whole boundary line, to wit, in the Niagara; and it seems that there is some doubt whether that belongs to him or his brother, (see document marked V, Ogden's evidence;) and this island is, perhaps, three hundred miles above where they have been surveying. The mistake most probably occurred in this way: Mr. Ogden, of the House of Representatives, lays claim to many of the islands in the St. Lawrence. He also claims a large tract of land on the main land in New York, having no island attached to it, in which General Porter is concerned. It appears that these two speculations have been confounded, and that the rumor of General Porter being concerned in the island speculation has arisen from the circumstance of his being concerned in the other. (See Hawkins's affidavit, marked W; Delafield's affidavit, marked T; Ogden's affidavit, marked V; and Adams's affidavit, marked U, in relation principally to this point.)

As to the subject of the money, the document marked W (the evidence of Samuel Hawkins) contains all the information which the committee have got on that subject. From this it appears that the money advanced by Government to General Porter was in a draft on the Branch Bank at New York; that General Porter paid Mr. Hawkins $1,000, in New York, in Buffalo Bank notes, which were at about three per cent. discount; and that he paid, for provisions and other purposes of the commission, those and other notes of the interior, during the last season. But the witness states that the Buffalo Bank was a specie-paying bank; that its notes were generally current and at par on the frontier; and that the discount in New York was probably owing to the risk and expense of transporting specie; and, further, that he does not know that General Porter is interested in the bank; and that he could not suppose General Porter had deposited the money in the Buffalo Bank for his individual interest. General Porter himself states that he had been interested in the Buffalo Bank, but that he had sold out his interest some months before the transaction above mentioned, and that he in no shape derived, or expected to derive, one cent of profit. He states, further, that he drew on New York, on his own account, and received the notes of the Buffalo Bank; that he expected to expend the money on the frontier, where they were at par; and that he did not know they were at a discount in New York. Upon the whole view of the subject, the committee are decidedly of opinion that he derived no advantage from the transaction. As it respects the other articles of the treaty, the resolution requires the committee to investigate the nature and causes of the expenses incurred under them.

The fourth article, in substance, requires the commissioners, by a declaration under their hands and seals, to decide to which of the contracting parties the islands in the bay of Passamaquoddy, and the island of Grand Menan, in the bay of Fundy, respectively, belong, in conformity with the true intent of the treaty of 1783. Under this article, the documents E and A show the amount of the accounts settled at the Treasury to be $10,406 04, consisting of the compensation of the agent from 11th April, 1816, to 11th December, 1817, at $4,444 per annum, amounting to $7,407 40, and the United States' proportion of the contingent expenses, $2,998 64; and the document X shows the amount of the compensation claimed by the commissioner to be $8,172 48, being the sum which would be due to him, at the rate of $4,444 44 per year, from 16th January, 1816, to 17th November, 1817, inclusive, of which $4,500 has been paid him. Adding the commissioner's claim to the other gives the total amount of the expense to the United States under this article, to wit, $18,578 52. With regard to the commissioners and agents' salaries, it is presumed they will both stand on a common footing with the same officers under the other articles; and, therefore, the remarks already made apply to them. As to the contingent expenses, see the document No. 8, showing them in detail. As far as any of these expenses can be considered personal to the commissioners, the committee would object to them as not being allowable; and, indeed, the commissioners themselves did not intend to charge them, as appears from a letter of Mr. Holmes, the American commissioner, marked AA. Amongst those which devolve on the Government, in that letter, are mentioned the chartering of a vessel to examine the islands, room for commissioners, secretary and clerk's pay. As to the pay of the secretary, it certainly is chargeable to the Government. As to the clerk's pay, that also would be chargeable in like manner, if the commissioners had authority to employ them. The words of the eighth article are, "that they may employ such surveyors and other persons as they shall judge necessary." As to the necessity for their employment, and the amount of compensation paid them, see the statement of Mr. Holmes, American commissioner, marked BB, as also his letter already referred to, satisfactorily showing that economy was consulted by their employment. As to the expense of the passage to the islands, the committee would have thought that not properly chargeable; but the commissioners are justified, not only by the precedent under the treaty of 1794, (see letter from State Department before referred to, marked N,) but also, as appears from the letter of Mr. Holmes, marked AA, by the authority of the Government. He states that he chartered a vessel by order of the Government. As it relates to the room, the question is submitted to the House.

The fifth article of the treaty, in substance, requires the commissioners to ascertain the northwest angle of Nova Scotia, and the northwesternmost head of Connecticut river; and to cause to be surveyed that part of the boundary line which extends from the source of the river St. Croix, directly north, to the northwest angle of Nova Scotia; thence, along the highlands which divide the waters of the St. Lawrence and Atlantic, to the northwesternmost head of Connecticut river; thence, down along the middle of that river, to the forty-fifth degree of north latitude; thence, by a line due west on said latitude, till it strikes the river Iroquois or Cataraguy. In relation to the expenses incurred under this article, it is not in the power of the committee to give the House as precise information as they could wish. All which they possess themselves is contained in the document marked B; from which it appears that the aggregate amount of all the expenses under the fifth article is $27,854, consisting of a charge for commissioner's salary of $8,888, being two years at $4,444, per annum; agent's salary for one year $4,444; United States' proportion of secretary's salary $1,111; salary of principal surveyor, $1,500; and a charge thus stated: "the pay to the assistant surveyor, the necessary number of chain bearers, provision carriers, and other men, expense of instruments, supplies of provisions and other necessary articles, transportation to and from New Brunswick, and other necessary contingent expenses on the part of the United States, in the whole, about $11,911." It will at once be seen that there is not sufficient detail in this on which to form an accurate opinion. It is proper further to state that this is only an estimate of what the commissioner supposes it will be; it has, as yet, not been passed by the board. (See reasons assigned in document B.) The committee having stated the nature and amount of the charge, the House have the same means of forming an opinion as themselves. They will remark that, during the inquiry, they have heard what gives them an unfavorable impression as to the despatch and economy which attended the execution of this article during the last year; but that which they heard could not itself be used as evidence, and the person from whom it is said to have come is not within the reach of the committee; they doubted the propriety of mentioning it, but they thought the House ought to have even the intimations which were given them. The com-

mittee have now presented as full a view of this subject as the evidence before them enabled them to do; they have felt some difficulty in deciding how to attain the object which they have in view; they have, however, finally determined to recommend to the House the adoption of the following resolution:

Resolved, That the President of the United States be requested to arrange with the British Government some mode of designating the boundary line under the sixth and seventh articles of the treaty of Ghent which shall require less time and expense than the one which the commissioners have heretofore pursued.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, *April* 14, 1818.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the report of the select committee appointed to inquire into the expense incurred under the fourth, fifth, sixth, and seventh articles of the treaty of Ghent, and that the same be referred to a select committee.

Ordered, That Mr. Taylor, Mr. Williams, of Conn., Mr. Claiborne, Mr. Rich, Mr. Morton, Mr Sherwood, and Mr. Ballard Smith, be the said committee.

Attest: THO. DOUGHERTY, *C. H. R.*

The select committee appointed under a resolution of this House of the 14th of April, 1818, to whom was referred a report of the committee raised to inquire into the expenses incurred under the fourth, fifth, sixth, and seventh articles of the treaty of Ghent, have had the same under consideration, and report:

That they have not attempted to re-examine the various matters detailed by the said committee, but have endeavored to ascertain the cause of the unfavorable impression mentioned in the following sentence, extracted from the last page of that report: "They [the committee] will remark that, during the inquiry, they have heard what gives them an unfavorable impression as to the despatch and economy which attended the execution of this article during the last year; but that which they heard could not itself be used as evidence, and the person from whom it is said to have come is not within the reach of the committee; they doubted the propriety of mentioning it,'but they thought the House ought to have even the intimations which were given them." The committee find that the communication referred to in the foregoing sentence is contained in the letter of Charles Turner, jun., addressed to a member of this House, which, together with a letter of that member, addressed to the chairman of the said committee, is hereto annexed, for the purpose of being considered part of this report. The following resolution is respectfully submitted:

Resolved, That the select committee be discharged from further considering the said report.

DEAR SIR: WASHINGTON, *April* 13, 1818.

In consequence of having mentioned to you the other day a part of the contents of this letter, and observing that it was confidential, it was unexpectedly intimated that the committee would expect to know the contents. I was aware that the letter was confidential, but on your request I attended before the committee and read the letter, concealing the name. The report in relation to the subject requiring, as you think, explanation, and you and I agreeing that the facts contained in the letter are somewhat important, by your request I am constrained to deliver you the letter.

As you have a right to demand it, I cannot be accused of a breach of confidence. I do not see, however, that the letter implicates the American commissioner.

I am yours, respectfully,

J. HOLMES.

HONORED SIR: SCITUATE, MASSACHUSETTS, *March* 26, 1818.

At the time I (probably by your friendship) was requested to attend to the lines under the fifth article of the treaty of Ghent, I was requested to give my opinion upon the arrangements suggested by the agents for progressing in the business. The route prepared for us to get to the mark, with necessary provisions, I knew to be very difficult, and attended with so many embarrassments as would probably consume the season in getting with our baggage to the place of beginning, viz: the monument at the source of the Schaodie, *alias* St. Croix; in this I was supported, though unknown to me, by the opinion of the British surveyor at St. Andrew's, although we were three hundred miles apart, and had no acquaintance, having never seen each other; he, however, had no opportunity to convey his ideas to the agents, but must prepare boats, &c. to be ready on my arrival. I had the good fortune to convince the agents of the impropriety of attempting that route, a distance of seventy to a hundred miles, up a small river, full of falls, rapids, and shoals, and the water would fail us seven to ten miles short of the monument; whereas, by going up St. John's river, we went with the whole company and the whole of the baggage in flat-bottomed boats that would carry ten tons each, without unloading a single article until we were within ten miles of the line, and a passable wagon-road to the line, and we should strike the line about ten miles in advance of the place of commencement. But I was not so successful as to some other things in which I was requested to give an opinion. I suggested a diminution of the number of men, from an apprehension that more were proposed to be employed than could be advantageous; that they would stand in each other's way; that a less number would probably make greater progress; that employing so many men for chainmen, flag bearers, and instrument carriers, did not appear to me to be advantageous; that, to employ so great a number of axemen or laborers, under an idea of their carrying provisions for the company, in a country where packhorses could not be made use of, did not amount to much, for they must eat as well as those for whom they carried provisions; that several men belonging to the United States, settled near the line north of the monument, might be hired as cheap as in any other part of the United States. I requested the sort of provisions which I, from experience, had found best calculated for such business, viz: principally pickled or salted pork of a good quality; hard, commonly called ship bread; perhaps a little good beef; dry pease or beans; a little molasses; black tea; some small quantity of rum, and small articles of very inconsiderable value, such as pepper, mustard, ginger, &c. But to all these suggestions I was answered that this was business done by the two Governments, and that they would not probably wish men to be too much exposed or outdone; they would willingly furnish all things *needful* and *comfortable*, &c., and suggested that they had made arrangements satisfactory to themselves; in these respects intimating, at least, that I might be silent. I took the hint; but I also knew that somebody would eventually be blamed, and it would as probably fall on me as on any others. From the appearance of things in Boston, I apprehended that whoever undertook the running and demarcation of the line would not be allowed to proceed in it to cross St. John's river, (which I knew the line would cross,) and consequently interrupt their line of

communication between the provinces of *Nova Scotia*, *New Brunswick*, and *Lower Canada*, which those employed by the British Government perhaps did not know, or were at least unwilling should be the case. This apprehension I suggested at the time, and it was in my mind confirmed by every step taken; first, by putting the cart before the horse, or, in other words, employing the *principal* surveyors, with all the instruments, to go forward and explore the country, leaving the *assistant*, by them (the British) called *deputy* surveyors, with incompetent instruments, to perform the important service of settling the true line; by increasing the expense at every possible stage, thereby, in my opinion, to discourage the American Government from pursuing the business; and by delays in various shapes to prevent the establishment of the line so far as to cross St. John's river. Shall I say every little intriguing artifice was made use of to prevent a rational progress, and to swerve us from the direct pursuit of the business? This, however, will be denied; but it is not so easy to deny the expense, because the Government will have something to do in that business.

When Mr. Campbell and myself were left by the surveyors general and principal surveyors, they furnished us with a single theodolite, incorrect in construction; but it was a great while before I could convince Mr. Campbell of its incorrectness. He alleged the instrument had been procured by a gentleman of astronomical ingenuity in the province; that it came from the best factory in London; that he had full confidence in its correctness. I invited him to join me in making some sideral observations, to test the correctness of our work, or the correctness of the instrument. This he declined, alleging that the surveyors general had taken all the responsibility on themselves, by fixing, as they termed it, a true meridian line, and given us our directions for the prolongation of it; had ordered their initials to be placed on the monument, and on every milestone or post; that, therefore, he should take no responsibility on himself; and said he had made a declaration to Colonel Bauchettu to that effect. I observed to him that I felt my personal reputation at stake; that it was incumbent on us to see that our line was correct, and, if erroneous, to put it right; and asked if he had any objection to my making use of the instrument in making observations of the stars, &c. He said he had none, and would join me as a mere matter of amusement, but not with a view to correct a line which he was satisfied with, or to attempt to rectify an instrument in which he had full confidence. As soon as the weather would admit I made some observations, but so unsatisfactory in the result that I could not determine whether the line was erroneous, or the amount of the error, if any. Although I was not satisfied of the correctness of the instrument, or of the latter part of the line, I doubted the propriety of taking on myself the responsibility of discontinuing the work until I could convince Mr. Campbell of the incorrectness. Having at length succeeded in this, we left the line, and proceeded home, and to discharge the hands as fast as possible. Had we had competent instruments, and pursued the line twenty days longer, as we contemplated, we should have added much to that line. Whether the business will be resumed, and proceed in the present year, I have not learned. I think it but just to state that it ought to be done with more economy; which it might be, without the Government being chargeable with parsimony. I apprehend some new arrangement will be proposed and adopted; and, from various circumstances, I am induced to believe I shall have leave to retire. I think somebody must be left out of the business, and perhaps it is best those should be left out who disturb the quiet of those concerned; I am, however, conscious that I have obtruded my opinion on none, when it was not asked. I know, sir, I am treading on hallowed ground. I know that I have no right to suggest that the measures pursued by those appointed by the Government are not the best. I have suggested some thoughts to the American agent, perhaps, with too much freedom.

I have, sir, communicated these thoughts and facts for your information, trusting you will consider them as *confidential*, that you may know something of the matter, and be able to make use of any suggestions that I have made; while, at the same time, I am not to be understood as complaining against any gentleman acting under the American Government in the business. I can only regret that I am liable to be made the scapegoat to bear the sins of the people.

We learn that your session is drawing towards a close, and you will soon be allowed to visit your *agreeable* family.

Accept, sir, the respects and best wishes of your humble servant,

Hon. JOHN HOLMES. CHARLES TURNER, JUN.

Estimate of the expenditures under the fifth article of the treaty of Ghent, in the years 1816 *and* 1817.

Commissioner's salary, two years, not yet fixed, but say $4,444 per annum, - -		$8,888
Agent's salary, one year, (no agent having been appointed in the year 1816,) - -		4,444
Salary of the secretary of the board, one year, - - - - -	$2,222	
Deduct the share of the British Government, - - - - -	1,111	
		1,111
Salary of the principal surveyor on the part of the United States, - - -		1,500
The pay to the assistant surveyor, the necessary number of chain bearers, provision carriers, and other men; the expense of instruments; the supplies of provisions and other necessary articles; the transportation to and from New Brunswick, and other necessary contingent expenses on the part of the United States, in the whole about - - - -		11,911
		27,854
Paid by the United States, - - - - - - - -		14,444
Balance, - - - - - - - - - -		$13,410

The accounts which are in this statement estimated at $11,911 will be examined and adjusted by the commissioners at their next meeting, which will be about the 1st of May next. The amount, it is believed, will not materially vary, though it may prove something more or less.

Several of those accounts have accrued in the province of New Brunswick, and under the superintendence of the agents and surveyors. The British agent and surveyor reside, the former at St. John's, in New Brunswick, and the latter at Quebec, in Canada; and it was not possible, after the surveyors discontinued their work last fall, for the board of commissioners and the other persons concerned to convene and close the accounts of the year. Nor was it considered necessary to meet during the winter merely for that purpose, when it had been agreed to hold a meeting of the board about the 1st of May next, to receive the surveys made the last year, and to give the necessary instructions to the surveyors for the present year.

It is contemplated to commence this spring the latitude line from Connecticut river to the river Iroquois, commonly called St. Lawrence, and at the same time to continue the survey commenced last year on the eastern part of the boundary line. This will, of course, render the business of the commission more expensive than the

last year, but it will sooner bring it to an end, by which the Government will ultimately save money. By deducting from the foregoing estimate the salary of the commissioner for the year 1816, the residue is $23,410, which is the amount of all the expenses, including salaries for the last year. Some of those expenses, being peculiarly incident to the *commencement* of an undertaking of this kind, will not again be incurred; of course, the amount required for continuing the survey at the eastward will be less for the present year than it was the last.

I am, therefore, of opinion that the sum of $25,000 will be sufficient for all the necessary purposes, under the fifth article of the treaty of the present year, including the labor to be done, both on the northern and eastern parts of the boundary line designated in that article of the treaty.

Respectfully submitted.

MARCH 3, 1818. C. P. VAN NESS.

Hon. WILLIAM LOWNDES, *Chairman of the Committee of Ways and Means.*

15th CONGRESS.] No. 457. [1st SESSION.

FEES CHARGED BY THE DISTRICT ATTORNEY OF THE SOUTHERN DISTRICT OF NEW YORK ON PROSECUTIONS AGAINST RETAILERS OF SPIRITS WITHOUT LICENSE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 14, 1818.

Mr. HUGH NELSON, from the Committee on the Judiciary, who were instructed to inquire what fees have been charged and received by the district attorney of the southern district of the State of New York, in prosecutions brought by him against retailers of spirits for vending them without license, and also what fees have been received and charged by the other officers of the United States in the said southern district of the State of New York, and who were further instructed to prepare and report a bill of fees for the officers of the United States in the courts of the United States, reported:

That these subjects were brought to the attention of Congress in consequence of a complaint made to the Secretary of the Treasury by certain citizens of New York, contained in a letter addressed to Jonathan Fisk, Esq., district attorney of the said State, which is subjoined to this report. The committee thought it due to Mr. Fisk to give him information of the matters alleged against him, and accordingly did so; whereupon Mr. Fisk appeared before the committee, and gave such answers and explanations as he thought proper. After the return of Mr. Fisk to New York, he transmitted to the committee a written justification of himself, which is also annexed to this report; so that the House may have a full view as well of the allegations made against the official conduct of the district attorney as of his reply to them.

In relation to the costs or fees charged by the attorney in the cases complained of, the committee find that one of them, to wit, the charge of seventeen dollars on the petition for a remission of a penalty, is allowed by no law of the United States or the State of New York, but is entirely defended on an uncertain and limited usage, whose origin is not distinctly understood, and which is known to the committee to exist only in two or three States, and is, of course, unjustly unequal in its operation, both as it regards the officers of the Government and the suitors in their courts. It should also be remarked that the service for which this charge is made is, in many, if not in most cases, but nominal. This charge, however, did not begin with Mr. Fisk, but had always been received by his predecessors in office. Others of the fees charged by Mr. Fisk, but not considerable in their amount, seem to be warranted neither by law nor any usage, and were given up by him on the award of certain arbitrators appointed to examine his bill. His reasons for demanding them appear in his written defence. The whole amount of the fees taxed in the cases mentioned in the resolution for the district attorney seems to the committee to be most unreasonably high, since it is undeniable that in these cases, in which the penalty forfeited and remitted was but one hundred and fifty dollars, the costs of the attorney amount to sixty dollars by some of the statements, and to about fifty-nine dollars by his own, including the seventeen dollars above mentioned on the petition; the whole of which belongs to the attorney, except about two dollars and ninety-one cents, which he pays over to the clerk. The marshal's costs are to be added to this sum, and also seventeen dollars more for the clerk on the petition, which, with other necessary expenses, become almost as burdensome as the payment of the penalty.

The committee are of opinion that an entire reform on this subject must be made, so that the costs to be charged in the courts of the United States shall be uniform, known, and certain; not, as at present, varying in different States, uncertain in their amount, and unknown as to the authority on which they are made. The formation of a fee bill sufficient to reward the services of the officer, but not oppressive to the suitor, is a work of considerable difficulty; and the committee have not yet been able to obtain from the different courts the information necessary to it, but entertain the hope that in the next session of Congress it may be completed.

SIR: NEW YORK, *March* 19, 1818.

I have the honor to transmit to you, for the examination of the Committee on the Judiciary, an explanation of the principles and practice by which costs are charged by the district attorney and clerk of the district court in this district for services in civil causes in this court. To give a full and detailed history of the costs, and of the practice in common law cases in this court, would require a volume larger than the committee would be willing to examine; but as one of the gentlemen of the committee did me the favor to say to me that an explanation upon paper might be advisable, I will endeavor to give a summary statement of the law and practice which regulate costs in civil causes prosecuted in the courts of the United States in this district.

By an act of Congress, the district attorney is authorized to receive such fees in each State, respectively, as are allowed in the supreme court thereof; and in the district court his stated fees in the cases herein mentioned shall be as follows, to wit: for drawing interrogatories, $5; for drawing or exhibiting libel claim or answer, $6; and for all other services in any one cause, $6. (Vide Laws United States, 3d volume, revised edition, page 134, section

4.) The compensation allowed in this section for travel and attendance is repealed. (Laws United States, volume 4, page 700.) So that the compensation to the attorney of this district depends entirely upon the fees established by the acts of Congress, and the statutes of this State prescribing the fees to the attorneys and clerks for conducting causes in the superior court.

The fees allowed to the clerk are one-third more than those allowed to the clerk of the superior court for similar services. (Laws United States, volume 3, page 134, section 3.) These fees are, by the practice of this State, included in, and taxed with, the attorney's bill of costs, and paid by him to the clerk. By the statute of the State of New York regulating fees, (a printed copy of which I enclose,) the items for service to the attorney, counsel, and clerk are stated in pages 14, 15, and 16 of this pamphlet.

By this statute it will be seen that counsel's fees in the supreme court are: for perusing and amending interrogatories, and every special pleading entry and case, $1 25; assisting on special motions, $1 25; trial of a cause, demurrer, special verdict or case, or attending prepared, $3 75; but no costs shall be taxed for counsel in any case but where counsel is actually employed. The attorney's fees are: for a retaining fee, $3 62½; (vide page 15 of the pamphlet;) drawing copy of warrant of attorney, 12½ cents; every term not exceeding three, 62½ cents; drawing all process, pleading, &c., 19 cents for each sheet containing seventy-two words; engrossing the same, 12½ cents for each seventy-two words; for such engrossings as were formerly made on paper, 6 cents for each sheet; for every necessary motion, 62½ cents; arguing every special motion, $1 25; arguing demurrer, special verdict, &c., $3 75; drawing up a judgment, 75 cents; entering the same on the roll, 37½ cents; every notice, copy, and service on the opposite party, 25 cents; copy of a bill of costs to be taxed, if before issue or judgment, 37½ cents; if after, 75 cents.

The fees of the clerk of the supreme court of this State (see pamphlet, pages 16 and 17) are as follows: for sealing a writ, &c., 12½ cents, and the clerk of the district court one-third more, would be 16½ cents; filing a declaration or other pleading, 12½, 16½ cents; entering every rule, 12½, 16½ cents; entering return of writ, 12½, 16½ cents; filing roll, 12½, 16½ cents; docketing a judgment, 25, 33 cents; filing an affidavit or other paper, 9, 12 cents; signing a judgment, 25, 33 cents; taxing a bill of costs, 50, 63½ cents; searching the record for any one year, 12½, 16½ cents.

According to the foregoing rate, and the practice of the supreme court in civil causes, are the bills of costs made out in civil causes in the district court.

What are necessary motions and notices must be decided by the court where the question may arise upon the taxation of costs. The district court may decide a motion to be necessary, and tax the charge for it, which the supreme court of the State may consider unnecessary, and refuse to tax the charge for the service. The statute is considered the standard by which both are regulated.

According to the foregoing rate, the following bill of costs is made out in a cause where judgment has been entered by default, and the declaration contains 33 folios, or sheets of seventy-two words each, in an action founded upon statute.

The district court costs, in a case of judgment by default, a petition for remission, and a motion to be discharged upon paying a portion of the penalty as mitigated by the Secretary of the Treasury, are as follows:

Bill of costs.

Retaining fee,	$3 62½	
Warrant of attorney,	12½	
Filing same,	12½	
Draught of capias, 4 folios, at 19 cents each,	76	
Engrossing same, at 12½ cents each,	50	
Clerk sealing same,	16½	
Motion and leave to enter action,	87½	
Filing capias and entering return,	16½	
Motion and rule for return,	87½	
		$7 21½
Motion and rule for body,	87½	
Draught of declaration, 33 folios, at 19 cents each,	6 27½	
Counsel perusing and amending,	1 25	
Copy to file, and clerk filing same,	2 14½	
		10 54½
Motion and rule to plead,	87½	
Draught of notice of rule to plead,	25	
Copy of narr. to serve,	1 98	
Serving same and notice to plead,	19	
		3 29½
Draught of affidavit service, 3 folios,	57	
Copy of same, 3 folios,	18½	
Oath to same,	12½	
Reading and filing the same,	28	
Draught of recognizance roll, 5 folios,	95	
Engrossing the same with narr. 38 folios,	4 75	
Clerk searching bailpiece and filing roll,	33	
		7 19
Motion and rule for default,	87½	
Motion and rule for judgment,	94	
Draught of record, 4 folios,	76	
Engrossing same with narr. 37 folios,	4 62½	
Draught of judgment, and entering on roll,	1 12½	
Costs, copy, notice, and attending taxation,	1 25	
Signing, filing, and docketing judgment,	66	
Draught of execution, 4 folios,	76	
Engrossing 50, seal 16½ cents,	66½	
Filing and entering return,	16½	
Three term fees,	1 87½	
		13 70
		$41 94½

This would be considered the taxable costs in a case of judgment by default upon a declaration containing thirty-three folios. The attorney, if determined to increase the costs to the highest amount, might, by additional rules and proceedings against the marshal, excepting to the bail, &c., augment the sum to forty-six or forty-eight dollars. But this unwarrantable practice was neither attempted nor thought of by me.

In the cases where complaints have been made to the Secretary of the Treasury against the costs, the Secretary remitted the penalty on condition that the defendants would pay the duties, costs, and charges, and twenty dollars to the informer, within ten days after notice of the remission. Upon being informed of the terms of the remission, the defendants alleged that, inasmuch as they had taken a license and paid the duties immediately after being prosecuted, they were not liable, by the terms of the remission, to pay the duties again; and they accordingly applied to the court to be released from the payment of this part of the mitigated penalty. After argument, the court decided that the duty or the price of a license was required to be paid by the terms of the remission; upon this motion I believe the district attorney had a right to make the following charges:

Brief on motion, - - - - -	$1 12½
Attorney's fee on motion, - - - - -	1 25
Attendance, - - - - - -	62½
Arguing the case, - - - - -	3 75
	$6 75

This sum, however, I did not charge, but agreed to receive the sum of forty dollars as the amount of costs, which was paid without objection at the time, and no suspicion was entertained by me that the amount was too high.

Upon each petition I charged seventeen dollars. This sum was paid without objection, and it has been the invariable practice of all my predecessors to charge it, and of the court to allow it. (Vide Laws United States, vol. 2, page 71, sec. 35.) The authority given by this statute to receive such fees as shall be taxed by the court in which the services are rendered is supposed to authorize the taxation of reasonable fees for such services as have no analogy to any services rendered in conducting a cause in the supreme courts of the States, but which are necessary in conducting the public business before the courts of the United States. This may have been the original authority by which this charge of seventeen dollars was taxed. But the act which authorizes the charge for drawing interrogatories, five dollars; for drawing and exhibiting claim or answer, six dollars; for all other services in any one cause, six dollars, may have been considered the authority sufficient to justify the district attorney in charging seventeen dollars upon every petition presented. The petitioner is examined or may be examined by the district attorney on oath. For this interrogatory to the petitioner, five dollars would be taxable. The district attorney has the right to put in an answer to the claim set forth in the petition, and for this six dollars would be allowed. There are other services to be performed by the district attorney, for which he may claim six dollars, making the amount of seventeen dollars. The general remitting act of the 3d of March, 1797, (2d vol. Laws United States, page 585,) requires a copy of the petition, and notice of presenting it, to be served upon the district attorney, that he may show cause against the remission or mitigation of the forfeiture. Under this act, it has been considered the duty of the district attorney to examine the petition, to attend court at the time it is presented, and that he has a right to examine the petitioner, to subpœna and examine such witnesses as he thinks proper, to show that the forfeiture ought not to be remitted, and to the petition subjoin such an answer as may be deemed correct. When the statement is prepared by the clerk, it is submitted to the examination of the district attorney to see if it be truly and correctly stated. When the decision of the Secretary is transmitted to the clerk, it is the duty of the district attorney to see that its conditions are complied with.

It has been my invariable practice to examine every petition when served upon me, and to attend court when it was presented, to cross-examine the petitioner in all cases where I deemed it necessary. In some instances the Secretary has decided not to remit any part of the penalty, and it is presumed upon the facts disclosed upon the interrogatories proposed by the district attorney to the petitioner. In most of the petitions presented to be relieved from the penalty of retailing without license, the labor and services of the district attorney have been trifling, compared with his services upon some petitions in other cases where the examination of the petitioner and witnesses has occupied several days; but the fees of the district attorney have been understood to be the same in all cases of petitions. The sum of seventeen dollars has been taxed by Judge Story, in Rhode Island, after argument, as the fee to the district attorney upon each claim or petition; (the ship Francis and cargo, 1 Gallison's Rep. 453.) It appears by the report of this case that it was the practice of the district attorneys in Massachusetts, Connecticut, New York, and Pennsylvania, to receive this sum for their fees upon every claim. It will be observed in the case of the Francis that the proceeding, termed claim, was a petition to obtain a remission of the forfeiture from the Secretary of the Treasury; yet Judge Story said he was pressed with the uniformity of the practice to allow seventeen dollars.

In the twelve or thirteen cases now before the Committee on the Judiciary, in which this charge is complained of, the right of the district attorney to claim this sum was submitted to Messrs. Slosson and T. L. Ogden, two professional gentlemen of very respectable standing, and they decided in favor of the right of the district attorney to claim it. A few remarks upon this submission shall close my statement.

Having really made a mistake as to the state of the proceedings in the suit against George Nixon, one of the complainants, I immediately informed him there was a mistake, and, without any complaint or application on his part, returned him the difference between the sum due and the sum received. Shortly after this, Isaac L. Platt called upon me to return him a portion of the costs received from him, and do him the justice I had done Nixon. I explained to him the mistake in Nixon's case, and also informed him that no mistake had been made in his case. With this explanation he was not fully satisfied, and a few days afterwards a letter was addressed to me, signed by George Nixon, Isaac L. Platt, and eleven others, complaining that they had been required to pay too much costs, and requesting me to do them justice. Although they had no legal remedy, even if the costs might have been too high, having, by their attorneys, agreed to the amount, and paid it several months before this objection, yet, willing to satisfy them that my charges were correct, and their complaints without foundation, I offered to submit the question to any respectable professional gentlemen of their own choice, and be governed by their decision. Mr. Slosson and Mr. Ogden were selected. Upon examination of the charges, they decided in favor of my right to charge the seventeen dollars upon the petition, but, from the forty dollars received as the costs of the suit, thought, under all the circumstances, four dollars and twenty cents should be deducted. Having submitted the bill to this taxation, I offered to comply with the decision, and return the difference, less than fifty dollars in the whole. I have had, in all my practice, but twenty-two cases of this kind, in which the proceedings have gone so far as to swell the costs of suit to forty dollars; twelve of these were submitted to be retaxed, and an offer made to comply with the decision

of the arbitrators; but the difference was said to be so trifling as not to be worth notice. I did believe myself perfectly justified in charging the forty dollars, from which this trifling deduction has been made. The items struck out are, in my opinion, taxable, and would be allowed by the court upon a contested taxation—at least such items as would make the amount equal to forty dollars.

The items charged in the bill of costs set forth in this statement, and which Messrs. Slosson and Ogden thought ought not to be charged, are as follows:

1. Warrant of attorney, - - - -	$0 12½
2. Filing warrant of attorney, - - - -	0 12½
3. Motion and leave to enter action, - - -	0 87½
4. Counsel perusing and amending declaration, - -	1 25
5. Execution, engrossing, and seal, - - -	1 52½
	$3 90

The first two items (Nos. 1 and 2) were rejected by Messrs. Slosson and Ogden, on the ground that, the district attorney being a public officer, the court were bound to recognise him as such. Every attorney is known to the court as licensed to practise; his license is a general authority to prosecute and defend suits, but the form of proceedings and the course of practice require him to file a warrant as his authority to act in each suit. The form is short. A B puts in his place C D, his attorney, against E F, in a plea of debt. So with the district attorney: his commission is a general authority to prosecute and defend suits in which the United States are concerned; but it is the practice to state in each suit his warrant to prosecute or defend. These items I therefore supposed proper.

No. 3. Motion and leave to enter action. This item was supposed to be as necessary as the motion and rule for the body, either of which is but seldom actually made, but the latter always taxed in the supreme court. The New York statute (pamphlet, page 15) declares that "No motion shall be allowed upon judgment by confession by virtue of a warrant of attorney, when no suit is brought either for entering the action or rule to plead."

The phraseology of this part of the statute is such as to warrant the construction that a motion to enter the action is allowed as a necessary motion in all but the prohibited case of a judgment by confession by virtue of a warrant of attorney. Whether it is the practice of the supreme court to tax it or not, I cannot say; but I consider it authorized by the statute. And, in fact, no action is entered without an application for a writ, and the leave of the court. It may be considered a matter of right, and so are several other proceedings and motions which are taxed.

No. 4. Counsel perusing and amending declaration, $1 25. This item is charged under that provision of the statute which allows a counsel fee of $1 25 for perusing and amending interrogatories, and every special pleading, entry, and case. I consider the declaration in question, founded upon three several acts of Congress, a special declaration, and such as it was right to make the charge for counsel perusing and amending. I believe it to have been the uniform practice of the bar in the supreme court to make this charge in all cases where the pleading was special, whether it was amended by counsel or not, if the attorney who drew it was of the degree of counsel. A late rule of the supreme court, it is true, requires the certificate of counsel that he perused the pleading, and considered it special, before this charge can be taxed in that court. Upon this question being raised before the district court of this district, it decided that where the pleading was special the district attorney would not be required to produce the certificate of counsel that he had perused it and considered it special. Counsel perusing and amending a special pleading is generally a matter of form to comply with the late rule of the supreme court; no charge is usually made by the counsel for this service. An attorney may act as attorney and counsel in the same cause, and, according to the present practice of the supreme court in this State, receive, in certain cases, the fees of the attorney and counsel, as on all special motions. I have had it taxed in the supreme court invariably without objection.

No. 5. Execution, engrossing, and seal, $1 52½. This item was rejected because execution was not actually issued. After judgment and notice by the plaintiff's attorney to the defendant to pay the judgment, or execution must issue, it is, as I understand, the practice in the supreme court to charge for the execution. It is supposed to be prepared ready to deliver to the officer, and the state of the proceedings justifies the charge for it. The defendant has no reason to complain of it, as it is certainly for his benefit that it is withheld from the officer until the defendant has notice, and an opportunity to pay the amount due, without further costs. This item, however, I did not charge. I have only attempted to show my right to it.

The four items specified as a proper charge upon the motion to get rid of a part of the mitigated penalty, which items amount to $6 75, Messrs. Slosson and Ogden were of opinion belonged to the proceeding upon the petition. If the court is right in the construction it has given to the act which authorizes the charge of seventeen dollars upon the petition, the right of the district attorney to this sum is perfect when the proceedings upon the petition are ended. These proceedings are ended when the decision of the Secretary is made known. If its conditions be not complied with, the suit proceeds; if judgment is entered, as is usual in common law cases, execution issues for the amount; if the remission be litigated, as in the case of the Margaretta, (2 Gallison's Rep. 516,) the proceeding is, in my opinion, rather to be referred to the remission than to the petition. In the case cited from Gallison, the court decreed condemnation of the property, notwithstanding the decision of the Secretary to remit a portion of the forfeiture. From this decree there was an appeal. In the cases under consideration, the petitioners might have appealed from the decision of the district court, and prosecuted this appeal to the Supreme Court of the United States; and, if they had pursued this course, it would have been the duty of the district attorney to have followed them; and would it then be contended that all these proceedings were to be referred to the petition, and the district attorney allowed only $17 fees for all his services? I presume not. But with as much propriety may the proceedings upon this appeal belong to the petition, as the motion to reduce the remission. However, in settling the costs with these defendants, I omitted this charge, as I did the charge for execution, and estimated the whole amount at forty dollars. But, upon the strictest taxation, I should expect to be allowed this $6 75, as proper fees upon the motion made and argued upon the remission. I therefore included it in the bill I prepared and submitted to the gentlemen selected to decide upon it. It was inserted to show that these defendants had not been required to pay more than I had a right to demand.

By the practice in the supreme court of this State, the costs of a suit are made out, and either agreed to by the attorney for the opposite party, or taxed upon notice. If taxed upon notice, and the opposite party does not attend the taxation to object to the bill, the court will not retax it; or, if the costs are agreed to by the opposite attorney, and paid without objection, the court will not order a retaxation. In the few cases in which the amount of the costs has been complained of, the items and amount were stated to the attorney of the opposite party, and agreed to as correct and proper, and the same was afterwards paid by the person himself without objection; and, several months after this payment, I voluntarily submitted to a retaxation, and have been willing to abide by it, although I considered the charge of forty dollars certainly within the sum to which I was legally entitled for the proceedings upon the suit and the motion upon the remission. If an objection had been made at the time of paying the costs,

I should have had the bills taxed before I received any thing. This would have ended all controversy in relation to the subject. But, according to the course of practice in this State, if upon a retaxation a bill of costs is reduced, and the attorney who received the money returns, or offers to return, the excess, it is considered that ample justice is then done to the opposite party. Every party of whom costs are demanded may so proceed as to have the bill retaxed. It is a claim of right, and the retaxation settles and determines the question. And there are, in my opinion, but few bills of costs so accurately made out in this State as would not, upon a strict contested taxation, be altered, either by adding or reducing.

But I forbear to trouble you with further remarks upon this subject. Although conscious of having received in these cases no costs but what I had a right to charge, yet, from the extraordinary course the defendants have pursued, an explanation may be deemed necessary; and the interest I feel, and ought to feel, for the explanation of the transaction, must be my apology for the length of this statement.

I have the honor to be, very respectfully, sir, your most obedient servant,

JONATHAN FISK.

The Hon. HUGH NELSON, *Chairman of the Judiciary Committee.*

SIR: NEW YORK, *August* 30, 1817.

We, the subscribers, whom you have prosecuted for the penalties attached by law to omissions in taking out licenses for retailing foreign merchandise, take the liberty of approaching you with a plain statement of the injuries which, we believe, we have received at your hands. We disclaim the remotest intention or wish to injure your reputation or disturb your repose; but such is the extent of the grievances of which we complain, that we think it due to public justice to make an investigation; and we appeal, in the first instance, to you, that you may have a fair opportunity to correct any mistake as to matters of fact, and to do us voluntary justice without resorting to other measures.

We allege, not as a justification, but as a very strong apology for our offence, that we were ignorant of the law under which we were prosecuted, and so soon as we were informed of it (which was first by a writ issued by you) we immediately complied with it by taking out our licenses. Of this fact you or the collector was forthwith apprized, and we were told that, in order to get rid of a penalty which was $150, a petition must be presented to the Secretary of the Treasury, you referring those that applied to you to Mr. Romaine, and the collector those that applied to him to Mr. Gardner, to prepare such petitions.

These petitions were prepared and presented to the court, for which we paid our attorney $20 in each case; but, before they could be forwarded to the Secretary, we were informed by an official notice that we must severally call and pay you the sum of $17 in every instance, and the like sum to the clerk of the court: these two sums were also paid on your receiving the answer of the Secretary, which contained a remission of the penalty, on condition that we should take out licenses, pay the costs of prosecution, and a certain sum to the informer, designated in each case by him, and varying from $15 to $20, within a certain period you apprized us of; and at the same time informed us, not that you should proceed with the prosecutions originally commenced in case we did not comply, but that you should enforce the penalty by issuing executions against us. By the tenor of this notification, we were led to believe that you had continued the prosecution to judgment in the same manner as if no petitions for relief had interposed, which you have since avowed to one of the undersigned was the fact in every instance except his own. On our waiting upon you to comply with the terms of the Secretary's remission, we need not remind you of the demeanor you manifested, the embarrassments you threw in our way, and the repeated instances in which we were told to call again. When at last you granted us your attention, you stated your own costs to be $40 in each case, in addition to the $17 already paid you, giving us in the most unequivocal manner to understand that the suits had gone to judgment. You also exacted from us the amount of the license, although we informed you we had taken it out and paid for it at the proper office; thus making us pay for two licenses, when neither the law nor the Secretary ever contemplated that we should pay but for one. In this way, in order to get rid of a penalty of $150, we have been obliged to expend, in every instance, about $140, in addition to the loss of time, perplexity, and trouble which it has necessarily given us. By this course of proceeding our attention has been excited, and we have been led both to consider and inquire whether so much expense and perplexity could be sanctioned by those just and equal laws which it is our boast to enjoy. The more we have inquired, (and you must admit that it was not less our right than our duty to make the inquiry,) the stronger have become our suspicions that all has not been right. Our dissatisfaction has been no secret to you. You have addressed a conciliatory note to one of our number, desiring him to call on you; he waited on you, when, with much apparent agitation, but with perfect politeness, you told him that, owing to the great hurry of business, you had made a mistake in the amount charged him for your own costs, adding that his suit did not proceed to judgment, but that all the others did; and you voluntarily returned him $16 60, giving him a bill containing the items for the balance, which you assured him was now perfectly correct. But suspicions once excited are not easily allayed, and we confess this instance has only served to stimulate our inquiries. We have accordingly directed search to be made at the proper office for judgments in the other cases, and we are told that none can be found. Indeed, as it was generally understood that the Secretary would remit the penalty, as a matter of course, we took it for granted, until otherwise directed by you, that no intermediate proceedings would be had till his answer was received.

We also consider it our duty to state to you that we have taken professional advice as to the legality of the items charged in the bill, which only in one instance, as far as we can learn, you have rendered, and which you so solemnly declared to be correct. The result has only increased our suspicions. Not to notice minor objections, (of which there are several,) we content ourselves for the present with noticing the enormous number of folios charged in your declaration; it is no less than *thirty-one*. The suit, you well know, was an action of debt, on a penalty contained in a public act of Congress; and we were told that from eight to ten folios is a very large allowance. We perceive that you charge nineteen cents for each folio, and, of course, the greater the number of folios the larger will be your compensation. We have taken the pains to get a sight of one of these declarations, and, as they are all printed, we found no difficulty in doing it; to our surprise, we discover that at least one-half the declaration consists of recitals of the act imposing the penalty. We are authorized to say that this recital is wholly unnecessary, and that scarcely a precedent can be found to sanction it; and, indeed, the court would frown upon such a practice as tending most unnecessarily to overload its proceedings, and most oppressively to increase the costs.

This opinion appears perfectly reasonable to common sense. Every man is bound to know the public law of the land in which he lives; we have been taught this doctrine pretty effectually by these very prosecutions against us, in which, if ignorance had been any excuse, we should not have been without sufficient justification. The only object of a declaration, as we conceive, is to inform the court and the defendant of the complaints alleged against him. But if the defendant is charged at his peril with the knowledge of a public law, surely much more is the

court, whose appropriate duty it is correctly to administer it; as applied to either, then, the recital of the statute creating the penalty is worse than useless, on account of the accumulation of the costs to which it leads. We also enumerate, among other grievances, the seventeen dollars which you charge in each case as your fee on the presentation of our petitions. We readily admit (for we have no disposition to conceal the truth) that we find this to be the customary charge in similar cases, but we cannot learn there is any law whatever authorizing it, and we believe it to be wholly disproportionate to the services usually rendered. Your only duties are to be served with a copy of the petition, and, if its contents are false, to attend court when it is presented, with witnesses to contradict it. We deny that a single witness was ever examined or offered in any one of our cases to contradict the petition; of course, then, you never performed any service for the seventeen dollars; nor can we view it, in this instance, in any other light than an odious sinecure appendage to your office, which all good men ought to unite in all lawful means to abolish. We protest against the doctrine of usage as conclusive on this point. The distinction between the governors and the governed in this country is not, and we sincerely hope never will be, so firmly established as to deny the latter the right of testing the conduct of the former exclusively by those wholesome and general laws which apply indiscriminately to all. It is impossible for us to ascertain the exact number of prosecutions which you have instituted for offences similar to our own; we believe five hundred to be a moderate estimate. Many of the defendants were in very straitened circumstances, and found the utmost difficulty in raising the money. We forbear to enumerate all the various instances of peculiar hardship which have come to our knowledge, because we have no personal interest in them; but, unless we are grossly deceived, such instances do exist, and, if generally known, could not fail in their effect upon the public mind. We are aware of the respectability and importance of the office which you fill; we know the value of reputation, and the odium that attaches itself to any thing like official oppression; we wish not to bring the office into disrepute, or to injure the standing of its incumbent; but we feel as if we, in common with many others, have been injured. In perfect candor, and with all plainness, we lay before you, in the first instance, the grounds of our complaints; if our facts are wrong, if our inferences from them are incorrect, we ask you to rectify them; but, if true, we then ask of you to do us justice—to refund the moneys which you admit you have received, and to which you are not legally entitled. This course appears to us to be perfectly correct, and dictated by a due regard for you and the public good; but if, contrary to our wishes and our expectations, you will neither correct our mistakes nor right our wrongs, we shall then resort to such ulterior measures as the nature of the case may require, and our consciences approve.

We are, sir, very respectfully, yours,

George Nixon, James Gammel,
Isaac L. Platt, John Witherspoon,
Edward Rockwell, Enos Burrows,
Henry Chevans, David T. Greenoak,
I. Brown, Andrew Dooley.
Paul Lampson,

JONATHAN FISK, Esq.,
Attorney of United States for southern district of New York.

15th CONGRESS.] No. 458. [1st SESSION.

CUMBERLAND ROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 20, 1818.

SIR: TREASURY DEPARTMENT, *April* 20, 1818.

In obedience to a resolution of the House of Representatives of the 14th instant, requiring various statements concerning the Cumberland road, I have the honor to submit the enclosed papers, marked A, B, and C.

In addition to these statements, it is my duty to observe that the road is cleared of timber to the width of sixty-six feet; that the bed of the road is levelled to the width of thirty-two feet; that twenty feet is covered with stone, eighteen inches in the middle, gradually diminishing to twelve inches at the side. The road east of the Monongahela is graduated so as nowhere to exceed an elevation of five degrees. That part of it which is west of that river is graduated to four degrees and a half.

It will be seen, by comparing statements A and B, that the expense of mason work east and west of the Monongahela is extremely different. This difference has been pointed out to the superintendent of the western part of the road, with a request that he will curtail that part of the expense. There can be no doubt but that a considerable saving will be effected upon the estimate which he has furnished.

No special appropriation has been made for repairs. The expense has been defrayed out of the general appropriation for the road.

I have the honor to be your most obedient servant,

WM. H. CRAWFORD.

Hon. HENRY CLAY, *Speaker of the House of Representatives.*

A.

Statement relative to the Cumberland Road.

Contractors.	Date.	Sections.	Distance.		Price of road.		Price of masonry work per perch.					Extent of the road completed.	Extent contracted for, including that completed.	Extent yet to be contracted for.	Probable cost of the road made & contracted for.	Probable cost of the road yet to be contracted for.	Probable cost of the whole road when completed.	Cost of bridges already contracted for.	Highest point of elevation.
			Miles.	Perches.	Per mile.	Per perch.	Small bridging.	Culverts.	Parapets.	Mortar walls.	Dry walls.								
Henry McKinley, - -	May 8, 1811,	1, - -	2	246	-	$21 25													
C. Randal & W. S. Gather, -	Do. -	2, - -	2	8	-	14 50													
James Cochran, - -	April 16, 1811,	3, - -	2	131	-	22 50													
Do. - -	Do. -	4, - -	2	256	-	16 50													
Do. - -	August 3, 1812,	5 and 6, - -	5	220	-	12 00													
I. Adams & C. McKenny, -	Do. -	7 and 8, - -	4	260	-	13 00													
Do. - -	August 7, 1813,	9 and 10, - -	4	172	-	10 00													
William Aull, - -	August 5, 1815,	Part of 9, - -	-	100	-	44 50													
Do. - -	August 7, 1813,	11, - -	1	224	-	24 50	-	-	-	-	-	Negro Mountain,		27 m. 90 per.	from Cumberland,	11th section.			2,328 feet.
James Cochran, - -	Do. -	12, - -	2	144	-	18 00													
Do. - -	Do. -	13, - -	1	194	-	18 00													
Do. - -	Do. -	14, - -	1	180	-	18 00													
Do. - -	Do. -	15, - -	2	170	-	17 00													
Do. - -	Do. -	16, - -	1	288	-	17 00													
Do. - -	Do. -	17, - -	1	174	-	17 00													
John Hagan, - -	Sept. 5, 1815,	18, - -	1	72	-	16 81													
Doherty, McLaughlin, & Bradley, -	Do. -	19, - -	1	56	-	25 75													
	Do. -	20, - -	1	128	-	20 75													
William Aull, - -	Do. -	21, - -	1	86	-	20 90													
Evans & Ramsay, - -	Do. -	22, - -	1	150	-	20 00													
Ramsey & McGravey, -	Feb. 14, 1817,	23, - -	1	140	-	24 80													
John Boyle, - -	Feb. 24, 1817,	24, - -	1	54	-	17 62½													
Doherty, McLaughlin, & Bradley, - -	Do. -	25, - -	1	156	-	30 00													
Charles McKenny, - -	Do. -	26, - -	1	10	-	36 75													
Hogan & McCann, - -	May 8, 1817,	27, - -	1	132	-	28 25													
James Cochran, - -	May 19, 1817,	28, - -	1	200	-	32 75													
Thomson McKean, - -	May 12, 1817,	29, - -	2	11	-	35 00													
James Cochran, - -	May 19, 1817,	30, - -	1	180	-	29 75													
T. & M. Blakely, - -	May 12, 1817,	31, - -	2	20	-	24 50	-	-	-	-	-	-	Uniontown.						
Kinkhead, Beck, & Evans, -	Sept. 5, 1815,	18, 19, 20, 21, and 22,	-	-	-	-	$1 62	$1 25											
J. Kinkhead & Co. - -	March 4, 1817,	23, 24, 25, and 26, -	-	-	-	-	2 50	1 50											
Do. - -	May 7, 1817,	27, 28, 29, 30, and 31,	-	-	-	-	2 50	1 50											
Foster & Penrose, - -	Jan. 28, 1817,	Part of 1, section east of Washington, -	1	-	$7,360														
Jesse Lincoln, - -	Feb. 11, 1817,	Part of ditto, -	1	92	-	25 75													
Thomas Bleakley, - -	Jan. 28, 1817,	Balance of ditto, -	1	160	-	28 00	3 00												
George Dawson, - -	- - -	- - -	-	-	-	-	-	-	-	$3 50	$3 00								

STATEMENT—Continued.

Contractors.	Date.	Sections.	Distance. Miles.	Distance. Perches.	Price of road. Per mile.	Price of road. Per perch.	Price of masonry work per perch. Small bridging.	Culverts.	Parapets.	Mortar walls.	Dry walls.	Extent of the road completed.	Extent contracted for, including that completed.	Extent yet to be contracted for.	Probable cost of the road made & contracted for.	Probable cost of the road yet to be contracted for.	Probable cost of the whole road when completed.	Cost of bridges already contracted for.	Highest point of elevation.
Patrick Gormly, - -	Feb. 27, 1817,	1st section west of the Monongahela,	1	151	-	$28 00	Water division.												
McGiffin, Baird, & Camell, -	Feb. 17, 1817,	1 to 6 inclusive, -	10	-	10,000	-													
Do. do. -	Do. -	7 to 10 inclusive, -	5	94	9,750	-													
George Paul, - -	Feb. 14, 1817,	11 to 17 inclusive, -	12	97	10,000	-													
Timothy Caffield, - -	Jan. 28, 1817,	18, - -	1	253	-	40 00													
William Chaplin, - -	Feb. 6, 1817,	Part of 19, - -	-	-	10,000	-													
John McClure, - -	Feb. 12, 1817,	Balance of 19, -	2	6	12,000	-	-	-	-	$3 25	$2 25	60 miles,	96 miles,	32 miles,	1,206,000 dollars.	454,000 dollars.	1,660,000 dollars, including 60,000 dollars for the Monongahela bridge.		
J. M. Oliver, - -	March 1, 1817,	Mason work on the western division. - -	-	-	-	-	$2 75												
John Doyle, - -	Jan. 28, 1817,	- -	-	-	-	-	2 75 to 3												
M. Curren, - -	Aug. 25, 1817,	- -	-	-	-	-	-	-	$2 50										
John Krepps, - -	March 23, 1817,	- -	-	-	-	-	-	-	-	3 00	2 50								
John Hunter, - -	Aug. 25, 1817,	- -	-	-	-	-	-	-	-	3 00	2 50								
James Bell, - -	Aug. 23, 1817,	- -	-	-	-	-	-	-	-	3 00	2 50								
Loomis & Gray, - -	Aug. 25, 1817,	- -	-	-	-	-	-	-	2 75										
Zadock Patch, - -	Do. -	- -	-	-	-	-	-	-	2 75										
W. Stephenson, - -	Aug. 23, 1817,	- -	-	-	-	-	-	-	2 50										
Loomis & Skinner, - -	Do. -	- -	-	-	-	-	3 to 3 75												
Kerns & Bryson, - -	Sept. 14, 1813,	Bridge across the Little Youghiogeny river, on the 9th section of the road,															-	$10,000	
Moses Shepherd, - -	Feb. 17, 1817,	Two bridges below the forks of Little and Middle Wheeling, each 100 feet arch, at $10,630 each,															$21,260		
Do. - -	Do. -	Two bridges over Little Wheeling, each 75 feet arch, at $9,371 each,															18,742		
																		40,002	
Kinkhead, Beck, & Evans, -	May 7, 1817,	Bridge across Red Stone creek, on the 31st section of the road,															-	9,500	
Do. do. -	Sept. 5, 1817,	Bridge across the Big Youghiogeny, on the 17th section,															-	40,000	

Amount expended in repairs in 1814,	$1,006 92
Do. do. 1815,	1,200 54
Do. do. 1816,	2,202 11
Do. do. 1817,	3,227 41
	$7,636 98

N. B. The contracts for the western division of the road embrace only such parts of it as present the most serious difficulties to travelling and the transportation of heavy articles.

B.

A statement of drafts drawn on the Secretary of the Treasury for the purpose of making the United States western road from Cumberland, in Maryland, to Uniontown, in Pennsylvania, 60½ miles.

Drafts No. 1 to No. 172, - - - - - -		$508,410 20
Amount of repairs in 1814, - - - - -	$1,006 92	
1815, - - - - -	1,200 54	
1816, - - - - -	2,202 11	
1817, - - - - -	3,227 41	
		7,636 98
		$500,773 22

Statement of the different sums wanting to complete the United States western road to Uniontown, distant from Cumberland about 60½ miles; seventeen sections of the work are completed and connected to the Big Youghiogeny river.

The sum wanting to complete the 18th section, - - - -	$600
19th and 20th sections, - - -	4,000
The 21st and 22d sections are finished and paid.	
The sum wanting to complete the 23d section, - - - -	4,900
24th section, - - - -	2,000
25th section, - - - -	10,500
26th section, - - - -	850
27th section, - - - -	5,600
28th section, - - - -	12,600
29th section, - - - -	7,800
30th section, - - - -	700
31st section, - - - -	12,700
Will be due on Youghiogeny bridge, - - - - -	10,000
on Red Stone bridge, - - - - -	4,000
for lime, - - - - - -	1,500
for small mason work, - - - - -	5,000
for making that part of the road over the Youghiogeny river over the bridge, -	6,000
Total amount wanting to complete the road to Uniontown, - - -	$88,750

The sum stated as wanting to complete the road to Uniontown may be relied on, except the item of small mason work, which cannot be known until the whole is done; the sum, however, allowed is believed to be sufficient.

The statement of drafts drawn shows the entire sums (up to this date) drawn by me for the use of the road, and, of course, will show the expense of making it, be that expense what it may, except the sum applied to repairs.

The sum drawn, except for repairs, - - - - - -	$500,773 22
The sum yet wanting, - - - - - -	88,750 00
Divide this sum by 60½, - - - - - -	589,523 22

shows the road to cost about $9,744 21 per mile; and this expense includes every species of it: locating, road-making, bridge-making, (two of which are the largest in the United States,) gravelling, superintending; in short, it includes every expense.

DAVID SHRIVER, Jun.

January 12, 1818.

C.

Statement exhibiting the progress made in the construction of the western division of the Cumberland road; also showing the probable amount of funds necessary to complete the contracts made, and bills drawn in payment.

CONTRACTORS, RATES, &c.	Miles.	Poles.	Amount agreeably to contract.	Work done.	Will cost to finish.	Bills drawn in payment.
Section east of Monongahela river, contractors, Bond and Gormly, at $27 75 per rod,	1	92	$11,433 00	$2,858 00	$8,575 00	$1,110 00
George Dawson, contractor for mason work on the above section, at $3 50 per perch for mortared work, and $3 for dry work,	-	-	13,700 00	12,950 00	750 00	11,500 00
Section west of Monongahela river, contractor, Patrick Gormly, at $28 per rod,	1	151	13,188 00	8,792 00	4,396 00	8,300 00
John Krepps, contractor for mason work on the last section, at $3 for mortared work, and $2 50 for dry wall,	-	-	10,000 00	7,500 00	2,500 00	6,500 00
Thomas Bleakley, contractor for part of section east of Washington, at $28 per rod,	1	160	13,440 00	4,480 00	8,960 00	3,000 00
Thomas Bleakley, contractor for mason work on the above part of section east of Washington, at $3 per perch,	-	-	11,300 00	9,300 00	2,000 00	7,600 00
Foster and Penrose, contractors for one mile east of Washington, at $23 per rod,	1	-	7,360 00	6,860 00	500 00	5,510 00
Thomas McGiffin and others, contractors for ten sections, extending from Washington to West Alexandria, including all bridges of four feet chord and under—first six sections at $10,000 per mile, and four sections at $9,750 per mile,	15	94	151,715 50	80,000 00	71,715 50	75,000 00
Loomis, Skinner, and Loomis, contractors, at $3 75 per perch,	-	-	51,505 00	41,505 00	10,000 00	37,900 00
Zadock Patch, contractor for side walls. The work of this contract has been completed,	-	-	200 00	200 00	-	200 00
John Hunter, contractor for side walls, at $3 for the parapet walls, and $2 50 per perch for the dry walls,	-	-	1,650 00	1,600 00	50 00	1,500 00
John Oliver, contractor for mason work, at $2 75 per perch,	-	-	14,000 00	10,000 00	4,000 00	4,709 50
Abel, Gray, and Loomis, contractors for side walls, at $2 75 per perch,	-	-	2,000 00	800 00	1,200 00	750 00
John Doyle, contractor for mason work, at $3 50 for large bridges, and $2 74 for small bridges,	-	-	14,000 00	10,000 00	4,000 00	8,000 00
William Stephenson, contractor for side walls, at $3 per perch for parapet walls, and $2 50 per perch for dry wall,	-	-	2,000 00	1,500 00	500 00	1,300 00
James Bell, contractor for side walls, at $3 per perch for parapet walls, and $2 50 per perch for dry wall,	-	-	2,000 00	1,600 00	400 00	1,500 00
George Paul, contractor for seven sections of road; six sections at $9,000 per mile, and one section at $10,000 per mile, including all the bridges under four feet span,	12	97	112,946 87½	15,000 00	97,946 87½	
Moses Shepherd, contractor for all the mason work except what is included in George Paul's contract from the east foot of Wheeling hill to Alexandria, at $3 25 per perch; and four large bridges across Wheeling creek contracted for, to be finished, complete, for $40,000, agreeably to contract,	-	-	132,000 00	32,000 00	100,000 00	20,375 00
Timothy Caffield, contractor for the eighteenth section—abandoned by him after doing upwards of a thousand dollars worth of work,	-	-	-	-	-	520 00
Daniel Stenrod, for the above abandoned section, at $40 per rod,	1	253	22,920 00	12,000 00	10,920 00	9,600 00
John McClure, contractor for a part of the nineteenth section, at $12,000 per mile; and William Chaplin, for the balance of the nineteenth section, at $10,000 per mile,	2	6	22,206 25	15,000 00	7,206 25	13,000 00
John McClure, contractor for mason work for the nineteenth section, at $3 25 per perch for mortar wall, and dry wall at $2 25,	-	-	7,000 00	1,500 00	5,500 00	1,000 00
Totals,	36	213	$616,564 62½	$275,445 00	$341,119 62½	$218,874 50

The above is the most correct statement I am enabled to make, in the present rough state of the work, and hope it may be satisfactory.

Your obedient servant,

JOSIAS THOMPSON, *Superintendent.*

The Hon. WILLIAM H. CRAWFORD, *Secretary of the Treasury.*

15th Congress.] No. 459. [2d Session.

CITY OF WASHINGTON: PUBLIC BUILDINGS.

COMMUNICATED TO THE SENATE, NOVEMBER 27, 1818.

To the Senate of the United States: NOVEMBER 26, 1818.

I lay before the Senate a report from the Commissioner of Public Buildings, made in compliance with a resolution of the 28th of January last, requiring a statement of the expenditures upon the public buildings, and an account of their progress, to be annually exhibited to Congress.

JAMES MONROE.

WASHINGTON, *November* 23, 1818.

In obedience to a resolution of the Senate of the United States, passed the 28th day of January, 1818, requiring a statement of expenditures upon the public buildings, and an account of their progress, to be annually laid before Congress, I enclose the paper marked A, exhibiting the amount of my disbursements from the 1st of October, 1817, to the 1st of October, 1818; and the papers marked B and C, containing statements of the progress made in the public buildings during the current year.

All which is respectfully submitted.

S. LANE, *Commissioner of Public Buildings.*

The PRESIDENT OF THE UNITED STATES.

A.

Amount of disbursements made by Samuel Lane, Commissioner of Public Buildings, from the 1st of October, 1817, to the 1st of October, 1818.

On account of the wings of the Capitol, - - - - -	$204,349 87
On account of the centre of the Capitol, - - - - -	4,071 05
On account of the President's house, - - - - -	44,150 34
On account of offices to President's house, - - - -	1,273 74
On account of graduating President's square, - - - -	3,442 19
On account of additional executive offices, - - - -	59,521 41
On account of contingent expenses, - - - - -	3,871 82
	$320,680 42

Errors excepted.

SAMUEL LANE, *Commissioner of Public Buildings.*

WASHINGTON, *November* 23, 1818.

B.

SIR: CAPITOL, *November* 21, 1818.

In your communication of the 16th instant, you request me to report the state of the public buildings under my charge, and the progress made therein during this year. In compliance with this request, I beg leave to present the following:

ON THE NORTH WING.

The stonemasons have built, on the outside, the entire balustrade of the east and west sides, and the attic of the north front, and the stone cupola over the dome. Inside, they have laid the marble stairs leading to the principal floor, completed the colonnade of the vestibule and part of the gallery of the Senate chamber. The roof has been covered with copper; the apartments and passages of the upper story are plastered and paved; and the doors, shutters, and other carpenter's work will be finished in a few days. The offices and committee rooms of the principal story and lower story are in the same degree of forwardness. The court room is proceeding in a state of preparation for the use of the court in December. The ceiling of the Senate chamber is rough plastered; but a delay has been occasioned in building the marble colonnade and gallery, from a disappointment in receiving the materials from New York, which I will explain more fully hereafter.

ON THE SOUTH WING.

The columns of Potomac marble of the Representatives room have been prepared and set in their places; the stone entablature with which they are crowned, and the brick arches connecting them with the walls, are built; the stone enclosure forming the breast of the gallery is nearly complete; the ribs of the dome ceiling are raised and secured; the outer roof is now raising, and will be covered in a fortnight, and the balustrade is nearly entire.

ON THE CENTRE.

A great body of earth and of old foundation has been removed to prepare for the new work on the west of the centre. The foundations of the basement story are laid, and the cellar walls of the rotundo are carried to the height to receive the arches which will form the ground floor. Large quantities of freestone are prepared, and the workmen are employed in fitting it for its place. The external walls of the basement are commenced, and these, with the partition walls, will be urged on as long as the season will permit. I think I may state with confidence that the work of every description has been executed in the most thorough and satisfactory manner.

As a general expectation existed that the public rooms would be ready for use in some part of the present session of Congress, I beg leave to state some occurrences which have occasioned delay, and caused the building to appear in a more unfinished state than it would otherwise have done.

Towards the close of April, when the workmen were prepared to commence building the stone cupola of the north wing, such evident marks of weakness were seen in the great arch that was to support it that it became necessary to take measures to strengthen it. After considering the best means for this purpose, it was thought proper to take down the work which loaded the arch, and to build up a hollow cone of brick work, from a solid foundation, over the attic story to the opening in the centre of the roof, which might support the cupola and strengthen the arch: this was done with the utmost despatch, but occasioned a delay of one month. The effect of losing so much time in the best season of the year was to prevent the coppering of the roof, which could not be done while the heavy stone work and masonry were executing. The delay of the copper covering prevented the plastering and inside finishing; for it is certain that, if this delay had not happened, the whole of the plastering and wood work of this wing would be now completed. I enclose a copy of the detailed report of the state of the arch, and of the proceedings thereon, which I presented at the time to the President of the United States and to yourself, to which I now refer for those particulars.

Another cause of delay has been occasioned by engaging some work from a distance, of which we have been disappointed—I allude to the rich and costly colonnade and gallery of the Senate chamber. This is to be wholly of marble, and was contracted for in New York, to be executed there, and to be delivered here in November, 1817; but such has been the disappointment that, though the greater portion of it is on hand, many pieces are now wanting, and some indispensably necessary to proceeding. Repeated letters have been written, and two special messengers sent to urge on this work, which was promised long since, and is now hourly expected.

The large columns of Potomac marble were essential to forming the Representatives chamber and building the south wing; attention was paid to this object, when an interruption was put to this, and all other stone work, by a combination among the workmen to demand an increase of wages. This combination was so organized as to threaten, at one time, an entire suspension of the work; but was happily overcome, after a total loss of thirty days, and a partial loss of many more, owing to the derangement of work occasioned by it.

These causes must account, in a degree, for the present unfinished state of the wings. I am not sanguine enough to assert that they could have been fit for use if these circumstances had not occurred; but the north wing would have been finished, and the south wing much further advanced.

The massiness and solidity of the work, and the great elevation to which a large portion of the materials must be conveyed, will account for the apparently slow progress. From three hundred to three hundred and fifty mechanics and laborers have been employed daily; and, in my opinion, a greater number could not have worked to advantage. Permit me to add, that, since the combination among a certain class of workmen was suppressed, the work has proceeded with spirit, and with a remarkable degree of good order and propriety of conduct.

Respectfully submitted by your humble servant,

CHARLES BULFINCH, *Architect of Capitol United States.*

SAMUEL LANE, Esq., *Commissioner of Public Buildings.*

C.

Report of the state of the arch in the roof of the north wing, May 1, 1818.

When I entered upon the duties of my office as architect of the Capitol, and examined the state of the building, I found that a large arch had been built above the third story of the north wing, which was intended to support the stone cupola or lantern on the centre of the dome. I was pleased with the ingenuity and boldness of the design by which it was intended that a great number of chimneys should be carried upon this arch, and rise in the piers of the cupola between its windows. On inquiring of the principal workmen and overseers, I was told that this arch had been constructed under the particular direction of Mr. Latrobe, and that the stones of the band or curb that formed the opening on the crown of the arch were cut by his particular orders, and put in their places before he left the superintendence of the building. I felt perfect confidence in Mr. Latrobe's genius as an architect, and his acknowledged skill as an engineer, that he had well considered the hazard of the proposed construction, and had taken every precaution against danger; and I gave directions to the workmen to proceed strictly according to their orders from him.

By the 23d of April the chimney flues were all brought into their position on the crown of the arch, when the master workman thought it would be proper to loosen the centres, that the arch might be proved and take its bearing before the stone cupola should be built. On loosening the centre, it was found that the crown of the arch settled with it, and that the stones round the circular opening had moved in a few minutes so far as that the opening was four inches larger in one direction than in the other; the joints appearing violently compressed in some parts, and open on the others. The workmen left it in alarm, and considered it very hazardous. The clerk of the works informed me of the circumstance, and I immediately went on the roof to view it, with the clerk, the principal of the stone department, and the master mason. I soon came to the determination that the arch could not bear the weight of the flues and stone cupola, estimated at two hundred tons more than it was already charged with; and, after inspecting the foundation, resolved to build a cone of brick from the bottom of the dome to the circular opening above, for the purpose of strengthening the arch and supporting the cupola.

As I had been informed that General Swift and Colonel Bomford had been formerly commissioned by the President of the United States to examine the north wing to ascertain the state and solidity of the walls, I immediately wrote to those gentlemen to request them to inspect the arch, and consider the mode in which I proposed to secure it; they obligingly came and examined the work, and determined that it could not support any additional burden, and approved of the plan I proposed, of a hollow cone.

The following description of the arch will exhibit some of the causes of its failure:

The great arch in the roof of the north wing is forty feet in span from north to south, and thirty feet wide from east to west, and rises in a semicircle; it is intended to support a stone cupola twenty-two feet in diameter, with six windows in its circumference, and as many piers between them, in which eighteen chimney flues are to be carried up from the different apartments of the building. A circular opening is made in the crown of the arch fifteen feet wide, (the inner diameter of the cupola,) to convey light to the interior, and particularly to the vestibule of the Senate chamber.

One cause of the failure of this arch arises from the circumstance that the circular opening is not in the centre; but while there are ten feet of solid work on the west, there are only five feet to the east of the opening. Of the eighteen brick flues which are to be led round this circle, twelve are brought from the west, three from the south,

and three from the north, but none from the east, to serve as a counterpoise or buttress of consequence. When the weight was brought on the arch, the tendency of the whole was to press on the easterly part, which, being the weakest, and having nothing to assist it to sustain the pressure, was forced out of form.

On taking down the centring, which opened the soffit or under side of the arch to view, another cause of weakness appeared: the arch, which is two bricks thick, is ornamented with large caissons or coffers of three feet square, sunk the depth of one brick, or half its thickness; these destroy the bond and connexion of the work, as is apparent from the cracks round the stone curb in the centre, which take their directions along the caissons. Four of the blocks of freestone which formed the curb are cracked by the great pressure upon them. From these appearances, it is evident that it would be dangerous to trust the arch to bear the weight that is now upon it, and that it would be wholly incompetent to sustain the stone lantern that was contemplated in addition.

CHARLES BULFINCH.

May 1, 1818.

Pursuant to the plan proposed above, a cone of brick work has been made under the opening of the arch; the chimney flues are now brought into their right position, and carried up to the top of the dome roof. The work appears fair and substantial, and capable of sustaining the stone lantern which will now immediately be built upon it The alteration has, however, occasioned a delay of one month in finishing the roof of the north wing.

May 23, 1818.

Washington City, *November* 21, 1818.

Report of James Hoban, Superintendent of the President's house and executive offices, of the state of those buildings, and their progress during the current year.

Of the President's house.

The principal drawing-room, 80 by 40 feet, and 20 feet 6 inches elevation, has been floored, and the walls and ceiling plastered. The cornice, frieze, and architrave, with the centre-pieces in the ceiling, are nearly finished, all in stucco ornament; and the decorations in wood work of the doors and windows are nearly completed.

Early last spring, the arcade of the circular portico to the south front of the President's house, to give a communication from the house to the grounds to the south, had been carried up to the height of the plat band, or to the level of the principal floor of the house. Without this portico, the President can have no access to the south but by the cellar story. A part of the balustrade for the south portico is also prepared; and the upper work of the building to the south, the place of the portico, is insecure from the weather until the portico is completed, as may be seen on examination.

All the doors, doorways, and windows of the offices east and west of the President's house, and attached to that building, containing a temporary stable and carriage-house, ice-house, coal-house, &c., have been finished, with the exception of the plastering, which is in part done.

All the painting and glazing of the President's house and offices attached thereto, inside and outside, has been completed.

A temporary fence has been put up to enclose the area to the north of the President's house. The pedestal wall of granite stone has been built to receive the coping. The piers for gates, of cut stone, and the coping, are preparing. The gates, braces, and lamp-brackets, of wrought iron, and the upright bars, of cast iron, are in a state of preparation.

Of the executive offices.

The foundation of each of the offices has been dug, and the earth carried away. The walls of the basement stories have been built of granite stone, and the principal floors of each building, in extent 157 by 57 feet, have been arched or groined with brick.

The external of the basement stories, for five feet above the surface-level of the building, is faced with freestone, topped with a moulding, which forms a base to the upper stories. The external walls above the base on the outside are all of stock brick, laid in Flemish bond, and neat tuck joint; and the whole walls are built of best hard brick, laid in mortar made of stone lime and sharp river sand. The chimneys are all capped with cut stone, and moulded.

The cornices all round the building, and to the pediments, with the pilasters, bases, and capitals, string-courses, window-sills, and window-heads, are all of cut stone. The columns for the north porticoes, with the pediments and entablatures, are preparing.

The naked timbers of the two upper stories of each of the buildings, as trussed girders, joists, &c., are all in place, and the roofs are put on and boarded, and in part covered with best patent milled slate, screwed on. The gutters to convey water and the dormers are all covered with copper. The window frames are being put in the buildings, and the sashes are nearly ready for glazing. The glass (of best quality, Boston manufacture) is in part arrived, and the balance hourly expected.

I am, respectfully, sir, your obedient servant,

JAMES HOBAN.

Samuel Lane, Esq., *Commissioner of Public Buildings.*

15th Congress.] No. 460. [2d Session.

PRINTING FOR CONGRESS.

COMMUNICATED TO THE SENATE ON THE 17TH DECEMBER, 1818.

Mr. Wilson made the following report to the Senate:

The joint committee of the two Houses of Congress, on the subject of the public printing, beg leave to report, in part:

That they have examined the proposals of the Secretary of the Senate and Clerk of the House of Representatives, and find in them the following stipulation:

"In every instance the printer supplies the paper, and deposites the work, duly folded, (and stitched, when necessary;) and no possible delay is to occur in the *daily* execution and delivery of the work, so that, in all cases *where it is practicable*, the matter ordered to be printed on every given day may be ready for delivery next morning, at the hour to which the House so ordering the printing stands adjourned, except in the printing of the annual reports made from any of the Departments, under any permanent act requiring such reports; in which cases, forty-eight hours longer will be allowed."

In the proposals made by Mr. De Krafft to the Secretary of the Senate and Clerk of the House of Representatives, and which were accepted by the latter, is the following paragraph:

"It is to be expressly understood that I am to receive the *whole* of the printing, &c. of the Senate and House of Representatives for the fifteenth Congress; and for the *prompt execution* and fulfilment of the above propositions, should they be accepted, I offer as surety R. C. Weightman, Esq. of this city."

The committee have afforded Mr. De Krafft an opportunity to afford them all the information and explanation in his power. He avers that the printing has been done as promptly as *practicable*, agreeably to the conditions offered, and insists on his right to *the whole* of the printing, according to the words of his proposals.

The committee are, however, of opinion that *it is practicable*, with a greater number of hands and presses, to execute the business with much greater despatch; that the delays and disappointments experienced during this session, in relation to a number of documents, have not only been inconvenient to the members of both Houses, but highly detrimental to the public interests; and that it is absolutely necessary for the furtherance of the business of the nation to guard against such frequent and long disappointments in future; and they therefore recommend the adoption of the following resolution:

Resolved, That, when any printing is done by virtue of a joint rule or resolution of the two Houses, the Secretary of the Senate and Clerk of the House, jointly, and, when ordered by either House, the Secretary and Clerk, respectively, be authorized and required to employ such printer or printers as will most expedite its execution and delivery, and allow him or them the same prices as are now allowed to the printer employed by the said Secretary and Clerk, giving the latter *the preference* when it shall be *practicable* for him to execute and deliver it as soon as it can be done by any other printer or printers.

15th Congress.] No. 461. [2d Session.

CITY OF WASHINGTON: VINDICATION OF THE OFFICIAL CONDUCT OF THE LATE SURVEYOR OF THE PUBLIC BUILDINGS.

COMMUNICATED TO THE SENATE, ON THE 5TH JANUARY, 1819.

Sir: Washington, *December* 8, 1818.

Not being a resident of the city of Washington, I have only this morning seen and read the report of the Commissioner of the Public Buildings of the United States to the Senate of the United States, of the 23d of November, containing a report of Charles Bulfinch, Esq. of the 21st of November, and also his report of the 1st of May last, on the centre arch of the north wing of the Capitol.

In this latter report my design of that part of the building is censured, and the failure of the arch attributed to my want of professional skill in such unqualified terms, that I most respectfully beg leave to lay before you and the honorable House of Representatives the following representation of facts, appealing to the justice and candor of your honorable House to give to my defence, on a point involving the most important interest of an American citizen, and an old public servant, such consideration as it may appear to merit. When I resigned my office as surveyor of the Capitol, in November, 1817, as my motives were partly personal, I offered, in my letter of resignation, to give such drawings, instructions, and information to the public, as should enable my successor to complete the plans which I had begun, and which could not well be altered; and, although this offer was not noticed, so sensible was I of the disadvantage under which the public interests would labor unless I did give such information, that I employed nearly a month, without even the hope of compensation, in making the drawings which should explain and remove all probable difficulties in the execution of what I had proposed, as far as my plans might be thought worthy of execution. This drawing, and others sent from Baltimore, were sent to the proper authorities, and remain with them. The information thus given was the more necessary, because, a short time before my resignation, the commissioner had removed, against my earnest representations, the clerk of the works of the Capitol, Mr. Shadrach Davis, to the President's house, and had established at the Capitol the clerk of the works of the President's house, Mr. Peter Lenox. Mr. Shadrach Davis was perfectly master of my intentions respecting every part of the building, while Mr. Lenox (to whose skill and character as an able mechanic I most willingly bear testimony) was not only unacquainted with my design, but was inexperienced in the construction of arches generally. The arch in

question was not begun when I resigned my office. Mr. Bulfinch has, therefore, been entirely misinformed when he states (page 11) that the arch was constructed under the particular direction, and the "stones," &c. put in their places before Mr. Latrobe left the superintendence of the building; for, so far is this from being the fact, that, *after my resignation*, my anxiety respecting the proper construction of this arch was so great that I examined the stones which were in progress of cutting, and, finding that the workmen understood my intentions, I went upon the arch, and found the centre set up, but that the workmen did not know in what manner to form some of the caissons. I instructed them, and, visiting the work afterwards, I found the brick work advanced a few feet only; after which time I never saw the arch.

It is here necessary to state how an arch so important and difficult came to be at all necessary. After the 4th of March, 1817, the master stonecutter, without my knowledge or suspicion of such interference with my duties, made a report, which was laid before the President, in which, as I have been informed, he made objections to the construction which I had designed for the principal parts of the building. This report I know only from having been verbally informed by General Swift and Colonel Bomford, the engineers to whom it was referred, of the tendency of assertions in opposition to my opinions and practice which it contained. It occasioned me, however, infinite vexation and embarrassment. Its merit and character may be judged from its having been maintained therein that the marble of the columns could not be wrought and polished; that it would not bear its own weight; that the foundations were not sufficient to bear the columns and the arch above them; and that the columns would crumble under the superstructure; that the set walls of the north wing, to which the vault of the enlarged Senate chamber was to be transferred, would not bear it, although the walls of the Senate chamber, together with its brick vault, was at that moment carried by the arches only of the court room. These objections went to almost the whole of my design, but I believe that I proved satisfactorily to the enlightened judges to whom the President submitted the decision that they were not well founded, and my design was confirmed with the exception of the vaults of the Senate chamber and House of Representatives; and these were ordered to be made of timber, on the ground that, objections having been urged against their security, the moral effect on the apprehensions of the members and of the public was a sufficient ground for their being abandoned. I was therefore ordered to cover these chambers with timber vaults. Of many difficulties into which I was thus thrown, the greatest related to the arch in question.

1st. The existing walls of the House demanded that the vestibule of the Senate and the stairs of the attic should be lighted by a skylight, the centre of which falls six feet to the westward of the centre line of the building.

2d. The very numerous and scattered chimneys required that they should be carried out as high as possible, lest they should smoke by being overblown, and, at the same time, be extremely unsightly objects.

3d. The centre of the north wing demanded light from above; and its symmetry with the south wing, which could only be lighted by a cupola, demanded a similar construction on the north wing.

4th. Therefore it was almost unavoidable, and certainly it was highly advisable, that the chimneys should be carried up as well as concealed in the piers of the cupola. This had been done before, and, although the cupola was never raised above the dome, its base had existed, and, with the arches that supported it, remained unimpaired by the fire of 1814.

Had I been permitted, as formerly, to cover the Senate chamber with a brick vault, I should have had a most substantial foundation for all the weight and works above it, which would have been infinitely more cheap, commodious, and handsome than the arrangement into which I was forced, contrary to my judgment, not only as a professional man, but as a citizen anxious for the interests of the public.

But, deprived of this support, the object I had to attain was this: To construct over the cavity of the Senate chamber and its wooden dome an arch or other support sufficient to bear the cupola necessary to light the centre of the house, and also to carry sixteen or eighteen chimneys concealed in the cupola, and, at the same time, to produce a handsome effect in looking up from the vestibule of the Senate, from which the whole construction would be seen. And I believe that I perfectly attained this object in all its parts, provided the arch had been made to stand.

This, then, is the point which I have now to explain, and I will endeavor to do it in a manner which shall be intelligible even to those who are not conversant in such difficult works.

The arch in question was a semicircular arch, forty feet in diameter or span, extending over the whole vestibule in breadth, and so far beyond over the Senate chamber as to receive and bring the chimneys and cupola into the centre of the wing.

If a semicircular arch in any case were built so that it could not spread at the foot or springing, and were not loaded at the haunches or sides, but were narrow and of equal depth (say one brick thick) in its whole extent, then it would fall, by the sinking of the crown or top, inwards; while the sides or haunches would be thrown outwards. The same effect would be more powerfully produced if the crown were loaded with extraneous weight. It is therefore necessary always to load the haunches of every semicircular arch equally on both sides to a certain extent, which will always be in proportion to the weight on the crown, and which is subject to minute calculation. If the sides or haunches are too much loaded, then the arch will fall by the rising of the crown and the falling in of the haunches. This was nearly effected in the great bridge over the canal on the Jersey Avenue, where, contrary to my direction, the haunches were loaded so as to raise the crown five inches from the centre. It cannot be supposed that, when I designed the arch in question, I was ignorant of these principles, and that, had the arch been built as Mr. Bulfinch asserts, under my direction, I should have depended upon the flues as a counterpoise to the weight of the cupola, (see page 12, paragraph 4,) as Mr. Bulfinch appears to suppose that I should have done. On the contrary, I may, in common justice to the general success of my works, claim a belief that I should have loaded the arch equally on both sides, availing myself of the weight of the flues as far as they would go, and making up the deficiency with the coarsest and cheapest materials which I might have induced the commissioner to provide. In respect to the arch being broader on one side than on the other, that naturally resulted from the position of the cupola to the eastward of the centre of the vestibule. The additional breadth on the west side was not necessary to carry the cupola, but only to cover the vestibule. On the east side there was sufficient strength in the arch, had it remained upright, not only to have carried two hundred but two thousand tons; and the breadth on the west, which added nothing to the strength, could not deduct any thing from it.

I now come to the circular opening in the cupola yielding light to all below it. In the error committed on this part by the workmen, after my resignation, is the second cause of the failure of the arch.

Every *circular* opening in a cylindrical or barrel arch produces lateral pressure; that is, a pressure sideways across the arch. Can it possibly be supposed that I could overlook or be ignorant of this fact, or not have provided against it? The very construction of the base or rim of the opening in freestone, which could have been as well and much more cheaply made of bricks, (as all those of the vaults of the Senate chamber were,) proves that I had some object besides merely bordering the opening with stone to receive plastering. My intention was, when the stone curb or rim should be in its place, to have put an iron hoop round it, *as I have uniformly done* in every circular horizontal opening or springing in the whole Capitol, in which the lateral pressure was not otherwise resisted.

As the surface of the opening was cylindrical, it was not easy for the smith to form the hoop but upon the place itself, nor for the stonecutter to cut the channel to receive it until after the stones were set; and it was my intention, not only to have hooped the curb of the opening itself, but the course above it, and several of the superior courses, even to the very top of the cupola. Nothing, indeed, in the study of this whole design was so powerfully impressed on my mind as the possibility of the well or cylinder of the cupola opening by the settlement of the arch underneath. Whether I explained my intention respecting a distant operation to any one but Mr. Davis, whose duty it was to see it executed, I cannot now recollect. But I certainly consider it a thing so much of course, and of daily example at the Capitol, as possibly to have said little on the subject. But, after my resignation, I went expressly on the arch for no other purpose than to advise Mr. Queen, the master mason, to lay thin hoop iron into each joint in order to prevent the arch from spreading laterally, as he will no doubt recollect. It is, indeed, somewhat extraordinary that these very flues and the lower part of the cupola were, before the conflagration, all of them carried upon the weakest of all arches, a spandrell dome, hooped by broad nail rods *riveted* only together, and resting upon very flat segments, arches fitted with caissons. Now these very caissons, which, while they lightened, did not weaken the arch, and which have been the common ornament of every such arch for more than two thousand years, are, in Mr. Bulfinch's opinion, one of the causes of its failure. That the crack should have passed through them, and that the stones surrounding the rim should have been cracked, and the joints opened, when, by the neglect to load the haunches, and provide against the lateral movement of the arch, it spread from west to east, was to be expected; but it is evident that, unless the materials had been crushed to dust by the pressure (comparatively light) of the cupola, the arch, as long as it stood upright, could not possibly have failed.

In order to meet an objection which may occur, that an architectural work ought to stand firmly by virtue of its construction, and not depend upon iron or any other tie, I beg leave to add that in many cases (and the present is one of them) peculiarities of construction occur in which the strength of mortar or cement must be partly depended upon for the stability of a work; and that, until the cement has time to harden, it is necessary to keep the work together by bands of iron or timber. Both iron and timber, when completely buried in lime or mortar, and entirely secluded from the action of the air, are as indestructible as marble, a proof of which has been discovered in a temple at Athens, built two thousand years ago, in which the cedar pieces inserted between the marble blocks of which the columns were composed, to the perfect exclusion of air, were found in perfect preservation.

It has, therefore, been the practice of the greatest architects to surround circular openings and domes with iron chains or bands. The enormous dome and cone of St. Paul's, (see Wren's Parentalia,) the double dome of the Invalids, and the triple dome of St. Genevieve, and I may say all the great domes that spring above their lower piers and abutments, are thus confined, and, in fact, could not have been constructed by any other method; but especially the several domed stories of Eddystone light-house, which could not otherwise have stood at all, and which have now resisted the attacks of the Atlantic ocean for more than sixty years, are hooped by iron chains. In our own country the flat dome of the Bank of Pennsylvania, weighing more than three thousand tons, and that of the centre engine, loaded on the crown, besides its own weight, with fifty tons and upwards of marble chimneys, depend upon hoops of iron. The double dome of the Exchange of Baltimore, of fifty feet diameter, and that of the Cathedral, of sixty-eight feet, are bound not only by iron chains, but by frames of oak, and are perfectly sound; and all these and some other domes have been constructed by myself, and I will only add that all the domes in the Capitol have been thus secured until now.

It is my opinion, however, from all I have learnt, that the arch would have stood even without a hoop, had it been loaded with judgment, and the centre struck at the proper time. No blame may, however, attach to my successor, who, erroneously believing that I had directed the work, did not think it necessary to give his own instructions respecting it; for had he calculated the amount and direction of lateral pressure, under the circumstances of the case, it cannot be doubted but that he would have given success to the original plan. And this is the more probable, because it appears, from the foundations of the centre, that Mr. Bulfinch is a much bolder architect than myself, as he has ventured to omit all those precautions in securing so heavy a building on so bad a foundation, which I should have thought indispensable.

I now most respectfully solicit indulgence for this defence of my professional character, on the reputation of which the support of my family entirely depends. The report which has attributed to me ignorance or neglect of the plainest principles of my profession is printed, and will be transmitted to posterity with the records of your honorable House; it became, therefore, a duty to submit to you its defence.

I am, with the highest respect, your obedient servant,

BENJ. HENRY LATROBE,
Late Surveyor of the Public Buildings, &c.

The Hon. JOHN GAILLARD, *President of the Senate, &c.*

15th CONGRESS.] No. 462. [2d SESSION.

ROADS AND CANALS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 14, 1819.

SIR: DEPARTMENT OF WAR, *January* 7, 1819.

In compliance with a resolution of the House of Representatives of the 4th of April, 1818, instructing the Secretary of War to report to that House at their next session "a plan for the application of such means as are within the power of Congress, for the purpose of opening and constructing such roads and canals as may deserve and require the aid of Government, with a view to military operations in time of war; the transportation of munitions of war; and also a statement of the nature of the works above mentioned, which have been commenced, the progress which has been made, and the means and prospect of their completion; together with such information as, in the opinion of the Secretary, shall be material in relation to the objects of the resolution;" I have the honor to make the following report:

A judicious system of roads and canals, constructed for the convenience of commerce, and the transportation of the mail only, without any reference to military operations, is itself among the most efficient means for "the more complete defence of the United States." Without adverting to the fact that the roads and canals which such a system would require are, with few exceptions, precisely those which would be required for the operations of war, such a system, by consolidating our Union, and increasing our wealth and fiscal capacity, would add greatly to our resources in war. It is in a state of war, when a nation is compelled to put all of its resources in men, money, skill, and devotion to country into requisition, that its Government realizes in its security the beneficial effects from a people made prosperous and happy by a wise direction of its resources in peace. But I forbear to pursue this subject, though so interesting, and which, the further it is pursued, will the more clearly establish the intimate connexion between the defence and safety of the country and its improvement and prosperity, as I do not conceive that it constitutes the immediate object of this report.

There is no country to which a good system of military roads and canals is more indispensable than to the United States. As great as our military capacity is, when compared with the number of our people, yet, when considered in relation to the vast extent of our country, it is very small; and if so great an extent of territory renders it very difficult to conquer us, as has frequently been observed, it ought not to be forgotten that it renders it no less difficult for the Government to afford protection to every portion of the community. In the very nature of things, the difficulty of protecting every part, so long as our population bears so small a proportion to the extent of the country, cannot be entirely overcome, but it may be very greatly diminished, by a good system of military roads and canals. The necessity of such a system is still more apparent, if we take into consideration the character of our political maxims and institutions. Opposed in principle to a large standing army, our main reliance for defence must be on the militia, to be called out frequently from a great distance, and under the pressure of an actual invasion. The experience of the late war amply proves, in the present state of our internal improvements, the delay, the uncertainty, the anxiety, and exhausting effects of such calls. The facts are too recent to require details, and the impression too deep to be soon forgotten. As it is the part of wisdom to profit by experience, so it is of the utmost importance to prevent a recurrence of a similar state of things, by the application of a portion of our means to the construction of such roads and canals as are required "with a view to military operations in time of war, the transportation of the munitions of war, and more complete defence of the United States."

In all questions of military preparations, three of our frontiers require special attention: the eastern, or Atlantic frontier; the northern, or Canadian frontier; and the southern, or the frontier of the Gulf of Mexico. On the west and northwest we are secure, except against Indian hostilities; and the only military preparations required in that quarter are such as are necessary to keep the Indian tribes in awe, and to protect the frontier from their ravages. All of our great military efforts growing out of a war with a European Power must for the present be directed towards our eastern, northern, or southern frontiers; and the roads and canals which will enable the Government to concentrate its means for defence, promptly and cheaply, on the vulnerable points of either of those frontiers, are those which, in a military point of view, require the aid of the Government. I propose to consider each of those frontiers separately, beginning with the Atlantic, which, in many respects, is the weakest and most exposed.

From the mouth of the St. Croix to that of the St. Mary's, the two extremes of this frontier, is a distance along the line of the coast and principal bays, without following their sinuosities, of about 2,100 miles. On this line, including its navigable rivers and bays, are situated our most populous cities, the great depots of the wealth and commerce of the country. That portion of it which extends to the south of the Chesapeake has, with the exceptions of the cities and their immediate neighborhood, a sparse population, with a low marshy country, extending back from 100 to 150 miles. To the north of the Chesapeake, inclusive, it affords everywhere deep and bold navigable bays and rivers, which readily admit vessels of any size. Against a line so long, so weak, so exposed, and presenting such strong motives for depredations, hostilities the most harassing and exhausting may be carried on by a naval Power; and should the subjugation of the country ever be attempted, it is probable that against this frontier, facing Europe, the seat of the great Powers of the world, the principal efforts would be turned. Thus circumstanced, it is the duty of the Government to render it as secure as possible. For much of this security we ought to look to a navy and a judicious and strong system of fortifications; but not to the neglect of such roads and canals as will enable the Government to concentrate promptly and cheaply, at any point which may be menaced, the necessary force and means for defence.

To resist ordinary hostilities, having for their object the destruction of our towns, and the exhaustion of our means, the force ought to be drawn from the country lying between the coast and the sources of the principal rivers which discharge through it into the ocean; but to resist greater efforts, aiming at conquest, should it ever be attempted, the force and resources of the whole community must be brought into resistance. To concentrate, then, a sufficient force on any point of this frontier which may be invaded, troops must be marched, and munitions of war transported either along the line of the coast, or from the interior of the Atlantic States to the coast; or, should the invading force be of such magnitude as to require it, from the western States; and the roads and canals necessary for the defence of this frontier are those which will render these operations prompt, certain, and economical.

From the coast to the Allegany mountains, and the high land separating the streams which enter into the St. Lawrence from those of the Atlantic, in which the principal Atlantic rivers take their rise, the distance may be averaged at about two hundred and fifty miles; and the whole extent from the St. Mary's to the St. Croix is intersected at short intervals by large navigable rivers, and the principal roads of this portion of our country, through which its great commercial operations are carried on. These, aided by the steamboats now introduced on almost all of our great rivers, present great facilities to collect the militia from the interior, and to transport the necessary supplies and munitions of war.

Much undoubtedly remains to be done to perfect the roads and improve the navigation of the rivers; but this, for the most part, may be safely left to the States and the commercial cities particularly interested, as the appropriate objects of their care and exertions. The attention of both has recently been much turned towards these objects, and a few years will probably add much to facilitate the intercourse between the coast and the interior of the Atlantic States. Very different is the case with the great and important line of communication extending along the coast through the Atlantic States. No object of the kind is more important; and there is none to which state or individual capacity is more inadequate. It must be perfected by the General Government, or not be perfected at all, at least for many years. No one or two States have a sufficient interest. It is immediately beneficial to more than half of the States of the Union, and, without the aid of the General Government, would require their co-operation. It is at all times a most important object to the nation, and, in a war with a naval Power, is almost indispensable to our military, commercial, and financial operations. It may, in a single view, be considered the great artery of the country; and when the coasting trade is suspended by war, the vast intercourse between the north and south, which annually requires five hundred thousand tons of shipping, and which is necessary to the commerce, the agriculture, and manufacture of more than half of the Union, seeks this channel of communication. If it were thoroughly opened by land and water; if Louisiana were connected by a durable and well-finished road

with Maine, and Boston with Savannah by a well-established line of inland navigation, for which so many facilities are presented, more than half of the pressure of war would be removed. A country so vast in its means, and abounding in its various latitudes with almost all of the products of the globe, is a world of itself; and with the facility of intercourse, to perfect which the disposable means of the country is adequate, would flourish and prosper under the pressure of a war with any Power. But, dropping this more elevated view, and considering the subject only as it regards "military operations in time of war, and the transportation of the munitions of war," what could contribute so much as this communication to the effectual and cheap defence of our Atlantic frontier? Take the line of inland navigation along the coast, the whole of which, it is estimated, could be completed for sea vessels by digging one hundred miles, and at the expense of $3,000,000, the advantage which an enemy with a naval force now has, by rapidly moving along the coast, and harassing and exhausting the country, would be in a great measure lost to him. In fact, the capacity for rapid and prompt movements and concentration would be to the full as much in our power. We would have, in most of the points of attack, a shorter line to move over, in order to concentrate our means; and, aided by steamboats, would have the capacity to pass it in a shorter time and with greater certainty, than an enemy, even with a naval superiority, would have to attack us. Suppose the fleet of such an enemy should appear off the capes of Delaware; before it could possibly approach and attack Philadelphia, information, by telegraphic communication, might be given to Baltimore and New York, and the forces stationed there thrown in for its relief. The same might take place if Baltimore or New York should be invaded; and should an attack be made on any of our cities, the militia and regular forces at a great distance along the coast could in a short time be thrown in for its relief. By this speedy communication, the regular forces, with the militia of the cities and their neighborhood, would be sufficient to repel ordinary invasions, and would either prevent, or greatly diminish, the harassing calls upon the militia of the interior. If to these considerations we add the character of the climate of the southern portion of the Atlantic frontier, so fatal to those whose constitutions are not inured to it, the value of this system of defence, by the regular troops and the militia accustomed to the climate, will be greatly enhanced. Should this line of inland navigation be constructed, to enjoy its benefits fully it will be necessary to cover it against the naval operations of an enemy. It is thought that this may be easily effected to the south of the Chesapeake, by land and steam batteries. That bay is itself one of the most important links in this line of communication, and its defence against a naval force ought, if practicable, to be rendered complete. It was carefully surveyed the last summer by skilful officers for this purpose, in part, and it is expected that their report will throw much light upon this important subject. Long Island sound, another part of the line which is exposed, can be fully defended by a naval force only.

It remains, in relation to the defence of the Atlantic frontier, to consider the means of communication between it and the western States, which require the aid of the Government. Most of the observations made relative to the increased strength and capacity of the country to bear up under the pressure of war, from the coastwise communication, are applicable in a high degree at present, and are daily becoming more so, to those with the western States; and should a war for conquest ever be waged against us, (an event not probable, but not to be laid entirely out of view,) the roads and canals necessary to complete the communication with that portion of our country would be of the utmost importance.

The interest of commerce and the spirit of rivalry between the great Atlantic cities will do much to perfect the means of intercourse with the west. The most important lines of communication appear to be from Albany to the lakes; from Philadelphia, Baltimore, Washington, and Richmond, to the Ohio river; and from Charleston and Augusta to the Tennessee—all of which are now commanding the attention, in a greater or less degree, of the sections of the country immediately interested. But in such great undertakings, so interesting in every point of view to the whole Union, and which may ultimately become necessary to its defence, the expense ought not to fall wholly on the portions of the country more immediately interested. As the Government has a deep stake in them, and as the system of defence will not be perfect without their completion, it ought at least to bear a proportional share of the expense of their construction.

I proceed next to consider the roads and canals connected with the defence of our northern frontier. That portion of it which extends to the east of Lake Champlain has not heretofore been the scene of extensive military operations, and I am not sufficiently acquainted with the nature of the country to venture an opinion whether we may hereafter be called on to make considerable military efforts in that quarter. Without, then, designating any military improvements as connected with this portion of our northern frontier, I would suggest the propriety, should Congress approve of the plan for a military survey of the country, to be hereafter proposed, to make a survey of it the duty of the engineers who may be designated for that purpose.

For the defence of the other part of this line of frontier, the most important objects are, a canal or water communication between Albany and Lake George and Lake Ontario, and between Pittsburg and Lake Erie. The two former have been commenced by the State of New York, and will, when completed, connected with the great inland navigation along the coast, enable the Government, at a moderate expense and in a short time, to transport munitions of war, and to concentrate its troops from any portion of the Atlantic States, fresh and unexhausted by the fatigue of marching, on the inland frontier of the State of New York. The road, commenced by order of the Executive, from Plattsburg to Sackett's Harbor, is essentially connected with military operations on this portion of the northern frontier. A water communication from Pittsburg to Lake Erie would greatly increase our power on the upper lakes. The Allegany river, by its main branch, is said to be navigable within seven miles of Lake Erie, and by French creek within sixteen miles. Pittsburg is the great military depot of the country to the west of the Alleganies, and, if it were connected by a canal with Lake Erie, would furnish military supplies with facility to the upper lakes, as well as to the country watered by the Mississippi. If to these communications we add a road from Detroit to Ohio, which has already been commenced, and a canal from the Illinois river to Lake Michigan, which the growing population of the State of Illinois renders very important, all the facilities which would be essential "to carry on military operations in time of war, and the transportation of the munitions of war" for the defence of the western portion of our northern frontier, would be afforded.

It only remains to consider the system of roads and canals connected with the defence of our southern frontier, or that on the Gulf of Mexico. For the defence of this portion of our country, though at present weak of itself, nature has done much. The bay of Mobile, and the entrance into the Mississippi through all its channels, are highly capable of defence. A military survey has been made, and the necessary fortifications have been commenced, and will be in a few years completed. But the real strength of this frontier is the Mississippi, which is no less the cause of its security than that of its commerce and wealth. Its rapid stream, aided by the force of steam, can, in the hour of danger, concentrate at once an irresistible force. Made strong by this noble river, little remains to be done by roads and canals for the defence of our southern frontier. The continuation of the road along the Atlantic coast from Milledgeville to New Orleans, and the completion of the road which has already been commenced from Tennessee river to the same place, with the inland navigation through the canal of Carondelet, Lake Pontchartrain, and the islands along the coast, to Mobile, covered against the operations of a naval force, every facility required

for the transportation of munitions of war, and movements and concentration of troops, to protect this distant and important frontier, would be afforded.

Such are the roads and canals which military operations in time of war, the transportation of the munitions of war, and the more complete defence of the United States, require.

Many of the roads and canals which have been suggested are no doubt of the first importance to the commerce, the manufacture, the agriculture, and political prosperity of the country, but are not, for that reason, less useful or necessary for military purposes. It is, in fact, one of the great advantages of our country, enjoying so many others, that, whether we regard its internal improvements in relation to military, civil, or political purposes, very nearly the same system, in all its parts, is required. The road or canal can scarcely be designated, which is highly useful for military operations, which is not equally required for the industry or political prosperity of the community. If those roads or canals had been pointed out which are necessary for military purposes only, the list would have been small indeed. I have, therefore, presented all, without regarding the fact that they might be employed for other uses which, in the event of war, would be necessary to give economy, certainty, and success to our military operations, and which, if they had been completed before the late war, would, by their saving in that single contest in men, money, and reputation, have more than indemnified the country for the expense of their construction. I have not prepared an estimate of expenses, nor pointed out the particular routes for the roads or canals recommended, as I conceive that this can be ascertained with satisfaction only by able and skilful engineers, after a careful survey and examination.

I would therefore respectfully suggest as the *basis* of the system, and the first measure in the "plan for the application of such means as are in the power of Congress," that Congress should direct such a survey and estimate to be made, and the result to be laid before them as soon as practicable. The expense would be inconsiderable, for, as the army can furnish able military and topographical engineers, it would be principally confined to the employment of one or more skilful civil engineers to be associated with them. By their combined skill, an efficient system of military roads and canals would be presented in detail, accompanied with such estimates of expenses as may be relied on. Thus, full and satisfactory information would be had; and though some time might be lost in the commencement of the system, it would be more than compensated by its assured efficiency when completed.

For the construction of the roads and canals which Congress may choose to direct, the army, to a certain extent, may be brought in aid of the moneyed resources of the country. The propriety of employing the army on works of public utility cannot be doubted. Labor adds to its usefulness and health. A mere garrison life is equally hostile to its vigor and discipline; both officers and men become the subjects of its deleterious effects. But when the vast extent of our country is compared with the extent of our military establishment, and taking into consideration the necessity of employing the soldiers on fortifications, barracks, and roads, connected with remote frontier posts, we ought not to be sanguine in the expectation of aid to be derived from the army in the construction of permanent military roads and canals at a distance from the frontiers. When our military posts come to be extended up the Mississippi and Missouri as far as is contemplated, the military frontier of the United States, not including sinuosities, and the coasts of navigable bays and lakes opening into our country, as was stated in a former report, will present a line of more than nine thousand miles, and, including them, of more than eleven thousand. Thinly scattered along so extensive a frontier, it will be impossible, I fear, without leaving some points exposed, to collect any considerable bodies in the interior of the country to construct roads and canals.

As connected with this subject, I would respectfully suggest the propriety of making an adequate provision for the soldiers while regularly and continually employed in constructing works of public utility. The present allowance is fifteen cents a day, which is considered sufficient in occasional fatigue duty, such as is now done at most of the posts; but if systematic employ on permanent works should be made the regular duty of the soldiers who can be spared for that purpose, a compensation (taking into the estimate the obligation of the Government to provide medical attendance and pensions to the diseased and disabled soldiers) not much short of the wages of daily labor ought to be granted to them. Without such provision, which is dictated by justice, an increase of desertion and difficulty in obtaining recruits ought to be expected. Among the leading inducements to enlist is the exemption from labor; and if the life of a soldier should be equally subjected to it as that of other citizens in the same grade, he will prefer, if the wages are much inferior, to labor for himself to that of laboring for the public. The pay of a soldier is sixty dollars per annum; and if he were allowed, when employed permanently on fatigue, twenty-five cents a day, and suppose him to be employed two hundred days in the year, his compensation, including his pay, would be one hundred and ten dollars per annum—a sum, it is thought, considerably short of the average wages of labor. If this sum should be allowed, the greater portion of it ought to be paid at the expiration of the term of enlistment. If fifteen cents a day were so reserved, and the soldier should be employed one thousand days in the five years for which he is enlisted, it would constitute a sum of one hundred and fifty dollars, to be paid at the expiration of his term, which ought, in the same manner as the bounty land, to be made to depend on an honorable discharge. This would furnish an important hold on the fidelity of the soldier, and would be a powerful check to the great and growing crime of desertion. An honorable discharge is now worth but little to the soldier, and the consequence is, that desertions are more frequent with those enlisted since the war than those who were then enlisted, and are entitled to the bounty in land on their honorable discharge; the latter patiently waits the expiration of his term of service, while the former frequently seizes the first favorable opportunity for desertion.

Should Congress think proper to commence a system of roads and canals for the "more complete defence of the United States," the disbursement of the sums appropriated for the purpose might be made by the Department of War, under the direction of the President. Where incorporated companies are already formed, or the road or canal commenced under the superintendence of a State, it perhaps would be advisable to direct a subscription on the part of the United States, on such terms and conditions as might be thought proper. In other cases, and where the army cannot be made to execute it, the work ought to be done by contract, under the superintendence and inspection of officers of the engineer corps, to be detailed for that purpose. It is thus the Government will be able, it is thought, to construct on terms at least as favorable as corporate companies. The system of constructing all public works (which admit of it) by contract would be attended with important advantages. It has recently been adopted in the construction of fortifications, and, it is expected, will be attended with beneficial effects. The principal works at Mobile and New Orleans have been contracted for on terms considerably under the estimates of the engineers. Such a system extended to military roads and canals, combined with a careful inspection and superintendence by skilful engineers, will enable the Government to complete them with economy, durability, and despatch.

In the view which has been taken, I have thought it improper, under the resolution of the House, to discuss the constitutional question, or how far the system of internal improvements which has been presented may be carried into effect on the principles of our Government; and, therefore, the whole of the arguments which are used, and the measures proposed, must be considered as depending on the decision of that question.

The only military roads which have been commenced are, from Plattsburg to Sackett's Harbor, through the Chateaugay country; from the southern boundary of the State of Tennessee, and crossing the Tennessee river, near

1819

In the Military Estimates for the year 1819 15 Cong 2d Sess. D. 15
State Papers Military Affairs Vol. 1 p. 813

Estimates for the Superior Defences

Navy Defences of water - a survey of the waters only tributary
to those of the Susquehanna ——— $6500

1/3 Steamboat ——— $5000
Armour for 1000
Contingencies 500

1807 — Lewis & Clarke their men received
military equal pay — until the exp—
was specially brought before Congress
State Papers Military Affairs Vol 1 p 207
9 Cong 2d Sess. Doc. 68.

1823 — State Papers Mil: Affairs Vol 2 p. 567
17 Cong. 2d Sess. Doc. 247
Gen. Macomb Chief Engr. reports on various civil
works with Mem —

the Muscle Shoals, to Madisonville, Louisiana; and from Detroit to Fort Meigs, at the foot of the rapids of the Miami of the Lakes. Documents marked A, B, and C show the progress which has been made. These roads have been commenced and thus far completed by the labor of the soldiers, who, while they are so employed, receive fifteen cents per day, with an extra allowance of a gill of whiskey. The labor of the troops is the only means within the reach of the Department of completing these roads; and as the troops are so employed only when they are not engaged in active service, it is impossible to state with accuracy when the roads will be completed.

J. C. CALHOUN.

The Hon. HENRY CLAY, *Speaker of the House of Representatives.*

A.

SIR: HEAD-QUARTERS, BROWNSVILLE, *December* 6, 1818.

Your letter, covering a copy of one of the 11th of August, calling for a report of the labor performed on the road leading from Sackett's Harbor through the Chateaugay country, is before me.

My letter of the 29th of November will inform you what has been done, but I fear will not exhibit the progress of this work to the extent you have expected. It may, therefore, be proper to state in this place that, when the President, in the autumn of 1817, directed the road in question to be opened and improved, I did not understand that the second regiment was to be ordered from the duty it was then upon. This regiment, at the time referred to, was employed enclosing with pickets the public ground at Sackett's Harbor, and that duty occupied them the remainder of the season. Expecting, the troops at the Harbor would have been employed in completing the barracks at that place this year, they were not put upon the road, but allowed to be engaged in improving the public grounds for gardens; and, as these grounds were new, it required much labor to put them in good condition.

These causes, and the reasons assigned in my letters from this place and Plattsburg, produced the delay that has occurred in putting Colonel Brady's command upon the road; and, if your letter of the 11th of August had not been received upon my return to this place, I fear that this work would not yet have been commenced.

I pray you to believe that I regret the delay, and I beg you to see good cause for it in the reasons I have endeavored to assign.

It is due to the command of Colonel Brady and that of Colonel Atkinson to say that they have discovered not only a becoming cheerfulness in obeying the orders received for perfecting the Plattsburg and Sackett's Harbor road, but much zeal in the performance of this duty; and if these regiments are continued upon this important work the next season, more than double the length of way will be completed than has been passed the last and the present year.

With respect, I have the honor to be your obedient servant,

JACOB BROWN.

Hon. J. C. CALHOUN, *Secretary of War.*

B.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

SIR: ADJUTANT GENERAL'S OFFICE, NASHVILLE, *September* 19, 1818.

On the eve of setting out for the Chickasaw territory, I deem it necessary to inform you that no reports have been received as yet, of a particular character, in relation to the military road now opening from Columbia, Tennessee, to Madisonville; but I am enabled to inform you, officially, that fifty miles have been completed by the troops on the lower part of the road, making many causeways and bridges of the most durable materials; and the detachment on this end has progressed about forty miles south of Tennessee river, making, in like manner, many bridges and causeways.

It is considered that the most laborious part of the road has been completed, and, from every information, it has been done in the best manner. An increase of men has been recently afforded to the detachment south of Tennessee river, which will enable it to progress with much greater facility.

Should I receive minute reports shortly, I shall communicate their contents without delay.

I have the honor to be, very respectfully, your most obedient servant,

ROBERT BUTLER, *Adjutant General.*

J. C. CALHOUN, Esq., *Secretary of War.*

C.

SIR: HEAD-QUARTERS, DETROIT, *November* 2, 1818.

I have the honor to report that the military way directed to be opened from this place to the rapids of the Miami has progressed as far as the Eight Mile creek, that is, within eight miles of the rapids, making, in all, a distance of seventy miles. The road is truly a magnificent one, being eighty feet wide, cleared of all the logs and underbrush, every low place causewayed, and all the creeks and rivers requiring it bridged in a substantial manner. The number of causeways exceeds sixty, and the bridges are of considerable length. The one on which the troops are now employed is four hundred and fifty feet in length, constructed of strong oak framed work. It was found impossible to complete the road to the rapids this season, on account of the time and labor required in throwing bridges over the larger streams; it was also deemed more essential to complete the bridges than to cut the road this season to the rapids, as the road would be useless without the means of crossing the large streams.

The officers and soldiers who have been employed on this service deserve much credit for the zeal and perseverance they have displayed on this occasion. The work they have performed has proved highly beneficial both to the people of the country and to the Government. Besides greatly adding to the defence and strength of this frontier, the road has been the means of developing the richness of the public lands in this Territory, and greatly augmenting their value.

As soon as Major Anderson, topographical engineer, can complete the survey of the road, a more minute and particular description of the work will be forwarded.

I have the honor to be, with great respect, sir, your obedient and very humble servant,

ALEX. MACOMB.

The Hon. J. C. CALHOUN, *Secretary of War, &c.*

15th Congress.] No. 463. [2d Session.

WEIGHTS AND MEASURES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 25, 1819.

Mr. Lowndes made the following report:

The committee appointed to inquire whether it be expedient to make any amendment in the laws which regulate the coins of the United States and foreign coins, having been instructed also to inquire into the expediency of fixing the standard of weights and measures, have obtained, on the latter subject, nearly all the information which they had expected to procure during the present session of Congress, and respectfully submit their report:

The weights and measures in use in all the States of the Union have been derived from England. In Louisiana they were, until lately, French; but a recent law has established such as conform to those of the other States. The laws of the colonies, before the Revolution, evidence some attention to their regulation; but, since that event, there have been very few legislative provisions upon the subject in any of the States. But the highly commercial character of the people, their frequent changes of residence, and the absence of feudal institutions, have prevented the establishment of those local usages which are so embarrassing to the internal trade of most of the states of Europe. Although in some of the United States there are no laws for the regulation of weights and measures, and very defective laws in the others, yet is there more uniformity in the composition and division both of weights and measures in the United States, than there was in France before the ado ption of her new metrical system, or than there is in England now. Indeed, he must be a negligent observer of the manners, the legislation, and even the language of the country, who does not remark the strong tendency to uniformity which prevails everywhere throughout it. This circumstance facilitates the establishment of a national standard of weights and measures, without superseding its necessity. Where standards are established by the laws of the States, they are in general such as exist in a foreign country, and are inconsistent with each other. The difference which subsists between the weights and measures of the different States is certainly less than might have been expected under such circumstances; but it is not inconsiderable.

The documents which accompany this report show a difference of fifty-one grains between the pound weights at Baltimore and Philadelphia; and one of them affords evidence that some banks have used weights for money which are considerably lighter than those of the mint. Our information on the discordance of measures is less precise and authentic; but (although the committee have been disappointed in the hope of obtaining a satisfactory comparison between those of different States) yet the greater difficulties in the comparison of measures of capacity than of weights, and the known inequality between the English models, from which our measures were originally taken, do not allow us to doubt that the difference of measure in the United States is still greater than that of weights.

The measures used in surveying the lands of the United States are all compared, as the committee have understood, with a brass chain, made under the direction of Mr. Rittenhouse; but, in general, the officers of the United States employ the weights and measures which are established, or rather used, in the districts in which they live. The changes which have been made by custom in the weights and measures of the United States are such as add to their simplicity. We have discontinued the use of many English weights and measures, and have introduced no new ones.

Of weights, we use the pound and ounce avoirdupois, and the troy grain, with the pennyweight; and for medicine, the scruple and drachm. The troy pound and ounce have been discontinued.

Of lineal measures, we use, generally, the inch, foot, yard, fathom, perch or pole, furlong, mile, and league.

We have discontinued the barleycorn, palm, link, nail, span, cubit, and pace.

For dry measures of capacity, we use the pint, quart, gallon, peck, and bushel.

We have discontinued the pottle, loom, quarter, wey, and last.

Of liquid measures, we have discontinued the ale and beer measure, and apply to all liquids the English wine measure.

We use the gill, pint, quart, and gallon. We have discontinued the rundlet.

In superficial measure, we use the inch, foot, yard, pole, rood, and acre, and have discontinued the pace.

For the measurement of firewood, we use the English cord; and for coal, the common bushel, heaped. We have discontinued the chaldron.

The committee are unanimous in the opinion that this subject ought not to be left to uncertain usages, or to the various laws of particular States. They will not enlarge upon its importance. Commercial credit is well secured in every part of this country, by enforcing the punctual performance of contracts. But commerce itself could hardly subsist, unless some security were given (beside the judgment of the purchaser) that the article which he buys is of the quantity which the seller describes; that the weight or measure which is employed is fair. The duty of providing this security has been devolved by the constitution upon Congress; and the committee express, with great respect, their opinion that it should not be neglected any longer.

It has been frequently proposed in foreign countries "to employ, as the fundamental unit of all measures, a type which should be taken from nature," and be exempt from the alterations to which arbitrary standards are exposed. In execution of this plan, the Government of France has employed, as the base of its system of measures, that arc of the terrestrial meridian passing through Paris which is contained between the equator and the north pole. It has adopted the ten millionth part of this arc as the unit of measures of length, calling it the metre, and deducing from it all its other measures and weights. It has taken, as the unit of superficial measures, the arc or square of ten metres; as the unit of measures of capacity, both for liquids and dry goods, the litre, or cube of the tenth part of the metre; as the unit of measures particularly intended for firewood, the stere, or cubic metre; and as the unit of weight, the gramme, or absolute weight of a volume of pure water in its state of greatest density, equal to the cube of the hundredth part of the metre.

The standard metre is placed on a rod of platina, and a kilogramme of platina (equal to a thousand grammes) has been declared by a law of 1800 to be the standard of weight.

The Government of the Netherlands has lately adopted the French system without material modification.

The establishment of a standard of weights and measures, which should be deduced from an invariable type in nature, has been more than once discussed in the English Parliament; but nothing definitive has yet been done in it.

In the United States, although the matter has been recommended to Congress by successive Presidents, no progress has been made in determining upon a standard of weights and measures beyond that of receiving a report

from the first Secretary of State, Mr. Jefferson. [See vol. 1, page 13.] Mr. Jefferson considers matter, by its mere extension, as furnishing nothing invariable; and its motion as the only remaining resource. He proposes the length of a metallic rod which shall vibrate seconds of mean time at the level of the ocean, in the forty-fifth parallel of north latitude, as the foundation of a system of measures for the United States. The committee abstain from the free quotations which they would otherwise make from this report, on the presumption that its principal views are in the memory of the House.

They do not know that any attempt at a general reform of weights and measures has of late been made in any other country.

The efforts to establish natural standards sufficiently prove the sense entertained of their advantages. These are strongly stated in the report of a commission of the French Institute, to which the subject had been referred by their Government "on the measurement of degrees of the meridian in France, and on the results which have been deduced from it for the determination of the basis of the new system of measures."

"It is the essential advantage," they say, "of this system, that even if all the standards should be destroyed or annihilated, leaving no other trace but the knowledge that one of them was the ten millionth part of the quarter of the terrestrial meridian, and the other the quantity of water taken in its state of greatest density, and contained in the cube of the tenth part of the first unity, the primitive value of both might be yet recovered."

Of the particular system adopted by France, they observe "that its parts are all intimately connected with each other, all dependant upon the primitive type; and its multiples and subdivisions follow a progression which is natural, simple, easily understood, and always uniform." These advantages were held to justify the expectation that the standard established in France would become the universal standard among civilized nations.

But the plan of obtaining an invariable standard from nature is of no easy execution. The type of such a standard should be equally accessible to all nations. This, indeed, the system is admitted to require. But the figure of the earth is irregular to observation. We do not know that gravitation is uniform in different longitudes, though in the same latitude; nor that the different meridians are similar; nor even that the two hemispheres on each side of the equator are equal. If the establishment of the same meridian be proposed, or for the pendulum the same longitude and latitude, it will follow that every country but one must verify its standard in a foreign state. If the figure of the earth be irregular, the extent of that part of the meridional arc which is obtained by computation must be uncertain; and even in ascertaining the part which is submitted to actual measurement, the most perfect instruments and the highest experience have left the accuracy of such a process in some doubt. The improvement which has been lately proposed in the use of the pendulum seems likely to make it more sensible, but not more uniform; and it is singular that respectable authorities differ by more than half an inch (39-100) as to the length of the pendulum which will vibrate seconds at the same level, and at the very latitude (that of forty-five) which has been proposed for the regulating pendulum. If, however, on either plan, a fixed proportion be established by law between the standard and a natural type, the standard itself, whose name and office imply immutability, must change with every corrected estimate of the type which is its base. The first standard of the French measures was accordingly declared to be provisional.

Whether standards derived from the natural types which have been proposed have all the advantages which have been attributed to them, seems therefore to be questionable; and the inconveniencies of change are not small. If a difference between the measures of two neighboring towns afford opportunities for fraud, how much greater must these be when entirely new measures are first introduced through a whole country? We have reason, from the experience of France, to think that these will be adopted slowly and imperfectly; partially in some places, and in all with the confusion which results from retaining both the old names and the old divisions, and giving them a new and a double meaning. It is obvious, in such a case, whatever benefits uniformity and system may give to posterity, that the present age must pay no scanty price for them. The difference between the weights and measures of the several provinces of France was so great that uniformity could not have been obtained without violent innovations. But such is not their condition in the United States.

The principal advantage of deducing a standard of measure from an invariable type in nature is represented to be, that, in the event of its loss or destruction, it may be restored without variation; but the proportion which either natural or arbitrary standards bear to any object of invariable magnitude, which nature may be thought to furnish, may be ascertained with equal accuracy: the restoration of either, therefore, must be equally practicable. The old toise, although not an aliquot part of the terrestrial meridian, may be as well obtained as the metre, which is supposed to be so, by the measurement of a meridional arc.

On the whole, the committee believe it best, at least in the circumstances of this country, to adopt absolute standards, conformed to the weights and measures which are in most general use among us. If it be thought necessary to provide by law for the loss of these standards, the provision may be formed on the basis of the best experiment and the exactest science which the country can now command, and without change of standard. This provision may be varied whenever the advancement of science shall furnish a better process.

The committee will therefore confine the proposals which they shall submit to the House to the object of the first plan proposed by Mr. Jefferson, "to render uniform and stable the measures [and weights] which we already possess."

In pursuance of this view, they propose that models of the yard, bushel, wine gallon, and pound, supposed to conform to those in most common use in the United States, shall be made under the direction of a commission of ——— persons to be selected by the President of the United States, and, if satisfactory to Congress, that they shall be declared the standard yard, bushel, liquid gallon, and pound of the United States.

If these standards shall be adopted for our measures, the law which will establish them will determine how greater or less measures shall be formed from them. There is no variety in the composition of these in the different States, and, in the opinion of the committee, no adequate motive for proposing a change; there will, consequently, be no difficulty in this regulation.

As to weights, there seems to be no strong objection to confirming the change which general usage has made, by giving up, as is recommended by Mr. Jefferson, the pound and ounce troy, and the quarter and drachm avoirdupois. The pound troy has been long disused; there is no coin as heavy as a troy ounce, and no coin of the United States as heavy as an ounce avoirdupois. The silver or gold contained in the largest coins is stated generally in grains, without the use of any higher denomination. In the sale of drugs or bullion, indeed, large weights are necessary; but drugs are now sold by avoirdupois weight; and the suppression of the pound and ounce troy will produce no change in the weights used for bullion in the United States, as these are now multiples of the pennyweight as far as five thousand. But if it were not so, neither the mint, the banks, nor the merchants who deal with them, can be embarrassed by employing in their large transactions, not a new weight, but the common pound and ounce of the country.

If we suppose the proportion between the common pound of the United States and the grain used in money and medicine to be as 1 to 7,000, we shall probably not be materially wrong. It is the difference ascertained

between those weights in England, from which our weights were derived originally, and observations made, as the committee believe, with great care, at the Bank of the United States, [the result of which] gives 7,000 grains of the weights of that bank as equal to the pound used in the most commercial city of the United States, (New York.) Assuming this proportion, it will follow that, of weights that are in use below a pound avoirdupois, (if we omit the drachm and quarter avoirdupois, and the pound and ounce troy,) the ounce, the scruple, and the grain are aliquot parts of the pound; the pennyweight and drachm are not so; nor are the drachm, pennyweight, scruple, or grain, aliquot parts of the ounce. The want of a series in which all the weights should be multiples of those which are below them, and aliquot parts of those above them, may be inconvenient, and is certainly not systematic; but the inconvenience is not great. There is the same defect in the coins in common use. The quarters of a dollar are not multiples of a dime, nor the eighths multiples of a cent. The eighths of a dollar, indeed, are foreign coins, but the irregularity is found to be of little consequence.

The committee think that the defect in the series of weights can produce no real embarrassment if we have a uniform pound with subdivisions descending regularly to the sixty-fourth part of the pound, or quarter ounce; if we have a uniform grain, which is an aliquot part of the pound, (7,000th,) and of the eighth of the pound, or double ounce, and which bears to the ounce a proportion which, though expressed by a fraction, is represented and may be ascertained by weights in common use, (18 dwts. $5\frac{1}{2}$ grs., or 7 drms. $2\frac{1}{2}$ qrs., or $437\frac{1}{2}$ grs.) Small, however, as the defect is, if it can be removed without inconvenience, it ought not to be overlooked. They know no better plan for removing it than that suggested by Mr. Jefferson.

This is substantially to divide the pound into 6,912, instead of 7,000 grains, and the ounce into 18, instead of 20 pennyweights. The grain would be increased by this plan by about $1\frac{1}{3}$ per cent; the pennyweight by somewhat less. The eagle would contain three less of the new than of our present grains; or, if it were thought important that it should contain the same number of grains, its value would be about twelve cents greater. In medicine, it may be feared that the knowledge that there was a change might produce some uneasiness in those who could not exactly estimate its extent; nor would it much improve the system of apothecaries' weights, since, though it would make the grain an aliquot part of the ounce, neither the scruple nor the drachm would be so.

The committee think it best that the pound and the grain, which may be considered, for different purposes, as both units of weight, should be neither changed nor be suspected of being so. They propose, therefore, that the commission should ascertain the proportion between the grain and pound, and that that proportion should be maintained unalterably.

In respect to the composition of large weights, it seems proper that the discordance between the use of the hundred and the long hundred, (or 100 and 112 pounds,) and their divisions, should be removed; and of the two sets of weights, that of the hundred pounds, and its divisions, is the simpler and better. As to weights above the hundred, except the ton of shipping, they are properly but the names of vessels of capacity, of no very determinate contents, and ought not to be recognised as weights.

The modes of measurement and the allowances and tares which are used in the different States require correction as well as the measures themselves. The subject was brought to the view of the House by a report of the Secretary of the Treasury, in January last; but in that laborious session there was not time to undertake it. It will still be better to defer the provisions which it may require until they can be included in the law which shall establish the standards.

In fixing standards of weights and measures, it will be proper that Congress shall determine the means which shall be employed for their preservation, and, perhaps, as connected with this object, for their restoration, if they shall be lost; for the distribution of models with which the weights and measures employed in commerce may be compared, and for enforcing the use of such as correspond with these models.

The committee propose that the standards shall be deposited in the office of the Secretary of State. These will be employed but rarely to verify the models which may be issued under the authority of Government. The law which establishes the standard will determine the temperature at which it is to be used.

The means which may be employed for the restoration of the standards, if they should be lost or impaired, are sufficiently analogous to some of those which may be used for securing the accurate execution of the models, as well as the weights and measures in common use, to make it convenient to consider the two subjects together. Indeed, it must be an extravagant fondness for system which would lead us to deny that the models, if proper precautions be taken to secure their fidelity, will probably furnish a sufficiently correct as well as an easy mean for the restoration of the standards, if they should be lost.

The careful observation of the proportions which the standards of measure bear to each other, and that of the relations which each of these holds to the dimensions of a quantity of pure water, of a given temperature, which is equal to the weight of the standard pound, will sufficiently provide for the contingency of the loss of any number of these standards less than the whole. The committee propose that these relations shall be ascertained and reported by the commission whose appointment has been already suggested.

If it be thought prudent to provide for the contingency of the loss, at the same time, of all the standards and all the models on which a just reliance might be placed, it may be done by ascertaining the relation between the standard measure of length and the second pendulum and an arc of the meridian. Which of these relations can be most safely relied upon for the restoration of the standard, can be best determined when its loss shall occur. The designation of these relations by a commission may also facilitate a comparison with the measures of foreign countries. The committee do not, however, recommend the difficult and costly expedient of measuring a large arc of the meridian in this country; but the commission may ascertain the proportion between our standard and the great arc which has been measured by the French mathematicians, or the quarter of a meridional circle inferred from it. They can do this, indeed, only by a comparison with the French measures in which the result of that operation has been stated. The length of a pendulum or rod which shall vibrate seconds of mean time is an object of more convenient comparison; and the commission may probably think it necessary to ascertain the relation between this and our standard of length by their own observation.

The most accurate designation of the relation between the standard of length and the pendulum on an arc of the meridian cannot be expected to be of any direct service in promoting the accuracy of measures in common use. Considerable variation is less to be apprehended in the models of lineal measure than in any other; and the determination of the proportions between lineal measures and measures of capacity, and between both of these and weights, may have some effect in enabling us to detect, without too difficult a process, the defects of measures of capacity, and possibly of weights, in common use. For this purpose, it would, perhaps, be convenient to establish, not merely the cubical contents of the common measures of capacity, but to fix determinate forms for all these, and dimensions the correctness of which might be ascertained by the common measures of length. What these forms should be it would be proper to leave to the decision of the commission, although the strength of the cylinder, its general use, and, according to the commission of the French Institute, the greater exactness which may, in practice, be given to that figure, are strong reasons for employing it.

The designation of measures of capacity, the contents of which, if of rain water of a *convenient* temperature, would be equal in weight to a pound, or any part or multiple of it, would furnish a test which might sometimes be applied to common weights. But it will be easier to avoid considerable variation in the models of weight than of cubic measure; and the determination of the weight of rain water of a convenient temperature, which ought to be contained in the several measures of capacity, furnishes a security of easy employment for the fairness of such measures.

It will be necessary that models of weights and measures, exactly compared with their several standards, shall be deposited in the different States. To prevent unnecessary delay, it may be proper to allow the commission intrusted with the charge of preparing the models which are to be proposed as standards to cause to be prepared also a number of models for distribution. The committee think that there should be sent to each State, to be distributed as may be directed by its Legislature, a number of each of these models equal to the number of members to which the State is entitled in the House of Representatives of the United States, and that models of each standard should be deposited with the marshal of each State, and with every collector of customs throughout the United States. To enable the Government to make this distribution, and to reserve the number of models which it may be proper that it should have at its disposition, the committee propose that ——— of each model should be provided.

The committee are not unaware of the difficulty in the accurate execution of models of measure. There are too many memorials of this to allow them to doubt that it is in the province of the artist that the great impediment to uniform measures will be found. They believe, however, that all the practical advantages of uniformity may be obtained by a degree of skill and attention which it is not unreasonable to expect.

The committee do not deem it necessary to propose any penal provisions for enforcing the use of the standards which may be established by Congress. The constant interference which such provisions would imply with the minutest and most frequent transactions of society might be justified by the words, but, unless they shall be found indispensable, would ill comport with the general spirit and character of the constitution. It was right that there should be a provision for uniform standards of measures and weights as of coins throughout the United States. The only authority capable of establishing these was the General Government. But the power of enforcing the use of measures and weights which shall conform to these standards may be most conveniently and effectually exercised by the State authorities. The laws of many, and perhaps most of the States, are adequate to this purpose without much amendment. But, to admit of amendments where they may be necessary, it may be well, if Congress shall approve the standards proposed, that it should determine on a more distant day than would otherwise be proper, after which no other weights and measures than such as conform to these standards should be esteemed legal. For the execution of contracts made before that day in States whose legal weights and measures have been different from those which shall be prescribed by Congress, a table of equivalents between the new and old weights and measures must be formed; or, in this class of cases, comparatively few, and which will every day become fewer, the old ones may continue to be used without inconvenience.

There does not, however, appear to the committee to be any objection to the employment of the models of weight and measure (as soon as the standards shall have been established) in all the cases in which the Government is a party, either in sales or purchases, or the collection of duties. In old contracts, the same provision must apply to the Government, and to any other party.

The committee are sensible how large a part of their report consists rather in objections to the plans of others than in the recommendation and development of their own. They propose, indeed, that little should be done; that standards conformed to those in most common use among us should be accurately made, and carefully preserved at the seat of Government; that correct models should be placed in the different districts of the country; and that the proportions and relations between these should be ascertained.

The committee have directed their chairman to move the resolutions which will be necessary to carry into effect the proposals contained in their report.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall be authorized to appoint a commission of —— persons, for the purpose of carrying into effect the following resolutions:

Resolved, That the commission so appointed shall cause to be traced on a rod (of whatever metal they shall deem best adapted to the purpose) the yard measure which is in most common use throughout the United States.

Resolved, That the commission shall cause to be made (of whatever material and shape they shall deem best adapted to the purpose) a vessel, whose capacity shall be the same as that of the bushel in most common use throughout the United States.

Resolved, That the commission shall cause to be made (of whatever material and form they shall deem best adapted to the purpose) a vessel, whose capacity shall be the same as that of the wine gallon in most common use in the United States.

Resolved, That the commission shall cause to be made (of whatever metal they shall deem most advisable) a pound avoirdupois, of the weight of that which is in most common use throughout the United States.

Resolved, That the commission shall cause experiments to be made, under their direction, to ascertain with the utmost exactness which the state of science permits, the proportion which the yard measure of the United States bears to the length of a pendulum, vibrating seconds of mean time, at the level of the sea, and at the place and temperature at which they shall deem it most advisable that the experiment shall be made.

Resolved, That the commission shall ascertain the proportion which this yard bears to an arc of the terrestrial meridian, intercepted between the equator and the north pole, according to the most accurate measurements which have been made of degrees of a meridional circle, and the best established computations of such arc.

Resolved, That the commission shall cause to be ascertained the number of cubical inches contained in the bushel of the United States, and the dimensions and forms of vessels of equal capacity to such bushel, and to the half, fourth, eighth, thirty-second, and sixty-fourth parts thereof, to which the common measures of length may be conveniently applied, to ascertain such capacity.

Resolved, That the commission shall cause to be ascertained the weight of rain water, at any temperature which they may deem it most advisable to use, which would be contained in the bushel of the United States.

Resolved, That the commission shall cause to be ascertained the number of cubical inches contained in the wine gallon of the United States, and the dimensions and forms of vessels of equal capacity to such gallon, and to the fourth, eighth, and sixteenth parts thereof, to which the common measures of length may be conveniently applied, to ascertain such capacity.

Resolved, That the commission shall cause to be ascertained the weight of rain water, at any temperature they may deem it expedient to employ, which would be contained in the wine gallon of the United States.

Resolved, That the commission shall cause to be ascertained the number of cubical inches of distilled water, at any temperature they may deem it most advisable to use, the weight of which shall be equal to the pound of the United States.

Resolved, That the commission shall cause to be ascertained the proportion between the pound of the United States and the grain employed for weighing medicines and the precious metals.

Resolved, That the commission shall cause to be prepared a number of the models of the yard, bushel, wine gallon, and pound, not exceeding ——— of each, of the form and material which may be most convenient for distribution and comparison among the States.

15th Congress.] No. 464. [2d Session.

OFFICIAL CONDUCT OF THE JUDGE OF THE SOUTHERN DISTRICT OF NEW YORK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 17, 1819.

Mr. Spencer, from the committee appointed on the 10th day of April last to inquire into the official conduct of William P. Van Ness, Esq., judge of the southern district of New York, of Matthias B. Tallmadge, Esq., judge of the northern district of New York, and of William Stephens, judge of the district of Georgia, reported:

That, in reference to the conduct of William P. Van Ness, Esq., judge of the southern district of New York, the committee have endeavored, by the examination of voluminous documents and of a number of witnesses, to arrive at a knowledge of the transactions to which their attention was necessarily directed by the report of the Judiciary Committee made to this House on the 5th day of March last. That report stated that $117,307 01 of the funds of the district court of the southern district of New York was unaccounted for by Theron Rudd, the late clerk thereof, and that it has been most grossly and nefariously purloined. As the resolution under which this committee was appointed emanated from the Judiciary Committee, it became the first object of inquiry to ascertain how far Judge Van Ness was implicated in the misconduct of the clerk. After a diligent examination, no evidence has been discovered to establish any participation by Judge Van Ness in the embezzlement of the funds of the court; nor does it appear that he has received any of those funds, or derived any benefit from them. That there was, however, a remissness on the part of Judge Van Ness, a want of constant vigilance of the money of the court, and of rigor in enforcing the provisions of the law and the rules of court, will, in the opinion of your committee, appear from a statement of the facts. Rules had existed in the court from the 1st day of November, 1811, requiring the clerk to keep a distinct account in the bank where the court moneys were deposited, as clerk of the court, subject to the inspection of the judge and the district attorney, and forbidding the withdrawing any such money from the bank without an order signed by the clerk and countersigned by the judge, stating the title of the cause, and the party to whom the same was to be paid. Soon after Judge Van Ness took his seat on the bench, he repealed that part of the rule requiring his signature; the reasons for which, as assigned by Judge Van Ness on a former occasion, were, that the clerk was the responsible and accountable officer, in whose custody the law placed the funds of the court; and that the check contemplated by the rule would give great and unnecessary trouble to the judge in adjusting the claims of individuals, and to the suitors who might apply to him during the vacations, at his residence, one hundred and thirty miles from New York. The committee, however, think that, in most cases, the claims of suitors must have been ascertained in the judgment of the court; and to them it appears that, although the rule may have been originally adopted on a special occasion, yet the object of security to the funds was so great as to supersede all considerations of inconvenience, and to require its continuance. The rule subjecting the clerk's account to the inspection of the judge and the district attorney was also so modified by Judge Van Ness as to confine the right to the judges only.

It had been one of the rules of the court, and was adopted by Judge Van Ness, that the clerk should exhibit to the court on the first day of each August and February term a full account of all moneys in his hands, or standing to his credit as clerk, to be examined by the court or a judge, and to be filed in the office of the clerk of the northern district. From the certificate of the clerk of the southern district, it appears that no such account has ever been rendered. His certificate embraces a portion of time in which Judge Tallmadge presided in the southern district, and the whole time when Theron Rudd was clerk.

An old act of Congress requires the clerks of district courts to give bonds in the sum of $2,000 for the faithful discharge of their duties. Although this sum is altogether inadequate to the security of such large amounts as were paid into the district court of New York during the time Theron Rudd was clerk, yet the hazard of losing even that amount would induce some watchfulness on the part of the clerk's sureties. Theron Rudd had been clerk of the district of New York some time previous to the act dividing the State into two districts, which passed 9th April, 1814, and, pursuant to that division, on the 11th April, 1814, he was appointed clerk of the southern district. From the certificates of the clerk of that district, and of the clerk of the northern district, it appears that there has not been filed, in either of their offices, any bond by Theron Rudd for the faithful discharge of his duties as clerk of the southern district. The omission is the more remarkable as Mr. Rudd had previously given several bonds as clerk, under various reappointments, after having been removed.

It appears from the statements of the Hon. Mr. Dagget and the Hon. Mr. Hunter, of the Senate, that so late as the last of February, 1817, Judge Van Ness appeared to be ignorant of the perilous condition of the funds of the court, at a time when apprehensions were entertained by several gentlemen of the city of New York, who had communicated them to their friends in Congress. Judge Van Ness appeared before the Judiciary Committee of the Senate on the 1st March, 1817, and stated his objections to the passage of a bill then pending before that committee, and which afterwards became a law, by which moneys in the courts of the United States were directed to be deposited within sixty days from the 3d March, 1817, in the office of the Bank of the United States, when there should be one within the district, and requiring the signature of the judge to an order for the payment of such moneys. The objections were substantially the same as the reasons urged for the repeal of the rule before mentioned, viz: that it would be unnecessary, and would give much trouble. He assured the committee of the Senate that the money was perfectly safe; that it was in the Middle District Bank, north of the highlands, where it had been carried from apprehensions of danger during the war; that the bank was respectable, and the clerk was responsible

under his bond; and that it became his duty to see to the security of the money. The law passed, making it the duty of the judges of the different courts to cause the payment of the money, as before stated, and directing that any officer refusing or neglecting to make such payment should be proceeded against by attachment for contempt. On the 30th April, 1817, a rule was entered by Judge Van Ness, directing the clerk to pay over the moneys of the court, according to the provisions of the law, within sixty days from the 3d day of March then last. On the 16th day of June, 1817, an order was entered for an attachment against Theron Rudd for not complying with the rule of the 30th April. A copy of an attachment is furnished the committee, dated the 30th day of June. It appears from a rule of the court, entered on the 23d day of June, that the clerk had then absconded. On the 8th January, 1818, Thomas Morris, the marshal of the district, returned that, by virtue of several writs of attachment, he had arrested Theron Rudd, but found him in the custody of a sheriff by virtue of an execution issued out of one of the State courts of the State of New York, and had therefore committed him to the common jail of the county where he had found him. Further proceedings on the attachment were discontinued by direction of the Secretary of the Treasury, who instructed the district attorney to proceed by action against the clerk. The great delay in these proceedings is apparent, and it cannot be ascribed wholly to the district attorney, as the law seems to have made it the special duty of the judge to cause the money to be deposited according to its provisions.

According to the fair import, if not to the letter of the act of April 18, 1814, it became the duty of every court of the United States to designate a bank where its money should be deposited, if there should be any incorporated bank within the judicial district. On the 3d August, 1814, Judge Van Ness made a rule that all moneys which should thereafter be paid into his court should be paid to the clerk, who should deposite the same to his credit in some bank or banks to the north of the highlands, in the State of New York, until the further order of the court. The reason given for this rule was, the apprehension of danger from invasion by the enemy. Your committee do not perceive how that reason could operate to prevent the designation of some certain bank or banks. The report of the Judiciary Committee, made at the last session, states the inability of that committee to prosecute its inquiries, from a want of knowing the particular bank where the money was deposited. It is obvious that the omission of such a designation removed a considerable check upon the improper disposition of the funds by the clerk. The committee cannot discover any satisfactory reason to account for the money being suffered to remain in that situation for two years after the peace was known in this country, or for its not being deposited in some bank in the city of New York.

The report which this committee have already made respecting the official conduct of Judge Tallmadge will exhibit the courts held by Judge Van Ness, in the northern district, during the time he received an additional allowance for his services in that district. Those services do not appear to have been so great as Congress expected. With regard to the southern district, Judge Van Ness appears to have given great attention to its business. He has held all the stated terms of that district, excepting two, which have occurred since his appointment, and he has also held many long and arduous special terms.

There have been complaints against some decisions and orders of Judge Van Ness. But the respect which this committee entertain for the constitutional rights of a judge, and for the laws, which provide adequate remedies for any errors he may commit, forbids their questioning any judicial opinions.

One instance, however, appears, from the papers they have examined, to partake more of the ministerial than judicial character. It was the case of a cargo which was a prize to the privateer Tickler, which had been sold, and the money brought into court. The judge authorized the clerk to draw out the money, exceeding $145,000, and to pay it over to the claimants, instead of directing the payment to be made to the claimants immediately; and he ordered the duties and the two per centum belonging to the navy pension fund, exceeding $15,000, to be paid to the clerk, who was to pay it over to the collector, whenever the court determined the amount due to that officer. It is not perceived why the money was not as secure in the bank as in the hands of the clerk. It appears to have been entirely lost; and, from the papers before the committee, it cannot be discovered that the court has yet determined what amount should be paid to the collector.

Under a sense of the duty imposed upon them, the committee submit these facts and observations, although, in their opinion, they do not furnish any ground for the constitutional interposition of the House.

15th Congress.] No. 465. [2d Session.

OFFICIAL CONDUCT OF THE JUDGE OF THE NORTHERN DISTRICT OF NEW YORK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 17, 1819.

Mr. SPENCER, from the committee appointed on the 10th day of April last to inquire into the official conduct of William P. Van Ness, judge of the southern district of New York, of Matthias B. Tallmadge, judge of the northern district of New York, and of William Stephens, judge of the district of Georgia, reported, in part:

Respecting the official conduct of Matthias B. Tallmadge. The committee have not been apprized of any other charge against the official conduct of Judge Tallmadge than his having omitted to hold the terms of the district court for which he was appointed, according to law. It appears that Judge Tallmadge took his seat on the bench as judge of the district of New York on the 16th day of July, 1805. From that time until May, 1810, he held all the stated and regular terms of the court, (excepting that the August term in 1809 was postponed two days,) and held thirty-five special sessions. The May and August terms, 1810, were not held; the November term was held, and he presided at a special court in December of that year. In 1811, the stated terms of February, August, and November were adjourned without being opened; the May term was held, and special courts also were held in June, October, and November of that year. The February and May terms of 1812 were not opened, but two special courts were held in May. On the 29th April, 1812, the act passed authorizing the appointment of an additional judge of the district, and on the 3d of July, 1812, Judge Van Ness, who had been appointed under that act, took his seat on the bench. After that period, Judge Tallmadge held eight stated terms and special courts at New York; two of the special courts with Judge Van Ness. Special courts were held in August, September, October,

and December of that year, and also the stated November term, by Judge Van Ness, who held a special court also in January, 1813. The February and November terms of that year were adjourned, the latter by Judge Tallmadge, the former by Judge Van Ness, who held special courts in March, April, May, June, July, September, and November, and the stated terms in May and August.

On the 9th April, 1814, the district was divided, and Judge Tallmadge was assigned to the northern district. Three stated terms and one special court had been held in the northern part of the State previous to the division in September and October, 1812, by Judge Van Ness. The May, one of the September, and the October terms, in 1813, had been adjourned; a special court was held in June, and one of the September terms in that year was held by Judge Van Ness. No courts appear to have been held in that district after that period, until September, 1814, when Judge Van Ness held the stated term in that month, and also the stated terms in October, 1815, and April, 1817, and a special court in November, 1817. One of the September terms, and the October term of 1814, were adjourned, and also the September term, 1815, and the September and October terms, 1816, and the January and Utica May terms, in 1818. The May terms in 1814 and 1815, the September term, 1815, and the May and September terms, 1816, in that district, entirely failed.

On the 7th September, 1815, and the 21st October, 1816, Judge Tallmadge held special courts, and the stated term in October, 1816, at Salem. He held the stated terms in July and October, 1817, a special court in May, 1818, and the stated terms in May, June, and November, 1818.

It appears satisfactorily, from the testimony of several physicians, and of the honorable Nathan Sanford, given on a former inquiry into the conduct of Judge Tallmadge, that in 1810 his health became extremely delicate, and that very great exertion of body, or any unusual agitation of mind, invariably produced severe sickness, so as to disqualify him for any official duties; and that his life was prolonged by visiting a more genial climate in the winter season.

On entering upon the duties of his office in 1805, Judge Tallmadge encountered a mass of business which had accumulated from the ill health and the death of his predecessor, and from the want of any judge in the court for the time immediately preceding his appointment. The sickness of Judge Patterson, who should have presided in the circuit court, materially increased the labors of the district judge.

The committee are of opinion that there is nothing established in the official conduct of Judge Tallmadge to justify the constitutional interposition of the House. They have deemed it their duty, however, to present the facts, to enable the House to form an opinion on the merits of the case.

15th Congress.] **No. 466.** [2d Session.

PRINTING FOR CONGRESS.

COMMUNICATED TO THE SENATE, FEBRUARY 19, 1819.

Mr. Wilson, from the joint committee on the subject of the public printing, made the following report to the Senate:

That, regarding the subject committed to them as connected with the convenience of the members, the information of the community, the economy of time and money, and the character of the country, they have given it all the consideration which their other engagements permitted.

That three different modes of procuring the printing of Congress to be executed have undergone their discussion and deliberation:

I. Offering the work by advertisement (as at present) to the lowest bidder.

On this mode the committee would remark that, although at the first glance it may strike the mind as the most economical, experience and observation do not prove it so. Competitors for the work underbid each other, until it is undertaken for a less sum than it can be afforded at; and too small an establishment and too few workmen are consequently employed to execute the printing with the necessary promptitude. Hence, both Houses have frequently to wait long for interesting and important communications from the President or heads of Departments, reports, bills, resolutions, &c., upon which they are called to act; and the loss of time thus incurred, considering the daily expense at which Congress sits, costs the nation much more than the difference between the present price and a liberal allowance, which would justify the application of a greater capital to insure the despatch of the work.

Another disadvantage attending the present mode is, that the reduced price of the work prevents that care and attention from being bestowed on it which is necessary to its neatness and accuracy. And documents are not only distributed through this nation, but dispersed through Europe, which are executed in such an inelegant and incorrect manner as must bring disgrace and ridicule on the literature and the press of our country.

That the present price of printing is too low would be readily discovered by any of the profession; and the fact that no other printer in the District could be found by the Secretary or the Clerk who would execute the work at the contract prices must satisfy the mind of every gentleman of the truth of what the committee have asserted. How far it is reputable for Congress to endeavor to get their work done below a fair and reasonable price, may be a matter of doubt; but it does not admit of a question that the compensation ought to be adequate to the object of procuring that work to be done at a proper time, and in a suitable manner.

II. A second mode suggested to and considered by the committee was the establishment of a national printing office, (with a bindery and stationary annexed,) which should execute the work of Congress while in session, and that of the various Departments of Government during the recess; and should do all the binding and furnish all the stationary for the Departments as well as for Congress. To ascertain the amount of expenditures on these objects, inquiries were addressed by the committee to the heads of Departments, Attorney General, and Postmaster General; and an answer received from each. Some of the reports were made in such a manner as not to enable the committee to separate the accounts for printing from those for binding and stationary; but the whole amount exceeds $41,000. Add to this the expenditures of the Senate and House of Representatives on the same objects, viz: the former $8,000, and the latter $15,000, and the aggregate cost of the public printing, binding, and sta-

tionary, is about $65,000 a year, of which probably one-half is for printing. And this, it will be remembered, does not include the great variety and number of blanks executed elsewhere than at the seat of Government, from copies furnished by the Departments of the Treasury, War, &c., and which might all be done here at a much less expense were a national printing office established.

The committee are of opinion that such an establishment, under the superintendence of a man of activity, integrity, and discretion, would be likely to produce promptitude, uniformity, accuracy, and elegance in the execution of the public printing; and they are not certain that it would not, in the result, connecting with it a bindery and stationary, as already suggested, be found the most economical. But as the principle is somewhat novel, and the details would require some deliberation, the committee have not deemed it advisable, at this late period of the session, and amidst the pressure which both Houses experience from the accumulation of business important to the nation, or interesting to individuals, to submit a proposition on which there would probably be a considerable diversity of opinion and consumption of time.

III. Under all circumstances, the committee have deemed it their duty to recommend that a tariff of prices for every kind of printing required to be done for Congress be fixed by a joint resolution of the two Houses, to continue in force for two years; and that, before the close of the present session, each House make choice by ballot of a printer, to execute its own work during the next Congress. The prices should be adequate to the employment of sufficient capital and workmen to perform the work expeditiously, and to insure such care and attention as shall give it such a degree of accuracy and elegance as shall not dishonor the literature and typography of the country. With former contracts before us, and with the professional knowledge which may be called in aid, no difficulty would occur in forming the tariff alluded to on principles at once liberal to the printer and advantageous to Congress; and, in the selection of its printer, each House would doubtless take especial care to choose a man of capacity, probity, and responsibility. In addition to the bond and security to be required of them for the faithful performance of their obligations, a provision might be added, that in case of any unreasonable delay another person might be employed to do the work at such a price as the Secretary or the Clerk might be able to get it done for, and that the public printers should, respectively, be responsible for any difference between the sum allowed them and that which it might be necessary to give him. The committee, therefore, submit the following resolution:

Resolved, That the joint committee on public printing be instructed to report a resolution for carrying the foregoing proposition into effect.

15th CONGRESS.] No. 467. [2d SESSION.

DEAF AND DUMB ASYLUM OF CONNECTICUT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 22, 1819.

Mr. TERRY, from the committee to whom was referred the petition of the Connecticut asylum for the education and instruction of deaf and dumb persons praying for a donation either in money or land, reported:

That an association of a number of citizens of the State of Connecticut was formed in the year 1815, for the purpose of establishing a school for the instruction of the deaf and dumb. Finding great numbers of this unfortunate description of persons in our country without education, and without any attempts being made to give them the education which they are capable of receiving, and actuated by a benevolent desire to rescue them, as far as was practicable, from their state of ignorance and degradation, and to fit them for social intercourse and happiness, the associates, by voluntary contribution, raised a sum of money sufficient to defray the expense of sending the reverend Thomas H. Gallaudet to Europe, for the purpose of learning the modes of instruction practised there. Mr. Gallaudet went to England, to Scotland, and to France. In London, he did not find a disposition in the teachers to communicate instruction so readily as the benevolence of his mission seemed to entitle him to expect; but he had the good fortune to meet there the Abbé Sicard, the principal of the institution for the instruction of the deaf and dumb at Paris, a gentleman distinguished for talents, benevolence, and devotion to the interests of these unfortunate persons. The Abbé assured him that, if he would go to Paris, every facility should be afforded him of acquiring a knowledge of their modes of instruction; which assurances he found fully realized upon going there. The Abbé kindly took him into the school, and explained to him every thing relating to their modes of instruction and management; but Mr. Gallaudet found that the time which his arrangements would permit him to spend in Paris would be much too short to enable him to acquire the knowledge necessary for an accomplished instructor; and having become acquainted with Laurent Clerc, a pupil of the Abbé, and for eight years an assistant instructor, he engaged him to come to this country as an instructor in the school about to be established in Connecticut. They arrived here in August, 1816, and Mr. Clerc is still an assistant to Mr. Gallaudet in the Connecticut asylum. The Legislature of Connecticut, in May, 1816, incorporated the said associates by their aforesaid name. There are at present in the school more than fifty pupils, from the States of New Hampshire, Massachusetts, Vermont, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, and Kentucky, who are taught by five instructors, and who pay $200 per annum, each, for tuition, board, washing, and lodging. The institution is open for the reception of pupils from every part of the Union; but its funds (which have arisen almost entirely from voluntary contribution) are too small to admit of its becoming extensively useful; they are not sufficient even to erect the buildings necessary for the accommodation of the present number of pupils.

Considering that this institution is calculated not only to afford instruction to the deaf and dumb who are to be found in all parts of our country, but also to qualify teachers for other schools which may be established in other parts of the Union, and considering that it is the first attempt of the kind in the United States, and that it has been raised to its present condition by the care and at the expense of charitable individuals, most of whom had no particular interest in its success, the committee are of opinion that it is worthy of the patronage of Congress, and that the prayer of the petition ought to be granted; and for that purpose they report a bill.

15th Congress.] No. 468. [2d Session.

LONGITUDE OF THE CAPITOL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 24, 1819.

Mr. Hugh Nelson, from the committee appointed on a memorial of William Lambert, accompanied with astronomical calculations to ascertain the longitude of the Capitol, in the city of Washington, from Greenwich observatory, in England, reported:

That the subject of a first meridian for the United States was presented by the memorialist to the consideration of Congress in the month of December, 1809, on which a select committee of this House made a report on the 28th of March, 1810. [See No. 277, page 53.] The memorial and other papers relating to it were afterwards referred to the Secretary of State, who also reported favorably thereon, but no decision of Congress has yet been had. In the present case, the committee have attentively examined the subject; and, to enable them more fully to satisfy themselves of the accuracy of the calculations, they have made application to, and received the opinions in writing of, scientific gentlemen in different parts of the United States, which accompany this report. It rests with Congress to determine on the utility of establishing a first meridian, in conformity to the practice of most, if not all, of the commercial nations of Europe which appear to have considered the object of sufficient importance not only to authorize observatories to be erected, and furnished with suitable instruments and other apparatus, at the seats of Government, or some other convenient places within their respective dominions, but as an appendage of sovereignty, which they are not disposed to relinquish. The committee believe that if a general meridian could be fixed, by the consent of all Powers materially interested in the pursuits of commerce and navigation, it would be attended with advantages which the establishment of many meridians would not afford; but this desirable coincidence in opinion and practice is not within our control, and probably never will take place. Your committee are, therefore, of opinion that it would tend to the promotion of science and national credit to fix a first meridian for the United States somewhere within their territories; and, as the Capitol was originally contemplated by the plan of the city of Washington for that purpose, it may be proper to select it, or some convenient place in its vicinity. The committee will not take upon themselves to recommend that an observatory be erected, but they deem it advisable to comply so far with the request of the memorialist as to submit to the House the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized to cause such number of astronomical observations to be made, by methods which may, in his judgment, be best adapted to insure a correct determination of the longitude of the Capitol, in the city of Washington, from Greenwich, or some other known meridian in Europe, and that the data, with accurate calculations, or statements founded thereon, be laid before Congress at their next session.

15th Congress.] No. 469. [2d Session.

EXTRA PAYMENTS TO THE ATTORNEY GENERAL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 3, 1819.

Sir: Treasury Department, *March* 3, 1819.

In obedience to a resolution of the House of Representatives of the 27th ultimo, which has been this day received, directing the Secretary of the Treasury to inform the House what sums of money have been paid to the Attorney General of the United States for extra services, designating the services and the fund from which the money has been paid, I have the honor to state that, on the 18th of December, 1818, there was paid to the Attorney General the sum of $950, and, on the 21st of the same month, the further sum of $550. These two sums were paid on the requisition of the Secretary of State for services rendered by the Attorney General in the trials which took place in Baltimore for violations of the provisions of the "act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," passed on the 20th day of April, 1818.

The former of these sums was paid out of the appropriation of $6,000 "for the discharge of such claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury;" and the latter out of the appropriation for the contingent expenses of foreign intercourse. The whole sum would have been paid out of the former appropriation if the amount unapplied to other objects had been sufficient to discharge it.

Copies of the requisitions from the State Department, upon which the money was paid, are enclosed.

No other payments have been made to the Attorney General from the Treasury for services rendered to the United States, except the sum of $100, in the year 1814, for services rendered in the case of the United States against Brown and others, upon certain protested bills of exchange. This sum was paid out of the fund first above mentioned. The services for which compensation has been made to the Attorney General from the Treasury were not rendered in the Supreme Court of the United States.

I have the honor to be your most obedient servant,

WM. H. CRAWFORD.

Hon. Henry Clay, *Speaker of the House of Representatives.*

SIR: DEPARTMENT OF STATE, *December* 17, 1818.

By direction of the President, I have the honor to request you to cause the sum of $1,500 to be paid to Mr. Wirt, Attorney General of the United States, for his late services in the circuit court of the United States at Baltimore, as additional counsel to the district attorney in certain criminal prosecutions at the suit of the United States, to be taken out of the fund usual in such cases.

I am, with great respect, sir, your obedient and very humble servant,

J. Q. ADAMS.

WILLIAM H. CRAWFORD, Esq., *Secretary of the Treasury.*

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE, *December* 26, 1818.

DR. *Wm. Wirt, Attorney General, to the United States.*

To Treasury warrants for amount of the following issued in his favor, viz.	
No. 336, dated 18th December, 1818, - - - - -	950
No. 348, dated 21st December, 1818, - - - - -	550
	$1,500

CR.

By amount allowed to him by direction of the President, (agreeably to the letter of the Secretary of State, herewith, dated December 17, 1818,) "for his late services in the circuit court of the United States at Baltimore, as additional counsel to the district attorney in certain criminal prosecutions at the suit of the United States," - - - - - - $1,500

AUDITOR'S OFFICE, *December* 24, 1818. WM. PARKER.

16th CONGRESS.] No. 470. [1st SESSION.

PROHIBITION OF SLAVERY IN NEW STATES.

COMMUNICATED TO THE SENATE, DECEMBER 15, 1819.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled: The memorial and remonstrance of the American convention for promoting the abolition of slavery, &c., held at Philadelphia, October 5, 1819, *respectfully showeth:*

That, strongly impressed with apprehensions of the evil consequences which inevitably must result to the United States by enlarging the sphere and protracting the duration of domestic slavery, your memorialists deem it their duty respectfully to present this remonstrance against the admission into the Union of any new States which may hereafter be formed, unless on the conditions that the further introduction of slavery therein be prohibited, and that the duration of slavery therein be confined to those who shall be held in such bondage at the time of their admission.

Principles of plain and acknowledged justice may sometimes have been suspended or overruled, from a belief of state necessity. In the origin of political associations, mutual concessions are sometimes required, and an overruling public urgency suggests, while it regrets, the adoption of measures the danger of which is even partially anticipated.

Of this nature was the toleration of slavery in the formation of our present constitution.

But when no political urgency exists, when no necessary concession to circumstances is required, when the General Legislature has the power to lay down the principles of admission into the Union, as broad and pure as truth and justice themselves, it is hoped an occasion so noble will not be suffered to pass unimproved.

It is obvious that the voluntary toleration of slavery in those additions of territory which are made to us by the steady and gradual increase of population would not only afford an argument that the people of the United States feel no repugnance to it in principle, and thereby subject us to the charge of inconsistency in the eyes of mankind, but would also yield an encouragement to the continuance of that odious traffic pursued only by the basest of men, to whom a new and extensive market will thus be opened; and it is much to be feared that the utmost vigilance will render it impossible to prevent it. The certain effect will be greatly to increase the number of slaves beyond their gradual augmentation by birth. The love of ease is natural to mankind, and the owner of landed estate will take every opportunity of acquiring by purchase those whose forced labor will diminish the necessity of his own. The price of these unhappy beings will then be raised, the pecuniary attractions of this inhuman traffic will be increased, and the baseness of the motives which originally suggested it will presume to shelter itself under the false pretext of national sanction.

If the market will thus be enlarged, it will also be perpetuated, or at least continued for an almost indefinite duration. What is allowed to one new State will be claimed by the next that is formed as a sort of right, and the hydra of slavery will in time extend its reprobated form from the Atlantic to the Pacific.

No power, however carefully conceived or faithfully executed, will be able to arrest the progress of this illegal increase. No compensation can ever be made to the additional multitudes who will thus be doomed to suffering and sorrow, and no political ablution can ever efface this voluntary stain from our national character.

Nor can any countervailing benefit be suggested to meet these evils. If the population of our western wilds should proceed more slowly by the exclusion of slavery, is rapidity evidence of strength and firmness? And will not an industrious, hardy yeomanry, accustomed to till their own fields and perform their own labors, be more valuable additions to our strength than the enervated dependants on the labor of others? Your memorialists appeal, with respect and confidence, to the acknowledgments of distinguished men among the southern planters, that slavery is in this respect, as in many others, a sensible and serious evil, which they lament the more because they conceive that it cannot be remedied.

Why should it be introduced again without necessity, to effect an injury to ourselves, which, in a short time, will become too deeply rooted to be removed?

Your memorialists forbear to trespass further on your time. The subject is of awful importance. It is closely connected with the future destinies of our country. The convenience and cupidity of the western settler are alone arrayed against the consistency of our public conduct, the happiness and greatness of the nation. If their erroneous wishes be consulted in the arrangements that shall be made, the day may not be very distant when the assent of our Legislature will be deplored as the cause of incurable regret by those who now so earnestly solicit it.

But between motives of mistaken local interest on one side, and the high consideration of national character, public stability, and acknowledged justice, on the other, it is most respectfully hoped that Congress will not be at a loss to decide.

Signed by order:

RICHARD PETERS, JUN., *President.*

16th CONGRESS.] No. 471. [1st SESSION.

PUBLICATION OF THE JOURNAL, ACTS, AND PROCEEDINGS OF THE FEDERAL CONVENTION.

COMMUNICATED TO THE SENATE, DECEMBER 20, 1819.

WASHINGTON, *December* 17, 1819.

To the Senate and House of Representatives of the United States:

In compliance with a resolution of Congress of 27th March, 1818, the journal, acts, and proceedings of the convention which formed the present constitution of the United States have been published. The resolution directs that one thousand copies should be printed, of which one copy should be furnished to each member of the fifteenth Congress, and the residue to be subject to the future disposition of Congress. The number of copies sufficient to supply the members of the late Congress having been reserved for that purpose, the remainder are now deposited at the Department of State, subject to the order of Congress. The documents mentioned in the resolution of the 27th March, 1818, are in the process of publication.

JAMES MONROE.

16th CONGRESS.] No. 472. [1st SESSION.

UNIFORM SYSTEM OF BANKRUPTCY.

COMMUNICATED TO THE SENATE, DECEMBER 27, 1819.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled: The memorial of the merchants and traders of the town of Boston, and of other towns within the State of Massachusetts:

The wise framers of our excellent constitution, foreseeing the necessity in a maritime community of laws peculiarly affecting commercial relations, caused, upon due deliberation, the power of establishing "uniform laws on the subject of bankruptcies" to be among those expressly delegated by the people to their representatives in Congress assembled. Several of our sister States, at the time they became members of the confederated republic, did not hesitate to declare freedom from imprisonment for debt, except when there might be a violent presumption of fraud, an inherent and constitutional right; and many others, when the creative power thus vested in the General Government has been suffered to lie dormant, have from time to time expressed, by their numerous insolvent laws or acts of private relief, a strong sense of the propriety of measures mitigating the common execution of the law. But, without enumerating the multiform declarations of State Legislatures to this effect, it is enough if no one will deny that the greatest possible exemption from personal restraint bears the closest analogy to the common sentiments and habits of Americans, and is highly congenial to that pure and equal spirit of liberty which animates our whole civil and political character.

Notwithstanding its remarkable conformity to our national physiognomy, nearly sixteen years are now elapsed since we have enjoyed the benefit of a bankrupt law. During a great part of this momentous and eventful period, amidst the concussion of foreign arms, and the violence of nation lifted up against nation, the neutral flag of America enjoyed a degree of commercial prosperity unparalleled in the annals of human history. The granaries of the world were open to us alone, and the mighty empires of Europe may be said, in some measure, to have depended upon our supplies. By these remarkable facilities, immense revenues were accumulated in the coffers of our citizens, which were constantly re-embarked in larger and more perilous adventures, till our commercial engagements were stretched to their utmost extent. At this crisis the restrictive system was commenced, and war shortly succeeded—measures which, however necessary in their origin, and however important in their political results, could not fail of being greatly embarrassing to the commercial and trading interests. Those of our merchants who were enabled to struggle through the distresses invariably attendant on these often inevitable evils were induced, on the return of peace, to put forth all their energies, in the hope of reaping unusual harvests, and thus speedily re-establishing their broken fortunes; but, during the suspension of commercial pursuits, foreign relations had been (for them, at least) unfortunately changed; trade in its accustomed channels had been choked, and necessity had opened new ones which were already pouring in their resources to feed the enormous consumption of a most extensive war.

But when the great belligerants of Europe had laid aside their long-cherished hostilities, and pacific arts were everywhere reassuming their legitimate superiority, England was again ready to step forth, in the plenitude of her maritime might, and monopolize the trade of a larger portion of the globe, at the same time that many Powers who, when occupied in arms, had been entirely dependant upon us as the general carriers and factors of the world, found their advantage in calling to light hidden resources, and establishing a commerce of their own. From such a singular concatenation of events, the most prudent and the most opulent have been obliged to meet peculiar embarrassments and unexampled pressure; so that many who had withstood the perils and losses of the war have been drawn into ruin by the unexpected fatalities of peace.

Struck with this prominent example of the extreme mutability of commercial affairs, subjected as they are to innumerable and inevitable casualties, and aware of the constant regard which the representative Legislature of an enlightened maritime republic must preserve towards the interests of commerce and the cause of humanity, your memorialists, the merchants and traders of Massachusetts, as well those who have been severely laboring under the evils we have above related as those who are of a more fortunate description, beg leave respectfully to suggest the expediency of establishing throughout the United States a uniform system of bankruptcy, to the end that personal liberty and the equitable discharge of contracts may no longer be subjected to the caprice or dishonesty of individuals, but that over our civil transactions as well as our political rights we may enjoy "a government of laws, and not of men."

It might appear unnecessary, but for the strong attachment we are apt to bear even to the injurious customs of our ancestors, to set forth the unreasonable hardships towards merchants and traders of that law which gives unlimited satisfaction upon the goods, estates, and body of the debtor. In what respect, it may be asked, is it superior to the much deprecated law of the twelve tables? We do not, indeed, countenance the partition of the unhappy debtor among his enraged creditors, but we do allow his estates and his expectations to be torn in pieces; we do allow him, without mercy or remorse, to be stripped at once of present possessions and future possibilities; to be left without means and without hopes—an outcast and a reproach. If it be against the policy of our code that the unfortunate insolvent and his miserable family should be subjected to domestic servitude or sold to foreign slavery, by how much are we more merciful when we award against him the ignominy of perpetual imprisonment and perpetual poverty? But we are often told, while the debtor suffers justly for his folly or his crime, his innocent dependants not only do not, as in some parts of the world, participate in his punishment, but are, in truth, rescued from want by the more humane provisions of the law. Not to dwell upon the unavoidable insufficiency of provisions for pauperism to supply the accustomed comforts and luxuries of life, your memorialists would humbly submit to your consideration whether there be not something of mistaken humanity in a system which creates the poor for whom it provides? whether it does not argue somewhat of inconsistency if we seem to generate evil for the sake of doing it away? whether that may not be an unreasonable prejudice which prefers to establish a partial remedy by poor laws rather than a very general prevention by bankrupt laws? Neither, perhaps, will it appear, upon investigation, that the commercial debtor commonly or often suffers justly for his folly or his crime. An enlightened Legislature will undoubtedly be well aware that a circulating medium is the life-blood of commerce; that the obtaining of credit, or what in other men than traffickers and traders might justly be called running in debt, is an essential part of the system of exchange: it is the borrowing from one in order to pay to another in some less valuable form which constitutes the gain of the merchant; and it is the foreseeing how to effect this advantageous commutation which constitutes his skill. This is a game of hazard as well as of calculation, and it is sufficiently clear that any unforeseen check between these successive steps—some inevitable loss, some unexpected disappointment, or even some temporary delay—may prevent his meeting his engagements, and thus involve him in irretrievable ruin. Certainly we cannot say much for the justice which views these dispositions of fortune in the light of criminality, and puts their victim on a level with the idle, the extravagant, and the profligate.

Our humane and admirable law seems, indeed, to depart from its own spirit every way in the case of the unfortunate debtor. It not only renders him obnoxious to an unmerited weight of punishment, but it puts out of its own hands all discretionary right of measuring or apportioning that punishment, and vests an unlimited power in the interested and the irritated. To no purpose are we told that the true interest of the creditor would be to release his prisoner, to put him in a way of honest industry, and to restore him to his credit with the world; for here we find men blinded by avarice rather than guided by interest; and particularly as each creditor reflects that the mercy which he would willingly extend, his neighbor will certainly reject. Thus is the merciless remunerated, while he who indulges the common feelings of humanity loses, or at least hazards, the debt without benefiting the debtor. Where there are many claimants, there will always be some unfeeling or unjust; and we cannot refuse to recollect how much it is in the power of a single individual, for how insignificant a sum, after other means of satisfaction are exhausted, to produce all the evil we have in part attempted to describe. That this unyielding hardness on the part of the creditor is by no means so unfrequent as we could wish to believe, does but too plainly appear when we call up the condition of the English jails, at a former period, during more than a century and a half. From the moment that imprisonment for debt was first granted by law, to the time when the benevolent system of bankruptcy was fully and effectually introduced, we find them crowded and overflowing with the miserable victims of insolvency to an almost incredible degree; and we much fear that the great cities and commercial marts of our own country, even in this enlightened and philanthropic age, will afford ample evidence of a strong disposition in creditors to enforce the right of imprisonment in its severest extent.

Hitherto we have considered this important subject principally on the side of mercy. Your memorialists would likewise represent it on the side of justice. The law, as it now stands, appears to leave a wide opening, and to

create a powerful temptation to fraud. The debtor, who has nothing to expect from compassion, and nothing to fear from detection, has little inducement to an honest disclosure of effects, which, if utterly surrendered, would probably but ill satisfy the rapacity of the vultures who surround him. To what but the hopeless severity of our law can we attribute the frequent instances of fraudulent conveyances in trust; of fictitious transfers of property; of the security of endorsers before any liability has attached, or who have perhaps generated a spurious credit by the accommodation of their names, with an understanding that no liability ever should attach; of the collusive preference of one or more creditors to the total exclusion of the rest; and the whole complicated tissue of deceit which may be observed in daily operation to sustain the credit of a tottering house, or raise it from its fall? The system of palpable fraud and oppression which has thus grown out of the abuses and imperfections of the law must obviously occasion vast impediment to commercial enterprise and skill. By it credit is greatly affected, both at home and abroad. General insecurity begets mutual distrust. We know not who may be honest till he has been tempted, and we have no certain hold on dishonesty in the law. If, then, it should seem that our State insolvent acts, so far as they may tend to impair the obligation of contracts, are unconstitutional and void, your memorialists would suggest to your impartial inquiry whether the practical obligation of contracts is not, in point of fact, as seriously and more frequently impaired by the existence of the evils we have thus briefly enumerated.

There is one other remaining ground upon which your memorialists beg leave to suggest the expediency of amendment in the present law of satisfaction for debt. Its effects upon society are believed to be pernicious in an alarming degree; and your memorialists do not doubt that moral and political results are the chief and peculiar solicitude of enlightened legislation. Its moral effects are believed by your memorialists to be pernicious in an alarming degree, when it is seen that in cases of insolvency no distinction is made between the unfortunate and the profuse; that innocence and guilt are alike tenants of the common jail; that the compassionate are plundered, and justice is cheated of its right; that the honest insolvent is strongly tempted to sacrifice his integrity, and often overpowered; in short, that only the fraudulent debtor, by the secretion of property no longer his, escapes the chief penalties of the law, and only the hard-hearted creditor, by rigorously persisting in his claim, obtains its full benefit. Its political effects may be thought not less alarmingly pernicious, when a large number of respectable and industrious citizens are reduced to idleness and indigence; when they are maintained at the charge of others in utter uselessness and sloth, as a rotten excrescence that is draining the resources of the community; when they may have been driven by long continuance of unmerited punishment to absolute despair; and when the infamy of interminable poverty may have rendered them disaffected and factious.

These abuses and dangers your memorialists humbly conceive may be obviated by the establishment of a uniform and permanent bankrupt law—a law which shall at once satisfy justice and humanity; which shall empower the creditor to check his debtor's ruinous career before it has wholly divested him of means; which shall compel the insolvent, under heavy penalties, to a full disclosure of his effects and of his credits; which shall destroy all collusive intercourse with fraudulent creditors, and remove all probability of secret or fictitious conveyance; which shall enforce an absolute cession and an equal distribution of the bankrupt's property in satisfaction of all lawful claims—a law which, while it shall threaten fraudulent bankrupts with its severest visitation, shall, on the other hand, discharge the person of the fair and honorable debtor from an odious and unreasonable confinement; which shall rescue his future acquisitions from a retrospective liability; and which shall establish some pecuniary emolument as a reward for prudence and good faith, that he may be enabled to renew his blighted hopes, and by the strength of honest industry reattain to usefulness and honor.

Your memorialists can perceive no evil resulting from a system of bankruptcy sufficient to counterbalance these many and great benefits; and they would particularly represent that, in their opinion, the agricultural interest can never suffer from a law by which they do not see that agriculturists are in any way affected, excepting as they may acquire an additional hold upon the merchant for the recovery of their just debts.

Your memorialists have thus far trespassed on the attention of the Legislature from a deep conviction of the importance and interest of the subject which they urge, as well as a firm belief that their suggestions, at the present juncture, when commerce, in an especial manner, demands the fostering hand of Government to protect and assist it, and when the Supreme Court of the United States have recently declared that all State insolvent acts which affect the discharge of the contract are unconstitutional and void, will be noticed with that indulgence which their necessities may seem to require, and that the United States of America will no longer be, as we believe it now is, the only commercial nation in the civilized world utterly destitute of any general provision in the nature of a bankrupt law.

These considerations the undersigned, merchants and traders of Boston, and of other towns within the State of Massachusetts, humbly submit, with the hope that such measures may be adopted for the relief of a numerous and unfortunate class of citizens as Congress in its wisdom may think adequate to that desirable end.

16th Congress.] No. 473. [1st Session.

CHANGE OF VENUE.

COMMUNICATED TO THE SENATE, DECEMBER 28, 1819.

To the honorable the Congress of the United States: The memorial of James Brown, a citizen of the State of Tennessee, and town of Nashville:

Your memorialist humbly represents to your honorable body that he purchased in the city of Philadelphia, about the last of October, 1818, a number of German redemptioners; advanced a considerable sum of money in their behalf; and took their indentures for three years and five months, commencing when they should arrive at the place of their destination. Your memorialist, before indenturing of said servants, described to them the climate, and explained to them the kind of business which they would be required to follow. Your memorialist further represents to your honorable body that he informed said servants, and also suggested to some gentlemen in Philadelphia, that, if he did purchase said slaves, it was not with the prospect of great emolument to himself, but that he thought their residence in the State of Tennessee or Alabama would greatly ameliorate their condition, and, at the same

time, their particular avocations would be of incalculable advantage in that section of country. With these laudable objects in view, your memorialist made the purchase, selecting vine-dressers and mechanics for the purpose above stated to your honorable body, and said servants urged with much solicitude your memorialist to make said advances for them; and your memorialist, in conformity with the agreement between himself and said servants, and at a very great expense, conveyed the said servants on their way to the place for which they had indented themselves as far as Marietta, in the State of Ohio, when, by the interposition, persuasion, and aid of Caleb Emmerson, Timothy Buell, David Putnam, David Ward, John Taylor, Stephen Shepherd, and Paul Ferring, with many others whose names are unknown to your memorialist, the said indented servants were induced to make their escape from out of the possession of your memorialist, and were conveyed away and secreted by the said persons, or some of them, before mentioned. Your memorialist applied to the proper authorities for the purpose of reclaiming said servants, but all his efforts were defeated by the violent, oppressive, and illegal conduct of said persons, your memorialist being by the said persons unjustly arrested and imprisoned, together with the officer who had in his possession a precept authorizing the apprehension and arrest of said servants, the details of which transaction will more fully appear by the accompanying documents, to which your honorable body is particularly referred. Your memorialist would have sought redress by an appeal to the laws of his country at the time that this extraordinary proceeding took place, but was advised by counsel that there was no probability, under the present state of public feeling, that restitution would be made for the injury which your memorialist had sustained both in person and property; and your memorialist was further advised by several respectable citizens that, if he went into the country again for the purpose of arresting his servants, his life would be jeopardized. Application was made through his excellency Joseph McMinn, Governor of the State of Tennessee, on behalf of your memorialist, to the Governor of the State of Ohio; and he, in reply to the Governor of the State of Tennessee, in substance acknowledges the wrong and injury which your memorialist had sustained in that State, and regrets, in language equally just and proper, that such individuals should be permitted to disturb the public tranquillity, and concludes by stating that he has been informed that justice had been rendered your memorialist: which is not the fact; for the six which he arrested by authority from the honorable Judge Bird were forcibly taken from him by the citizens of Cincinnati, as can be seen by the depositions of William Eastham and Roderick Osborn. And your memorialist represents to your honorable body that he has lost his servants entirely, and that he has no other redress than by suits at law; and your memorialist begs leave to state, furthermore, that such is the extent of the influence of the individuals, and such their activity in exerting that influence, and that such is the temper and feeling of the people generally, that your memorialist believes he would be unable in the State of Ohio to have justice done in the trial of his suits; and your memorialist is advised that there is no law which authorizes a change of venue from one State to another. Your memorialist therefore prays your honorable body to pass some general law authorizing such change of venue upon the case made out before the judge of the federal courts, or a special law to permit it in this particular case, so that your memorialist can have a trial in Virginia or Kentucky, or some adjacent State.

And your memorialist, as in duty bound, will ever pray, &c.

JAMES BROWN.

STATE OF KENTUCKY, *Jefferson County*, *ss.*

Personally appeared before the subscriber, a justice of the peace in and for the said county, George Ross, who, being duly sworn according to law, doth depose and say: That he met with Mr. James Brown at Wheeling, Virginia, who had twenty-two German servants with him; that a boat was purchased at Wheeling, and we proceeded to Marietta, Ohio, with the Germans, where the boat was landed, and the Germans refused to go on board again; Mr. Brown then applied to Daniel H. Buell, Esq., a justice of the peace, for permission to carry his Germans out of the State of Ohio, who, upon satisfactory proof being adduced that service was due from the following enumerated persons to James Brown, granted him a certificate to remove John Gold, and Elizabeth Gold, his wife, Jacob Kopp, and Agatha Kopp, his wife, Joseph Geizer, and Caroline Geizer, John Beck, and Magdalena Beck, his wife, and Lorenz Beck, Johan Weirtzburger, and Maria Weirtzburger, his wife, John Hell, and Scolastico Hell, his wife, Anton Frytag, and Anna Maria Frytag, Christian Sherrer, Ferdinand Bengle, Jacob Fohr, Francez Anton Klohr, Carl Zimmerman, Sebastian Hog, and Johan Frederick Genevine. And this deponent further saith, that he was present when the above-named servants personally appeared before Justice Buell, in the town of Marietta, Ohio, on the 30th day of November, 1818, and severally acknowledged that they had signed the several indentures produced before the said justice; that, through the interference of the citizens of Marietta, as this deponent believes, the Germans refused to go with Mr. Brown, and they absconded into the country, when a warrant was issued by Justice Booth, and the Germans were brought before him; and Caleb Emmerson and David Putnam, Esqs. appeared as their counsel, and, after hearing, the said Justice Booth refused to grant Mr. Brown a certificate to remove his servants, although he admitted the evidence of the validity of the indenture. This deponent further saith, that James Brown was in the custody of the sheriff, on a writ issued from the court of Washington county, Ohio, and that a *habeas corpus* was issued on the application of the said James Brown, who appeared before Judge Sharpe, and, when the writ of *capias* was produced, it appeared from the return of the sheriff thereon made that Caleb Emmerson, Esq. had directed the writ to be discontinued. And further this deponent saith not.

GEORGE ROSS.

Sworn and subscribed this 17th December, 1818, before

D. FITZHUGH, *J. P. J. C.*

I, the clerk of the county court of Jefferson county, in the State of Kentucky, do certify that the above-named D. Fitzhugh, before whom the foregoing affidavit appears to have been sworn to, was on this day an acting justice of the peace in and for the county and State aforesaid, duly commissioned and sworn, and that to all his acts as such full faith and credit is and ought to be given.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said county, this 17th day of December, 1818, and in the 27th year of our Commonwealth.

WORDEN POPE. [L. S.]

STATE OF OHIO, *Hamilton County*, *ss.*

Personally appeared before me, a justice of the peace in and for the said county, William Eastham, who, being duly sworn according to law, doth depose and say: That he met with Mr. James Brown at Parkersburg, Virginia, who had six German servants with him, and that he, with the said servants, embarked on board this deponent's boat on the fourteenth day of March, one thousand eight hundred and nineteen, for the purpose of descending the river as far down as Louisville, Kentucky; that, on Sunday, the twenty-first of the same month, this deponent arrived at Cincinnati, State of Ohio, and landed his boat at the upper end of the town, and left said Brown and the

German servants all on board, and went into town, and, on approaching the boat after an absence of near two hours, the deponent discovered a considerable assemblage of persons down on the shore near the boat, and said Brown in conflict with others on the top of the boat, and that, in going on board, the deponent met the last of the aforesaid six German servants going on shore, when the crowd, throwing away the stones which they had in hand, dispersed; that, after a short interval of time, an increased number of persons reappeared, and came hastily down the bank to where the boat lay with every appearance of hostility, and were coming immediately on board, which the deponent forbade their doing at their peril; they then demanded the boat to be put in close to the shore, and, on the deponent's refusing to comply with their demands, a part of them commenced pulling up the point of the oar by which the boat was propped out, while others, at the same time, seized the cable and drew the boat up to land, and came on board and took such things as they chose, stating them to be the property of the aforesaid German servants; when the mob retired with their booty.

This deponent further says that he knows of no just cause of complaint on the part of the aforesaid servants while on board his boat, the conduct of the aforesaid Brown towards them having been uniformly humane and tender in the extreme; and at all times when the deponent has heard the aforesaid servants express any sentiment respecting their usage by the said Brown, it has been in terms of entire approbation. And further this deponent says not.

WILLIAM EASTHAM.

Done at my office, in Cincinnati, in the county of Hamilton, and State of Ohio, March 23, 1819, before me,
ETHAN STONE, *J. P.* [L. S.]

STATE OF OHIO, *Hamilton County, ss.*

Personally appeared before me, a justice of the peace in and for the said county, Roderick Osborn, who, being duly sworn according to law, doth depose and say: That he was hired by William Eastham, at Parkersburg, Virginia, to work on board the said Eastham's boat as a hand; that he has been on board said boat since she left Parkersburg; that he was on board at the time of the boat's landing at Cincinnati, and did not leave the boat during the time of her lying at Cincinnati; that he was an eye-witness to all the proceedings of the mob who forcibly entered the said Eastham's boat; that the mob or body of men were preceded by five men, who called themselves citizens, who came down on the shore opposite to the boat, and manifested a disposition to come on board by remaining on shore some time near the boat, and commencing conversation with one of the German servants who was standing on the top of the boat, and requested the liberty of coming on board; that he, Mr. Brown, at first refused, but, upon these five persons disclaiming any evil design towards the master or servants, they were given permission to come on board; that they had not been on board long before it was apparent that their intentions were not of that character which they had expressed while on shore, and Mr. Brown requested this deponent to go forward to the bow of the boat, where the wood was kept, and get him a stick, and put it at some convenient place on top of the boat; that he was satisfied that the intention of these persons was to seize his servants, or enter into a contest so as to give them an opportunity to make their escape, and that he should be under the necessity of driving them from on board; that this deponent, on his going on top of the boat, saw a number of persons standing on the shore near the boat; that, on his going to the bow of the boat, he heard Mr. Brown order the persons who had come on board ashore, charging them with trying to seduce off his servants; that these persons refused to go, after repeated orders; that a contest ensued between the said Brown and the five persons under the roof; that, on this deponent's getting on the roof at the bow of the boat, he discovered the said Brown followed by the five men who had come on board, mounting the top of the boat from the other end, and heard the aforesaid Brown then repeatedly order them from on board; that they refused, and observed that they would go when they got ready, or when they pleased; that he saw the said Brown seize one of them, who appeared to be the ringleader; that a scuffle ensued between the said Brown and those persons, and that they could not be got from on board for the want of physical strength, until after all the servants had escaped; that, after a short interval of time, a number of persons came on shore near the boat, and manifested a disposition to come on board, which Mr. Eastham, the owner of the boat, forbade; they then demanded the things which they said were on board and belonged to the Germans who had gone from the boat, (alluding to the servants,) when Mr. Eastham observed they had no right to make such demand, and that he would have nothing to do with them, and repeated his commands to them not to meddle with his boat. Some of the company then took hold of the oar by which the boat was propped out, and raised the point out of the earth, while others seized the cable and hauled the boat to land, contrary to the repeated protestations of Mr. Eastham, and crowded on board in considerable numbers, and took such things as they chose, and then retired to shore with their booty. And further this deponent saith not.

Interlined, before signed, two sentences, to wit: "saw a number of persons," and "and raised the point out of the earth."

RODERICK OSBORN, his × mark.

Done at my office in Cincinnati, in the county of Hamilton, and State of Ohio, March 23, 1819, before me,
ETHAN STONE, *J. P.* [L. S.]

STATE OF TENNESSEE, *Davidson County:*

Personally appeared before the subscriber, a justice of the peace in and for said county, James Brown, of Nashville, Tennessee, who, being duly sworn according to law, doth depose and say: That he purchased in the city of Philadelphia, on the 30th day of October, 1818, the following twenty-two German servants, viz: John Gold, Elizabeth Gold, Jacob Kopp, Agatha Kopp, Joseph Geizer, Caroline Geizer, John Beck, Magdalena Beck, Lorenz Beck, John Weirtzburger, Maria Weirtzburger, John Hell, Scolastico Hell, Anton Frytag, Anna Maria Frytag, Christian Sherrer, Ferdinand Bengle, Jacob Fohr, Francis Anton Klohr, Carl Zimmerman, Sebastian Hog, and Johan Frederick Genevine, who severally indented themselves to this deponent for the term of three years and five months after their arrival in the Alabama Territory. That he (the deponent) left Philadelphia on the 2d day of November, 1818, in company with the above-named servants, and arrived at Wheeling, Virginia, about the 23d of the same month; that he there purchased a boat to descend the river Ohio; that this deponent left Wheeling about the 26th day of November, with all his servants on board, and arrived within seven or eight miles of Marietta, Ohio, on the evening of the 29th, where this deponent had to land his boat in consequence of high wind; that this deponent's boat proceeded on her voyage next morning; and that this deponent, accompanied by Mr. George Ross of Pennsylvania, and one of the servants, left the boat in a skiff about three miles above Marietta, and proceeded in advance to said town, for the purpose of laying in an additional stock of provisions, and to have them ready by the time the other boat would get down. That this deponent did purchase the provisions, and had them ready to put on board, when he discovered his boat landing some distance above, and the servants going on shore; that he had the provisions put on board the skiff, and carried up and put on board the boat where she then lay; that he (the

deponent) then went up into town, and told the servants that the boat was ready to proceed on, and that they must go on board immediately; that the servants made several frivolous excuses; that the deponent then ordered them on board, when they refused to obey, as this deponent believes, in consequence of advice given them by the people of Marietta. This deponent states that he then, for the purpose of putting down insubordination of the citizens and servants, made application to Daniel H. Buell, Esq., a justice of the peace, for a precept; that he (Justice Buell) asked this deponent to call in counsel, as he (Buell) stated that he did not know the law upon the subject; that this deponent did call in John P. Mayberry, Esq., attorney at law, who accompanied this deponent to said Buell's office, and showed the said Justice Buell the constitution of the United States, and the act of Congress of the 12th February, 1793, upon the subject. When the deponent's servants were brought before the said Justice Buell, and on their acknowledging that they owed service to this deponent, and that they had signed the several indentures then presented, he (the said Buell) gave to this deponent a certificate of property, and permission to remove them out of the State of Ohio.

The deponent states that he then ordered his servants on board of his boat, who still refused to go; that he consulted John P. Mayberry, his counsel, to know what was to be done to compel them to submit to the law; that he (Mayberry) advised this deponent to get Enoch Hoff, constable, to put them on board; that this deponent went to Hoff's house; that he was informed that the said Hoff was not at home, and would not be until late in the evening; that this deponent returned to Justice Buell's office, where the said Mayberry was, and communicated to him the result of his visit; that the said Mayberry then advised this deponent to get men enough in the town of Marietta to put his servants on board his boat; that he (Mayberry) accompanied this deponent while trying to procure the necessary aid, and, after repeated trials, not more than one man could be got who would lend any aid or assistance. This deponent states that he refrained from making any further attempts to recover his property until the return of Hoff, the constable, when Mayberry, this deponent's counsel, who accompanied this deponent on his second visit, communicated to the said Hoff what had transpired, when he (Hoff) readily undertook to enforce obedience, and went immediately to procure some physical aid, and, after having made repeated trials, returned and reported that not more than one man could be got. This deponent states that it was then suggested to him by Hoff that Captain John Mills (whom Hoff represented to this deponent as being a very clever young man, and who commanded the town company of militia) might feel himself authorized, by the certificate of Daniel Buell, Esq., to turn out his company and enforce obedience to the law.

This deponent, accompanied by Hoff, the constable, and Daniel H. Buell, justice of the peace, did call on Captain John Mills to know if he felt himself authorized to turn out his company to put the deponent's servants on board; that this deponent and his company had been but a few minutes in Captain Mills's store before Caleb Emmerson, county solicitor for the county of Washington, and two other persons, came in; when he (Emmerson) inquired what was the news, and what was to be done with the Germans who had been claimed by this deponent; that this deponent replied, "to be taken out of the State," as he had Justice Buell's certificate, which he then showed to the said Emmerson, who replied "that they should not be taken out by force." This deponent states that next morning (1st December) he applied to his counsel to know what was to be done, communicating what had transpired the evening before; that he (Mayberry) made a second attempt to procure in the town of Marietta the necessary aid; so did Hoff, but with no better success; that he (Mayberry) then recommended to this deponent to go over to Levi Wells's, who lived on the opposite side of the river, in Virginia, and communicate to him the transaction, who, no doubt, would afford the necessary aid; that this deponent did cross over to Levi Wells's that night, and at ten o'clock next morning the asked-for aid was ready, and crossed over with this deponent to Marietta, for the purpose of putting this deponent's servants on board his boat, and that when this deponent and his company arrived within a short distance of the house where his servants were, they were met by the landlord and a young man by the name of Willard, as well as many others, and were informed that the doors of the house were closed by the orders of Caleb Emmerson, county solicitor, and others, and, if any force was attempted, the people inside were armed and would repel force by force. This deponent then made application to Justice Buell for a warrant to arrest his servants, which he declined giving, and requested this deponent to get some other justice, stating that he had been censured for the certificate which he had given, and which he was authorized to give under the act of Congress of the 12th February, 1793; that, discovering a very great reluctance on the part of the said Buell to have any thing more to do in the business, this deponent then applied to James M. Booth, another justice of the peace, who appeared equally loath to act; but after getting them together, and after the right of this deponent was argued at the instance of Caleb Emmerson, county solicitor, and after the servants had been run off into the country by David Ward and John Taylor, and the day had nearly elapsed, a warrant was issued by James M. Booth, and given to Enoch Hoff, constable; that two of the servants were arrested that evening, and Hoff found the next day the balance, twenty in number, at John Taylor's. That he arrived in the town of Marietta late in the evening of the 3d of December, with the servants in company, and left them at James M. Booth's office, while he went in search of this deponent; that he came down to this deponent's boat, and informed this deponent that he had left the servants at Booth's office, and that he wanted this deponent to go up immediately; that they were proceeding immediately to the office, and had to pass near Captain John Mills's storehouse, and that, discovering a number of persons collected together at the door, he was induced to approach, when this deponent, discovering they were armed, was led to inquire the cause, but did not receive any answer until Timothy Buell, Esq., sheriff, came out of the store accompanied by Captain John Mills, and informed this deponent and Enoch Hoff constable, that they were his prisoners, and must go with him to Justice Booth's office; and that they (deponent and Hoff) were marched to the office with Captain Mills's company of militia armed at their heels; that this deponent and said Hoff were arrested, as stated in the *capias*, at the instance of John Gold, one of the deponent's servants, for an alleged assault and battery and false imprisonment, damages five thousand dollars; that he was ruled to bail, which he refused to give, and that he had not seen John Gold for forty-eight hours, during which the assault and battery and false imprisonment was said to have been committed. This deponent further states that, from the time when this servant arrived at Marietta, when brought back by the officer, and the time when he was arrested, it was impossible, as he believes, for the servant to have made a complaint, and the precept to have issued; that the servants were taken out of the custody of the constable by arresting him (Hoff;) that the precept or *capias* was issued on application of David Putnam and Caleb Emmerson, as this deponent was informed by the clerk; that this deponent was cited to appear at the court-house the next morning at ten o'clock; that he attended, and that, previous to the sitting of the court, David Putnam, as this deponent believes, for the purpose of enlisting the prejudices of the people, did say "that he believed that the money for the cost and expenses of this deponent's servants could be made up, and if he did not take that, he might whistle for them;" that the court did convene, composed of two justices; that they went into the trial of property, and after the lapse of nearly thirty-six hours, and after one of the justices had left the bench, the court set the servants of this deponent at liberty, and that the servants were congratulated by the court, most of the bar, and nearly all of the spectators. Despairing of being able to obtain justice under the authority of the State, and not knowing or being able to learn where the United States district judge for that district resided, he (the deponent) determined on returning home,

and, being held in duress, made application to Judge Sharpe for a writ of *habeas corpus*, to make the counsel of this deponent's servants show cause why he (the deponent) was detained; that a writ of *habeas corpus* was issued; and when this deponent appeared before Judge Sharpe, and when the *capias* was produced, it appeared from the return of the sheriff thereon made that Caleb Emmerson, Esq. had directed the writ to be discontinued on the 4th day of December, but that he (this deponent) was held in custody on the 7th of the same month, notwithstanding the return made on the *capias;* and that, during the time which his boat lay at Marietta, stones were frequently thrown at her during the night. That this deponent did return to Tennessee, and, after obtaining letters of introduction, and a letter of remonstrance from his excellency the Governor of Tennessee, to his excellency the Governor of Ohio, upon the subject of this deponent's servants, that he (the deponent) returned to the State of Ohio in February last, and obtained from the honorable Charles W. Bird, United States judge for that district, a warrant to arrest his (the deponent's) servants. That he proceeded to Marietta, *viâ* Parkersburg, Virginia, to procure physical aid to assist in arresting his servants; that he arrived at Marietta on the 27th of February, and the next day arrested six, and sent them to Virginia; that he found two of his servants in the employ of Caleb Emmerson, Esq., county solicitor, who had been the zealous advocate for their emancipation, who made a matter of conscience about delivering them on Sunday, and, on this deponent's having occasion to leave Emmerson's house without taking the servants with him, returned a short time after, found the doors closed, the family at home, and no admittance to be had. This deponent further states that, on the night of 28th February, a number of persons crossed over the river to Levi Wells's, on the Virginia shore, for the purpose of rescuing the six servants whom he had arrested and sent over; that he (the deponent) next morning went to Emmerson's house, and was informed by his wife that neither he nor the servants were there; that they had left town.

This deponent doth further depose and say, that, some days after, he was informed where ten or twelve of his servants had been seen the day before; that he procured at Parkersburg, Virginia, four men to go with him; that they crossed the Ohio river at Marietta, and proceeded immediately to the place where his servants had been seen, as this deponent was informed; and that, when the deponent and his company arrived there, none of the neighbors appeared disposed to give to this deponent any information, and pretended not to know of any such people having been seen in the neighborhood; but, having every confidence in the intelligence that the servants had been seen there the day before, and supposing that they were making off to get into the interior of the country, he (the deponent) was induced to continue the search until two o'clock next morning, when he stopped at a house, and, learning that the servants were not far off, and being much fatigued, called a halt, with the intention of renewing the pursuit by sunrise; that he (the deponent) was roused from bed by the visit of one of the neighbors, at whose house this deponent's servants had been seen a day or two before, and at whose house this deponent had been but a few hours before, and whose visit, this deponent believes, was to see if this deponent and his company were there, and to give the intelligence to Timothy Buell, the sheriff, and Caleb Emmerson, county solicitor, who had collected between one and two hundred men, and had stopped in the woods until the preconcerted signal could be given, who soon appeared, variously armed, when this deponent was arrested by Silas Cook, constable, for an alleged assault and battery said to have been committed by this deponent on his servants while acting under the warrant of the district judge of the United States; that he (the deponent) was carried back to Marietta under a guard commanded by Sheriff Buell, consisting of between one and two hundred men.

That the warrant or precept was issued at the instance of Caleb Emmerson, county solicitor; that he (the deponent) was tried upon the warrant; and that the county solicitor, upon whose affidavit the warrant or precept had issued, and who was the prosecuting attorney, abandoned the prosecution, when this deponent was dismissed. This deponent further states that he had not been out of custody more than one hour before he was again arrested, upon a warrant or precept issued upon the affidavit of Charles Sylvester, whom the county solicitor had but a little while previously introduced as a witness for the same alleged offence; and that, when this deponent again appeared before Justice Whitney, he was again dismissed, no one appearing to prosecute. This deponent states that, having no hopes of being able to obtain any more of his servants, from the disposition manifested by a large majority of the people of Marietta and the adjacent parts of the State of Ohio, and receiving no answer to Governor McMinn's letter, which was transmitted to his excellency E. A. Brown, Governor of Ohio, by William Craighton, jun. Esq., of Chilicothe, the deponent determined on returning home to Tennessee, and took his departure from Marietta for Parkersburg, Virginia, where his six German servants, whom he had arrested under the authority of the United States, were; that he left the latter place some time in the month of March last, on board of a flat boat, owned and commanded by William Eastham, with his six servants on board, for the purpose of descending the Ohio as far as Louisville, Kentucky; that the boat, with all on board, arrived at Cincinnati, Ohio, on or about the 21st of March, and were landed by William Eastham, for the purpose of transacting some little business; that, during the absence of the owner of the boat, several men came down on the shore opposite, and, hearing one of the deponent's servants speak to one of the others in the German language, asked permission to come on board, which this deponent at first refused, from the belief that they (the visiters) might or would excite this deponent's servants to revolt, but, on these persons declaring that they were friendly disposed, this deponent at length consented to their coming on board; that these persons had not been on board long before the deponent discovered that they were trying to seduce off his servants, when he (the deponent) ordered them from on board; that they refused to go, and, after repeated orders, a combat ensued between this deponent and three of the visiters, and that, during the conflict, all of this deponent's servants were conveyed off; that, in the course of a short time, some of the former persons, with many others, returned, and ordered Mr. Eastham (who by this time had returned) to put his boat to land, and, on his refusing so to do, forcibly seized the cable and oar, and drew the boat ashore, when they came on board, and took from the boat what they were pleased to call the property of the deponent's servants.

The deponent states that he made repeated trials in Cincinnati to find out some of the names of those persons who entered the boat, but could not obtain any intelligence, and that he was compelled to return home without any of his servants; that he has expended a considerable sum of money for the passage, clothing, feeding, and transporting these servants; and that, previous to these servants indenturing themselves to this deponent, in Philadelphia, the country and climate, and every thing incidental thereunto, were explained to the servants by the agent for German redemptioners, and others of their countrymen; and that all of this deponent's, and many more of the passengers on board of the vessel, voluntarily agreed to indent themselves. Lastly, this deponent doth depose and say that he always treated his servants humanely.

JAMES BROWN.

Sworn to before me, this 8th day of November, 1819,

W. TANNEHILL, *Justice of the Peace for Davidson county, State of Tennessee.*

16th Congress.] No. 474. [1st Session.

CANAL TO CONNECT THE ILLINOIS RIVER WITH LAKE MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 28, 1819.

SIR: DEPARTMENT OF WAR, *December* 28. 1819.

In compliance with a resolution of the House of Representatives of the 15th instant, directing the Secretary of War "to lay before that House the several topographical reports that have been made to the War Department, in pursuance of instructions to that effect, respecting the practicability of uniting, by a canal, the waters of the Illinois river and those of Lake Michigan, and such other information as he may be in possession of on that subject," I have the honor to transmit an extract of Major Long's report, and a copy of a report made by R. Graham and Joseph Philips, Esqs., which comprehend all the information on the subject in this Department.

I have the honor to be, very respectfully, sir, your most obedient servant,

J. C. CALHOUN.

Hon. HENRY CLAY, *Speaker of the House of Representatives U. S.*

Extract from a report of Major Stephen H. Long to George Graham, Esq., acting Secretary of War, dated

WASHINGTON, *March* 4, 1817.

The Illinois is formed by the union of three considerable rivers—the Desplain, the Despage, and the Kankakee; the last of which is nearly double the size of either of the two former. The Illinois is about three hundred miles in length, and is of variable width, from seventy yards to one mile. It has a very moderate current, and a depth of water sufficient to render it navigable, at all times, for boats of considerable burden, about two hundred and thirty miles from its mouth. At the mouth of the Vermilion there are rapids, perceivable only in the lower stages of winter. Farther up, the water is not generally so deep as it is below the Vermilion.

The valley of the Illinois varies in its width from three to ten miles; is generally flat and marshy; and, for the most part, subject to inundation when the river has no more than a medial height. In some parts of it, however, prairies and bottoms of considerable extent are to be met with, elevated much above high water mark. In ascending the river, the bluffs gradually decrease in height, being about one hundred and fifty feet high at the mouth, and about one hundred feet at the head of the river. Imbedded in the bluffs are strata of limestone, slate, and coal, which occasionally make their appearance along the surface of the declivities.

The river Desplain is a small stream rising in the low lands bordering upon the west side of Lake Michigan, and has its general course in a southwesterly direction. The valley of this river has an average width of about one mile, and is terminated on both sides by regular banks, nearly parallel to each other, extending along the river about thirty miles from the head of the Illinois. In ascending this river, also, the banks or bluffs gradually decrease in height, being, as before mentioned, about one hundred feet high at the mouth, and only twenty or twenty-five at the distance of thirty miles higher up the river, where, instead of maintaining their parallel direction, they form nearly right angles with the course of the river—that on the right taking an easterly, and that on the left a northwesterly course; but, being gradually inflected from these courses, they form an extensive curve, encircling a large tract of flat prairie, in no part elevated more than twelve or fourteen feet above the common level of the water in this vicinity. The river, throughout the above-mentioned distance, has four or five short rapids or ripples that make their appearance only in times of low water. In every other part it has the appearance of being a chain of stagnant pools and small lakes, affording a sufficient depth of water for boats of moderate draught.

In the flat prairie above mentioned is a small lake, about five miles in length, and from six to thirty or forty yards in width, communicating both with the river Desplain and Chicago river by means of a kind of canal, which has been made partly by the current of the water, and partly by the French and Indians, for the purpose of getting their boats across in that direction in time of high water. The distance from the river Desplain to Chicago river, by this watercourse, is about nine miles; through the greater part of which there is more or less water, so that the portage is seldom more than three miles in the driest season; but, in a wet season, boats pass and repass with facility between the two rivers.

The rivers Despage and Kankakee bear nearly the same character, in regard to their bluffs, valleys, &c., that has been given to the Desplain. The former of these rivers takes its rise a few miles west of that of the Desplain, and has a course nearly parallel with it. The latter rises in a flat, marshy country, in the neighborhood of the St. Joseph of the Lake, and runs a meandering course westwardly, passing the southern extremity of Lake Michigan, at the distance of twenty or thirty miles from it. Near the head of this river is a small creek falling into the St. Joseph, through which boats have passed in time of high water from the St. Joseph to the Kankakee. The country through which the Desplain, the Despage, and the Kankakee rivers take their course appears to be underlaid with a vast bed of limestone, which occasionally makes its appearance in the valleys of those rivers, covered with a soil too thin to support vegetation.

Chicago river is merely an arm of the lake, dividing itself into two branches, at the distance of one mile inland from its communication with the lake. The north branch extends along the western side of the lake about thirty miles, and receives some few tributaries. The south branch has an extent of only five or six miles, and receives no supplies, except from the small lake of the prairie above described. The river and each of its branches are of variable widths, from fifteen to fifty yards, and for two or three miles inland have a sufficient depth of water to admit vessels of almost any burden. The entrance into Lake Michigan, however, which is thirty yards wide, is obstructed by a sand-bar, about seventy yards broad, upon the highest part of which the water is usually no more than two feet deep. The difficulty of removing this obstruction would not be great. Piers might be sunk on both sides of the entrance, and the sand removed from between them. By this means the river would be rendered a safe and commodious harbor for shipping—a convenience which is seldom to be met with on the shores of Lake Michigan.

The St. Joseph of the Lake is navigable for bateaux to a very considerable distance, in all stages of the water.

The St. Joseph and the St. Mary's of the Maumee are rivers of considerable size and extent. The latter, in wet seasons, is navigable for perogues to Fort St. Mary's, one hundred and fifty miles from its confluence with the former, by the course of the river. Its branches interlock with those of the Wabash and Big Miami. The St. Joseph is

navigable about fifty miles, its tributaries interlocking with those of the St. Joseph of the Lake, the Kankakee, and the Wabash. The Maumee of the Lake is one hundred miles in length, and is navigable for bateaux and perogues throughout its whole extent, in all stages of the water. About thirty miles above its mouth are the Wolf Rapids. The face of the water, however, is not so great as to occasion any very serious obstruction to the navigation of the river.

The courses and relative positions of the several rivers and creeks may be seen by recurring to the plans.

Proposed canals and roads.

A canal uniting the waters of the Illinois with those of Lake Michigan may be considered the first in importance of any in this quarter of the country, and, at the same time, the construction of it would be attended with very little expense compared with the magnitude of the object. The watercourse, which is already opened between the river Desplain and Chicago river, needs but little more excavation to render it sufficiently capacious for all the purposes of a canal. It may be supplied with water at all times of the year by constructing a dam of moderate height across the Desplain, which would give the water of that river a sufficient elevation to supply a canal extending from one river to the other. It would be necessary, also, to construct locks at the extremities of the canal, that communicating with Chicago river being calculated to elevate about six feet, and that communicating with the Desplain about four feet.

To render the Desplain and the Illinois navigable for small boats and flats requiring but a small draught of water, nothing more is necessary than the construction of sluices in a few places where there are ripples of a sufficient width to admit the boats to pass through them. This may be effected by clearing away the loose stones from the bottom, and forming banks, riveted with stone two or three feet high, on each side of the sluice. Thus, a water communication between the Illinois and Lake Michigan may be kept open at all times sufficient to answer all the purposes for which a canal will be wanted for many years to come. A canal uniting the St. Joseph of the Lake with the Illinois, by way of the Kankakee, may be constructed also in a similar manner, and with great facility, except that the distance by this route is considerably greater.

There are various other places where water communications may be opened in this quarter, by means of canals, to great advantage, of which the following are but a small proportion, viz: Between the St. Joseph of the Lake and the St. Joseph of the Maumee; between the latter and the Wabash; and between the Illinois and the Wabash, by way of the Saginaw river. A canal also uniting the Mississippi and the Ohio, a little above their junction, would be of great public utility, particularly should a general depot for military stores be established near the mouth of the latter. The objects of this canal would be to shorten the distance by water from the contemplated site of the depot, northwardly, to avoid a part of the Mississippi difficult to navigate, and to render the depot accessible, by an easy and safe communication, both from the Ohio and the Mississippi.

SIR: KASKASKIA, *April* 4, 1819.

In addition to the notes of Mr. Sullivan, the surveyor, which describe the face of the country over which the lines were run, we beg leave to suggest some views which occurred to us on the subject of communications between the river Illinois and the Michigan lake.

By reference to the map herewith forwarded, it will be seen that the little river *Plein*, [Desplain,] coming from the northwest, approaches within ten miles and a quarter of Lake Michigan, and then, bending to the southwest, unites with the *Theakiki* [Kankakee] at the distance of about fifty miles, and forms the river Illinois.

The country between the lake and the *Plein*, at this point of approach, is a prairie (natural meadow) without trees, covered with grass, and, to the eye, a perfect level. From the bank of the *Plein*, standing on the ground, the trees are distinctly seen, with the naked eye, at Fort Dearborn, on the shore of the lake; from Fort Dearborn they are, in like manner, seen on the bank of the *Plein*. Standing on any intermediate point between the lake and the river, the judgment is at a loss to say to which side the ground declines, and whether the level of the *Plein* or the lake is the highest. It was, however, determined, from certain data, that the level of the river was two feet, or thereabouts, above the level of the lake. From this view, it would seem that the cutting of a canal in this place, between the *Plein* and the lake, would be a work of neither skill, difficulty, nor expense. Small, however, as the labor would be, under this view, it is still diminished, upon a close examination, and by finding that an arm of the lake, called *Chicago*, puts out in the direction of the *Plein*, and that an arm of the *Plein*, also called Chicago, puts out in the direction of the lake. They approach within two miles of each other; so that, in *common* water, there is only dry ground to that extent between them. The character of these two arms is essentially different: that of the lake being about sixty feet wide, and from ten to forty feet deep; that of the river being, in high water, from four to six feet deep, and, in places, a mile wide, and in low water either dry or reduced to a gutter. Between the heads of these two arms is also a gutter, which is dry in the dry seasons of summer and fall, and full of water in the spring; and, when thus filled with water, the boats, of six or eight tons, engaged in the Mackinaw and Mississippi trade, run through, backwards and forwards, so as to make no portage between Mackinaw and the Mississippi. This gutter, judging from the appearance of others now forming, was, at first, a path worn out by the feet of those who carried things across the portage, and afterwards deepened by the attrition of the waters, until formed into a little canal. The wind alone gives the water a current in this little canal, and its direction depends upon the course of the wind. Objects have been seen to float out of it, from the same point, to the river and to the lake.

It is incontestably true that an east wind will drive the water of the lake through this gutter into the *Plein*, and that water from Lake Michigan has been discharged by this outlet into the Mississippi, and thence into the Gulf of Mexico. It is equally incontestable that the waters of the *Plein* have been driven, by the same channel, into the lake; and these phenomena may now be witnessed at any time when the waters are high and the wind blows hard. It follows, therefore, that, to finish the canal begun by nature in this place, would require, as we have already said, but little of skill, time, or expense. On opening the canal, however, two difficulties would be experienced:

1st. The *Plein* would be found to be above the level of the canal; its water, of course, would be diverted from its natural channel, and pass by the canal into the lake.

2d. Supposing that evil remedied by a lock to lift vessels into the *Plein;* yet the *Plein*, during half the year, does not contain water enough to float a boat, and so could not become useful as a national highway.

To remedy this defect of water in the *Plein*, two projects suggest themselves: 1st. To sink the bed of the *Plein* below the level of the canal, and thus increase the depth of the *Plein*, as well by feeding it out of the lake as by collecting its water into a narrower channel. 2d. To make the canal unite with the *Plein* lower down in its course. A few miles lower would be sufficient to give the water of the lake a descent into the river, as the *Plein* has a sensible descent in this place, insomuch that the people of Chicago call it "The Rapids," having no other

word to distinguish moving water from that which stands still. Of the *Plein*, below its point of approach to the lake, we would remark that it has hardly the attributes of a river, being, in most places, without current and without banks, lying as a sheet of water in the prairie, sometimes a mile wide, and so shallow that the tall grass appears almost everywhere above its surface. Having said thus much of the facility of communication by the *Chicago*, we would now remark that several other routes are perfectly practicable. 1st. From a point in the lake south of *Chicago*, to enter the *Plein* below Mount *Juliet*, at or near what is called Lake *Despage*, but which is only a dilatation of the waters of the *Plein*. This route would lie over level prairie, through a multitude of small lakes or ponds, which have neither name nor place in any map. 2d. By a canal leaving the lake near its south end, and uniting with the *Theakiki* just above its confluence with the *Plein*. Both of these canals would be fed from the lake; would require few or no locks; would go over ground of the same sort; would be fifty or sixty miles long, and would join the waters of the Illinois at points from which it is constantly navigable. A third route was spoken of, but not seen by us. It would lie between the Theakiki and the St. Joseph's of the lake. Information says that it has been practised by French traders. You will perceive, sir, that we have not spoken of the nature of the soil through which these several routes would pass. It not being our business to search for, and report upon the practicability of water communications, our observations were limited to what fell under the eye while engaged in another duty; and, in making this report to you, it is our object to excite inquiry, not to furnish plans of practicable projects. We shall, therefore, only say, on this point, that the country in general, and the bed of the Plein, exhibited much loose stone and pebble and firm ground.

To conclude: the route by the *Chicago*, as followed by the French since the discovery of the Illinois, presents at one season of the year an uninterrupted water communication for boats of six or eight tons burden between the Mississippi and the Michigan lake; at another season, a portage of two miles; at another, a portage of seven miles, from the bend of the Plein to the arm of the lake; at another, a portage of fifty miles, from the mouth of the Plein to the lake, over which there is a well-beaten wagon road, and boats and their loads are hauled by oxen and vehicles kept for that purpose b the French settlers at the Chicago.

Respectfully, your obedient servants,

R. GRAHAM,
JOSEPH PHILIPS.

The Hon. J. C. CALHOUN, *Secretary of War, Washington.*

16th CONGRESS.] No. 475. [1st SESSION.

APPLICATION OF MISSOURI FOR ADMISSION INTO THE UNION AS A STATE.

COMMUNICATED TO THE SENATE, DECEMBER 29, 1819.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled: The memorial of the Legislative Council and House of Representatives of the Territory of Missouri, in the name and behalf of the people of said Territory, respectfully showeth:

That their Territory contains at present a population little short of one hundred thousand souls, which is daily increasing with a rapidity almost unexampled; that their territorial limits are too extensive to admit of a convenient, proper, and equal administration of Government; and that the present interest and accommodation, as well as the future growth and prosperity of their country, will be greatly promoted by the following division, which your memorialists propose, to the end that the people may be authorized by law to form a constitution and establish a State Government within the following limits:

Beginning at a point in the middle of the main channel of the Mississippi river, at the thirty-sixth degree of north latitude, and running thence in a direct line to the mouth of Big Black river, (a branch of White river;) thence up the main branch of White river, in the middle of the main channel thereof, to where the parallel of thirty-six degrees thirty minutes north latitude crosses the same; thence, with that parallel of latitude, due west, to a point from which a due north line will cross the Missouri river at the mouth of Wolf river; thence due north to a point due west of the mouth of Rock river; thence due east to the middle of the main channel of the river Mississippi, opposite the mouth of Rock river; and thence down the river Mississippi, in the middle of the main channel thereof, to the place of beginning.

These are limits which, to a superficial observer, glancing over the chart of our country, would seem a little unreasonable and extravagant, but which a slight attention to its geography (or more properly to its topography) will be sufficient to satisfy your honorable body are not only proper, but necessary. The districts of country that are fertile and susceptible of settlement are small, and are detached and separated from each other at great distances by immense plains and barren tracts, which must for ages remain waste and uninhabited. These distant frontier settlements, thus insulated, must ever be weak and powerless in themselves, and can only become important and respectable by being united; and one of the great objects your memorialists have in view is the formation of an effectual barrier for the future against Indian incursions, by pushing forward and fostering a strong settlement on the little river Platte to the west, and on the Des Moines to the north.

Your memorialists are free to declare, and are happy in declaring, that they do not feel the necessity of enforcing their wishes by an elaborate detail of the blessings of self-government, or a particular enumeration of the rights and immunities guarantied to them by the treaty of cession. Your memorialists feel a firm confidence, founded on the wise and generous policy heretofore pursued by your honorable body, (and to which they owe their existence as a portion of the great American family,) that they need only pray to be incorporated in the Union, and to show that it is not only "possible," but convenient and proper, (according to the principles of the federal constitution,) to have their prayer answered.

There are many grievances of which your memorialists might complain, and complain heavily, too, and many that are much more easily felt than described; yet most of them, it must be confessed, are inseparable from the form of government under which they live, and none of them have been imposed through choice by the General Gov-

ern ment; and your memorialists can feel no wish or motive now to complain of old grievances they have long borne with patiently; cheered with the hope that their sufferings must soon have an end, they would choose rather to forget them. There are, however, rights, privileges, and immunities belonging to citizens of the United States, which your memorialists would proudly claim, to which they aspire, and with which they pray to be invested. These, they fondly believe, should not, and will not now, be regarded by your honorable body as mere matters of grace and favor.

And though the enclosed documents are not so satisfactory as your memorialists would wish to have forwarded, they may still serve to show you that the population included within the counties of New Madrid, Lawrence, St. Genevieve, Cape Girardeau, Washington, St. Louis, St. Charles, and Howard, (which are within the above limits,) is more than equal to the number of inhabitants heretofore required by the laws and constitution of the United States, upon the admission of any new State into the Union; and that, whilst every thing is hoped for from the spirit of a generous and enlightened policy, much might have been claimed in justice on the faith of the treaty of cession.

DAVID BARTON,
Speaker of the House of Representatives.
BENJAMIN EMMONS,
President of the Legislative Council.

ST. LOUIS, *November* 21, 1818.

The foregoing is a true copy of the original.

D. BARTON,
Speaker of the House of Representatives of the Territory of Missouri.

16th CONGRESS.] No. 476. [1st SESSION.

CONTESTED ELECTION OF ORSAMUS C. MERRILL, A REPRESENTATIVE FROM VERMONT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1820.

Mr. TAYLOR made the following report:

The Committee of Elections, to whom was referred the petition of Rollin C. Mallary, contesting the election of Orsamus C. Merrill, who is returned as one of the Representatives of the State of Vermont in the present Congress, and praying to be admitted to a seat in his stead, have had the same under consideration, and report:

That the law of Vermont requires that, after the poll of the election shall be closed, and the result ascertained, a certificate of the number of votes given for each candidate, (of which a record shall be made in the town clerk's office,) signed by the presiding officer, shall be by him sealed up and superscribed, and shall be delivered to the Representative of the same or an adjoining town, who shall deliver it to a canvassing committee, to be chosen by the General Assembly. That the committee shall, on the Monday next following the second Thursday of October, sort and count such votes, and shall declare the six persons having the greatest number of votes duly elected as Representatives to represent the State in the Congress of the United States, and shall give notice thereof to the Chief Magistrate of the said State. The canvassing committee are required to make a list of the certificates by them considered legal, and also a list of such votes as are deemed illegal, and lodge a copy thereof with the clerk of the General Assembly, and the original certificates with the Secretary of State, to be by him preserved until after the first session of the Congress for which the election was held. The Governor is required to execute proper credentials to the persons declared to be elected agreeably to the said act.

The election in that State for Representatives in the present Congress was held by general ticket, on the first Tuesday of September, 1818, under the said election law. Thirteen candidates were supported by the freemen at the said election. The canvassing committee, in executing the duty required of them by the act above mentioned, counted and allowed to the sitting member 6,955, and to the petitioner 6,879 votes. They rejected, of the votes returned for the sitting member, in the town of Wardsboro', 24, and in the town of Berlin 59. They rejected, of the votes returned for the petitioner in Fairhaven, 90, and in Plymouth 42. These votes are claimed by the petitioner. He also claims to be allowed the following votes, which, from the copies of the town records laid before the committee, appear to have been given in his favor according to law, but which were not returned to the canvassing committee—in Woodbury 56, and in Goshen 27. If the votes in these four towns be added to the poll of the petitioner, it will give him 57 votes over the sitting member, even if the Wardsboro' and Berlin votes be counted in his favor. The petitioner admits that these votes ought to be allowed to the sitting member; but no evidence of their legality has been submitted to the Committee of Elections.

It is sufficiently proved that, in Fairhaven, Plymouth, Woodbury, and Goshen, the votes were given according to law, and certificates thereof were duly recorded in the town clerk's office of the several towns. But the presiding officer of the election in Fairhaven did not, as the law directs, seal up the certificate of votes after it had been recorded in the clerk's office, but sent it unsealed to the canvassing committee. For this cause, it was by them rejected. No fraud is alleged, nor has the mistake done any injury to the sitting member. The town clerk's record is doubtless designed to guard against fraud. And it has not been the practice of the House of Representatives to allow votes legally given to be defeated by the mistake or negligence of a returning officer, especially in mere matter of form. The committee are of opinion that the votes of this town ought to be allowed to the petitioner.

The votes of Plymouth were rejected by the canvassing committee on account of the informality of the certificate of the presiding officer. It is in the following words:

"*Votes for Representatives to Congress.*

"Mark Richards, 42 votes; Rollin C. Mallary, 42; William Strong, 42; Charles Rich, 42; William A. Griswold, 42; John Peck, 42.

"At a freemen's meeting, legally warned and holden in Plymouth, on the first Tuesday of September, 1818, the above gentlemen were voted for Representatives to Congress.

"LEVI SLACK, *Constable.*

"MOSES PRIEST, *Town Clerk of Plymouth.*

"PLYMOUTH, *September*, 1818."

According to the statute, the certificate ought to have been thus:

"At a freemen's meeting, legally warned and holden at Plymouth, on the first Tuesday of September, A. D. 1818, the votes for Representatives to Congress having been duly taken, sorted, and counted, the following persons had the number of votes annexed to their names, respectively:

"Mark Richards, 42 votes; Rollin C. Mallary, 42; William Strong, 42; Charles Rich, 42; William A. Griswold, 42; John Peck, 42.

"Given under my hand, at Plymouth, this first Tuesday of August, A. D. 1818.

"LEVI SLACK, *First Constable.*"

The Committee of Elections are of opinion that the form prescribed has been substantially adhered to, and that the votes ought to have been received and counted by the canvassing committee. It moreover appears that the town clerk's record is strictly formal, and that Levi Slack was first constable. These votes, also, are to be added to the petitioner's poll.

In the town of Woodbury, fifty-six votes were given for the petitioner, and a record thereof was duly made in the town clerk's office, but, in the certificate sent to the canvassing committee, through the mistake of the presiding officer, the names of Rollin C. Mallary and Charles Rich were omitted, and the names of Pliny Smith, Thomas Crawford, and Thomas Hammond, who were candidates for the office of councillors of the State of Vermont, but in whose favor not one vote was given for Representatives to Congress, were inserted. The committee are of opinion that the error ought to be corrected, more especially as there exists a record the verity of which is not impeached, by which the correction can be made.

In Goshen, twenty-seven votes were given for the petitioner, and one vote for the sitting member. The certificate of the election was made in due form, and recorded in the town clerk's office. The original was, according to law, delivered to the Representative of the town to the General Assembly, whose duty it was to deliver it to the canvassing committee. From some cause, which does not appear, he neglected to attend the General Assembly, and did not send it by a Representative of an adjoining town, because (as he alleges) such Representative left home for the General Assembly at an earlier day than usual. The certificate still remains in his possession. It is the opinion of the Committee of Elections that the petitioner ought not to be deprived of the votes of this town by reason of the circumstances above mentioned. The votes of Woodbury and Goshen are therefore added to the petitioner's poll.

The committee annex to this report a brief statement presented by the petitioner in support of his petition, (marked A;) also, an answer to the same, presented by the sitting member, (marked B,) and respectfully submit the following resolutions:

Resolved, That Orsamus C. Merrill is not entitled to a seat in this House.

Resolved, That Rollin C. Mallary is entitled to a seat in this House.

A.

The fifth section of the first article of the constitution of the United States provides "that each House [of Congress] shall be the judge of the elections, returns, &c. of its own members."

It is respectfully considered that the term "*election*," in a political sense, must mean the *designation* or *choice* of a person to perform the duties of some office. An "*election*" is an act performed by freemen possessing proper qualifications. The manner of performing it is immaterial, only as it may or not be sanctioned by some particular law. If by *viva voce*, when the declaration of the electors is made, the election is complete. If by ballots, when these are deposited by the people in the custody of the legal receiver, the designation is consummated. The electing power has then performed its office. The choice is perfect. All that follows is but the collection or preparation of evidence to ascertain the fact.

The sorting, counting, and recording of the ballots by town officers, and the re-examination and computation by others, are but so many steps taken, not to make or complete an election, but to discover in what manner it has terminated.

To judge of an election, therefore, must of necessity imply the right of taking cognizance of the *exercise* of the electing power; of this, also, at the time when the designation is accomplished by the suffrages of the freemen.

The laws of individual States, from convenience or necessity, created a tribunal to determine for themselves, in the first instance, the election of Representatives. They have determined what shall be the evidence, and when produced. If no one is injured, no reason exists for a re-examination.

It is true that the laws of a State may be binding on Congress, when supported by the constitution. That instrument has defined the limits of State power on this subject. It seems to be confined to the qualifications of electors, the times, places, and manner of holding elections. A State cannot prescribe to the House the rules of evidence, nor the time when that evidence shall be produced. It cannot declare that the report of a canvassing committee shall be conclusive in all cases whatsoever, nor that the testimony on which it is founded is all that may be used.

By the laws of Vermont, all the provisions for securing the evidence of an election are calculated solely for the State tribunal. The power of the House to interfere is not acknowledged. It would be unreasonable to say that the House should be bound by laws never intended to operate on its privileges, and, if intended so to operate, must be nugatory. It cannot be inferred that, because the canvassing committee are required to receive the certificate of a town clerk or constable as evidence, Congress is to receive no other.

Again, each House shall be the judge of the election. How can this be done if the State authority has the power to create an intervening obstacle? How can the House judge of a fact which they are not allowed to examine? How are they capable of judging, if the errors and mistakes of every petty officer through whose hands the suffrages of the freemen must pass are to be a perpetual bar to all knowledge of the original transaction? To have the right

to judge of an election, and not be allowed to approach it—to be governed by the voice of the electors, and not be permitted to hear it, must appear deeply laden with inconsistency.

I have understood that a distinction is to be taken between the cases of votes *illegally* returned by the town officers, and on *that* account not allowed by the canvassing committee, and the cases where votes were given by the freemen, *and not returned at all.* The latter was the fact as relates to the votes of Goshen and part of the votes of Woodbury. This is explained by the evidence.

It seems rational that a return, manifestly illegal, must be the same as no return at all. It appears difficult to discover a legal or equitable difference between a *neglect* to return the votes of the freemen, and a *return* so *defective* that no notice can be taken of it.

Hence, it is respectfully inferred that an *election* is complete when the electors have delivered their suffrages or ballots into the hands of the legal depositary; that no mistakes or neglects of the agents of the freemen can alter or annihilate the fact; that no power exists, or can exist, to prevent the House from ascertaining that fact by such evidence as it may choose to admit.

A different construction would deprive that body of one of the most salutary restraints upon ignorance and corruption, and would rob the electors of the most effectual safeguard to their political rights. It would, in effect, be an admission that the honorable House must be composed of such as the officers of towns and counties should think proper to send, and not those whom the freemen by their suffrages had elected.

The proceedings in the State may always be considered, *prima facie*, correct. If no impeachment is offered, they need not be doubted.

But few decisions have come to my knowledge. All that may have an influence on the present case will readily present themselves to the minds of the honorable committee.

Permit me, however, respectfully to refer to the case of Willoughby and Smith from the State of New York. The votes of the electors were given for "*Willoughby, junior.*" A part were returned by the inspectors as having been given for "*Willoughby.*" Smith was declared elected by the State authority. The House received evidence to prove for whom the votes were given by the freemen.

The name is *descriptio personæ*. The addition of *junior* describes another person, as different as Hammond from Mallary. To correct one requires no more power than the correction of the other. I make a reference to the evidence from Woodbury; Crawford, Smith, and Hammond were returned to the canvassing committee by the officers of that town, in the room of Rich and Mallary. To the latter persons the votes of the people of that town were given.

I understand that the *qualifications* of freemen at the time they appeared at the poll have been after examined by the House. It is submitted whether this is not decidedly more independent of State authorities, a greater extension of the right of judging than the simple allowance of the undisputed votes of the electors, which, by the negligence of their servants, had not been returned in season for computation.

It is said that, in 1804, a case from Georgia was decided that seems to have some relation to the principle embraced in the present. A reference is made to that case in the report of the honorable Committee of Elections in 1817. By the laws of that State, the votes are to be returned within a given number of days. Some of the votes for one candidate were not returned within the limited time. The person for whom a less number of votes were given was declared elected. The votes given for the other, and not seasonably returned, were allowed by the House, and the person for whom they were given was admitted to his seat.

Should, therefore, the honorable House be pleased to inquire whether Mr. Merrill or your petitioner was elected by the freemen of Vermont, the following statement of facts, it is believed, will be supported by ample testimony:

The State of Vermont was entitled to six members. The election was by general ticket. The six who received the greatest number of votes were elected. Messrs. Richards, Rich, Crafts, Strong, and Meach were chosen, to whom no opposition can be made. Mr. Merrill, the sixth, received the least number of votes of any one declared elected; his seat is the one contested.

The whole number of votes counted to Messrs. Merrill, Griswold, and Mallary, are as follows. From the state of the poll, these are the only persons concerned.

	For Mr. *Merrill.*	*Griswold.*	*Mallary.*
	6955	6908	6879
The votes given in the following towns were not counted, viz:			
Woodbury, - - - -	-	-	56
Fairhaven, - - - -	-	90	90
Goshen, - - - -	-	27	27
Plymouth, - - - -	-	42	42
	6955	7067	7094

Which gives Mallary 27 votes over Mr. Griswold.

It gives Mallary over Mr. Merrill, - 139 votes.
It is said that Mr. Merrill lost in Berlin 59
Do. do. in Wardsboro' 24— 83

Which leaves Mallary over Mr. Merrill 56 votes when all are counted, exclusive of the 8 votes given Mallary in Mansfield.

The votes in Berlin and Wardsboro' were undoubtedly given for Mr. Merrill, and he is entitled to their allowance.

The following is an abstract of the testimony:

1. The copy of canvass rolls. This shows the whole number of votes allowed to each candidate. It gives copies of the certificates from Fairhaven, Woodbury, Plymouth, and Mansfield. It shows that no votes were counted for Mallary from Fairhaven, Plymouth, Woodbury, Goshen, and Mansfield.

2. In Woodbury, Richards, Mallary, Rich, Strong, Griswold, and Peck, each had fifty-six votes.

The officers in Woodbury, in making out the certificate which was returned to the canvassing committee, omitted the names of *Rich* and *Mallary*, and returned, in the room of them, the names of "*Crawford*, *Smith*, and *Hammond*," for whom no votes were given.

Mr. Griswold's were returned and counted; Mallary's were not. By the statement from the canvass rolls, it appears that Griswold had counted twenty-nine votes more than Mallary. By allowing Mallary the fifty-six votes given for him in Woodbury, Mallary will have over Griswold twenty-seven votes. Mr. Griswold's pretensions will then be set aside, as in all the other towns Mallary and Griswold had an equal number of votes.

The votes of Fairhaven were lost on account of the certificate of the votes being returned *not sealed.*

The votes of Plymouth were rejected on account of an informal certificate.

The votes of Goshen were not returned.

Notices were given by the magistrates of the time and place of taking testimony, which are returned with the depositions.

I gave notice of my intention to contest the election, as by the letter forwarded with the evidence. I also wrote Mr. Merrill desiring him to inform me at what time it would be most convenient for him to attend the taking of testimony. A copy of that letter is also transmitted.

All which is respectfully presented to the honorable committee.

R. C. MALLARY.

The Hon. JOHN W. TAYLOR, *Chairman of the Committee of Elections.*

B.

To answer some principles assumed by Mr. Mallary in his remonstrance, and to abridge, if practicable, the inquiry commenced by him in support of his claim to a seat in the House of Representatives in my stead, I solicit the indulgence of the committee to the following exposition of the claims, rights, and principles I urge in defence.

It would seem at the first impression that it was alone necessary to bring the conflicting claims and the just rights of the freemen summarily to the law of the State, and the practice and adjudications under it. Further reflection indicates the necessity of a more prolix and minute view of the case, and chiefly so by reason of the positions assumed by my opponent, and the principles connected with it, and which are of the first importance.

The question embraces the important rights of suffrage, and it takes within its scope the State laws, authorities, and sovereignty.

Comment upon the important and sacred character of the right of suffrage need not be indulged, as this is familiarly known, abundantly recognised, and clearly illustrated in all our rules, codes of rights, and constitutions. Its value, its guards, its tenure, and the practical rules for the exercise of its power, are therein delineated with sufficient perspicuity and ability. However unnecessary it may be to enlarge upon this bearing of the case under consideration, I apprehend it is not only pertinent but essential to advert to it. It is equally important to consider that, from the quiet and pure character of the right of suffrage, contrasted with the turbulence, caprice, and passions of men, its exercise must necessarily be subject to such general and uniform rules of order as may be prescribed by the legislative power of the respective States or of the Union. The constitution of the Union has so declared; reserving to "the Congress," as the paramount power, the right "by *law* to alter the regulations of the respective States." "The Congress" refraining to do this, the State regulations are plenary, and must be sustained. The wise and experienced are therefore not at liberty to let it escape consideration that the exercise of this right of sovereignty is not left a vagrant, capricious, or despotic act of power. In all well-regulated communities it must be a creature of law; and it is our pride and boast that this principle is recognised and protected. Our Government is emphatically a Government of laws, and not exactly a Government of precedents, which may be arbitrary, and shape an individual case. If the prescribed provisions of law are not strictly observed in this exercise of sovereignty, it is difficult to define the rules by which it is regulated and secured. It is apprehended to be a point established, that, in every legitimate exercise of the right of suffrage by the freemen, they are to yield obedience to existing ordinances and regulations, and cannot be supposed to act in their sovereign capacity except they act in obedience to the express laws they have caused to be enacted. A perfect conformity to all the requirements would seem, therefore, essential to the consummation of the act of election. I also consider that, while without the law, whether in their individual or corporate capacity, the freemen are estopped from claiming any right or privilege, nor can they confer any. Any non-conformity to the statute of elections by one portion of freemen is never to be construed to impair the rights of another portion of freemen who hold rights in consideration of their fidelity to the laws in such case made and provided. *Imperfect rights* can never sustain competition with *perfect rights.*

From this view of the principles bearing upon the case, I am persuaded that the depositing, assorting, and counting of the ballots rendered by the freemen, and the sealing up and returning the amount deposited, in the form, time, and manner expressly prescribed, to the ultimate State tribunal of decision, in order that the aggregate will of the freemen may be known, is imperatively required to consummate the act of election and perfect a choice. The requisites of the statute of the State are guards placed around the sacred character of the elective right: to preserve its purity, and give to its exercise all the necessary protection and solemnities, are, therefore, to be considered parcel of it, and essential; and their particular application, by the law and usages of Vermont, is by the freemen; and I dwell with much emphasis upon the fact, *it is their act;* as they select and appoint special agents, whose character and conduct they know, and in whom they repose especial confidence.

This settled order of business, touching elections, as prescribed by the respective States, it would seem, is obligatory on the decisions of the House of Representatives, regarding the elections of its members, unless "the Congress, by *law*, have altered such regulations." This conclusion is founded on the fourth section of the constitution of the Union; it is also founded on the broad basis of good sense, so far forth as it limits discretion and the range of decisions to the system of rules prescribed in the law of each respective State. It shields, also, from the imputation of caprice and irregularity the exercise of the right of suffrage, the manifestations of the will of the freemen, and the decisions of the representative body of the nation; and, inasmuch as the law of the State is not in derogation of the constitution or any law of the Union, but pursuant to the constitution, I feel much confidence that the statute of the State, the practices of the freemen, and the official expositions and decisions under it, will be respected.

That I may not be misunderstood, I ask leave to remark that, under a case of impeachment of State proceedings, the power of the House, and the duty of its committee, I apprehend, are to inquire whether, in all the stages of proceedings, the constitution of the Union, and the State regulations as to time, place, and mode of proceedings, have been observed; and if, in the investigation, it is found the State regulations are agreeably to the constitution, and the requisites of the law have been regarded, the proceedings of the freemen and decisions of the State tribunals are in good faith to be recognised and accredited; otherwise the State law is an act of supererogation, and a nullity. Hence, I admitted the persuasion that the House of Representatives would never assume a power which can only be exercised by the Congress, and, therefore, the State laws and proceedings would be adjudged *plenary*, except previously *modified by a law of Congress;* and that, on the contrary, if the law is in derogation of the constitution, or the proceedings are not pursuant to the statute, or provided the agents of the freemen have been fraudulent, or the tribunals of decision have been perverse and corrupt, then, indeed, the procedure is nugatory, and will be so declared; then the power of the House will be found remedial, and sufficiently ample.

As a regard to the will and prerogatives of the freemen, and a tender care of their interests, are ever a paramount inclination and duty with a faithful Representative; and as this case may seem to involve their rights and in-

terests, and a mistake in reasoning on this case may happen, whereby their just rights may, in fact, be sacrificed, I would inquire, for whom is this investigation instituted? Not for the freemen; they have no petition here; their rights are not implicated; they do not feel injured. I repeat, the freemen of Vermont have preferred no claim; and yet, as Representatives, it becomes the House and its committee to cherish the rights of those freemen who have been industrious and faithful to their own rights, and who, by their diligence, have shown fidelity to the law. I repeat, they ask no other intervention; they have taken no step; they care not. The law is the guardian of their rights, and they know it; and they ask no other exercise of guardianship here. The freemen of Vermont are also aware that vigilance is their only safeguard, the title-deed of their immunities. They ask not for the *few* who have not been industrious and faithful to their rights; they ask not that the beneficial and liberal system of legislative wisdom and providence should be made a sacrifice on the unhallowed altar of indolence and indifference, or that the consummated rights of the faithful should be immolated.

I beg leave to say, had I respected the rights of the freemen less, or had I been less sensible of the paramount motives which influence honorable members, I should have withheld reiterations of these facts; I should have contented myself with saying the freemen are not injured. Decide as members may, the freemen of Vermont have their full representation; the freemen of the Union are not injured, for Vermont has but its due proportion of representation.

Who are these petty town and county officers whom my opponent speaks of as giving members to this House? They are the fathers and guardians of the freemen's interests; the choice men of each corporation; selected—yes, approved and appointed by the freemen themselves, as their legal and respected depositaries, and their agents to perform and fulfil for them the law, that not one jot or tittle thereof fail of its accomplishment: their acts are the acts of the freemen. This question should be stripped of all bias for the freemen, except to sustain the institutions which define and regulate their immunities. By whom is it asked that State regulations should be disregarded? Certainly not by the freemen. Such as have neglected the legal modes and certainties, and abandoned their rights which the law sustains, would have been estopped, by reason of their own laches, from asking the prostration or suspension of a State system, for the favor of law is not towards them.

I beg leave to ask, of whom is the destruction of a State system required? The constitution and law of the Union are not asked; but it is asked of a branch of Congress—the people's representatives. And shall one branch of the law-making power do it, under the arbitrary doctrine of precedent alone? No. Ours is a Government of express laws. Adjudicated precedents of practice are not unfrequently beneficial, and perfect the provident work of a Legislature; and in all cases of doubt and ambiguity they the rather lean to prop freemen's diligence and fidelity. For any *individual*, then, should "shame light" upon a *system* established by a State sovereignty? The answer is to the case, and in point. The case is a case of strict right between individuals.

In this view of the subject, I proceed to remind the committee of my opponent's remark, that "the proceedings in the State may always be considered *prima facie* correct." The proceedings in a State, done fairly, and conformably to law, in my opinion, are more than *prima facie* correct; they are as record evidence, which cannot be contradicted or altered by parol testimony. *Neglect* or *mistake* may defeat the rights of the freemen, by reason of not perfecting the evidence of a fact, or the legal manifestation of their will. The plea of *neglect* or *mistake* cannot be urged to contradict, vary, or destroy a legal proceeding, or defeat a legal and vested right. State proceedings may be *destroyed* by showing there was *corruption*. Actual fraud or corruption in any stage of the proceedings, and in whatever shape it satisfactorily appears, eradicates an otherwise consummated right, because it determines it *no record—no act*. I urge these doctrines the more strenuously, because the case under consideration is a question of strict right between two individuals. My opponent does not allege corruption, or prove fraud; his parol testimony, therefore, is inadmissible, and altogether insufficient to impeach legal State proceedings, and my rights, which are sanctioned by the highest tribunal thereof, and consummated by the signature of the Chief Magistrate and the seal of the State. I consider my right to a seat in the House of Representatives identified with the rights of the greatest number of diligent freemen, with the law, and the decisions of the State authorities.

I contend, for yet other reasons, that the statute of Vermont is to be in force, and its requirements to be held inviolate. Deducible from it are the soundest rules of evidence, the best of which the case is susceptible. I hold on to this ground with the more confidence, because, in so doing, I conform to the decisions of the last and final tribunals of the State—I mean the tribunal of canvass, and the Representatives of the State in General Assembly, to whom the committee of canvass report. Here it was solemnly and explicitly decided by actual vote, after due debate and deliberation, that the votes of the freemen in any incorporated town, *wanting in any of the requirements of the law, must be deemed illegal, and be rejected.* Comment is probably unnecessary, yet I trust I shall be indulged in remarking it is an acknowledged principle that the *will* of the freemen, unaccompanied by any *act*, cannot consummate a *choice*, because there can be no manifestation of their *will*. In towns where the choice is to be determined by ballot, the will of no individual freeman can be accounted any thing, except he makes deposite of his vote in the ballot boxes for canvass, at the legal time and place. And in order that the aggregate vote of the freemen may be manifested, every political corporation must make deposite of the amount of its votes at the legal place, to the appointed board, and in legal time. As, in the first instance, the ballot deposite is the highest possible manifestation of the will of the individual freeman; precisely in the same manner, in the second instance, the deposite is the highest and most solemn manifestation of the aggregate will of the freemen of the State. The portion omitting to do this prescribed *act* have *abandoned* their rights, and by their own *laches* have rendered their rights imperfect and inchoate, and the power of reclaiming or perfecting them is lost.

Before I proceed to an examination of the precedents quoted by my opponent, I respectfully ask leave to urge that the use of precedents arrayed against the check usages or precautionary ordinances of States is only to be justified on an extraordinary occasion. They are to be used with great caution and the soundest discretion at all times, and are never to be adopted to destroy legal certainty, or to extend the consummation of an act beyond the statute period of conclusion. Even the sovereign power of Congress has its limitations, and an integral portion of that authority has its restraints. I hold it correct in principle, that until the constitution shall have been modified, or until the Congress shall have altered by law the State election regulations, and made a uniform course of practice, the decisions touching elections cannot be uniform, but must be graduated to the varying and peculiar regulations of each State, respectively. The requisites of return, &c., prescribed in the law of Vermont, were suggested by practical abuses, or well-founded apprehensions of imposition on the fair rights and will of the freemen, and were intended as checks and adequate guards against their recurrence and existence. The like evils may only sectionally occur, and the like apprehensions may arise from causes purely local. The like remedies and precautions will not, therefore, generally demand legislative interposition. And to break down provisions of this character by the power of precedents, adopted under other circumstances, cannot be friendly to the dearest rights of freemen.

The uniform principles of decision in the New England States, as I have been informed by honorable gentlemen, have been strictly with their laws. And if the laws and decisions of States are to be held as of no weight, and

nugatory, I am of opinion the safer course is for "the Congress" to alter the State regulations by *law;* and that the altering or nullifying them by mere precedents is questionable, and rarely to be tolerated.

Inasmuch as precedents of this character are alleged by my opponent to exist, I proceed to examine them. The detailed report of cases, with all the facts and reasons governing the precedent, is necessary to find its analogy and relationship to the case in consideration. The cited case of Georgia is an entirely different case. The reasons for non-compliance with the law regarding returns was not urged as a *laches* of the freemen, but was a providential prohibition. The maxim that the "act of God injures no man," in this case has all its force, and is not to be disputed; the decision was correct. It can have no bearing in the present case, which was an *abandonment* by the freemen of their legal rights, as, in the case of the town of Goshen, they neglected to make return, not only within the legal period, but even to this day. And in the towns of Fairhaven, Plymouth, and Mansfield, the case was determined against them, under solemn adjudication, by reason of their *own acts.* They did not obey the law, by reason of indolence or a want of diligence, neither of which is a competent plea to delay or change the operation of law, or to arrest and subvert its commandments. The case of Georgia, by an examination of it in its details, shows that the returning officer is admitted to have made use of all due diligence. And the allegation was, that, by reason of an unusual and tremendous storm, or hurricane, by which the country was inundated, bridges were swept away, and the ways were rendered impassable, he was prevented, by this act of God, from fulfilling the law. There is, therefore, no similitude in the cases, and the precedent does not apply, and, in fact, is no precedent; it is a solitary case. The *fact* to be decided was as to the *admission of proof* of the alleged act of providential prohibition regarding return. So far as regarded this point, it may be received, and stand as an unsettled, solitary precedent. Inferences, remarks, or decisions beyond the point in issue, or submission, are extra-judicial, and without the case, and cannot be drawn in as precedent. This I judge to be a distinction, correct in principle, and warranted by practice. The present case was a non-observance of law, without any alleged providential excuse—it was an essential legal *laches* of the freemen; the *fact* is acknowledged by my opponent that the *law* was not complied with. The decision called for was, I repeat, as to evidence regarding the cause of failure, and they decided not to "receive any evidence on that point:" all besides is to be considered argument. It might be logic in that peculiar case. There is, however, an important distinction in that from the present case which I have mentioned. The doctrines of precedent should never set statutes at defiance, and bring into contempt the acts of a Legislature; they are to be taken in their most strict sense, and are never to abolish express, fixed, constitutional law. The doctrine of precedent, in any other view, is perilous and dangerous in the extreme. It "assumes power without control, on the spur of the occasion, and after the fact, and makes its decision the *law* and the *judgment.*" If there is "fixed law," it must be followed; if there is no law, "the judgment on any particular case is the law of that single case only, and dies with it." And this is more emphatically a sound principle under our Government.

The extra-judicial remarks in the cited precedent case are of such dangerous measure as to place States in a humiliating predicament. The freemen, in their sovereign capacity, pursue duties and perform acts agreeably to their laws, which they enacted as barriers of safety, and within which they reposed in confidence. Yet, after all, a precedent never promulgated can sink its character and importance; destroy, by a touch, the mainspring of its power, and dissolve all its sanctions and securities. It is a predicament which exhibits a most unnatural state of things, as the only power competent to create a new power is "the Congress," and they may do it by *law.* In the present case, I desire it may not be forgotten that the return is the *act* of the freemen, and the omission of return by any portion is their own *laches*, as the returning agent is a creature of their own appointment, and his legal neglect concludes a forfeiture.

The case from Massachusetts, of Baylies and Turner, named by an honorable member of the committee, regarding the addition or omission of "jun.," is a case, in my apprehension, distinctly marked as inapplicable. The freemen, in that case, felt aggrieved, and they petitioned. In the investigation of the case in which this decision was had, it was found that Turner, senior, lived out of the district, and was ineligible by the law, and as *dead;* and, therefore, the freemen are not to be supposed to vote for a person dead in law, or naturally dead. I believe it is a settled principle in judicial proceedings, that the affixing or omitting the appellation of "jun." may be sufficiently *certain;* and it becomes a *fact* to be inquired into, whether the person be well designated and known by either description, as well by one name as the other; and I consider, in a case of ineligibility or actual death, the fact is clearly ascertained. The cases of "jun." are a matter of *fact*, and may be inquired into, and are not to be measured by the same rule as *legal laches*, which produces a forfeiture. It is to be judged of according to the best evidence produced. And, in my judgment, the distinction is palpable between this class of cases and the present case, where, in the *original return*, an entirely distinct name is entered. Mallary and Hammond, in no case, can come under one and the same description of person, or be understood, under any circumstances, less than legislative interference, which may give a new name, as designating one and the same person. The case of Woodbury, by my opponent, was brought to this class of precedents; the cases are not analogous, for the reasons assigned. If we pass to the evidence which my opponent has produced, we shall find that the settled rules of evidence in constant practice in our courts invalidates his evidence. The original officially sealed certificate returned is the declared and best evidence, and made so by express law. And this evidence, by my opponent's exhibit, shows no such *fact* as his having received any vote in the town of Woodbury. The copy record of a town is by no means equal evidence. The case appears to me analogous to the case of a deed of conveyance; for instance, the original and sealed deed conveys two hundred acres of land; the *copy* of it spread upon the record puts down the amount conveyed at one hundred acres. I apprehend no legal doubt could be raised on a question made, which ought to have the precedence, and which is the highest and best evidence, the *original* or the *copy.* The statute in section 6, in my view, intimates that the Legislature had the same view. They not only made the sealed, original certificate, done in statute form, the legal evidence, in the previous sections, but in the cited section they direct "that the committee appointed by the General Assembly, for the purposes mentioned in the act," "shall preserve and lodge the *original certificates* with the Secretary of State until after the first session of Congress for which the said election is held."

The guards and provisions of the act of the Legislature of Vermont are to be regarded as so many admonitions of the fallibility of human conduct and testimony, and are, therefore, to be held as a definitive standard whereby is to be ascertained the highest and only legal manifestation and expression of the will of the freemen. I therefore feel constrained to repeat that the original certificate, made out and sealed in the presence of the meeting of freemen, and returned to the tribunal of aggregate canvass, and which is sustained by all the prescribed legal forms and official solemnities, is the *best* evidence; and that the copy of the record of the town of Woodbury, and the affidavits procured and adduced by my opponent to contradict the original certificate, to make the most of them, are as objectionable and uncertain, and their admission to even an equality would be a disregard of settled principle, unlawful, and dangerous in practice. Indeed, it is unsafe to forget that the treacheries of memory, and the perverse motives which too often actuate human conduct, are usually more multiplied after the general result is known in

defeat, and revived by contest, than they are at the consummation of a fact happening before the case is made out; and, besides, any adjudication, under the circumstances of the case, and after the fact, repudiating statute evidence, would, in its character and consequences, be *ex post facto*.

Neither the petitioner nor the sitting member is to be put in contest with express law; nor can they be injured by the fair and full operation of the law of election. By this only can either be entitled to the honor of a seat as a member on the floor of Congress; and they ought not only to disclaim, but disdain to occupy, a seat on any other tenure.

The freemen are not injured by the law. The question, so far as regards them, is this: Shall a majority of the freemen who have regarded the integrity of their rights, been diligent in their duty, and obedient to law, prevail? or, Shall that portion of freemen prevail who, like the unwise virgins, did not trim their lamps, who neglected their rights and duties, and who were unfaithful to the law?

Mr. Mallary, who instituted the present contest, received a less number of the legal votes of the freemen of Vermont than did either of the sitting members from that State; and I declare this in all soberness, under the authority of express law, and by virtue of the sanction of the legal State authorities, who have so declared the law and the fact; and I do it more boldly, as collusion or fraud is not alleged in any stage of the proceedings.

The habits of the freemen, by usage, are in conformity to the law. They have decided for the law, and, in practice, they have observed it in its strictness, except the small number of from two to three hundred. The agents of the freemen and the tribunals of the law have decided for it. The constitution of the Union authorizes it; and, from an imperative sense of duty to the freemen, to the law and the State authorities, and to the constitution of the Union, I solicit the representative branch of Congress, and its committee, to confirm the law of the State, and every and all of its provisions, guards, and solemnities, according to the long-settled judicial usages of construction, and the rules of evidence. Nor can I doubt it. Detection of frauds upon the law and impositions upon the freemen will receive rebuke. A prodigal use of power will not be sanctioned anywhere.

I therefore would move the committee to view the case in the following order, and make their decision accordingly; the facts and statements of my opponent justify this classification of the points in contest, viz:

1st. Ought the adjudications of the State legislative tribunal of canvass to be overruled, and their decisions to be reversed, which were made in conformity to the law and the usages of the State, and in all verity and good faith?

This point involves the towns of Fairhaven, Plymouth, and Mansfield, whose votes my opponent claims.

The attention of the committee is respectfully called to the law of the State entitled "An act for electing Representatives to the Congress of the United States, and directing the mode of their election." The policy and provisions thereof are easy to be understood; and the decisions were conformed to the letter and spirit of the law.

2d. Can the votes of Goshen be adjudged legal; and ought they, upon any principle, to be counted for the petitioner?

The votes of this town were not returned at the legal period, nor have they been returned to the present day: there is, therefore, no legal evidence of any votes having been given at all by the freemen of said town of Goshen. The original certificate has not been exhibited, nor is it believed there is any precedent or any decision relating to this case.

3d. Is the petitioner's claim to the count of votes said to be given in the town of Woodbury substantiated by the best evidence? and ought the said votes, claimed to be given for my opponent on the evidence exhibited, to be taken down in the estimate of votes to be made here to defeat my rights? and is the statute evidence, the original official return of the returning officer, repudiated?

I cannot allow myself for a moment to entertain an idea that the House of Representatives, or its committee, will so decide as virtually to repeal or render nugatory the cautious and prudent enactments or the express law of a State sovereignty, or the deliberate decisions of its authorities, or that the plainest and most settled rules of construction and evidence will be prostrated, or that these guaranties of the freemen will become as lodgers or exiles in the metropolis.

The present period, marked by the absence of political asperity and party prejudices, is perhaps a favorable period to *alter by law* the election regulation of States, and to substitute a uniform system: this, however, is a different consideration, and only advanced at this time in allusion to arguments before suggested touching power.

It is a remark frequently made, that precedents are not necessarily, and ought rarely to be, binding on a legislative body. The views taken of a subject may be different; motives extraneous may bias the judgment, and give to it erroneous tendencies. The times through which we have just passed, I think, give additional force to the remark, and induce the necessity of caution and technical nicety in their admission, if admitted at all, to justify a contested and doubtful exercise of power. I wish it most distinctly understood that I rest my case on the law of the State and the constitution of the Union. I strenuously and boldly urge that the power of the House of Representatives and its committee as judges of the election, returns, and qualification of members, is limited to the law of the State and the constitution. They are to inquire and decide whether either has been infringed, and whether all proceedings have been done in good faith. They are not authorized to step behind a constitutional statute, except to see whether its provisions have been regarded. The statute is the act of the freemen, and is the expression of their will, and it is as vitally important to them as the deposite of their ballots. The House of Representatives, without the co-operation of the other branch of Congress, cannot pass behind the law of Vermont to alter or contradict it, without the exercise of unconstitutional and dangerous power. They would do no act of friendship to the freemen by throwing to the winds all their statutes, and their policy, and exercises within it. I have examined the manuscript decisions touching elections, and I find none at variance with the ideas and principles I have suggested. The decisions on points in issue, from my observation, either sound in fraud, or are matters of fact, which, by settled judicial precedent and practice, have been considered suitable matters to be inquired into under proper pleas. They have never decided that rights legally *abandoned*, or rights lost by *legal laches*, might be reclaimed and perfected out of legal "time, place, and manner." They have attached to and involved in their reports extra-judicial inference and remark which I think no man will declare is to be drawn in as precedent. The cases of "junior," as I have treated them, I consider familiar to lawyers and judges, and known under legal authority. Other cases of inquiry and decision as to qualifications of voters, whenever acted upon, were, I believe, expressly alleged to have been received contrary to law, and by reason of imposition or deception. The general character of questions made and decisions had are of this class, and did not arise or appear in decision in opposition to express law. I can find no case where, in the course of inquiry as to qualifications of voters, the State statutes have not been esteemed the standard tests. Should I have overlooked any cases of a different character, and which may bear on the present case, they should be published, in order that conflicting decisions, tribunals, and laws may find the necessary remedy.

I remember (and presume it is within the knowledge of others) at the last Congress, in the case of Mercer and Mason, a question as to the legal construction of the election law of Virginia was raised incidentally in committee. The section in point was considered ambiguous and susceptible of two constructions by several professional mem-

bers of the committee; inquiry was therefore gone into to ascertain the practical definition or exposition of the law by the State of Virginia; and when that was satisfactorily found, the decisions of the committee took the same direction.

I therefore, for my constituents, protest against the relevancy and authority of inference and remarks made extra-judicially and extraneous of the point strictly in issue, and the more especially when they tend to nullify State laws, repudiate State practice, and consequently draw after them unlicensed and dangerous power.

If, however, it be deemed correct that decisions made here, under any circumstances, are paramount law, wherefore are they not promulgated? And the mode and reasons which gave them being and power should have equal publicity. It should be generally known whether they passed after solemn argument and profound investigation, or whether silently and without question. States then might modify or repeal their laws altogether, and "the Congress" might direct that original votes be received and returned without the mediation of State authorities, as a course less humiliating to State sovereignties, and for both more dignified than a conflict between written and unwritten law.

I make no pretensions to legal precision, still I feel a degree of confidence that members having legal acuteness will recognise the distinctions to which I have alluded.

I have treated the subject as I honestly view it, and as involving policy, principles, and interests of more than individual concern, chiefly in consequence of doctrines assumed by my opponent, possibly by the loose manner of putting down precedents he has urged, and the danger of their extension or progression in application beyond points not definitively in issue under the original reported case.

I respectfully submit to consideration my views of the case and the case itself.

O. C. MERRILL.

The Hon. JOHN W. TAYLOR, *Chairman of the Committee of Elections.*

16th CONGRESS.] No. 477. [1st SESSION.

VACCINATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1820.

To the honorable the Senate and House of Representatives of the United States of America: The memorial of the undersigned respectfully represents:

That, at a late meeting of a number of gentlemen friendly to vaccination, held in this city, in pursuance of a public notice given for that purpose, your memorialists were chosen a board of managers, in conjunction with Dr. James Smith, the agent appointed by the President under authority of the act of Congress entitled "An act to encourage vaccination; to organize a national vaccine institution for the United States of America, agreeably to a plan which had been previously proposed by him, and for the support of which considerable sums have been subscribed." It has therefore become the duty of your memorialists to solicit your serious attention to this important subject, and, if the views of our association fully meet with your approbation, we most respectfully petition and pray that you will grant us an act of incorporation to enable us with more certainty to carry into effect the plan which has been adopted by the society we represent, "to secure the preservation and distribution of the true vaccine matter for the use and benefit of the citizens of the United States."

Your memorialists do not deem it necessary to enter into any detail of facts to prove to you the necessity which exists of your giving greater encouragement to vaccination; nor yet to demonstrate the many advantages which the public may reasonably expect to derive from the institution now proposed to be established for this purpose. But, in an undertaking which appears to us to be so intimately connected with the convenience, health, and general welfare of our fellow-citizens in every part of the United States, it becomes us to submit for your consideration some of the most prominent reasons which have induced us to engage in it.

1st. The smallpox, which is a contagious disease, and one of the most fatal and destructive plagues that ever afflicted the human race, yet exists in our country, and annually destroys the lives of many of our fellow-citizens. The rich and the poor, the old and the young, are alike liable to take this disease. It is not confined to any particular place, but pervades alike our cities and villages; and, searching everywhere for its victims, penetrates within our inmost and most solitary settlements. Neither are the untutored natives of our land secure from this plague; it is frequently carried into their camps and villages, and produces among them the utmost consternation and despair.

2d. It is now proven, in a manner so fully and clearly as to admit of no doubt whatever, that the true kine-pock is a certain preventive of smallpox, as well as of all the calamities which are naturally attendant on it. This remedy is never attended with any danger, and may be safely applied by any intelligent person who is furnished with the matter, due care being taken to follow the simple and easy directions which are now given with it for its proper management.

3d. The matter of the true kine-pock (and no other can have any effect to prevent the smallpox) is of foreign origin, and is not known, as has been asserted by some, to be indigenous in our country. The peculiarly delicate nature of this matter likewise renders it so extremely liable to perish, that, even when we have it in our possession, we cannot keep it active in our hands, except for very short periods of time, (depending much upon the state of the weather,) without renewing it from one subject to another, with the greatest regularity, care, and attention. From these unalterable circumstances, and peculiar qualities in the nature of the vaccine fluid, there are but few persons who can ever pay such constant and unremitted attention to its preservation as would enable them to furnish it with any degree of certainty when it might be most wanted. The act of Congress to encourage vaccination has been attended with many good effects. The agent appointed under this law has been successful in his endeavors to preserve the genuine virus; and from him the surgeons of the army and navy, as well as the citizens of the United States in every section of our country, have obtained, without interruption, a supply of this remedy as often as they have found it necessary to apply to him for it.

In England, where the vaccine remedy was first discovered, a solicitude proportionate to the difficulty of preserving it has been uniformly manifested; and various institutions have been established there for this purpose, under

the direction of the most respectable characters. Of these establishments, the London Vaccine Institution is, perhaps, the most celebrated in the world. In many other parts of enlightened Europe, the most zealous philanthropists have taken an active part in disseminating the kine-pock, and in protecting their fellow-men from destruction by smallpox.

4th. The use of spurious and other kinds of improper infection, taken in mistake for the real kine-pock matter, has often occasioned fatal accidents, and checked the progress of vaccination in places where otherwise it would have been cherished and esteemed. This was particularly the case when the kine-pock was first attempted to be introduced into New York, Marblehead, Norfolk, and some other places in this country. Citizens who have been disappointed in this way, or who take the smallpox after being assured that they have had the true kine-pock, are very apt to be led to doubt the efficacy of vaccination, and to turn a deaf ear forever thereafter to every proof or fact which can be adduced in support of the Jennerian discovery. There is no point, indeed, in which the friends of vaccination are so liable to be assailed, or in which they are so often found vulnerable, as in their liability to use spurious instead of the genuine virus. The most skilful physicians have not been always exempt from making mistakes in this particular. The illustrious Jenner, when he at first promulgated his discovery to the world, had more difficulties to contend with on this score than on any other. He then informed us of "the extreme delicacy of the nature of the vaccine fluid," and showed us how easily it could be "disorganized." He also informed us that, with all his care and attention, "an unnatural deviation in this virus from its perfect state frequently occurred to him." Dr. Waterhouse, of Boston, likewise informs us that, "about the latter end of the autumn or beginning of the winter of 1800, the vaccine disease had deviated, in his opinion, from its original character, and assumed a face with which he was not acquainted." In a discovery which has been so recently made known to the world, and which is yet so imperfectly understood by any of us, all these difficulties may be reasonably expected; and whenever they do occur to any practitioner, it is indispensably requisite that he should desist at once from operating, and not attempt to vaccinate any one until furnished with fresh matter, taken from some true and genuine source. The application of the vaccine matter is in itself a very simple business, and has been often intrusted to operators of very little skill; but it requires some considerable knowledge of this matter to enable any practitioner to select the best for his use, or to discriminate, with accuracy, between the true vaccine and the many counterfeit affections which are liable to be mistaken for it. We, therefore, deem it to be of essential importance that some central and responsible institution should be established wherein an uninterrupted supply of genuine matter should be maintained, and from which it ought to be regularly dispensed, on the most free and liberal terms possible, to all who want it. To relieve the public from all doubt or uncertainty in a matter of so much importance to them, the purity and efficacy of this virus should be occasionally tested, and the result of these necessary precautions should be faithfully communicated to the public from time to time.

5th. Another and a very important advantage of such an institution as has been proposed must arise from its great convenience to the whole community. The public authorities, as well as private citizens, are all alike interested in this establishment. The surgeons of the army and navy require a constant supply of the vaccine matter; and they cannot procure it with certainty on any terms except through the medium of some institution of this kind. An honorable committee of the House of Representatives, in a report on this subject dated February 3, 1818, gave it as their opinion, and the Government of our country has adopted it as a just and proper precaution, that "the vaccination of those persons belonging to the army and navy who had never had the smallpox was dictated by duty as well as interest." But the preservation of the vaccine matter, as has been already intimated, is altogether incompatible with the duties which the surgeons in service are bound to perform; it therefore becomes necessary for us to supply them with this remedy as often as they may have occasion to use it. But, independent of these facilities which the public authorities will derive from this institution, our fellow-citizens of every description will be most happily accommodated (when necessity perhaps may compel them to resort to it) by knowing how and where they can obtain with certainty a proper supply of this matter. There are but few among us who regard as we ought any danger which is at a distance, or out of our immediate view; and there are many who, under these circumstances, cannot be persuaded to make any provision whatever against it. Many families who, when the best opportunity was offered, could not be prevailed upon to use the kine-pock, have afterwards, when they became accidentally exposed to the contagion of smallpox, searched with avidity for this remedy, and risked their lives upon the first portion of matter they could procure from any source. Many persons, in the moment of danger to a whole neighborhood, have sent messenger after messenger, and one express after another, to very distant places, in the greatest precipitation, and sometimes without being able to procure any matter upon which they could place their dependence. The fatal consequences which are liable to flow from proceedings of this kind point out to us in the plainest and most forcible manner the necessity of preserving this invaluable matter with the greatest care in some convenient and well-known place, from whence it may be obtained at a moment's notice, and distributed free of every impediment, and to any extent it may be demanded.

6th. There is at this present time a very large majority of the citizens of the United States liable to take the variolous disease; and, of those who are liable to be affected by it, there is not one-half of them who are willing to submit to be vaccinated unless they are urged to it by their immediate exposure to the contagion of smallpox. This universal carelessness or unwillingness in most people to give themselves any trouble, or to incur any expense on this account, unless impelled by some immediate danger, cannot be too harshly condemned; it is discouraging in the extreme, and seems to forbode to our country, at some future period of time, a more serious calamity by smallpox than we have ever experienced from it. We should therefore take heed in time, and endeavor, by our constant care and unremitted attention, to preserve the kine-pock in its purity and excellence. The more universal its use, the more effectual and certain will be our future protection and safety from smallpox.

In the years 1815 and 1816 the cities of New York and Philadelphia became much infected with the smallpox, and from them it was soon carried into many other towns and seaports within the United States; from these, again, it was communicated to others, and carried into the interior of our country, where it has existed ever since. Between the months of February, 1815, and April, 1816, their records inform us that *one thousand one hundred* persons had been diseased of smallpox in the city of New York alone, and that of these *two hundred and ninety-three* had died. In Philadelphia, from January 2, 1807, to January 1, 1817, (omitting three years, for which no account was received,) *six hundred and twenty-five* persons died of smallpox! We have thus indubitable proof that upwards of *nine hundred* of our fellow-citizens have fallen a sacrifice within a few years past to this plague in these two cities alone. But if it were possible for us to bring into one view the sum total of all the mortality and consequent injury which has been sustained in different parts of the United States by smallpox *within even a few years past*, the exposition could not fail to excite a corresponding feeling in yours, as well as in the mind of every person who is capable of comprehending its extent or magnitude. If this destruction of our fellow-creatures were unavoidable, it would certainly be most proper for us to be silent, and to submit to it with due humility of heart, as is our duty under every dispensation of Providence. But the evils here complained of are not unavoidable; they might with greater propriety be said to be of our own creating, for most certainly they are the natural effects of our neglecting

an acknowledged duty. In corroboration of this opinion, we can state to you, on authority which cannot be controverted, that during the same period of time above mentioned, when the smallpox committed such ravages in New York and Philadelphia, it was likewise introduced into the city of Baltimore, but it was soon extinguished again with very little difficulty; and we are well convinced, from experience, that, if proper care were always taken to vaccinate immediately when the smallpox first appears in any place, we could soon subdue and eradicate this plague entirely from our country. If that disheartening apathy, however, which pervades the community in regard to the danger of smallpox when out of view cannot be roused into action by any means within our power, the smallpox must continue to exist among us, and we must occasionally suffer severely for our neglect of the extraordinary remedy which a merciful and kind Providence has furnished us to prevent it.

Every citizen, therefore, of a discerning mind, who has the prosperity of his country and the welfare of the human family sincerely at his heart, will, we hope, give the proposed plan of a "*National Vaccine Institution*" his zealous support, and endeavor to bring as many individuals as he can under the healing influence of vaccination. Every child properly vaccinated will afford to the rest of the community one additional security, at least, against the future prevalence of smallpox; and in the same proportion as we can increase these securities, so also we will raise up numerous impregnable barriers to the introduction and spreading of the variolous contagion among us.

JOSIAH MEIGS,
W. H. CLENDINEN,
TH. HENDERSON,
STEPHEN B. BALCH,
E. B. CALDWELL,
JAMES SMITH.

WASHINGTON CITY, D. C., *January* 1, 1820.

16th CONGRESS.] No. 478. [1st SESSION.

UNIFORM SYSTEM OF BANKRUPTCY.

COMMUNICATED TO THE SENATE, JANUARY 10, 1820.

To the Senate and House of Representatives of the United States in Congress assembled: The memorial of the Chamber of Commerce of the city of New York respectfully showeth:

That, when the framers of the constitution of the United States gave Congress power to establish uniform laws upon the subject of bankruptcies throughout the United States, they must have foreseen that the commercial intercourse among the several States might at some future period become so extensive and important as to render it advisable, if not necessary, for Congress to exercise the power thus given to them. Your memorialists beg leave most respectfully to suggest for the consideration of Congress whether the period has not arrived which the convention foresaw, when the interests of the country require that the power vested in Congress upon this subject should be exercised.

Among other things which bind the people of the United States together as one nation, our commercial intercourse with each other must be considered by every enlightened statesman as a band of no insignificant importance; the regulation of it was, therefore, wisely intrusted by the constitution to Congress. To an extensive and flourishing internal and foreign commerce, it seems to your memorialists that a general system of bankruptcy throughout the United States is essential. In cases where misfortune overtakes and ruins a merchant in any part of the United States, (and what merchant is there whom misfortune may not overtake and ruin?) it is certainly important that some plan should be adopted by which his creditors in every part of the United States should stand upon an equal footing, have an equal chance of receiving a dividend of his estate, and equal means of knowing in what manner his property is to be disposed of.

Your memorialists believe that no other plan than a uniform bankrupt law can be adopted to effect these desirable ends; without it, in cases where a merchant fails, his creditors do not all stand upon the same footing. In some of the States, in case of a debtor absconding, a difference is made by law between the remedies against him afforded to persons residing within the State and those residing in other States. In the State of New York, if a merchant fails and absconds from the State, leaving property within it, a citizen of New York may sue out an attachment against the property which he has left behind him, but a citizen of another State cannot. It is true, indeed, that the property when attached is for the benefit of all his creditors; but it is equally true that if, before he absconds, the debtor has foresight enough to pay his creditors in New York, he may leave his property in the State with perfect safety, and his creditors in other States cannot touch it.

Without a general bankrupt law, all the creditors of a merchant who fails have not an equal chance of receiving a dividend from his estate. When a merchant's affairs become embarrassed in any of our commercial cities, (the practice is so uniform that it has become a perfect system,) he assigns all his property in the first place to pay his confidential friends, who have lent him their names and their money, and thus given him a false credit, which has been the means of his imposing upon others; or he has already assigned, as security for usurious loans procured from some of the harpies who infest all our cities, every thing that he has of any value; his honest business creditors get nothing. The truth of this has been felt and will be acknowledged by almost every commercial man in the United States.

Without a general bankrupt law, it is manifest that all the creditors of an unfortunate or dishonest merchant have not equal means of knowing how and in what manner his property is to be disposed of, unless they can be presumed to be intimately acquainted with the laws of every State in which they may have a debtor residing.

Your memorialists cannot but express their strong conviction, founded upon experience, that a general bankrupt law is essential to secure any thing like a just and equal distribution of property among the creditors of unfortunate merchants. Your memorialists, however, beg leave most respectfully to suggest that, although the security of cred-

itors is the first and great object of a bankrupt law, yet the relief of unfortunate debtors, who have honestly given up their property for the benefit of their creditors, is another object of it.

Your memorialists forbear to urge those arguments which are calculated to operate upon the heart, by approaching it through the feelings of compassion in favor of the unfortunate, for reasons which will readily suggest themselves; but they beg leave to state that the situation of the United States seems in their opinion to require, as a mere matter of state policy, that merchants who have become unfortunate should not from that moment be considered as drones in the political hive, unable in any way to contribute to the general welfare. Misfortune is apt enough to drive mankind to desperation, to palsy all manly exertion, and to make the stoutest man a mere infant. The laws of the country should encourage the unfortunate to future exertion, and not sink them yet deeper in despair; they should hold out, as objects worthy of his future industry, the support of his family, who by his exertions may yet become respectable, and the re-establishment of his own reputation, which, although sullied by misfortune, may yet, through honest industry and exertion, become brighter than ever. By doing so, the state is certainly benefited, because it is its interest to encourage industry, and to excite as much as possible the exertions of all its citizens in some honest pursuit. The Supreme Court of the United States having decided that the State Legislatures have no authority to discharge insolvent debtors from their debts, unless Congress in their wisdom shall think proper to interfere and pass a general bankrupt law, a merchant who becomes unfortunate in the United States must be content for the residue of his life to become a charge upon his friends or his country. The consequences of such a state of things upon the commercial prosperity of the United States your memorialists leave to those to determine upon whom the duty of regulating and protecting our commerce is intrusted by the constitution.

Your memorialists most respectfully pray that Congress will pass a law establishing a general system of bankruptcy throughout the United States, which they believe is called for by the best interests of the country.

And your memorialists will ever pray, &c.

WILLIAM BAYARD, *President.*

JOHN PINTARD, *Secretary.*

16th CONGRESS.] No. 479. [1st SESSION.

PROHIBITION OF SLAVERY IN MISSOURI.

COMMUNICATED TO THE SENATE, JANUARY 12, 1820.

NEWPORT, *Wednesday, December* 22, 1819.

At a late and numerous meeting held at the State-house, pursuant to notice, for the purpose of taking into consideration the expediency of presenting a petition to Congress to prohibit the introduction of slavery into any State or Territory that may hereafter be admitted into the Union, Thomas G. Pitman, Esq. was called to the chair. After reading the circular letter from the New York committee on this very interesting subject, and likewise their address to the American people, which was followed by considerable debate and many applicable remarks, the following resolutions were almost unanimously adopted:

Resolved, That Dutee J. Pearce, Caleb Green, John Slocum, Thomas Peckham, and Edward W. Lawton, be a committee to draught a memorial to Congress, praying them to prohibit the further extension of slavery into any Territory that may be admitted into the union of the States.

Resolved, That David Buffum, David Buffum, jun., Benjamin Hadwen, John Slocum, Stephen Gould, Clarke Rodman, Job Sherman, Thomas H. Mumford, and Edward W. Lawton, be a committee to obtain signatures to the said memorial, and forward the same to Congress as soon as may be.

Agreeably to the first recited resolution, the undersigned, having prepared the annexed memorial, respectfully submit the same to the citizens of the town of Newport and its vicinity for their approbation and signatures.

THOMAS PECKHAM,
DUTEE J. PEARCE,
CALEB GREEN,
JOHN SLOCUM,
EDWARD W. LAWTON,
} *Committee.*

To the honorable Senate of the United States: The memorial of the inhabitants of the town of Newport, in the State of Rhode Island, with reference to the bill now pending before your honorable body, authorizing the people of the Territory of Missouri to form a State Government, and for other purposes, respectfully showeth:

That slavery, as it now exists in the United States, in the opinion of your memorialists, can never be made a matter of reproach to the existing Government or the present generation. It was an evil introduced into the colonies by the parent state, and acquiesced in to a great degree by the colonies themselves, in an age when the traffic in slaves was pursued by all nations without a suspicion of its enormity.

The northern colonies participated in it equally with the southern, and the navigation of the New England ports, and particularly of this town, was employed continually on the African coast, in the transportation of slaves to the different American markets, and by means of American capital. There can be no reproach, therefore, cast upon our southern brethren for the introduction of this evil, which, as your memorialists conceive, will not equally attach itself to ourselves and to the English nation. We were all equally disposed to embark in the traffic, and to avail ourselves of its proceeds, and the guilt, if any there be, must be shared in an equal degree by the parties concerned. The constitution of the United States, as is well known to your honorable body, after giving Congress an unlimited power to regulate commerce, with certain reservations as to the intercourse between the respective States, provides "that the migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

As the reservation here mentioned related merely to the direct trade, an act was passed as early as A. D. 1794 making it unlawful for any citizen of the United States, or alien residing therein, to transport in American bottoms the inhabitants of any kingdom, place, or country, to any other foreign kingdom, place, or country, to be sold and disposed of as slaves, or from the United States to any foreign kingdom, place, or country; and, by a subsequent act, it was made penal to hold property in any vessel whatever so employed, or to serve on board such vessel, whether American or foreign. The direct trade, as is known to your honorable body, had become limited to one or two States, by the enlightened views that prevailed in the south, even before Congress had the authority to interpose for itself. And when the constitutional period to which the limitation on their power extended was about to expire by the prospective act of March 2d, A. D. 1807, it was declared unlawful to import or bring into the United States any negro, mulatto, or person of color, with the intent to hold, sell, or dispose of such negro, mulatto, or person of color, as a slave, after the 1st day of January, 1808. This law, as is well known to your honorable body, has since been modified by another act, principally with respect to its penalties; and, finally, enforced by a law of the last session of Congress, authorizing the President to employ the armed vessels of the United States on the American and African coasts, to appoint agents to reside in Africa, and to offer bounties for the slaves released. Thus, the United States have the honor of being the first to advocate and the first to adopt those humane and enlightened measures which, after twenty years' earnest and eloquent exhortation, have become the pride and the glory of the states of Europe.

If the people of this country, as is the opinion of your memorialists, were responsible for the continuance of the slave trade after the government of the States and the Union had passed into their own hands, it is equally incumbent on your memorialists, and all others who enjoy the protection of our mild and equal laws, to confine the existence of slavery within the narrowest limits possible. To say nothing of its utter inconsistency with the genius of our republican institutions, and of its fatal effects on the principles and morals of men, the simple circumstance that the Government of the United States has entirely prohibited the importation of slaves, directly or indirectly, as your memorialists have set forth, is sufficient of itself to enforce on us the duty. But it will be in vain that Congress shall prohibit the traffic in slaves under the severest penalties, or that the President be disposed to exert himself to the utmost to enforce these provisions, if an immense market is to be opened in the Territories of the west for the unhappy victims of this traffic. The inevitable result of such a course of proceedings must be, as your memorialists apprehend, to increase the temptations to introduce them illegally, already too great, and fatal to the morals and industry of your constituents. It cannot, then, escape the notice of your honorable body that the outlet of the Mississippi and its tributary waters, and generally of the streams that flow into the Gulf of Mexico, is placed by nature in a region, beyond almost any other in the Union, open to an illicit trade—a low alluvial country, abounding in inlets, remote from any dense population, in the vicinity of Cuba, a great depot and slave mart—and affording temptations innumerable to a traffic in slaves from the education and habits of the people of Louisiana. The experience of the Government has exactly corresponded to what your memorialists would have presumed to be the case. We refer your honorable body to the explicit testimony of the collector of the customs at New Orleans, (Mr. Beverly Chew,) in his letters to the Secretary of the Treasury on the subject of the piratical establishment at Galvezton; and to the statement made at the last session of Congress, and never contradicted, that above 14,000 slaves were introduced into the United States in that year, and principally through these outlets. We would ask, then, with all deference to your honorable body, what can be more feasible to the unprincipled men engaged in this business than, after the Louisiana market is glutted, to introduce slavery to any extent, and with perfect impunity to themselves, into the Missouri State, if Congress should unhappily countenance its existence? Your memorialists cannot doubt for a moment that this would really be the case, and they are persuaded that it has already taken place, to an alarming extent, under the Territorial laws.

But admitting, for the sake of the argument, as your memorialists are willing to admit, that the number of slaves introduced into the Union from foreign countries, and in violation of your laws, must ever be inconsiderable, your memorialists are still of opinion that it would be unwise in Congress to permit the extension of slavery in the new States. The slaves which might then be introduced into Missouri, from the Union at large, would multiply, as your memorialists conceive, to a degree hitherto unknown in this country, not only from the increased facilities of subsistence, but the comparative mildness of her climate. Whilst these causes were operating to perpetuate the evil in the west, the slave population in the Atlantic States must of necessity rise with the demand for labor and the means of life; and the event would be, as your memorialists can confidently predict, that the number of persons of this unhappy description in the United States would be a thousandfold greater than if the slaves were confined, as your memorialists would advise, to the States now holding them.

We would ask, with all deference to your honorable body, when and where is this evil to cease? If it be permitted to the people of Missouri, there is no reason that your memorialists can conceive why it may not be allowed to the inhabitants of every part of Louisiana within the treaty of limits. And, without pretending to any uncommon sagacity on this subject, it is easy for your memorialists to foresee that this will certainly be the case, without the interposition of the General Government. If the United States had no experience whatever of the effects of slavery, and it were still a problem how far it might be beneficial to a State to tolerate its existence in the mildest form, it would appear more credible to your memorialists that citizens of the United States might be found who would be willing to make the untried experiment in our new Territory.

But, with the convictions which our colonial history and every day's experience are forcing on the minds of your constituents; with the acknowledged and lamented fact that slavery was introduced among us in an unenlightened and fanatical age, and that for nearly two centuries it has been progressively fruitful of the most unhappy results in this country; and knowing, as we well do, its effects on the state of agriculture, the manufacturing and mechanic arts, and generally on the industrious and profitable habits of a people, and their domestic peace—to think of introducing such a state of things, and of choice, too, into a new country, is to your memorialists perfectly inconceivable.

Your memorialists are well aware that it may be a very obvious reply to the statement of your memorialists, that, admitting the reasonableness of what your memorialists have set forth, it is still incumbent on them to show that Congress have a right to prescribe this condition to a sovereign State. Your memorialists might be content, on this occasion, to refer to the uniform practice of the Government, and to the well-known fact that this very condition, and many others besides, have been made in almost every instance the bases of their admission into the Union whenever new States have been formed out of our old domain. There is nothing, as your memorialists can perceive, in the treaty of Paris, by which Louisiana was ceded to this country, that makes it necessary for the United States to depart from the practice. It simply requires of this Government that the Territory in question shall be admitted into the Union as soon as possible, and upon the principles of the federal constitution—that is, as your memorialists understand it, precisely in the same manner as other States have been admitted. And, in point of fact, when the southern section of this Territory, under the name of Louisiana, was about to be formed into a State, it was required of it to conform, not to the condition we have mentioned, indeed, (for the situation of the Territory entirely forbade it,) but other conditions were made preliminary to this favor, and implying an equal de-

gree of power in the party prescribing them. It is well known to your honorable body that it was made a positive condition with Louisiana, not only that the lands of the United States within her jurisdiction should never be taxed, and that all purchasers of said lands should enjoy the same immunity for five years after their purchases, but, what is equally remarkable, it is provided that the trial by jury shall be secure to her citizens in all criminal cases, and that the laws which such State shall pass shall be promulgated, and its records, of every description, shall be preserved, and its judicial and legislative written proceedings conducted in the language in which the laws and the judicial and legislative written proceedings of the United States are now published and conducted. Your honorable body is doubtless well informed that, in the Spanish and French colonies established on this continent, the civil law, which never recognised our institution of juries, was introduced at a very early period. And in the province of Louisiana, though it had often changed masters, and had been by times the property of France and Spain, the French language was principally in use. These were circumstances, as your memorialists conceive, of no small import to the people of Louisiana, considering the nature of their education and descent, and, to the apprehension of your memorialists, quite as much a matter of internal regulation as the holding of persons to involuntary servitude. And yet your honorable predecessors of the twelfth Congress, in the exercise, as your memorialists conceive, of their rightful constitutional power to make the admission of a State into the Union conditional, and of the duty incumbent on Congress to guaranty to each State a republican form of government, did prescribe to Louisiana as your memorialists have set forth.

But your memorialists are persuaded that, if no such precedents were to be found in the laws of the Union, and the constitutional history of this Government were not full of examples to confirm their theory, it would still be very manifest that Congress has ample power to impose this condition, particularly from an examination of the constitution, in the third and fourth sections of its fourth article, and that the objections drawn from the nature of the State sovereignties are altogether unfounded.

But your memorialists forbear to pursue a discussion to which your honorable body must be far more competent than they can pretend to be. They will merely observe to the Senate that, to their apprehension, a question of greater magnitude, and involving considerations of higher moment to the interests and happiness of the American people, has never been submitted to the decision of Congress. They believe that your honorable body must be ambitious of remembrance, and of grateful remembrance, in after-times; and they cannot conceive of a more enviable distinction than that it shall be the happy result of your beneficent measures that in the widest and most fruitful region of this great continent, and at no remote day, not one human being is denied his natural and unalienable rights. And your memorialists humbly pray that a provision may be inserted in the bill now pending before your honorable body authorizing the people of the Territory of Missouri to form a State Government, and for other purposes, forbidding the extension of slavery in said State.

16th CONGRESS.] No. 480. [1st SESSION.

CONTESTED ELECTION OF EBENEZER SAGE, A REPRESENTATIVE FROM NEW YORK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 12, 1820.

Mr. TAYLOR made the following report:

The Committee of Elections, to whom was referred the petition of James Guyon, junior, contesting the election of Ebenezer Sage, who is returned as one of the Representatives of the State of New York in the present Congress, and praying to be admitted to a seat in his stead, have had the same under consideration, and report:

That the first congressional district of the said State is composed of the counties of Richmond, Kings, Queens, Suffolk, and the first and second wards of the city of New York, and is entitled to elect two Representatives. That, at the late election for members of this House, Ebenezer Sage, James Guyon, jun., Silas Wood, and John Garretson, were the only candidates; 2,171 votes were returned for Silas Wood; 2,085 for Ebenezer Sage; 1,992 for John Garretson; 1,701 for James Guyon, jun.; and 396 for James Guyon. From the affidavits of Abraham Crocheron, Richard Crocheron, and John Hillyer, inspectors of the said election, of the town of Northfield, in the county of Richmond; of John Doughty, John Freek, Jeduthan Johnson, Noah Waterbury, and Abraham A. Remsen, inspectors of the said election, of the town of Brooklyn, in the county of Kings; of Edward A. Clowes, Thomas Tredwell, William Everitt, and John D. Hicks, inspectors of the said election, of the town of Hempstead, in the county of Queens; and of Jacobus Monfoort, Micah Townsend, Jarvis Frost, and Daniel Youngs, inspectors of the said election, of the town of Oyster Bay, in the same county, it appears that, in the said towns, 391 votes were, through the mistake of the said inspectors, returned for James Guyon, which, in truth and in fact, were given for James Guyon, *junior*, and ought to have been so returned. These votes, added to the poll of James Guyon, junior, give him a majority of seven votes over Ebenezer Sage, the returned member. Mr. Sage has admitted the receipt of copies of the affidavits aforesaid, and has not controverted the truth of the matters therein contained. He has hitherto omitted to appear and claim his seat, and no evidence has been adduced of his intention to make such claim. The committee, therefore, submit the following resolutions:

Resolved, That Ebenezer Sage is not entitled to a seat in this House.

Resolved, That James Guyon, junior, is entitled to a seat in this House.

BROOKLYN, *November* 24, 1819.

The subscribers certify that they were inspectors of the election held in the town of Brooklyn, in Kings county, on the 28th, 29th, and 30th days of April, in the year 1818, for the purpose of electing Representatives to Congress for the first congressional district of the State of New York.

At the said election Ebenezer Sage, Silas Wood, John Garretson, and James Guyon, junior, were candidates; and that we, the said inspectors, did canvass and estimate the votes given at said election, and made out certificates of such canvassing, and filed the same in the clerk's office of the county and town aforesaid; from which certificates it appears that 183 ballots were estimated as the number of votes given for James Guyon, which the subscribers verily believe was an error made by them in making out their certificates; and that the said number of 183 votes was given by the electors of said town for James Guyon, *junior*, and ought to have been estimated and certified by us as the number of votes given for that gentleman.

JOHN DOUGHTY,
JN. FREEK,
JED. JOHNSON,
NOAH WATERBURY,
ABRM. A. REMSEN.

WILLIAM SCHENCK, *one of the clerks at the election.*

The persons who have subscribed the foregoing certificate have severally sworn that they believe the matter therein stated to be true.

Sworn before me this 24th day of November, 1819.

ISAAC NICHOLS, *Justice of the Peace.*

SAG HARBOR, *January* 3, 1820.

This may certify that, on or about the 20th of the month of December, I received from James Guyon, junior, a copy of the within certificates, perfectly according with the same.

EBENEZER SAGE.

I, Abraham Crocheron, clerk of the town of Northfield, in the county of Richmond, and in the State of New York, do certify and say: That I was one of the inspectors of the votes taken at the anniversary election held in the said town of Northfield, and in the county aforesaid, on the 28th day of April, 1818, at the house of John Johnson, inn-keeper, and held, by adjournment, the two subsequent days, for two members of Congress to represent the first congressional district of said State of New York in the House of Representatives of the United States; and, being so an inspector, did make a return in the clerk's office of the said county, as well as with Richard Crocheron, John Hillyer, and Sylvanus Decker, inspectors with me, that Ebenezer Sage had seventy-five votes, and James Guyon had seventy-five votes, when, in fact and in truth, the ballots *were given*, canvassed, and read James Guyon, *junior*, and were returned to the said clerk, through a mistake or error, without the *junior*, when, in fact, in truth, and in justice, it should have been given and written James Guyon, junior.

Given under my hand the 16th day of November, A. D. 1819.

ABRM. CROCHERON.

RICHMOND COUNTY, *State of New York, ss.*

Personally appeared before me Abraham Crocheron, who doth depose and say that the above statement, as subscribed by him, is just and true: and further this deponent saith not.

Sworn before me this 16th day of November, 1819.

DAVID MASEREAU, *Judge.*

SAG HARBOR, *January* 3, 1820.

This may certify that, on or near the 20th of the month of December last, I received from James Guyon, junior, a copy of the within certificates, correctly according with the same.

EBENEZER SAGE.

HEMPSTEAD, N. Y., *November* 20, 1819.

I, Edward A. Clowes, clerk of the town of Hempstead, and I, Thomas Tredwell, one of the inspectors of the town, do hereby certify that, at an election held in the aforesaid town for Congressman, on the 28th, 29th, and 30th days of April, 1818, the return was made by us to the clerk's office of the county of Queens for James Guyon as Congressman, whereas we verily believe that the returned number of votes ought and should have been made in the name of James Guyon, *junior*, which junior was omitted in our return to the clerk of said county, according to the best of our knowledge and belief.

EDWARD A. CLOWES, *Town Clerk.*
THOMAS TREDWELL.

Sworn before me this day.

EDWARD PARKER, *Deputy Clerk of Queens County.*

HEMPSTEAD, *November* 20, 1819.

I, Robert D. Clements, one of the clerks to the inspectors of the town of Hempstead, do solemnly swear that the statement of the within certificate is true, to the best of my knowledge.

ROBERT D. CLEMENTS.

Sworn before me this day.

EDWARD PARKER, *Deputy Clerk of Queens County.*

OYSTER BAY, *November* 19, 1819.

I, Jacobus Montfoort, clerk of the town of Oyster Bay, in the county of Queens, and State of New York, do hereby certify that the certificate of the return of the election for two members of Congress to represent the first congressional district of said State, held in the aforesaid town on the 28th, 29th, and 30th days of April, 1818, was written by me, and transmitted to the clerk of the said county of Queens. And I do hereby further certify that the return of James Guyon, of eighty-three votes, was a mistake made by me, and that the true and proper return for the aforesaid town of Oyster Bay is James Guyon, junior, for Congressman, eighty-three votes; and the tickets were canvassed and read James Guyon, junior.

Note.—One vote of the above number of eighty-three votes was written, read, and canvassed James Guyon.

JACOBUS MONTFOORT, *Town Clerk.*

Sworn before me this day.

EDWARD PARKER, *Deputy Clerk of Queens County.*

SAG HARBOR, *January* 3, 1820.

This may certify that, on or near the 20th day of the month of December, I received from James Guyon, junior, a copy of the within certificates, perfectly according with the same.

EBENEZER SAGE.

QUEENS COUNTY, *ss.* JAMAICA, *January* 6, 1830.

We, Edward Parker, of the town of Jamaica, county of Queens, and State of New York, and Thomas Hazard, junior, of Staten Island, State aforesaid, do solemnly swear that we were present on the day and date when Ebenezer Sage signed the annexed certificates, and did see him subscribe his name thereunto; and he acknowledged that he did receive a copy of the annexed certificates enclosed to him in a letter from James Guyon, junior, declaring his intentions to claim his seat in the House of Representatives of the United States.

EDWARD PARKER,
T. HAZARD, JUN.

Sworn before me this day.

JAMES DENTON, *Justice of the Peace,*
and one of the Judges of the Court of Common Pleas for Queens County.

16th CONGRESS.] No. 481. [1st SESSION.

PROHIBITION OF SLAVERY IN MISSOURI.

COMMUNICATED TO THE SENATE, JANUARY 18, 1820.

At a meeting of the citizens of Hartford and its vicinity, held at the State-house, on Friday, the 3d day of December, 1819, pursuant to public notice, for the purpose of taking into consideration the subject of permitting slavery in such States as may hereafter be admitted into the Union, John T. Peters was appointed chairman, and J. W. Edwards, secretary.

The following resolutions were adopted:

Resolved, That the existence of slavery in this republic is an evil deeply to be lamented, and utterly repugnant to the principles of a republican Government.

Resolved, That, in the opinion of this meeting, the peculiar phraseology of the preamble to the declaration of independence, declaring that "all men are created equal," &c., shows conclusively that the illustrious authors of that document never contemplated the further extension of slavery in these United States.

Resolved, That, in the opinion of this meeting, Congress possesses the clear and indisputable right to prescribe the terms upon which any Territory may be admitted into the Union as an independent State; and that a contrary doctrine would not only tend to destroy that order and harmony so indispensable to the happiness and union of these States, but would prostrate the powers confided to the General Government by the constitution.

Resolved, That it is a duty the American people owe to their republican character, and the honor and glory of their country, to endeavor, by all honorable and lawful means, to prevent the further extension of slavery, which we consider to be contrary to the spirit of our free and excellent constitution, and injurious to the highest interests of the nation.

Resolved, That, while we lament the efforts which the Representatives in the last Congress from the slaveholding States made to extend an evil which all unite in deploring, the thanks of this meeting are eminently due to those members who so ably and zealously opposed the admission of slavery into the proposed State of Missouri.

Resolved, That the Senators and Representatives in Congress from this State be requested to use every honorable and constitutional exertion to prevent the admission of slavery into any new State which may be formed.

Resolved, That the Hon. Thomas S. Williams, Rev. Thomas H. Gallaudet, Hon. Sylvester Wells, and Hon. John T. Peters be a committee to draught a memorial to Congress upon this subject, which shall comport with the spirit of these resolutions.

Resolved, That the chairman of this meeting be, and is hereby, requested to forward a copy of these resolutions and memorial to the Senators and Representatives in Congress from this State.

Resolved, That Michael Bull, Nathaniel Goodwin, Charles Babcock, Oliver E. Williams, Charles L. Porter, Thomas Huntington, Joseph B. Gilbert, Edward Bolles, Samuel Huntington, Elihu Olmsted, Azor Hatch, and Roderick Terry be a committee to solicit signatures to the said memorial; and that the several printers of newspapers in this State be requested to publish the proceedings of this meeting.

JOHN T. PETERS, *Chairman,*
JONATHAN W. EDWARDS, *Secretary.*

To the Senate and House of Representatives of the United States of America in Congress assembled: The memorial of the undersigned, inhabitants of the city of Hartford and its vicinity, in the State of Connecticut, respectfully represents:

That, as your present session will probably furnish the occasion of deciding a question which deeply involves the character and prosperity of the vast republic over whose interests you are called by Providence to preside; the welfare of that countless posterity who are to inherit from us all that can render human life a blessing or a curse; and the fate of thousands of our fellow-men, whose dearest rights have been so long sacrificed to the plea of necessity or of interest, we deem it a sacred duty which we owe to ourselves, to our country, and to our God, to make use of that invaluable privilege which our excellent constitution affords us, of attempting to influence the councils of the

nation, by every consideration and motive which justice, honor, and a sound policy will sanction, ere the final step be taken, which, if a wrong one, will shroud the prospects of our country's happiness and glory in shades of the deepest gloom.

In doing this, we avow that no influence actuates us but the purest patriotism. We would rise superior to that ignoble jealousy which weighs all political questions in the petty scale of mere state interest, and measures every proceeding of the National Legislature by the contracted standard of advantage to the northern or southern, the eastern or western sections of our common country. We would feel as Americans, and present to your respectable body only such considerations as are worthy of the regard of those who, in their least important as well as most momentous decisions, should fix a single eye upon the general happiness of the millions who are to constitute, under the auspices of prudent and magnanimous councils, a great and happy people.

We are inspired with a lively hope that what we may venture to suggest will be weighed with carefulness and candor when we call to mind the honorable and energetic measures which Congress has of late adopted to check the future progress of slavery in the United States—measures which, we trust, will yet derive resistless efficacy from the co-operation of the whole Christian world, from a vigilant enforcement by those officers whose province it is to carry them into effect, and from the repeated adoption of such future auxiliary provisions as the elusive cunning of the traffickers in human blood may yet render necessary to wipe from the character of man one of its foulest stains. Most unhappy will be the result if the accession of new States to the Union, by granting them the privilege of holding a portion of their fellow-men in bondage, should prove to be the discomfiture of those generous efforts which are made to prevent our vast portion of this western hemisphere from being any longer the disgraceful prison-house of the unfortunate sons of Africa.

That the constitution invests Congress with ample power to impose a restriction with regard to slavery upon such States as may from time to time be admitted into the Union, the territory of which lies out of the original limits of the United States, we think there can be no doubt. The Union is indeed a compact of independent and sovereign States; but it is a compact whose base rests on the *principles* which all the States avowed in their combined struggle for freedom; on the principles of relative justice, of mutual sacrifices of interest for the general welfare, and of a surrender of individual rights to promote the strength and prosperity of *one common republic.*

These principles, which, under Providence, gave vigor to the resistance of the colonies against the usurpations of the mother country, and a happy result to that resistance, did not cease to have a binding force upon the States when the conflict for liberty was over, and when, assuming again for a little while their original sovereignty, they deliberated in their individual capacity upon the adoption of such a form of government as would best secure to them and their posterity the blessings for which they had been contending. They were unshackled, it is true, by the restrictions of any *written instrument*, but they were still bound to each other by the ties of *honor and justice.* When we find them proclaiming to the world as one of the principles—nay, as the fundamental principle under which they had acted in concert—"that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness," can we cast such a reproach upon the worthies who conducted their councils as to suppose that they meant entirely to abandon this principle, or not to feel its force? Its application, indeed, was waived with reference to those States whose policy led them to make it a condition of their adoption of the federal constitution that they should retain the privilege of holding slaves, and that these slaves should go to increase the mass of their population who should be entitled to a voice in our national councils. But this was done in the *spirit of compromise;* and the original principle which was avowed in the declaration of independence *revives, in all its primitive force*, with reference to any *new States* which may be admitted into the Union, and which lie out of the limits of those States who made the compromise; so that no argument in favor of the absolute and entire sovereignty of new States is more fallacious than that drawn from a supposed analogy between *their* relation to the Union and *that* which existed between the States who *originally* formed this Union.

There has never been a period in our history since the time of our first resistance to Great Britain that a greater or less surrender of the rights of State sovereignty has not been made for the general good; and if, for the same object, such a surrender is now demanded of any portion of our country that wishes to enjoy the privilege of becoming a State, it has no right to complain of partial treatment; and unfounded indeed is such a complaint, when the surrender required, or the restriction imposed, is sanctioned by one of the fundamental principles of the great charter of our liberties; a departure from which, for reasons that *no new State* can now urge, was once reluctantly made in order to secure the unanimous adoption of the federal constitution.

Surely, if the States who were the original parties to the compact had a right to stipulate with each other with regard to the surrender which each should make of some portion of its sovereignty for the common weal, they have now the right, through Congress, as their organ, to make similar stipulations for the *same object* with those who are to become new parties to the compact. The only question, then, that remains is, has the constitution empowered Congress to act as this organ? The third section of the fourth article of that instrument says: "New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress." The fair construction of this language is, that Congress is to judge of the expediency of admitting new States into the Union, and also of the terms of their admission; and, lest this power vested in Congress should seem to encroach upon the sovereignty of the States who were actually parties to the compact, their consent is made necessary in case new States are formed out of them, or by their junction; which evidently proves that, *in all other cases*, the power of Congress was to be complete and unrestricted. As the constitution nowhere gives any portion of territory, or any mass of population, the right to force itself into the Union; and as it nowhere describes the precise conditions upon which new States may be admitted, but refers the whole subject in the most *general terms* to Congress, it seems to result from the very necessity of the case, as well as from the fair interpretation of the constitution, that Congress must judge of the expediency and of the conditions of all such admissions. This power Congress has more than once exercised; nor have the various restrictions which it has imposed upon several of the new States, as the terms of their admission into the Union, been heretofore considered any infringement of the constitution, or undue encroachment upon State sovereignty. Good faith, therefore, will be strictly kept with those who have become subject to the Government of the United States by the treaty of the cession of Louisiana, if, upon their wishing to be made a new State, they are required, as a condition of this, to pledge themselves to interdict slavery within their limits; for, although the treaty stipulates that they shall be incorporated into the Union of the United States, and admitted as soon as possible to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, yet all this is to be done, as the same treaty stipulates, "according to the principles of the federal constitution." Like every other citizen of the United States, a citizen of the contemplated new State will have the privilege of holding slaves in those States where slavery is *permitted;* and, like other citizens, be debarred this privilege in States where slavery is *not permitted.* Nor does it at all affect the merits of the case that *his own* happens to be one of these States.

Without going into any detail of argument, the same reasoning applies, *mutatis mutandis*, with conclusive force to the objection which is raised to the proposed restriction against the existence of slavery in any new State, from that article in the constitution which provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

So far from injustice being done to the slaveholding States by the proposed restriction, which it is contended by many would be the case, we feel it a duty we owe to ourselves, as citizens of a State in which slavery is forbidden, to urge upon the consideration of your respectable body, the constituted guardian of our political rights and liberties, that the permission of slavery in the new States will be an unwarrantable departure from the *principles* of *that compromise* which it is confessed led to the formation of that part of the constitution which gives to the slaveholding States such an influence in the councils of the nation from a great mass of the population who are not recognised or treated as freemen. This was, in fact, a bargain made between distinct and independent contracting parties, and, in good faith, this bargain ought not to be stretched in its application to any *new* parties, without the consent of all those who *originally* made it.

But these considerations are merged in the more important ones of national policy and interest. The evils which are already felt, and the more dreadful ones which are to be feared, from the existence of slavery in our country, will, in the opinion of your memorialists, be greatly enhanced by the extension to new States of the privilege of holding their fellow-men in bondage. With all due regard to the best interests of those of our fellow-citizens who are at present immediately exposed to these evils, we do sincerely believe that their safety, as well as that of the Union, depends upon keeping the slave population of our country within the narrowest possible limits. If coercion be necessary, it can be most easily, promptly, and successfully applied. If dangers are to be apprehended, they will most quickly be perceived. If plans of gradual emancipation are to be adopted, they will be most efficaciously carried into effect. Philanthropy has, indeed, pleaded in behalf of those who are in bondage, that their condition will be meliorated by scattering them over a greater extent of territory. Admitting that this might in some instances be the case, yet the prospect of a final deliverance from this miserable captivity would be diminished, if not destroyed; and that cupidity, which now is cunning enough to elude the watchful eye of civil authority, would have new temptations presented to excite its more insatiable desires; new markets would be opened for its cruel enterprises; and the places of those who might be carried to spread the contagion of this terrible moral disease into regions which are yet unsullied by its contamination would soon be supplied by a succession of fresh victims. Besides, we deprecate the diffusion of the *slaveholding spirit*, so incompatible with the noble and ingenuous character of freemen; so unhappy in the associations which it forms in the minds of the rising generation, who are the hope and stay of our country; so inconsistent with the manly attitude which we have taken among the nations of the earth as the asserters of human freedom; so destructive of the physical strength of a State, by impressing on the brow of honest labor the mark of servitude and disgrace; so discouraging to the gradual progress, through a vast and growing territory, of a bold and hardy yeomanry, tillers of their own soil, and its most able defenders; so hostile to the temper of that religion which is at once the brightest ornament and surest strength of a people; and so ungrateful in its exercise towards that Being to whose justice we appealed for protection when we ourselves felt the pressure of that *very yoke of bondage* which now bears with a more galling and cruel weight on thousands of our fellow-men. He delivered us from that yoke, and he has crowned that deliverance with a profusion of the choicest blessings. What do we not owe to his goodness?

In making such appeals, we boast of no moral superiority over our southern brethren. We well know that this dreadful curse was entailed upon them, and that too many of our own citizens have contributed to its continuance. We sympathize with them in any evils from this source which they feel, or dangers which they may fear. We rejoice with them, too, in any prospects which a kind Providence may be opening for the gradual and complete deliverance of our common country from this stain upon its reputation and canker of its prosperity; we hail, with them, the dawning of a happier day, when the combined efforts of our own and the other nations of the earth shall generously redress the wrongs of injured Africa, and, if possible, repay her sufferings, by raising her from her present state of moral and political degradation to the enjoyment of all those privileges for the possession of which she is now stretching forth her supplicating hands.

It is to give our own favored nation the best opportunity to take such a part as wisdom and prudence may suggest in this noble work of benevolence; to shield it against the imputation under which it has too long labored, that it can wield with one arm the weapons of war against its oppressors, while it rivets with the other the chains of bondage upon its unhappy victims; and, in the mean time, to furnish it with the best safeguard against the evils which may result from its misfortune or its crime, that we have united with others of our fellow-citizens in the object of this memorial, which we lay before your respectable body, with the assurance that, as it rests upon the immutable basis of truth and justice, its influence will not be lost.

16th Congress.] No. 482. [1st Session.

DUTIES OF THE ATTORNEY GENERAL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 7, 1820.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,

SIR: *February* 3, 1820.

The order of the House of Representatives of the United States of the 28th January last, "that the petition of Joseph Wheaton, and the accompanying documents, together with the report of the Committee of Claims, of the 6th January instant thereon, be referred to the Attorney General of the United States, and that he be requested to report his opinion thereupon to this House," was handed me by Major Wheaton (the petitioner) this evening, together with the documents, which are now returned.

The duties of the Attorney General's office are specified by our laws, and are confined to the following heads:

1. To prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned.

2. To give his advice and opinion upon questions of law, when required by the President of the United States, or when requested by the heads of any of the Departments, touching any matters that may concern their Departments.

3. To discharge the duties of a Commissioner of the Sinking Fund.

The Attorney General is sworn to discharge the duties of his office *according to law*. To be instrumental in enlarging the sphere of his official duties beyond that which is prescribed by law, would, in my opinion, be a violation of this oath. Under this impression, I have, with great care, perused all the documents which have been handed to me in this case, for the purpose of ascertaining whether the order with which I have been honored from the House of Representatives falls under either head of my official duties; and it appears to me that it does not. A reference to the law will show, I think, that this is indisputably clear.

I had the honor to intimate this impression in answer to the case of Major Thomas, referred to me officially by the House of Representatives in the session of 1818–'19, in the hope that, if it was thought advisable to connect the Attorney General with the House of Representatives in that character of legal counsellor which he holds, by the existing law, towards the President and heads of Departments, a provision would be made by law for that purpose. No such provision having been made, and believing, as I do, that, in a Government purely of laws, it would be incalculably dangerous to permit an officer to act, under color of his office, beyond the pale of the law, I trust that I shall be excused from making any *official* report on the order with which the House has honored me. It is true that, in this case, I should have the sanction of the House for the measure; and it is not less true that my respect for the House impels me strongly to obey the order. The precedent, however, would not be the less dangerous on account of the purity of the motives in which it originated. The maxim is as old at least as republican Rome that *omnia mala exempla ex bonis orta sunt*. On this ground I hope to be excused by the House of Representatives for declining their request: and I assure you, sir, that it gives me more pain to be thus obliged to decline it than it would give me trouble to make the report; but, in a conflict between my wishes and my sense of duty, there ought to be no question which I should obey.

I may be wrong in my view of the subject; the order may be sanctioned by former precedents; but my predecessors in office have left nothing for my guidance, and I am constrained, therefore, to act on my own construction of the law as it stands.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM WIRT.

The Hon. HENRY CLAY, *Speaker of the House of Representatives U. S.*

16th CONGRESS.] No. 483. [1st SESSION.

PLAN FOR ENFORCING THE SPEEDY PAYMENT OF MONEY DUE FROM INDIVIDUALS AND CORPORATE BODIES TO THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 15, 1820.

SIR: TREASURY DEPARTMENT, *February* 11, 1820.

In obedience to a resolution of the House of Representatives of the 4th instant, directing the Secretary of the Treasury "to report to this House such measures as, in his opinion, may be expedient to enforce the more speedy payment of public moneys due from individuals and corporate bodies to the United States," I have the honor to submit the two enclosed extracts of reports made by the heads of the principal Executive Departments during the second session of the fourteenth Congress, and an extract from a report made by the Secretary of the Treasury to the House of Representatives on the 2d of February, 1817.

From these extracts it will appear that the difficulties of enforcing the payment of public money in the hands of persons who have obtained possession of it as officers consists, first, in the defect of power to compel the party to render his accounts; and, secondly, to enforce the immediate payment of what may be found to be due. The evils described in those reports have been increasing, and will continue to increase until an appropriate remedy shall be provided.

Immense sums will be lost in the settlement of the accounts which accrued during the late war for the want of an efficient remedy against defaulting officers.

On the 20th of April, 1818, an act was passed, entitled "An act supplementary to the several acts relative to direct taxes and internal duties;" by the eighth and ninth sections of which a remedy was intended to be given against banks which should fail to discharge their notes, on demand, in the hands of the Government. Under this act, a suit has been instituted against a bank in one of the States, but which has hitherto been without effect, as, by the laws of the State in which the suit has been brought, there is no process by which a corporation can be brought into court. The defect in the act of the 20th of April, 1818, which was not then foreseen, has not been removed by legislative interference. It is, therefore, respectfully submitted that it be enacted that a service upon the president or cashier of a bank, by leaving a notice at the banking-house, or at the house of such president or cashier, be a sufficient service within the provisions of the said act; and that, on default to appear and plead, judgment shall be entered by default against such corporation; and that the proceedings therein directed against the persons summoned as garnishees shall be had. As some of the banking companies, corporate and unincorporate, the notes of which, during the general suspension, were received on account of the Treasury, have been dissolved, and are no longer represented by officers of the above description, it may be proper to provide for such cases.

The individuals who are indebted to the Government are, generally, the importers of foreign merchandise and the purchasers of public lands.

The refusal of credit at the custom-house, as long as a revenue bond shall remain due, if rigidly enforced, will insure sufficient punctuality in the discharge of debts of that description, except in extraordinary circumstances. But the purchasers of public land have no strong inducement to punctuality.

The failure to pay the instalments upon previous purchases as they become due does not, as in the case of custom-house bonds, deprive them of credit at the land offices.

The payment of interest at the end of five years, as the condition upon which the term of payment for five years longer is usually granted, is the only penalty attached to the want of punctuality in this class of the public debtors. As long as this course shall be pursued, it cannot be expected that any considerable degree of punctuality will be observed by the purchasers of the public land. The abolition of the credits now allowed to purchasers, or the refusal of credit in all cases where an instalment is not paid when it becomes due, will be necessary to secure the collection of that portion of the public revenue which is to be derived from the national domain.

Of the sum of $22,000,657 54, now outstanding, on account of sales made prior to the 30th of September, 1819, and the payment of which has not already been postponed by law, the sum of $4,520,340 49 will be payable during the current year. During the year 1821 there will, from sales already made, be payable a sum exceeding $5,000,000. If to these sums should be added the money that will be paid on account of purchases which will probably be made during those years, and the sums which will become due, where the time of payment has already been extended, the annual receipts during that period, it is believed, would not fall short of $6,000,000 if punctuality should be enforced. Experience, however, forbids the expectation that a sum exceeding the half of that amount will be received during the present or ensuing year.

I remain, with respect, your most obedient servant,

WM. H. CRAWFORD.

Hon. SPEAKER *of the House of Representatives.*

Extract from a report of the Secretary of the Treasury, prepared in obedience to the resolution of the House of Representatives of the 2d February, 1817.

It may be proper, in closing this report, to bring into view subjects which, though not strictly embraced by the resolution, are fairly incidental to it. Among these may be mentioned the inconvenience and loss to which the Treasury is subjected by suffering, in particular States, landed property to be set over to the United States, upon appraisements, in discharge of debts arising from custom-house bonds.

The property is always appraised for more than it will sell for. It has, therefore, been generally retained, with a view to realize the sum at which it has been received. In the mean time, for want of proper agents, or, indeed, agents of any kind, it remains not only unproductive, but generally becomes less valuable. This principle seems to have been adopted from a respect to the State laws. Its inequality is, however, a sufficient argument against its continuation, independent of the loss which the treasury suffers from it. In some of the States where the United States are subjected to this inconvenience, the States have taken better care of their own interests, by excepting them from the operation of it. If the law, in this regard, be not changed, it will be necessary to authorize the appointment of agents in those States to take charge of the real property to which the United States are already, or may hereafter become, the owners; or else it will be necessary to make sale of them, with as little delay as possible, without regard to the loss which may be incurred.

If it be judged expedient to legislate upon the subject, it may be proper to authorize the sale of those lands by the marshal, with the power to make titles to the purchaser. Under the existing law, the practice is for the Secretary of the Treasury to execute the titles.

Extract of a letter from the Secretaries of the several Departments to the Chairman of the Committee of Ways and Means, respecting the accountability of the public officers and agents, dated

DECEMBER 31, 1816.

We have the honor to acknowledge the receipt of your letter of the 22d instant, requesting information on the following subjects, viz:

1. Is it intended to apply the power of imprisonment and sale of property, proposed in a late report to the Senate from the Secretaries of Departments, to cases of property, as well as money, which may be withheld from the Government by its officers?

2. Is it proposed to allow any judicial examination into the claim of the United States, either when an officer who has received money from the Government claims credits not admitted in his accounts, or when a citizen is charged by a Department as a depositary of public moneys which he denies having received?

3. Would the accountability of public officers be sufficiently secured if the different proposals contained in the report above referred to were all to be adopted, with the exception of that for the establishment of a new Department?

In answer to the first inquiry, it is proper to observe that the reasons for resorting to the arrest and imprisonment of the defaulting officer, where property is embezzled or withheld, are equally strong as in the case of money. It is presumed that imprisonment would be resorted to only where there is a deficiency of property to satisfy the demand, or in the case of a refusal to settle accounts when adjustment of the accounts of others is dependant upon such settlement. In both of these cases, but particularly in the latter, the most rigid exercise of the powers vested in the Government would be indispensable.

A judicial examination, where the officer should allege that injustice had been done in the settlement of his accounts, would perpetuate the delays in the settlement of the public accounts, which have produced the derangement in the accounting offices, that are intended to be remedied by the summary procedure recommended by the report. It is highly improbable that injustice will be practised by the auditing officers; but, if it should happen in any case, the appeal should be to Congress, who will always grant relief.

It is not intended to apply the summary procedure proposed in the report to the Senate to any other persons than officers of the Government. If the Government confides the public property to other persons than officers, their rights as individuals ought not to be affected. It is not proposed to extend the principle beyond the necessity which has produced its application to a certain description of officers. Justice and consistency require that it should apply to the disbursing as well as to the collecting officers of the Government.

Extract from the report of the Secretaries of the different Departments to the Senate, respecting the prompt settlement of the public accounts, dated

DECEMBER 6, 1816.

If the officer intrusted with the recovery of public money were authorized to issue an execution for the sum appearing to be due, either upon the settlement, or the failure to settle when called upon for that purpose, and that the execution so issued should be satisfied by the distress and sale of the delinquent's property, and that of his securities, one of the most formidable obstacles to the annual settlement of the public accounts would be surmounted.

It is believed that there is no constitutional objection to the adoption of this principle in relation to the officers of the Government who improperly hold the public money. Under the law imposing the direct tax, the collector, on default of payment, is authorized to make the amount due by the levy and sale of the defaulter's property.

In this case, there is nothing on the part of the defaulter but a breach of the general implied obligation, which every citizen owes to the community, to contribute to the wants of the State in proportion to the property which he possesses. This breach may frequently be the result of inevitable necessity, and but seldom brings his integrity in question. In the case of the delinquent officer, there is, in most cases, a direct breach of special confidence, involving the odious charge of peculation or embezzlement. Is there any reason why the remedy of the Government should be more summary in the former than in the latter case? Is there not, on the contrary, a clear distinction between the two cases, entirely in favor of the defaulter? Can it be considered more important to the community that the revenue should be rigidly collected than that it should be faithfully and honestly disbursed? Has the difference in the remedy arisen from the consideration that the one has withheld from the Government a hundred cents which he ought to have paid, whilst the other has embezzled a thousand dollars of the public money thus summarily collected? There can be no doubt that the different remedies in the two cases have resulted from the want of sufficient reflection, and not from design. The subject is now presented to the view of the Senate; and no doubt is entertained but that enlightened body will satisfy the demands of reason and of justice.

It may be proper to observe that the principle now recommended has been applied by the laws laying direct taxes to the collectors of the internal revenue. The Legislature, in relation to that class of officers, has even authorized the arrest and imprisonment of collectors who fail to collect, or neglect to pay after collection, and the seizure and sale of the property, real and personal, of his securities, during the imprisonment. As the principle has already been applied to cases arising out of the collection of the revenue, it is respectfully conceived that reasons more cogent call for its application to the disbursing officers of the Government. The different rules established in relation to these two classes of officers, if persevered in, cannot fail to present the idea that the Government is more astute in devising means to raise and collect revenue than in enforcing a faithful application of it when collected.

16th CONGRESS.] No. 484. [1st SESSION.

CITY OF WASHINGTON: PUBLIC BUILDINGS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, ON THE 16TH FEBRUARY, 1820.

Mr. COBB made the following report:

The Committee on the Public Buildings, in reporting the accompanying bill, making appropriations for continuing the work on the centre building of the Capitol, and other purposes, would take occasion to observe:

That, since the conflagration of the public buildings in 1814, appropriations have been made by Congress for the following purposes: 1. Rebuilding and repairing the north and south wings of the Capitol. 2. Rebuilding and repairing the President's house. 3. Rebuilding and repairing the two old executive offices. 4. Covering with slate the two old executive offices. 5. Building and enlarging the offices to the President's house. 6. Repairing and finishing the wall, gates, railing, &c. north of the President's house. 7. Graduating and improving the President's square. 8. Erecting two new executive offices. 9. Purchasing a lot of land, and furnishing a supply of water for the use of certain public buildings. 10. A temporary building for committee rooms. 11. Enclosing and improving the Capitol square. 12. Purchasing fire engines, and building houses for the same. 13. The erection of the centre building of the Capitol.

1. *Rebuilding and repairing the north and south wings of the Capitol.* On examination, the committee find that the sum of $679,159 14 has been expended upon this object, between the 13th of February, 1815, and the 1st January, 1820, and for which sum the accounts are in a course of settlement at the proper office. There are other expenditures for which the accounts have not been settled; but it is believed the appropriation made at this session for supplying the deficiency in former appropriations will be amply sufficient to cover them. A further appropriation is called for, towards the completion of the wings, of $1,500, as contained in the estimates of Mr. Bulfinch, the architect, for "painting the inside of both wings," and which he thinks indispensable. The expenses of such additions and alterations as the two branches of Congress may order for their greater comfort and accommodation, must be provided for as the cases arise. The expenses of this nature, already incurred and directed during the present session, amount, as appears by the paper marked A, to the sum of $1,367, which, with the $1,500 mentioned above, is all that will be required at this time for the wings.

2. *Rebuilding, repairing, and finishing the President's house.* From the 13th of February, 1815, to the 1st of January, 1820, the expenditures on this building have amounted to $246,490, as appears from the accounts of the commissioner. The porticoes which were to have been erected on the north and south fronts of it, according to the original designs, are the only material parts remaining unfinished. The committee think it unnecessary to erect them at this time. Annual repairs, incident to every building, and some alterations for greater comfort, the expenses of which will be inconsiderable, are the only purposes for which an appropriation will now be necessary.

3. *Rebuilding and repairing the two old executive offices.* Within the same period, the sum of $68,317 09 has been expended upon this object. It appears that the work was done by contract with certain individuals by the

former commissioners. The materials employed, and the workmanship of a large part of the wood work, are highly objectionable, and will require to be renewed within a very few years. At present, a further appropriation is not deemed necessary.

4. *Covering with slate the two old executive offices*, for which an appropriation of $10,000 was made by an act of Congress of March 3, 1819. This object has not yet been accomplished, from circumstances not necessary to be mentioned; but the committee think it highly essential for the security of the buildings and their contents.

5. *Building and enlarging the offices to the President's house*, to which, by the acts of the 20th of April, 1818, and the 3d of March, 1819, the sum of $15,137 was appropriated. The work is yet unfinished, but is in progress, and an assurance is given to the committee by the commissioner that the sum will be sufficient to complete it.

6. *Repairing and finishing the wall, gates, railings, &c. north of the President's house*, for which the appropriations made by the acts of the 20th of April, 1818, and the 3d of March, 1819, amount to $8,862. The committee are informed that this sum will be sufficient for the object, upon the plan adopted. The work is not yet finished.

7. *Graduating and improving the President's square.* By the estimates submitted in the year 1818, the sum required for this purpose was $16,333. By the act of the 20th April, 1818, Congress appropriated $10,000, which is not yet entirely expended. It is ascertained that to finish the work according to the design on which it has been commenced, and in a style corresponding with the buildings and other improvements of the square, a considerable sum will yet be required. Believing, however, that the work is not indispensable at this time, the committee do not think proper to recommend a further appropriation.

8. *Erecting two new executive offices.* The expenditures upon these buildings have been $191,756 71, being $11,015 71 more than the appropriation. This excess has been supplied by the act of this session, and it is not known to the committee that any further sum is necessary at this time. As far as they could judge, the work upon these edifices has been done in a most substantial manner and handsome style.

9. *Purchasing a lot of land, and furnishing a supply of water for certain public buildings*, (those on and adjacent to the President's square.) By the act of the 3d of March, 1819, the appropriation for this object was $9,125. The high price asked by the owner of the lot, and other circumstances, prevented the expenditure of the money, and, as heretofore stated, it was transferred, for a time, to another purpose. It is now replaced, and the committee believe the object too important to be yet relinquished. Although they are not satisfied that the sum will be sufficient, they do not think it necessary now to recommend its increase.

10. *Erecting a temporary building for committee rooms*, for which the sum appropriated was $3,634, by the act of the 20th of April, 1818. The building is completed and now in use, and it is understood the appropriation will be amply sufficient, and perhaps more than sufficient.

11. *Enclosing and improving the Capitol square*, for which, by the acts of April 29th, 1816, and March 3d, 1817, the aggregate sum of $68,658 was appropriated. The expenditures, according to the accounts shown by the commissioner, have amounted to the sum of $71,602 57, and a further sum of $1,147 25 remains due and unpaid. The committee refer to Colonel Lane's letter, marked B, as well to account for this excess, as for the manner in which a part of it has been supplied. The wall and iron railing have been completed. The gates (being seven in number) are yet to be made and fixed. The committee are of opinion that the work is well done, of lasting materials, and upon unobjectionable terms. It is scarcely necessary that the gates should be undertaken this year. The work upon the grounds has been commenced; but, until the materials, workshops, &c., now spread over them, and wanted for the centre building, can be removed, it is inexpedient to appropriate money for its completion. The architect, in his estimate, herewith submitted, has called for the sum of $1,500 for graduating the hill in some parts, and for raising the earth in others, as well for greater convenience in carrying on the work of the centre building, as eventually improving the appearance of the grounds on the west side of the Capitol. If, indeed, this is *necessary*, in the progress of the centre building, (and the committee have been assured that it is,) there can be no objection to the appropriation.

12. *Purchasing fire engines, and building houses for them.* The sum appropriated for this purpose by the act of the 3d of March, 1819, was $4,500; the appropriation was diverted to the completion of the wings of the Capitol, but has been replaced by the appropriation already made during this session. The engines have been procured, and the sum is believed to be sufficient to answer the purposes intended.

13. *The erection of the centre building of the Capitol.* A committee of this House, in the session of 1817–'18, by their report, recommended the commencement of this work; and, by an act passed on the 20th of April, 1818, the sum of $100,000 was appropriated for this purpose. The act of March 3d, 1819, appropriated a further sum of $136,644 for the same object. With these sums the walls of the building have been raised as high as was contemplated; and the expenditures have conformed as nearly as could be to the estimates. Upon the requisition of a former committee of this House, the plan has been changed from the design of the late architect, Mr. Latrobe, so as to afford more convenience, and a greater number of necessary rooms. This alteration has been approved by the President, and it is believed that it will not affect either the beauty of the building, or increase the cost of erection, inasmuch as its external appearance is substantially preserved, and its size diminished. The committee have examined the materials and style of workmanship of what has been done, and have been well satisfied with both. Having an eye to the necessity of curtailing the expenditures of Government at the present period as much as possible, their first inquiry was as to the expediency of suspending this work until a more flattering account of the state of the treasury should be presented. They do not hesitate in saying that prudence and economy both require that the building should be urged as fast as a proper regard for its faithful execution will permit, until the walls shall be raised to the intended height, and the whole covered, so as to be effectually protected from injury by the action of the weather; leaving to future deliberations of Congress to judge of the propriety of completing its interior. To this object the committee directed the commissioner and architect to prepare and conform their estimates for the ensuing year. The estimate is hereto annexed, marked C, amounting to $114,769, inclusive of the two sums required, as hereinbefore stated, for painting the inside of the wings, and the improvement of the grounds west of the Capitol.

Before closing their report, the committee think it proper to observe that, in so far as the public buildings have advanced, the unexpected expenses of their repairs, since their conflagration inclusive, the appropriations heretofore made, and to be made until they shall be completed, can only be considered, for the most part, as advances made at the Treasury, which will be reimbursed by the sales of the public property in the city of Washington, which has cost the Government but little. At the time of the cession of this territory as the seat of the General Government, this property was considered as a source of revenue which would be amply sufficient for the erection of all the public buildings; and, if the document herewith presented, marked D, is not unreasonable, it will yet be sufficient to complete such as are undertaken. But for their destruction, there is no doubt of the correctness of the calculation, made many years since, of the sufficiency of the fund for its object.

A.

Account of work done on the wings of the Capitol since December 1, 1819, *by order of the two Houses of Congress, viz:*

Alterations of President's seat, Senate chamber, making canopy, &c.	$20 00
Repairs on four committee rooms, north wing, viz:	
Plasterer's and painter's work,	100 00
Setting four chimney-pieces, at $20 each,	80 00
Four hearths, at $12 each,	48 00
One stone chimney-piece,	12 00
South wing:	
Making necessary,	40 00
Iron rods, and fixing chandeliers, 539½ lbs. at 20 cents per lb.,	107 90
New skylight, viz:	
Carpenter's work,	100 00
Painter's work, and glazing,	40 00
Glass,	130 00
Bill of iron work,	189 20
	867 10
Estimated cost of making skylight in Representatives room, to conform to the curve of the ceiling, with necessary scaffolding, repairs, and pipes for conveyance of water,	500 00
	$1,367 10

CHARLES BULFINCH,
Architect of Capitol United States.

FEBRUARY 9, 1820.

B.

OFFICE OF COMMISSIONER OF PUBLIC BUILDINGS,
WASHINGTON, *February* 4, 1820.

SIR:

In carrying into effect the act of April 29, 1816, for enclosing and improving the Capitol square, after determining the plan of the work, it was thought most advisable to offer the execution of it to the competition of the public. Notices inviting separate proposals for each part of the work were accordingly issued, and the proposals of Griffith Coombe being accepted, a contract was entered into with him, and the work immediately commenced. The act above mentioned authorized the enclosure of that part of the square lying east of the Capitol only; but, at their next session, Congress directed a semicircular area west of the Capitol to be included. By this arrangement, the line of enclosure intended to pass on the east front of the Capitol, and embraced by Mr. Coombe's contract, was rendered unnecessary, and a modification of the contract followed. It was finally agreed between Mr. Coombe and myself that his contract should be extended to embrace the semicircular area, in lieu of the straight line referred to, with such additional allowance for *circular* work as should be awarded by referees to be mutually chosen after the work was completed. Colonel George Bomford and Mr. Robert Leckie were chosen for this purpose. From the nature of the agreement, the amount payable to Mr. Coombe could not be ascertained until the work was done. It happened to exceed the sum I had calculated upon. The payments already made amount to $71,602 57, and there remains due to Mr. Coombe the further sum of $1,147 25. After exhausting the appropriation, I resorted, for the payment of some pressing claims, to the centre fund. In this way the appropriation has been unintentionally exceeded by the sum of $4,091 82. I need not add that this sum is greatly wanted.

I have the honor to be, with great respect, your obedient servant,
SAMUEL LANE, *Commissioner of Public Buildings.*

Hon. THOMAS W. COBB, *Chairman of the Committee of Public Buildings.*

C.

SIR:

JANUARY 18, 1820.

Agreeably to your desire, I enclose, to you an estimate of the amount that will be wanted for the further progress of the work on the Capitol of the United States, for the year 1820, as follows:

For preparing and setting stone work now on hand for the east wall, and walls of western projection, and colonnade of lower rotundo,	$15,600 00
Six hundred tons of freestone for upper rotundo, at $10 per ton,	6,000 00
Working and setting the same,	5,400 00
Fifteen hundred perches blue stone for backing the walls, labor and mortar included, at $5 per perch,	7,500 00
Two million bricks, labor and mortar included, at $13 per thousand,	26,000 00
Timber and boards for roof of west projection, for centring of arches for doors and windows, scaffold poles, erecting the same, and labor,	3,600 00
Carpenter's work, making centres, frame, roof, &c.,	15,585 00
Laborers attached to carpenters,	1,878 00
Nails and spikes,	1,500 00
Two iron bands bedded in the stone, to surround the walls, 5,000 lbs. each, is 10,000 lbs. at 10 cents per lb.	1,000 00
Carving capitals to pilasters and trusses to windows,	10,000 00
15,890 feet of copper for the roof, 16 ounces to the foot, at 40 cents per foot,	6,356 00
1,000 lbs. block tin for do., at 35 cents per lb.,	350 00
Painting the inside of both wings,	1,500 00
Work on regulating grounds, west side,	1,500 00
1,000 tons of freestone, to be procured for use in 1821, and worked in the winter,	10,000 00
Carting the same,	1,000 00
	$114,769 00

CHARLES BULFINCH,
Architect of Capitol United States.

SAMUEL LANE, Esq., *Commissioner of Public Buildings.*

D.

Expenditures on the wings of the Capitol to the destruction of the same, August, 1814,	$788,071 08	
On the President's house, do.	333,207 04	
On the public offices, do.	93,013 82	
		$1,214,291 94
Erecting two additional buildings for executive offices,		191,671 08
Repairs on wings of Capitol to January, 1820,	679,159 14	
Repairs on the President's house,	246,490 00	
Repairs on the public offices,	68,317 09	
Contingent expenses,	15,673 02	
		1,009,639 25
		$2,415,602 27

Statement of resources for erecting Public Buildings in the city of Washington.

Donation from the State of Virginia in 1791, towards public buildings,	$120,000 00	
Donation from the State of Maryland,	72,000 00	
Amount of sales of public lots to January 1, 1820,	706,811 88	
		898,811 88
Valuation of public property, viz:		
5,155 building lots for sale, at $180, the average price of former sales,	927,900 00	
542 acres of ground reserved for the use of the United States, at same rate,	740,000 00	
Land and freestone quarries, wharves and water lots,	48,000 00	
		1,715,900 00
		$2,614,711 88

From the foregoing statement, it appears that the donations and actual sales, together with the public lands, at a very *low estimation*, will more than balance the amount of expenditure at the present time.

But if we add to the amount expended of	$2,415,602 27
The probable expense of the centre of the Capitol, and completing the square,	800,000 00
The amount will be	$3,215,602 27
And if to amount of resources of	$2,614,711 88
Is added on the value of the land	1,668,800 00
To make double the present low estimate, this amount will be	$4,283,511 88

It seems but reasonable to anticipate the above increase in value of this property, from the natural growth of the city, under the fostering care of the Government.

If this expectation should be realized, it will appear that the public buildings have been erected from the proceeds of property *created* by locating the seat of Government in this place, and that a fund will remain for further improvements.

E.

SIR: WASHINGTON CITY, *February* 1, 1820.

The following statement is respectfully submitted of work and materials required for the preservation of the President's house and its appurtenances, to keep them in a complete state of repair, and to make good dilapidations from the weather, &c. during the current year.

To work of fixtures, repairs, &c.,	$600 00
To lumber, glass, nails, &c.,	500 00
	$1,100 00

I am, respectfully, sir, your obedient servant,

JAMES HOBAN, *Architect President's House.*

SAMUEL LANE, Esq., *Commissioner of Public Buildings.*

16th Congress.] No. 485. [1st Session.

EXPENSES OF THE JUDICIARY IN THE DISTRICT OF COLUMBIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 7, 1820.

SIR: TREASURY DEPARTMENT, *March* 3, 1820.

In obedience to a resolution of the House of Representatives of the 20th of January last, directing the Secretary of the Treasury "to report to the House the amount of fines, penalties, and forfeitures imposed, levied, and collected in the District of Columbia by order of the circuit court of the United States for the said District, in each year, from the year 1801 to the year 1819, both inclusive; and that the said Secretary also state what part of the expenditure stated in his report to this House made at the present session* of the expenses of the judicial system of the said District since the assumption of jurisdiction by Congress has been incurred on account of the district court of the United States, and on account of the sittings of the Supreme Court of the United States within the said District," I have the honor to submit the enclosed letter and statements from the Register of the Treasury.

I remain, with respect, your most obedient servant,

WM. H. CRAWFORD.

Hon. HENRY CLAY, *Speaker of the House of Representatives.*

SIR: TREASURY DEPARTMENT, REGISTER'S OFFICE, *March* 3, 1820.

I have the honor to transmit the following statements, prepared and collected in obedience to a resolution of the House of Representatives of the United States of the 20th January, 1820, viz:

No. 1. A statement of the expenses of the judicial system of the District of Columbia since the assumption of jurisdiction by Congress, showing the amount incurred on account of the district court of the United States, and on account of the sittings of the Supreme Court of the United States within the said District.

No. 2. Statement of fines, penalties, and forfeitures laid and collected by the circuit court of the District of Columbia for the county of Washington, from the year 1801 to the year 1819, both inclusive.

No. 3. Statement of fines, penalties, and forfeitures in the circuit court for the District of Columbia for the county of Alexandria from the 1st April, 1801, to the 1st April, 1819.

No. 4. Statement of moneys accounted for to the levy court of Washington county for fines, penalties, and forfeitures.

No. 5. Certificate of Tench Ringgold, Esq., marshal, of the amount of fines, penalties, and forfeitures collected by him from April, 1818, to February, 1819.

No. 6. Letters from William Brent, Esq., clerk of the circuit court for the county of Washington.

No. 7. Letter from Edmund I. Lee, Esq., clerk of the circuit court for the county of Alexandria.

I have the honor to be, with great respect, sir, your most obedient servant,

JOSEPH NOURSE, *Register.*

Hon. WILLIAM H. CRAWFORD, *Secretary of the Treasury.*

* That report varies from this only by showing the disbursements for the salaries of the circuit judges to have amounted to $106,878 32 since 1801 to the close of 1819.

No. 1.

A statement of the expenses of the judicial system of the District of Columbia since the assumption of jurisdiction by Congress, showing the amount incurred on account of the district court of the United States, and on account of the sittings of the Supreme Court of the United States within the said District: prepared in obedience to a resolution of the House of Representatives of the 20th of January, 1820.

Years.	SUPREME COURT.					DISTRICT COURT.								Aggregate.	Terms.
	Compensation of marshal.	Compensat'n of attorney & clerk.	Costs taxed.	Contingent expenses.	Total.	Compensat'n of marshal.	Compensat'n of attorney & clerk.	Grand and petit jurors.	Witnesses.	Contingent expenses.	Costs taxed in public prosecutions.	Commission.	Total of the district court.		
1801	$65 00	$150 00	–	$114 70	$329 70	$587 10	$586 60	$2,565 77	$565 95	$1,474 36	$1,116 45	$209 90	$7,106 13	$7,435 83	From April, 1801, to Dec. 1801.
1802	*65 00	*150 00	–	*114 70	*329 70	*754 20	*783 20	1,981 45	913 75	*1,358 06	3,906 91	154 14	*9,851 71	10,181 41	From Jan. 1802, to Nov. 1802.
1803	*65 00	*150 00	–	*114 70	*329 70	*1,081 12	*2,403 56	*3,969 90	*1,015 15	*2,976 37	*831 69	*277 78	*12,555 57	12,885 27	From Dec. 1802, to July, 1805.
1804	*65 00	*150 00	–	*114 70	*329 70	*694 06	*1,092 40	*3,965 00	*1,005 25	*1,318 52	*2,940 59	*264 20	*11,280 02	11,609 72	
1805	135 00	525 34	–	316 38	976 72	405 80	610 80	1 55	651 75	749 25	2,594 65	129 28	5,143 08	6,119 80	From Sept. 1805, to Feb. 1806.
1806	*135 00	*525 34	–	*316 38	*976 72	*1,166 60	*1,374 06	25 45	1,053 14	*1,514 66	4,778 07	229 03	*10,141 01	11,117 73	From Mar. 1806, to Ap'l, 1807.
1807	*135 00	*525 34	–	*316 38	*976 72	*624 06	*717 06	3,965 00	1,005 25	*1,382 36	2,940 59	264 20	*10,898 52	11,875 24	From June, 1807, to Dec. 1807.
1808	195 50	733 89	–	418 69	1,348 08	268 73	382 00	1,068 45	204 35	1,173 56	–	99 53	3,196 62	4,544 70	From Feb. 1808, to June, 1808.
1809	*195 50	*733 89	–	*418 69	*1,348 08	*888 80	*1,317 34	3,545 15	660 50	*1,642 13	3,526 93	291 27	*11,872 12	13,220 20	From July, 1808, to June, 1809.
1810	*195 50	*733 89	–	*418 69	*1,348 08	*950 62	*1,819 67	3,969 90	1,015 15	*2,571 67	831 69	277 78	*11,436 48	12,784 56	From July, 1809, to June, 1810.
1811	*195 50	*733 89	–	*418 69	*1,348 08	*692 50	*678 11	4,378 90	982 52	*1,976 69	2,009 10	265 54	*10,983 36	12,331 44	From July, 1810, to July, 1811.
1812	*195 50	*733 89	–	*418 69	*1,348 08	*703 30	*792 41	4,045 25	1,606 05	*2,445 79	3,625 23	329 58	*13,547 61	14,895 69	From Nov. 1811, to July, 1812.
1813	*195 50	*733 89	–	*418 69	*1,348 08	*673 70	*681 11	2,958 60	849 45	*3,109 14	2,609 78	277 55	*11,159 33	12,507 41	From July, 1812, to June, 1813.
1814	195 00	390 00	$1,025 66	487 94	2,098 60	280 80	425 00	1,283 50	476 12	2,023 79	744 21	165 93	5,399 35	7,497 95	From Nov. 1813, to Feb. 1814.
1815	175 00	1,537 65	–	816 85	2,529 50	738 80	1,180 00	3,609 10	1,267 75	1,950 75	2,778 53	318 68	11,843 61	14,373 11	From Ap'l, 1813, to June, 1815.
1816	240 00	1,290 12	–	438 40	1,968 52	1,104 46	3,276 84	3,334 00	1,771 40	7,170 74	1,694 55	559 42	18,911 41	20,879 93	From Nov. 1815, to Feb. 1817.
1817	210 00	1,546 95	–	523 31	2,280 26	536 86	1,124 55	2,344 50	1,600 29	6,079 21	2,240 99	366 20	14,292 60	16,572 86	From Ap'l, 1817, to Feb. 1818.
1818	210 00	420 00	721 37	505 37	1,856 74	605 20	930 00	2,911 10	1,657 50	4,159 27	6,100 32	502 80	16,866 19	18,722 93	From Ap'l, 1818, to Dec. 1818.
1819	200 00	410 00	–	4,173 28	4,783 28	341 80	550 00	1,819 25	885 78	6,796 29	2,675 29	312 15	13,380 56	18,163 84	From Feb. 1819, to June, 1819.
Totals,	$3,068 00	$12,174 08	$1,747 03	$10,865 23	$27,854 34	$13,098 51	$20,724 71	$51,741 82	$19,187 10	$51,872 61	$47,945 57	$5,294 96	$209,865 28	$237,719 62	

To this sum, suspended on the settlement of W. Boyd's account, not yet admitted to his credit, - - - - -	$820 49	
Balance due by T. Ringgold, marshal, which sum will be accounted for in his settlement for the December term, 1819, - - -	7,969 97	
	8,790 46	
Deduct balance to the credit of D. C. Brent, late marshal, - - - - - - - - -	78 72	
		8,711 74
Total amount of advances to the marshals, as per statement rendered 10th January, 1820, - - - - -	–	$246,431 36

* From the destruction of the vouchers in 1814, we have no other means of stating the several items of expenditures than by estimate, compared with other years.

TREASURY DEPARTMENT, REGISTER'S OFFICE, *February* 29, 1820.

JOSEPH NOURSE, *Register.*

No. 2.

An account of fines, penalties, and forfeitures laid and collected by the circuit court of the District of Columbia, for the county of Washington, from the year 1801 *to the year* 1819, *both inclusive.*

Year.	Term.	Fines.	Costs.	Tobacco.
1801,	December, - - -	$26 00	$10 00	249⅕
1801,	June.			
1801,	September, - - -	54 01	82 88	2,225⅕
1802,	March, - - -	237 00	259 50	4,576
1802,	July, - - -	98 00	82 25	2,359
1802,	December.			
1803,	July, - - -	186 14	59 92	1,923
1803,	December, - - -	128 00	145 75	2,075
1804,	July, - - -	356 72	123 21	2,174⅔
1804,	December, - - -	74 00	66 25	1,810
1805,	July, - - -	296 50	144 00	5,680⅕
1805,	December, - - -	49 00	147 42	4,689
1806,	June, - - -	28 00	120 53	3,805
1806,	December, - - -	874 91	117 25	4,940
1807,	June, - - -	45 00	85 59	1,166⅔
1807,	December, - - -	31 00	117 69½	2,165⅕
1808,	June, - - -	15 00	30 41½	77⅕
1808,	December, - - -	66 00	147 49	450
1809,	June.			
1809,	December, - - -	107 00	117 68½	180
1810,	June, - - -	423 33½	140 82	
1810,	December, - - -	5 00	54 93	
1811,	June, - - -	42 00	90 22	
1811,	December, - - -	10 05	118 50	
1812,	June, - - -	145 00	131 33	
1812,	December, - - -	381 00	144 73½	
1813,	June, - - -	26 00	86 32	
1813,	December, - - -	4 00	49 83½	
1814,	June, - - -	8 00	158 42	
1814,	December, - - -	5 00	21 01	
1815,	June, - - -	201 00	59 75	
1815,	December, - - -	61 01	144 50	
1816,	June, - - -	81 00	198 75	
1816,	December, - - -	104 06	402 58	
1817,	June, - - -	55 00	96 63	
1817,	December, - - -	21 00	93 86	
1818,	June, - - -	653 00	173 06	
1818,	December, - - -	86 00	155 16	
1818 & 1819,	Per Mr. Ringgold's certificate herewith,	836 38		
		$5,820 11½	$4,178 24½	40,546 lbs.
	Add 40,546 lbs. tobacco, at 12*s.* 6*d.* - -		675 72⅔	
	Costs, - - - - -		4,853 97	
	Fines, - - - - -		5,820 11½	
			$10,674 08½	

No. 3.

A list of fines, penalties, and forfeitures in the circuit court of the District of Columbia, for the county of Alexandria, from the 1*st day of April*, 1801, *to the* 1*st day of April*, 1819, *inclusive.*

	Fines.	Penalties and forfeitures.		Payable to the Treasury of the United States.	Payable to the levy court of Alexandria county.
From 1801 to 1802,	$1,001 01	$275 00	Collected by the marshal, 1802,	$636 05	284 00
For 1803,	1,254 30	30 00	1803,	75 39	41 64
1804,	536 04		1804,	141 51½	79 01½
1805,	408 28		1805.		
1806,	162 11		1806,	47 25½	20 01½
1807,	160 04	200 00	1807,	81 26½	60 01½
1808,	293 72		1808,	66 50½	51 50½
1809,	142 09		1809,	92 28	53 53
1810,	369 82		1810,	40 04	4
1811,	188 67		1811,	19 75	50 06
1812,	39 54		1812,	17 50	
1813 & 1814,	756 06		1813 & 1814,	22 50	136 00
1815,	43 02		1815.		
1816,	235 00		1816,	2 50	10 00
1817,	172 56	20 00	1817,	20 15	150 00
1818,	503 02		1818,	18 75	300 00
1819,	515 02		1819,	3 75	60 01
	$6,790 30	$525 00		$1,365 30	$1,295 83

According to the records in this office, it appears that, of the above fines, penalties, and forfeitures, imposed within the periods above stated, the President of the United States has remitted at different times to the amount of $545 01.

In some cases, the offenders have proved insolvent, and no executions have been issued; and in others, no returns have been made by the marshal.

EDMUND I. LEE, *C. C.*

FEBRUARY 28, 1820.

No. 4.

Statement of moneys accounted for to the levy court of Washington county for "fines, penalties, and forfeitures," from June term circuit court, 1801, to December 31, 1812, as taken from the accounts of the marshals on file.

Periods of time for which the annexed amounts have been accounted for.	By whom accounted for.	Amount.
June and December term, 1801, - -	D. C. Brent, marshal, - -	$218 17
March and July, 1802, - -	D. C. Brent, marshal, - -	101 62½
December, 1802, and July and December, 1803, -	D. C. Brent, marshal, - -	350 85
December, 1803, and July, 1804, - -	D. C. Brent, marshal, - -	190 67
December, 1804, - - -	D. C. Brent, marshal, - -	152 83
From December, 1807, to December 31, 1812, -	W. Boyd, marshal, - - -	708 52

FEBRUARY 21, 1820.

No account has been exhibited by the marshals since the above date. It appears that a considerable portion of the above amounts has been expended at various times by the marshals in repairs to the jail in Washington city; the balance by the levy court itself on account of general expenses of the county. I am aware that the above statement is not so particularly detailed as you have requested, but I am possessed of no document which will enable me to state the subject-matter more in detail and fully.

I am, sir, very respectfully, your obedient servant,

JOHN MOUNTZ, *Clerk Levy Court.*

J. NOURSE, Esq.

No. 5.

MARSHAL'S OFFICE, D. C., *February* 22, 1820.

I certify that the amount of fines, forfeitures, and penalties collected by me, from the day I received the commission of marshal of this District to this date, is $836 38.

TENCH RINGGOLD, *Marshal District of Columbia.*

I received the commission of marshal in April, 1818. T. R.

No. 6.

SIR: WASHINGTON, *February* 22, 1820.

I send you enclosed an account of the fines, penalties, and forfeitures imposed, levied, and collected by order of the circuit court of the District of Columbia for the county of Washington, in compliance with the request contained in your letter of the 25th of January last. This account, so far as it depended upon my office, was prepared in a week after I received your first letter, and I only waited for the information contained in the enclosed certificate of Mr. Ringgold, of the fines, &c. collected by him, to enable me to forward it to you, which, owing to his engagements in the Supreme Court, I did not receive from him till this day.

I have the honor to be, very respectfully, sir, your obedient servant,

WM. BRENT.

JOSEPH NOURSE, Esq., *Register of the Treasury.*

SIR: WASHINGTON, *March* 2, 1820.

I have received your note of yesterday's date, with the enclosures. Mr. Lee informs me that his statement was made from returns rendered to his office annually since the origin of the court by the marshal. Not having received similar returns in my office from the marshal, I have not the means of altering my statement so as to make it conform to that of Mr. Lee, and I am therefore obliged to return it to you in the same shape it was originally sent. The second section of an act of Congress passed on the 3d of March, 1801, entitled "An act supplementary to the act entitled 'An act concerning the District of Columbia,'" directs how the moneys collected for fines shall be accounted for and paid over by the marshal; and I presume he has conformed to the provisions of that act. The statement made by me is derived from the returns of the marshal on executions issued for fines and costs. He has never stated to me how he applied the moneys thus collected by him.

I am, dear sir, very respectfully, your obedient servant,

WM. BRENT.

JOSEPH NOURSE, Esq., *Register of the Treasury.*

No. 7.

SIR: ALEXANDRIA, CLERK'S OFFICE, *February* 28, 1820.

According to your request, I now do myself the honor of enclosing to you the amount of fines, forfeitures, and penalties imposed, levied, and collected in the District of Columbia, for the county of Alexandria, by order of the circuit court of the United States for the county of Alexandria. I have, in my return, brought up the statement to the 1st of April, 1819, because the marshal is allowed until the 1st of next April to make his return to the office for the year beginning on the 1st of April, 1819. He makes his report annually, and that on the 1st of April in each year.

I am, respectfully, your most obedient servant,

EDM. I. LEE.

JOSEPH NOURSE, Esq., *Register of the Treasury.*

16th Congress.] No. 486. [1st Session.

CUMBERLAND ROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 10, 1820.

SIR: TREASURY DEPARTMENT, *March* 10, 1820.

It is ascertained by the examination of the accounts of Josias Thompson, late superintendent of that part of the Cumberland road which is west of the Monongahela river, that the sum stated in the estimates of the current year for satisfying the arrearages due under the contracts made in 1817 will not be sufficient for that purpose. To discharge the demands admitted by the superintendent, an additional appropriation of forty-four thousand dollars will be necessary. Doubts having arisen of the correctness of the conduct of the superintendent, he has been removed, and an investigation has been directed, with a view to ascertain whether impositions have not been practised upon the Government. This investigation, after having been commenced, was postponed until the 20th instant, when it will be resumed and brought to a speedy conclusion. It is not improbable that it will result in the exclusion of some part of the demands which have been admitted by the late superintendent, and are still unsatisfied. It is believed, however, that it will be expedient to make the appropriation, as no part of it will be expended but what is indispensable to the fulfilment of the public engagements made in 1817.

I enclose, for the perusal of the committee, a copy of the instructions under which the examination has been commenced, and of the report which has been made, assigning the reasons which had rendered its postponement necessary. A copy of my letter to the late superintendent is also enclosed.

I remain, with respect, your most obedient servant,

WM. H. CRAWFORD.

Hon. SAMUEL SMITH, *Chairman Committee of Ways and Means.*

SIR: TREASURY DEPARTMENT, *February* 10, 1819.

The estimate for completing that part of the Cumberland road which was contracted for in the year 1817, which is presented in the general estimates for 1819, was founded upon the estimates and statements furnished by the superintendents, and communicated to the Committee on Internal Improvement towards the latter end of the last session of Congress. On the 1st of September last, the superintendents were instructed to furnish on the 1st day of November a statement of the expenditures which had been made by them, respectively, and an estimate of the sums which would be necessary to satisfy the contracts which had been made in the above-mentioned year. This instruction was not complied with by the superintendent of the western part of the road until the commencement of the present year. The estimates which he has furnished, and which were immediately communicated to the Committee on Internal Improvement, exceed those made by him the last year by about $180,000. This sum, however, will be diminished by refunding of about $30,000, which was advanced to several of the contractors at the commencement of their undertakings. The sum now necessary to meet the demands under the existing contracts may be estimated at $150,000, in addition to the sum presented in the general estimate. It may be necessary to state that no new contract has been authorized since the meeting of Congress in 1817.

I am now authorized to state that contracts can be made for that part of the road between Uniontown and Washington at the rate of $9,500 per mile, including culverts, bridges, and all other incidental expenses, except the bridge across the Monongahela, if it should be deemed expedient to erect one over that river. The persons proposing are capable of complying with their engagements, and will bind themselves to complete the whole extent to be contracted for within two years from the date of their contract. Estimating the part yet to be contracted for at thirty miles, the expense of completing it will be $285,000.

I respectfully refer you to the estimates of the superintendent for the last and present year, which are in the possession of the Committee on Internal Improvement.

I have the honor to be, with great respect, sir, your obedient servant,

WM. H. CRAWFORD.

The Hon. SAMUEL SMITH, *Chairman Committee of Ways and Means.*

GENTLEMEN: TREASURY DEPARTMENT, *November* 30, 1819.

Doubts having been suggested that alterations in the location of the road, and in the manner of constructing it, in the dimensions of the bridges, and in the mode of constructing them, have been made or consented to by the late superintendent, injurious to the interest of the United States, it has been judged expedient by the President, as well from a sense of justice to the late superintendent as from a due regard to the national interests, that a full and complete examination be made into the premises, in order that justice may be done.

In the execution of this important and delicate service, he is desirous of obtaining the aid of persons in whose justice and impartiality unlimited confidence may be reposed. He has, therefore, directed me to request that you take upon yourselves this examination, and that you will proceed to the execution of it with as little delay as possible.

The superintendent will furnish you with such information as may be necessary to enable you to discharge this duty with intelligence and satisfaction to yourselves and to the parties. Mr. Thompson will also be informed of the institution of this inquiry, and you are requested to give him notice of the time when the examination will commence.

In drawing your attention to the principal causes of complaint, it is not intended to restrain your examination to them. On the contrary, you are invited to extend your inquiry to all and every other departure from the conditions of the contracts which may have occurred, and from the instructions which prescribed the duties of the superintendent. You will especially inquire into the mode of admeasurement adopted by him in ascertaining the price of bridges and mason work, and report your opinion of its propriety and justice. If, in your opinion, there has been an unnecessary expenditure of money in side walls, you will state the amount of such unnecessary expenditure.

By the instructions it will be seen that alterations of any kind were prohibited to the superintendent, without the previous sanction of this Department, except where they were very limited indeed. Should alterations have been made by him not warranted by the instructions, you will report them at large.

I am, &c.

WM. H. CRAWFORD.

To A. Lacock, Tho. Wilson, and Tho. McGiffin, Esqs.

Sir: Treasury Department, *December* 1, 1819.

The President has determined that it is expedient to cause the road constructed under your superintendence to be examined, as well to ascertain whether it has been constructed agreeably to contract, as to determine whether you have conformed to the instructions under which you acted. The persons requested to execute this service will give you notice of the time and place at which it will commence, in order that you may be present, if you think proper, and may furnish such explanations as may be necessary to the ends of justice, as well to yourself as to the Government.

I am, &c.

WM. H. CRAWFORD.

Josias Thompson, Esq., *Washington, Pennsylvania.*

Sir: Washington, Pennsylvania, *January* 3, 1820.

On Monday, the 20th ultimo, the undersigned met at Brownsville, and immediately entered upon the duties requested of us relative to that part of the United States' road lately superintended by Mr. Thompson, Mr. Mc Giffin advising us that he was unavoidably detained for some days at home by indisposition in his family, and would probably join us at Washington in the course of the week.

On our arrival at Washington, Mr. McGiffin being still detained, after a consultation with him, we concluded to proceed to Wheeling, which we accordingly did; and, after making such observations and general inquiries as the time and season permitted, returned to this place with a view of proceeding, if deemed practicable, to the actual investigations, inspections, and measurements necessary to ascertain all the material facts which might enable us to present a full report satisfactory to ourselves and the parties concerned.

On our arrival, Mr. McGiffin being present, we immediately entered into a deliberate consideration of the subject of inquiry, and the delays and difficulties to be encountered during the inclemency of the winter. The cold has become intense, the ground frozen, the snow of considerable depth, and increasing daily. Under these circumstances, we are convinced, by the attempts which we have already made, that much time would be consumed, and the result of the utmost vigilance likely to be very unsatisfactory should we proceed: in short, we are unanimously of opinion that a satisfactory inspection is impracticable at present, and that the uncertainty which must attend the appointment of any day during the winter requires a postponement until the spring. We have, accordingly, concluded upon an adjournment, to meet again on the 20th of March next, unless otherwise advised by the superintendent or the Secretary of the Treasury in the mean time.

So far as we have proceeded in viewing the road and examining the works, our observations having been necessarily general, we are not enabled to state results with precision; but deem it proper to present such a view of the subject as the present stage of the inquiry suggests. In doing this, little more is necessary than to observe that general appearances strongly corroborate the allegations which seem to have pointed out the particular subjects of inquiry embraced in your letter of instruction.

We are decidedly of opinion that unnecessary expense to a large amount has been incurred in the erection of bridges, when culverts would have been sufficient; side walls, when fillings of earth would have been less expensive, more permanent, and, in many instances, would have been effected at the expense of the road contractor; in unnecessary increase of dimensions of side and wing walls; the erection of expensive bridges where the stream might have been turned or avoided at a much less expense; and in the number of arches to each bridge. Deviations from the location are by Mr. Thompson admitted in several instances, one of which he admits to have been adopted without advising the Department. The effect of such deviations we have not ascertained, nor have we been able to examine the reasons assigned by Mr. Thompson in justification of them.

It is due to Mr. Thompson to state that he appears satisfied, and even solicitous, that the inquiry proceed with as little delay as possible; evinces every disposition to afford all the lights and facilities in his power; and is now engaged in preparing copies of the grading notes, accounts of the dimensions, and calculations of the mason work; which accounts are lengthy.

One circumstance connected with the inquiry, and which, in our opinion, presents the strongest objection to its postponement, we feel ourselves called upon to state particularly, and to recommend a provision which may diminish the inconvenience which the delay appears likely unavoidably to occasion. The sub-contractors under Colonel Shepherd's contract have, as they allege, (and not improbably,) nearly completed their different works. They and their workmen and laborers state (and we believe correctly) that they are in great want of money; that they are without the means of providing winter clothing and subsistence; and many who reside in distant parts, having small sums due them for labor, &c., will be subjected to great hardship, by either going to their homes or being detained for the winter unpaid.

This circumstance presents considerable difficulty which, in our opinion, should be lessened as far as may be. It is one which strongly urges the earliest inspection that may be practicable; and since this cannot be, in our opinion, begun before the time before mentioned, nor finished before the first week of April, at least, we respectfully recommend that the superintendent (Mr. Shriver) be authorized to make payments on account of the sub-contractors, with the consent of the original contractors, and on bonds, if deemed necessary, to an amount not exceeding $6,000.

This communication was intended to be subscribed by Messrs. Lacock and Wilson only; but Mr. McGiffin being satisfied, from his separate acquaintance with the subject, with the statement and views which it presents, consents to subscribe his name also.

We have the honor to be, sir, your obedient servants,

A. LACOCK,
THOMAS WILSON,
THOMAS McGIFFIN.

16th Congress.] No. 487. [1st Session.

PUBLICATION OF THE LAWS IN NEWSPAPERS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 20, 1820.

Mr. Pendall, from the select committee to whom was referred the letter of the Secretary of State of the 7th February, 1820, in relation to the publication of the laws in the newspapers, reported:

That the act of the 20th of April, 1818, made an unnecessary increase of the compensation payable to the proprietors of newspapers for the publication of the laws. There had been no difficulty in procuring the publication at the price previously established; and it is believed that the Secretary of State, who is now forced by law to give the increased compensation, could, if authorized to use his discretion, have the business performed on as reasonable terms as before the act of 1818.

The committee cannot believe that the act of 2d March, 1799, (since re-enacted, and extended to the Territories,) providing for the publication in one newspaper of each State, and authorizing the publication in three of the papers, when the publication in one should be found insufficient, was passed under any expectation that the expense of publication in three newspapers of every State would be incurred, or that it would at any time be found requisite to employ two newspapers in each of the towns of New Haven, Wilmington, Lexington, and Natchez, whilst none were employed in Richmond, Fredericksburg, Petersburg, Fredericktown, Lancaster, or Louisville; or that the publication of the laws in the city of Richmond should be suspended, merely that they might be printed in a county adjacent to the District of Columbia, where three newspapers were engaged at the expense of Government in the same business; or that newspapers, scarcely known out of the county in which they were published, and of a very limited circulation within, would have been selected for this purpose. But that the law has been thus executed, is evidenced by the letter referred to the committee.

Newspaper publication might afford a cheap method of multiplying copies of the public acts. Few, however, in proportion to the whole number of the patrons of the press, read those publications, and still fewer preserve them; and, for all practical purposes, the publication in volumes or pamphlets is found to be more advantageous.

On subjects of great national concern, the interest of popular editors usually will (as it has hitherto done) furnish a sufficient inducement to inform their customers of the transactions of the Government.

The public derive but small, if any, advantage from the newspaper publication of Indian treaties; although their insertion, as appears by the letter of the Secretary of State, is among the causes of increasing the expenditure for promulgating the laws from less than $5,000 in 1816, to near $20,000 in 1820.

The sum payable on each newspaper is, in most instances, sufficiently large to make Government the best customer to the proprietor, and has sometimes been found sufficient to establish or continue small printing establishments in the country. In the opinion of the committee, the present law is not less objectionable by reason of its evident tendency to confer on the State Department a direct patronage and influence (useless or pernicious) over many of the sixty-nine presses which the Government has taken into its employment. But as the laws in relation to the impost and public lands sometimes, on their passage, become of immediate public interest in certain sections of the country, the committee think a modification will be preferable to a repeal of the law.

Assuming the estimate of the Secretary of State, it will be found that, by reducing the number of newspapers to twenty-five in the States and Territories, and one in the District of Columbia, restoring the old price for the printers, and dispensing with this manner of publishing Indian treaties, the expenditure in relation to the laws of the present session will be reduced from $19,750 to $4,678 34; and, with a view to effect that object, the committee herewith report a bill.

16th Congress.] No. 488. [1st Session.

CITY OF WASHINGTON: PUBLIC BUILDINGS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 21, 1820.

Mr. Meigs, from the Committee on the Expenditures upon the Public Buildings, reported:

That they have, in pursuance of their duty generally, and in obedience to the resolution of the House of Representatives requiring the committee to ascertain whether the expenses upon the public buildings cannot be lessened without arresting their progress, made such inquiries as seemed to the committee necessary to obtain the requisite information; that the paper annexed (marked A) containing an account of the expenditures from the 13th of February, 1815, to the 1st of January, 1820, was, at the request of the committee, rendered to them by Samuel Lane, the Commissioner of Public Buildings. This statement exhibits an expenditure of $1,491,363 24, of which nearly one million of dollars was expended on repairs of the damage done by the enemy in 1814. The paper annexed, (marked B,) also rendered by request from the commissioner, exhibits a view of the total expenditures upon the public buildings in the city of Washington, from the commencement to the 1st of January, 1820, and also a view of the value and proceeds of the public lands in the District of Columbia. The latter statement is exhibited in order that the House of Representatives may know the just relation of the national expenditures upon edifices in the District to the national acquisitions in the same. According to this view, it appears that the valuation of the public lands and actual amount of sales, added to donations from the States of Virginia and Maryland, exceed the national expenditures upon public buildings within the District by nearly $400,000.

The committee, having obtained this general information relative to the subject of their appointment, proceeded to ascertain, as far as was in their power, the relative prices of materials and wages of artists and laborers at different periods during the progress of the works done in the District, and present a table thereof, which is annexed, (marked C;) also a letter from the Commissioner of the Public Buildings, with another table, (marked D,) in which the estimate of prices of materials is not made for 1820; but it is stated that these are reduced, particularly the price

of brick. The wages of workmen are here estimated much lower than they have been in former years, as will appear on examining the same.

It does not appear to the committee that lower wages than those exhibited for 1820 can be expected in this District; and the committee believe that the commissioner has used every exertion in his power to regulate these expenditures by similar expenses in Baltimore, Philadelphia, and New York, and has obtained workmen and materials upon as good terms as could reasonably be expected, when it is considered that many of the workmen, and some of the materials, are not to be obtained except from distant parts of the country.

The committee have endeavored to make themselves acquainted with the general character of the work which is designed to be bestowed upon the centre building of the Capitol; and it appears to them that it cannot properly be conducted with less attention to ornament than is designed, without injury to that fitness of parts which becomes a whole; and they are pleased to find that the principal ornament of the centre work will not consist of expensive sculpture, but of its simple form—the rotundo. The committee think proper to suggest to the House, however, that, as it is contemplated to form the dome of the centre of brick work, in imitation of the Pantheon at Rome, and as such work will, when added to the great weight of the edifice, require the most serious attention to the foundations of the whole edifice to secure its safety, and as, from the examination which the committee have had occasion to make, they feel convinced that these foundations require attention, it is worthy the consideration of the House whether effectual means should not be taken to give perfect security, especially on the westerly side of the edifice, by means of walls of sufficient weight and compactness to counteract the apparent tendency of damage to the Capitol in that direction.

This consideration ought to precede the execution of the massive work which is destined to complete the centre building.

The latter suggestion may not appear to fall precisely within the bounds of duty prescribed to the committee; but as the prevention of damage to the public buildings will be a saving of expense in the end, they have thought it not proper to omit it.

It appears to the committee desirable that the Capitol should be finished as soon as may be conveniently done with regard to the goodness of the work. It is evident that the unfinished parts are injured every winter by that exposure to the weather which they seem unavoidably to sustain; and the prosecution of the work ought to be encouraged by the reflection that the national acquisition in the District approaches so nearly its expenditure, that it may be presumed the total expenditure will not (when the Capitol shall be finished) much, if at all, exceed the acquisition, and would not have equalled it unless that expenditure had been swelled one million by the ruthless vandalism of the enemy, who applied the torch of destruction to the first national ornaments he approached.

All which is respectfully submitted.

H. MEIGS, *Chairman.*

A.

Abstract of appropriations and expenditures on account of the public buildings in the city of Washington, &c. between the 13th of February, 1815, and the 1st of January, 1820.

APPROPRIATIONS.

1815. February 13,	For repairing the Capitol, President's house, and public offices,	$500,000 00	
1817. March 30,	Do. do. do. do. -	100,000 00	
1818. January 27,	Do. do. do. do. -	200,000 00	
1818. April 20,	For completing the wings of the Capitol, - -	80,000 00	
1818. April 20,	For finishing the President's house, - -	15,214 00	
1819. March 3,	For finishing the wings of the Capitol, - -	51,332 00	
			$946,546 00
1818. April 20,	For offices to the President's house, - -	7,000 00	
1819. March 3,	Do. do. - -	8,137 00	
			15,137 00
1818. April 20,	Wall, gates, and railing north of the President's house, -	3,518 00	
1819. March 3,	Do. do. do. - -	5,344 00	
			8,862 00
1818. April 20,	For graduating and improving President's square, - -	-	10,000 00
1818. April 20,	For erecting two additional executive offices, - -	-	180,741 00
1818. April 20,	For centre building of the Capitol, - -	100,000 00	
1819. March 3,	Do. do. - -	136,644 00	
			236,644 00
1816. April 29,	For enclosing and improving Capitol square, - -	30,000 00	
1817. March 3,	Do. do. do. - -	38,658 00	
			68,658 00
	Amount of appropriations, -	-	$1,466,588 00

EXPENDITURES.

1820. January 1,	On the wings of the Capitol, to this date, - -	$679,159 14	
Do.	On President's house, do. - - -	246,460 00	
Do.	On Treasury Office, do. - - -	36,984 79	
Do.	On War Office, do. - - -	31,362 30	
Do.	On contingent expenses, - - - -	15,673 02	
			$1,009,639 25
Do.	On offices to the President's house, to this date, - -	-	10,378 30
Do.	On wall and gates north of do. do. - -	-	5,887 73
Do.	On graduating and improving President's square, to this date, -	-	8,478 85
Do.	On erecting two additional executive offices, - -	-	191,671 08
Do.	On centre building of the Capitol, - - -	-	193,705 46
Do.	On enclosing and improving Capitol square, -	-	71,602 57
	Amount of expenditures for which regular vouchers, admissible at the Treasury of the United States, had been received on the 1st day of January, 1820, - - -	-	$1,491,363 24

Errors excepted:

SAMUEL LANE, *Commissioner of Public Buildings.*

WASHINGTON, *January* 22, 1820.

B.

Proceeds and estimates of public property in the city of Washington.

Amount of sales of public lots to the 1st of January, 1820, - - -	$706,811 88	
Five thousand one hundred and fifty-five building lots for sale, estimated at $180 each,	927,900 00	
Five hundred and forty-two acres of ground, reserved for the use of the United States, estimated at the same rate, would amount to - - -	740,000 00	
Freestone quarries, wharves, water lots, &c., - - - -	48,000 00	
Amount of sales and estimates, -		$2,422,711 88
Donation from the State of Virginia, for the use of the public buildings, in 1791, -	120,000 00	
Donation from the State of Maryland, - - - -	72,000 00	
		192,000 00
Total amount of sales, estimates, and donations, -	-	2,614,711 88
Expenditures on the public buildings in the city of Washington, from the commencement thereof to the 1st day of January, 1820.		
Erecting the wings of the Capitol, - - - - -	788,071 08	
Erecting the President's house, - - - - -	333,207 04	
Erecting the public offices, - - - - -	93,013 82	
		1,214,291 94
Repairing the wings of the Capitol, - - - - -	679,159 14	
Repairing the President's house, - - - - -	246,490 00	
Repairing the public offices, - - - - -	68,317 09	
Contingent expenses, - - - - - -	15,673 02	
		1,009,639 25
Total of building and repairs, -	-	$2,223,931 19

SAMUEL LANE, *Commissioner of Public Buildings.*

C.

A table showing the price of materials and labor, at several different periods, as given at the public buildings in Washington city.

	From 1793 to 1800.	From 1800 to 1812.	From 1815 to 1818.
Stonecutters' wages per day, - - -	$1 25 to $1 33	$1 50 to $1 75	$2 50 to $2 75
Bricklayers' wages per day, - - -	1 50 to 1 75	1 50 to 1 75	2 00 to 2 25
Carpenters' wages per day, - - -	1 00 to 1 50	1 00 to 1 50	1 62 to 1 88
Laborers' wages per day, - - -	75 -	75 -	1 00
Freestone, per ton, - - -	7 00 to 8 00	8 00 to 9 00	10 00 to 12 00
Brick, per thousand, - - -	7 00 -	7 00 to 7 50	9 00 to 9 50
Plank flooring, per 100 feet, - - -	4 66⅔ -	4 66⅔ -	7 50
Plank, inch, clear, per 100 feet, - -	1 50 to 2 00	1 50 to 2 00	3 00 to 4 00
Plank, inch, rough, per 100 feet, - -	1 00 -	1 25 to 1 50	2 00

WASHINGTON, *January* 25, 1820.

SAMUEL LANE, *Commissioner of Public Buildings.*

SIR: WASHINGTON, *March* 11, 1820.

In consequence of the desire which you expressed to ascertain the wages given at the public buildings in this city, I beg leave to submit the annexed table, exhibiting as well the prices of labor at different periods as of the principal materials. Since this business has been confided to me, I have procured semi-annually from New York, Philadelphia, and Baltimore, reports of the wages given at each of those places, and have endeavored, as far as practicable, to regulate the wages here accordingly. These reports have generally shown a small advance at Baltimore over Philadelphia, and at the latter over New York. I have been compelled to continue nearly the same rate of advance at this place, notwithstanding my efforts to check it by employing agents at New York and Philadelphia to engage and send on hands. So great and general has been the demand for workmen, until latterly, that it was only by great exertions that we could retain the requisite number without yielding to exorbitant demands. Labor and materials of most kinds are now rapidly approaching their minimum, and it is calculated that buildings may be carried on this season for at least one-third less than could have been done two years ago.

I have the honor to be, with great respect, your obedient servant,

SAMUEL LANE, *Commissioner of Public Buildings.*

Hon. HENRY MEIGS, *Chairman, &c. &c.*

D.

A table showing the wages and prices of materials at the public buildings in Washington city.

	From 1793 to 1800.	From 1800 to 1812.	From 1815 to 1818.	1819.	1820.
Stonecutters' wages per day, -	$1 25 to $1 33	$1 50 to $1 75	$2 50 to $2 75	$1 50 to $1 75	$1 33 to $1 50
Bricklayers' wages per day, -	1 50 to 1 75	1 50 to 1 75	2 00 to 2 25	1 50 to 1 75	1 33 to 1 50
Carpenters' wages per day, -	1 00 to 1 50	1 00 to 1 50	1 62 to 1 88	1 33 to 1 50	1 00 to 1 25
Laborers' wages per day, -	75 -	75 -	1 00 -	88 -	75
Freestone, per ton, -	7 00 to 8 00	8 00 to 9 00	10 00 to 12 00	6 00 to 10 00	No purchases of mater'ls this year, but the prices are reduced, particularly brick.
Hard brick, per thousand, -	7 00 -	7 00 to 7 50	9 00 to 9 50	7 50 to 8 50	
Plank flooring, per 100 feet, -	4 66⅔ -	4 66⅔ -	7 50 -	4 00 -	
Plank, inch, clear, per 100 feet,	1 50 to 2 00	1 50 to 2 00	3 00 to 4 00	1 50 to 2 00	
Plank, inch, rough, per 100 feet,	1 00 -	1 25 to 1 50	2 00 -	1 00 to 1 25	

SAMUEL LANE, *Commissioner of Public Buildings.*

16th CONGRESS.] No. 489. [1st SESSION.

ATTORNEY GENERAL.

COMMUNICATED TO THE SENATE, MARCH 29, 1820.

SIR: ATTORNEY GENERAL'S OFFICE.

I beg leave to call your attention to the state of this office, and to some material defects which, I think, exist in the laws in relation to it, with the view that the subject, if you shall think it of sufficient importance to merit this course, may be presented, through your committee, to the consideration of Congress before they rise.

The commission of the Attorney General "authorizes and empowers him to execute and fulfil *the duties of that office according to law.*" The only law which points out those duties is the act of Congress of the 24th of September, 1789, entitled "An act to establish the judicial courts of the United States," the thirty-fifth section of which act creates the office, and designates its duties in the following words: "And there shall be appointed a meet person, learned in the law, to act as Attorney General for the United States, who shall be sworn or affirmed to the faithful execution of his office; *whose duty it shall be* to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to *give his advice and opinion upon questions of law, when requested by the President of the United States, or when requested by the heads of any of the Departments, touching any matters that may concern their Departments.*" It is to be observed that there is no duty which the President or any head of Department performs which does not involve some principle of law under the head either of the national or conventional law of nations, constitutional law, or municipal law; consequently, there is no duty which belongs to either of those officers on which he has not the right to require the opinion of the Attorney General, and on which it is not continually required; and, in relation at least to questions on municipal law, (which are incessantly occurring,) it is understood that the heads of Departments consider the advice of the law officer conclusive.

In the operations of an office whose sphere of action is so wide, and whose decisions are of such extensive and unremitting practical effect, it would seem to be of consequence to the nation that some degree of consistency and uniformity should prevail; but it is obvious that these can be attained in no other way than by putting the incumbent for the time being in full possession of all the official opinions and acts of his predecessors.

Under this impression, when I had the honor of receiving the appointment, my first inquiry was for the books containing the acts of advice and opinions of my predecessors. I was told there were none such. I asked for the documents belonging to the office, presuming that at least the statements of cases which had been submitted for the opinion of the law officer had been filed, and that I should find endorsed on them some note of their advice in each case; but my inquiries resulted in the discovery that there was not to be found, in connexion with this office, any trace of a pen indicating, in the slightest manner, any one act of advice or opinion which had been given by any one of my predecessors, from the first foundation of the Federal Government to the moment of my inquiry. Thus, the gentlemen who have held this office in succession, having no guide as to the past, have been in constant danger of being involved themselves, and involving the Departments which depended on their counsel, in perpetual collisions and inconsistencies, and exposing the Government to that kind of degradation which never fails to attend an unsteady and contradictory course.

In noticing the omission to keep these records, and preserve the statements and documents, I am very far from intending any censure on my predecessors, for no law had enjoined it on them as a duty; and from the multitude and variety of questions which are unavoidably pressing upon this office throughout the year, it is very apparent that the plan which I suggest could not have been executed without an expense in clerk hire, fuel, stationary, &c., for which there is no provision by law.

After this explanation, I submit it to you, sir, with great deference, whether it would not be expedient that some provision be made, by law, for keeping a record of the opinions and official correspondence of the Attorney General in his office, and for preserving in his office the documents submitted for his advice.

Again: the subjects on which the Attorney General is occasionally consulted, and those on which he has to act in the Supreme Court, turn not unfrequently on the local laws of the several States; but these have not been furnished to his office, and the omission is a serious practical evil. Would it not be well that the office of the Attorney General should be supplied with these laws?

Another defect seems to me to exist in the law as it now stands. You will observe that the only law which prescribes the duty of the Attorney General, and which I have already quoted, limits the obligation upon him, and consequently limits *his right to give official advice and opinions* to cases in which he shall be called upon *by the*

President, or by any of the Departments, touching any matters which may concern their Departments. But I am told (and, in my short experience, I have already found it true, in part) that the advice and opinion of the Attorney General, *in his official character*, are called for by the committees of Congress, standing and special, by all the district attorneys, collectors of customs, collectors of the public taxes, and marshals throughout the United States, by courts-martial (military and naval) wheresoever they may sit, &c. &c. If it be advisable to open the office of the Attorney General to applications of this kind, I submit it to you, sir, whether it would not be expedient to have it provided for by law—1st. That the several officers and public bodies which have been mentioned, instead of resting on the personal courtesy of the Attorney General, may be authorized to call for his opinion *as a matter of right;* and, 2dly, (which strikes me as being of equal, if not superior importance,) That the Attorney General himself may be justified in giving an *official opinion* in these cases; for in a Government of laws like ours, it seems to me of importance that the influence of every office should be confined within the strict limits prescribed for it by law. It cannot be questioned, from the connexion of the Attorney General with the executive branch of the Government, and his advice and opinions, *given as Attorney General*, will have an *official influence* beyond and independent of whatever intrinsic professional merit they may possess; and whether it be sound policy to permit this officer, or any other under the Government, even on the application of others, to extend the influence of his office beyond the pale of the law, and to cause it to be felt where the laws have not contemplated that it should be felt, is the point which I beg leave to submit to your consideration.

There is, however, a strong objection to any new provision which should go to open the office of the Attorney General, *as now organized*, to applications beyond the provision of the act of 1789. It is this: I am convinced that *no single, unassisted* individual, whatever may be his strength, his habits of industry, or the system and celerity of his movements, could discharge, in a manner satisfactory to himself or the nation, the vast load of duties which would be thus thrown upon him, without devoting himself to them *solely and exclusively*. The very frequent calls which are regularly and properly made upon his office under the act of 1789, and the careful and elaborate examination which it is often necessary to bestow upon these subjects, are found to be sufficient, in connexion with the Attorney General's duties in the Supreme Court, to give the office, at present, almost constant occupation; and if, in addition to these duties, he shall be placed under a legal obligation to answer all the other calls which have been mentioned, he must unavoidably abandon entirely the individual pursuits of his profession, and rest for the support of his family on the salary attached to the office. Even under the duties as they now exist, *very little time* is left to the Attorney General to aid the salary of his office by individual engagements—a fact which may explain, in part, the frequent resignations of this office which have heretofore occurred.

I would not have troubled you with these suggestions at this time, but that the subject strikes me as being of so much practical importance *to the nation* as to merit consideration, and that it relates to an office the defective organization of which, however grievous to the incumbent, or *injurious to the public*, would not be apt to force itself on the notice of others.

I have the honor to be, &c.

WM. WIRT.

The Hon. HUGH NELSON, *Chairman of the Judiciary Committee H. R. U. S.*

DEAR SIR: WASHINGTON, *March* 28, 1820.

I understand that the appropriation bill, as it passed the House of Representatives, is now before the Senate; and, not having observed who is the chairman of the committee to whom the subject will belong, I beg leave to call your attention to a change which has been made in the appropriation relative to the office of Attorney General.

In the year 1818, I addressed a letter to the chairman of the Judiciary Committee of the House of Representatives, relative to the state in which I had found the office of the Attorney General, and the causes that had produced it. Mr. Strother, of the House of Representatives, has now a copy of that letter, which you will please receive from him. This representation made it manifest that the public good required the appointment of a clerk to record those official opinions of the law officer of the Government by which the movements of the several Departments were regulated, in order to preserve consistency and harmony in the operations of the Government in execution of our laws, under every change of the public officers. A clerk was accordingly appointed, at a salary of $1,000 per annum; but as it was idle to appoint a clerk, and allow rooms for an office, without allowing also stationary, fuel, and a boy to attend to the menial duties of the office, a small contingent fund of $500 was allowed to procure these articles, the whole of which were strictly for the public good.

I understand that the House of Representatives have stricken off $200 from the salary of the clerk, and have stricken out also the whole of the $500 for contingencies; thus leaving a clerk, indeed, at a reduced salary, but not leaving *the means to employ him*, to wit, stationary, fuel, &c. The manifest injustice of requiring me to furnish these articles *for public use* will, I doubt not, produce a reinstatement of the allowance of the contingent fund, which, indeed, is scarcely adequate to its object; since, out of this allowance of $500, there are to be supplied fuel, stationary, a boy to attend to the menial duties of the office, carry messages, &c., and the printer's bills for all the statements required for the United States cases in the Supreme Court. You will learn, on inquiry, that the whole $500 will scarcely pay a messenger in any other office.

If you think the case worthy of attention, I would thank you to represent it to the chairman of the committee who have the subject under consideration, and to the Senate, if necessary.

Your friend and servant,

The Hon. NINIAN EDWARDS. WM. WIRT.

16th CONGRESS.] No. 490. [1st SESSION.

ADJUSTMENT OF THE BOUNDARY BETWEEN KENTUCKY AND TENNESSEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 14, 1820.

The States of Kentucky and Tennessee, desirous of terminating the controversy which has so long subsisted between said States in relation to their common boundary, and of restoring the most perfect good understanding and

harmony between them, have for that purpose appointed their respective commissioners, that is to say: the State of Kentucky, on her part, has appointed John J. Crittenden and Robert Trimble; and the State of Tennessee, on her part, has appointed Felix Grundy and William L. Brown, who, after a reciprocal communication of their respective powers, have agreed upon the following articles and stipulations:

ARTICLE 1. The line of boundary and separation between the States of Kentucky and Tennessee shall be as follows, to wit: The line run by the Virginia commissioners in the years 1779 and 1780, commonly called Walker's line, as the same is reputed, understood, and acted upon by the said States, their respective officers and citizens, from the southeastern corner of Kentucky to the Tennessee river; thence with and up said river to the point where the line of Alexander and Munsell (run by them in the last year, under the authority of an act of the Legislature of Kentucky, entitled "An act to run the boundary line between this State and the State of Tennessee, west of the Tennessee river, approved February 8, 1819,") would cross said river; and thence, with the said line of Alexander and Munsell, to the termination thereof on the Mississippi river, below New Madrid.

ART. 2. It is agreed and understood that, from the point where Walker's line strikes the Tennessee river to the point where the line of Alexander and Munsell would cross the same, the said Tennessee river shall be the common boundary of said States, and subject to their common use and concurrent jurisdiction. Any island or islands in that part of the river Tennessee which forms the common boundary between the two States shall be within the exclusive jurisdiction of Kentucky; but any appropriations thereof by individuals, heretofore made under the laws of North Carolina or Tennessee, shall be valid.

ART. 3. Whenever the Governor of either State shall deem it expedient to have the boundary between the two States which is east of the Tennessee river, or any part thereof, run and plainly marked, he shall cause a notification thereof to be communicated to the Governor of the other State, and thereupon, with all convenient despatch, two surveyors shall be appointed for that purpose, one by the Governor of each State; and the surveyors so appointed shall have power to employ a competent number of chain-carriers and assistants, and they shall ascertain, survey, and mark said line plainly and durably, having due respect to the provisions of the first article hereof; and it shall be the duty of said surveyors to make out and sign duplicate plats and reports of their surveys and proceedings, to be communicated by each surveyor to the Governor of his respective State, to be deposited and preserved in the office of the Secretary of State, for a testimony and memorial of the boundary between said States; and all cost and expense that may be incurred under the provisions of this article, and in surveying and marking said boundary line, shall be paid by said States jointly and equally.

ART. 4. The claims to lands lying west of the Tennessee river and north of Alexander and Munsell's line, derived from North Carolina or Tennessee, shall be considered null and void; and claims to lands lying south of said line and west of Tennessee river, derived from Virginia or Kentucky, shall in like manner be considered null and void.

ART. 5. All lands now vacant and unappropriated by any person or persons claiming to hold under the State of North Carolina or Tennessee, east of the Tennessee river, and north of the parallel of latitude thirty-six degrees thirty minutes north, shall be the property of and subject to the disposition of the State of Kentucky; which State may make all laws necessary and proper for disposing of and granting said lands, or any part thereof, and may, by herself or officers, do any acts necessary and proper for carrying the foregoing provisions of this article into effect; and any grant or grants she may make therefor, or any part thereof, shall be received in evidence in all the courts of law and equity in the State of Tennessee, and be available to the party deriving title under the same; and the land referred to in this article shall not be subject to taxation by the State of Tennessee for five years, except so far as the same may, in the mean time, be appropriated by individuals.

ART. 6. Claims to lands east of the Tennessee river, between Walker's line and the latitude of thirty-six degrees thirty minutes north, derived from the State of Virginia in consideration of military services, shall not be prejudiced in any respect by the establishment of Walker's line; but such claims shall be considered as rightfully entered or granted, and the claimants may enter upon said lands, or assert their rights in the courts of justice, without prejudice by lapse of time, or from any statute of limitations for any period prior to the settlement of the boundary between the two States, saving, however, to the holders and occupants of conflicting claims (if any there be) the right of showing such entries or grants to be invalid and of no effect, or that they have paramount or superior titles to the land covered by such Virginia claims.

ART. 7. All private rights and interests of lands between Walker's line, from the Cumberland river, near the mouth of Oby's river, to the southeastern corner of Kentucky, at the point where the boundary line between Virginia and Kentucky intersects Walker's line on the Cumberland mountain, and the parallel of thirty-six degrees thirty minutes north latitude, heretofore derived from Virginia, North Carolina, Kentucky, or Tennessee, shall be considered as rightfully emanating from either of those States; and the States of Kentucky and Tennessee reserve to themselves, respectively, the power of carrying into grant claims not yet perfected; and in case of conflicting claims (if any there be) the validity of each claim shall be tested by the laws of the State from which it emanated, and the contest shall be decided as if each State, respectively, had possessed the jurisdiction and soil, and full power and right to authorize the location, survey, or grant, according to her own rules and regulations.

ART. 8. It is agreed that the foregoing articles shall receive the most liberal construction for effecting the objects contemplated; and should any disagreement arise as to the interpretation, or in the execution thereof, two citizens of the United States, but residents of neither Kentucky nor Tennessee, shall be selected, one by the Executive of each State, with power to choose an umpire in case of disagreement, whose decision shall be final on all points to them submitted.

ART. 9. Should any further legislative acts be requisite to effectuate the foregoing articles and stipulations, the faith of the two States is hereby pledged that they will unite in making such provisions and respectively pass such laws as may be necessary to carry the same into full and complete effect.

ART. 10. The foregoing articles and stipulations, if ratified by the Legislature of Kentucky during their present session, shall forever be obligatory and binding on both States, and take effect from this day.

In faith whereof, we, the respective commissioners, have signed these articles, and have hereunto affixed our seals. Done in duplicate, at Frankfort, the 2d day of February, 1820.

JOHN J. CRITTENDEN. [SEAL.]
ROBERT TRIMBLE. [SEAL.]
FELIX GRUNDY. [SEAL.]
WILLIAM L. BROWN. [SEAL.]

16th Congress.] No. 491. [1st Session.

ROADS CONTEMPLATED BY THE TREATY OF BROWNSTOWN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 12, 1820.

Mr. Woodbridge, from the committee appointed to inquire whether any, and, if any, what further provision may be necessary to give effect to the provisions of the treaty made at Brownstown, in the Territory of Michigan, reported:

That the treaty referred to was concluded on the 25th day of November, 1808, [see Indian Affairs, vol. 1, page 757,] and that its exclusive object appears to have been to obtain the establishment of a practicable and convenient road from the interior settlements of the United States to those of the Territory of Michigan.

Many of the tribes of Indians with whom that treaty was concluded were, in virtue of previous treaties, entitled to receive within that Territory large annuities; there never had been any artificial road leading to it, except through the province of Upper Canada; delays had consequently occurred in the transmission of those annuities, and reiterated complaints were made because they were not received; or, if received, frequently damaged. To obviate such difficulties, and in the expectation that many important advantages would result to them from a measure which promised to bring them more immediately under the observation and protection of the Government, the Indians, parties to the treaty, without any further remuneration than such incidental benefits as they anticipated from the establishment of the proposed road, voluntarily ceded to the United States a tract of land of one hundred and twenty feet in width, extending from the "foot of the rapids of the Miami of the Lake" to the western line of the "Connecticut Western Reserve," and all the land within one mile of said tract on each side of it; and, also, another tract of land of one hundred and twenty feet in width, extending from Lower Sandusky, southerly, to the boundary line established by the treaty of Greenville. This treaty is, in the body of it, declared to be reciprocally binding; but it is observable that no *new* obligation, of any nature, seems to have been imposed by it upon the United States, unless it may be fairly inferrible, from its context, its avowed object, and the circumstances attending its conclusion, that this Government became bound to establish and maintain the contemplated road.

The intention of the parties to the treaty your committee believe to be obvious; the history of the transaction, the repeated declarations of the Indian chiefs who were parties to it, and the sentiments of Mr. Jefferson, then President of the United States, and who directed the negotiation, as they are disclosed in his message to this House of the date of January 30, 1808, which accompanied a copy of the treaty of Detroit, [see Indian Affairs, vol. 1, page 752,] combined with the evidence furnished by the context of the treaty, indicate, conclusively, the establishment of a safe and convenient road as the sole object of the negotiation.

No measures, however, seem to have been adopted with a view to the attainment of that object until, by an act of Congress of the date of December 12, 1811, the President of the United States was authorized to appoint three commissioners to explore, survey, and mark the most eligible course for the proposed roads; and the sum of $6,000 was appropriated to defray the expenses of executing the law.

Before any progress, however, could be made in giving effect to the views of Congress, war existed between this nation and Great Britain; and, of that war, the firstfruits were the temporary loss of that entire province, to open an avenue to which was the object of the law referred to. The lamentable consequences which resulted from so humiliating an occurrence it is quite unnecessary to detail; it is sufficient to ask the attention of the House to the fact, that the barrier interposed by the northwestern posts having been broken down, the congregated force of the northern Indians was immediately felt along the whole interior and incurvated frontier of Ohio and Indiana. Such a state of things was not favorable to the purpose of exploring the country and establishing roads. The money which was appropriated for the purpose of giving effect to the treaty of Brownstown was soon lost in the immense aggregate of disbursements rendered necessary to enable the northwestern army under the command of General Harrison to advance: the greater part of the sum was expended in opening a road—of the first importance, certainly, for without it the northwestern army could have made no progress; but quite useless as it regards the permanent and paramount object contemplated by the treaty of Brownstown—that of obtaining a good road over the Black Swamp. Not a solitary traveller now finds his way along that avenue; it is principally indicated by the broken remnants of baggage-wagons and gun-carriages, scattered remains of flour barrels, and the mouldering skeletons of horses and oxen, remaining, as they were left, just visible above the surface of the mud and wet which destroyed them. The road being found thus entirely useless, the President was authorized by an act of Congress of April 16, 1816, to alter its location. It is believed that some progress has been made, through the War Department, in the selection of a better site for a road, but no progress has been made in opening it; and it seems to your committee quite impossible, by the aid only of the small and diminished military force of the Government at Detroit, to effect at any time so desirable a work.

Such had been the proceedings in reference to the treaty of Brownstown, and such the small progress made towards the accomplishment of its purpose, when, in September, 1817, the treaty of the Rapids of the Miami was concluded; by the subsequent ratification of which, the Indian title to the whole country within which the contemplated roads were to be located became vested in this Government.

It has not escaped the observation of your committee that this treaty may be considered to affect materially the relation in which the General Government previously stood in reference to the treaty of Brownstown; yet they have supposed that if the obligation imposed upon this Government by the last-mentioned treaty were an absolute one, if no election were given to the United States originally to make the roads contemplated and accept the cession, or, at their pleasure, to dissent from the grant and refuse to make and continue the roads, then the obligatory force of the treaty of Brownstown cannot justly be deemed to have ceased in consequence of the treaty of the 29th September, 1817; but that, in good faith, this Government is still bound to fulfil all its requisitions.

Without endeavoring, however, to arrive with technical precision at the only true construction of which these treaties may now be susceptible, your committee remain entirely satisfied that other considerations, founded in motives of the truest economy and the soundest policy, imperiously require the positive accomplishment of the views disclosed by the parties to the treaty of Brownstown.

The Black Swamp, so celebrated in the annals of our recent history, is an extensive morass, which winds round the southeastern border of Michigan; it terminates on the north at the border of Lake Erie, comprehending a width of about thirty miles; it extends so far southerly and southwesterly as to interrupt all communication by land between the settlements in Michigan and those of the interior of the United States. It consists of an elevated

basin of impervious clay, upon which rests a thick stratum of fertile black loam; there is so little inclination in its general surface that, though numerous streams pass through it, there is little opportunity for the water with which it is sometimes almost entirely covered to escape from it, except by the slow process of evaporation; while, at the same time, there exist unequivocal indications that its surface is elevated so far above the level of the watercourses and of the lake as that, by artificial drains, it may be made subservient to all the purposes of profitable agriculture.

No reliance, however, can be placed upon the individual industry of that country to construct a road over such a morass. The construction of a road must *precede* the establishment there of any considerable population.

The State of Ohio, within whose limits this morass is principally situated, if she possessed more ample funds than she does possess, could find no sufficient inducement to such an undertaking, for she has, comparatively, no inhabitants beyond it to protect; it forms the boundary of her population in that direction. Such a road must, therefore, be a national work. And, in addition to all those political considerations which so obviously and so powerfully dictate the construction throughout the Union of artificial roads and canals, there are others of local application, which, in the opinion of your committee, do imperiously call for the attention of the General Government to this particular section of the Union.

Such a road as is proposed would pass through a vast country of uncultivated land, the whole of which yet remains the exclusive property of the Government. Public lands are here considered a legitimate source of public revenue. To carry into effect the provisions of the treaty of Brownstown would not only bring into market the beautiful country which is beyond the Miami, with the certain prospect of better and more accelerated sales, but would induce the settlement of that country, now so repulsive in its aspect, which lies between the Sandusky and the Miami, over which the road would go; it would soon be reclaimed; the construction of the road itself would uncover a considerable portion of the adjacent land, and fit it, with little additional expense, for immediate cultivation.

Your committee feel that they hazard nothing in the proposition that, in a pecuniary point of view alone, this nation would soon find itself more than remunerated for the expense which might be incurred in the construction of the road, by the increased value of the public lands, and the accelerated sales it would induce.

There remains another and a distinct view of this subject, which your committee feel it a duty briefly to present. In examining the topic referred to them, your committee could not fail to consider it in regard to the military defences of the country.

The situation of the Territory of Michigan, in relation to the province of Upper Canada, renders that frontier, more than any other perhaps, peculiarly exposed; its settlements, rarely penetrating into the interior, in no place presenting a very dense population, extend along the meandering shores of the lakes and straits from Lake Erie to Lake Huron, and approach the very verge of the national boundary; they lie at the foot of that vast avenue which leads through Lakes Huron and Superior into the immense country of the northwest, and down which, with surprising facility, a formidable Indian force may at any time be brought upon them. In its rear, and intervening between it and the interior settlements of Ohio and Indiana, there still continues a numerous and powerful Indian population of many thousands, while its southeastern termination rests upon that formidable morass which so entirely separates that Territory from the strength and the power of this nation. So circumstanced, this prolonged line of settlement is opposed in front by the most thriving population of Upper Canada—a population increasing with a rapidity unprecedented in the annals of Canadian history, and which, whether its moral or physical character be considered, will hereafter be found more formidable, it is believed, than that of any other portion of either Canada.

Opposed by difficulties on all sides, and completely isolated, it would be unreasonable to suppose that the people of the Territory of Michigan, though influenced by the most devoted patriotism, could alone successfully resist so complicated a pressure as, in the event of a future war with Great Britain, may be brought to bear upon them. But, how much soever it concerns the honor of this nation to sustain its authority and to protect its people in every part of the empire, yet any consideration founded alone in the exposed condition of the inhabitants of Michigan becomes of diminished importance when the situation of that Territory is adverted to, as it has relation to the interior frontier of Ohio, Indiana, and even Illinois. It is on the peninsula of Michigan alone that the exposed parts of that frontier can be cheaply and securely defended against Indian or English hostile incursions. The military positions of Detroit, Fort Gratiot, and Michilimackinac, and their intervening and neighboring settlements, are, in relation to that greatly extended interior frontier, a perfectly effectual *redoubt*. No enemy can approach it, except the citizens of that remote country, and the authority of this nation there, be first prostrated in the dust.

Your committee do not deem it important to fortify the proposition which on this point they advance by any train of deductions; they only beg leave to advert to two distinct periods in the history of that country, feeling entirely satisfied that an allusion to them, in connexion with the subject of this report, will be found to justify any practicable measures which may tend to increase the effective strength of the Territory, or render more safe and practicable its communication with the interior of the Union.

In all that period which intervened between the treaty of peace of 1783 and the surrender to this Government of the northwestern posts, and while the Territory of Michigan was in the possession of a Power either hostile or indifferent to the peace of this country, it is matter of history that the western settlements were in a state of continued warfare; from the heights of the Allegany to Natchez, its whole line of frontier was marked by blood and fire. But when the authority of this Government was established there, Indian hostility was neutralized; and, under the cover of profound peace, the western country grew rapidly. Held in check by the barrier which the possession of the settled parts of Michigan enabled this nation to interpose against the English and the Indians of the northwest, the Indians of the peninsula of Michigan and of the northern part of Ohio were deterred, during the early part of the late war, from acts of hostility; but when the authority of this nation was prostrated there, distress and dismay pervaded the whole defenceless line of the most advanced settlements, from Cleveland, on Lake Erie, through Ohio and Indiana. But when again, before the conclusion of the war, this Government had, at an almost infinite expense of money, and by a sacrifice of blood which was above price, reoccupied those positions from which it had been driven, the scene of war was again removed, and the battles of Ohio, Indiana, and Illinois were fought on the borders of Michigan.

The inference your committee would deduce from the historical facts alluded to is, they flatter themselves, manifest. It consists, unquestionably, with the true policy of this Government to throw into the peninsula of Michigan, by every practicable means, a dense population; and it is more especially their true policy to construct over the Black Swamp a permanent, safe, and convenient public road. Such a measure is dictated by good faith; for there can be no doubt but that the measure was contemplated by the parties to the treaty of Brownstown. It is dictated by a wise regard to national economy; for the contemplated road would open an avenue to a fertile and beautiful country—the peninsula of Michigan—a country the soil within which is almost exclusively the property of the nation. It would conduce greatly, too, to the settlement of the intermediate country, which is also the exclusive property of the nation, and the settlement of which must, almost of necessity, be preceded by some extraordinary effort of the National Government. But such a measure is not less imperiously called for as an almost indispensable measure of defence. The prodigious sums of money which were expended in the efforts which the nation made

to reoccupy that Territory would have constructed many such roads—efforts which could never have been called for; for if, in the spirit of the treaty of Brownstown, good roads had, previously to the war, been constructed, if a convenient and practicable communication between Ohio and Michigan had existed, this nation would have been spared the humiliation of witnessing a disgraceful capitulation, and that devoted people would have been saved from the indescribable horrors of Indian devastation.

Every view which your committee have been able to take of the subject referred to them having confirmed them in the very decided opinion to which they have arrived, that a public road ought to be constructed from the Miami to the western line of the Connecticut Western Reserve, it remains for them respectfully to submit their opinion as to the best means by which that desirable object may be effected. They have not been regardless of the diminished amount of the public revenues; they are aware of the strong desire entertained by the House to limit the public expenditures to the smallest practicable sum; and it is with much satisfaction, therefore, that they feel themselves justified in recommending an expedient which they think will be adequate to the exigency, without any specific appropriation of money.

On reference to the stipulations contained in the treaty of Brownstown, it is observable that a mile in width on each side of the contemplated road from the Miami to the Western Reserve is granted, as well as the site for the road itself, to the United States. It seems probable that the framers of that treaty had in view, at the time of the negotiation, the application of the whole of the ceded land, specifically, to the purpose of defraying the expense of making the road. From the best information which your committee have been able to obtain, they entertain the belief that this tract would furnish a fund more than adequate to the exigency, and that no more appropriate application could be made of the land in question.

They, therefore, respectfully recommend the adoption of the following resolution, viz:

Resolved, That the Committee on Roads and Canals be instructed to bring in a bill to authorize the Secretary of the Treasury to contract with any person or persons to construct a permanent and suitable road, to extend from the foot of the rapids of the Miami of the Lake to the western line of the Connecticut Western Reserve, according to the plan contemplated by the treaty of Brownstown, and on such route, passing through the reserve (so called) at Lower Sandusky, as the President may direct, in consideration of the whole of the tracts on each side of the contemplated road which were granted by the treaty of Brownstown, or so much thereof as, in the opinion of the Secretary of the Treasury, may be adequate to the object; and in which bill shall also be inserted, among other things, a provision or provisions that the person or persons so contracted with do complete the said road within a reasonable time, in said bill to be limited; that such person or persons do stipulate to keep said road in good repair for and during a number of years, to be in said bill defined; and also that the person or persons so contracted with do also give bond, with sufficient sureties, for the faithful performance of his or their contract; and also a provision defining a time and manner in which the title to said lands may be conveyed.

All which, together with the documents Nos. 1, 2, 3, and 4, which accompany this report, and which they pray may be taken as part of it, is respectfully submitted.

No. 1.

Whereas a grant of land was made by certain tribes of Indians, at a treaty held at Brownstown, in the Territory of Michigan, on the 25th of November, 1808, for locating a road from the foot of the rapids of the Miami of the Lake to the western line of the Connecticut Reserve; and a road to run southwardly from Lower Sandusky to the boundary line established by the treaty of Greenville: and whereas the sum of six thousand dollars was appropriated by an act of Congress passed December 12, 1811, for the purposes of defraying the expenses of exploring, surveying, and opening the same, which has not been expended agreeably to the provisions of the said act, but from some cause has been turned over to some other appropriation, or yet remains unexpended in the treasury of the United States: therefore,

Resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to use their influence to have the sum aforesaid laid out on one or both of the before-mentioned roads, as they may think will be most advantageous to the interests of the State, and consistent with the original appropriation.

Resolved, That the Governor of this State be requested to forward one copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress, and one copy to the Delegate from the Territory of Michigan.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

FEBRUARY 22, 1820.

SECRETARY OF STATE'S OFFICE, COLUMBUS, OHIO, *February* 25, 1820.

I certify the foregoing to be a correct copy of the original roll, remaining on file in this office.

JOHN McLENE, *Secretary of State.*

No. 2.

SIR: WASHINGTON CITY, *March* 31, 1820.

In reply to your inquiries relating to the application of certain moneys appropriated to lay out and make certain roads contemplated by the treaty of Brownstown, I have to make the following statement:

On the 27th of August, 1812, Mr. Secretary Gallatin wrote me (then Governor of Ohio) on the subject of that road. A copy of his letter is herewith enclosed, to which I replied, stating to him the only course I could pursue in making the road preparatory to the march of the northwestern army under General Harrison. As it was a state of war, and the road to Sandusky altogether through the Indian country, no contract could be made for opening the road. I ordered out a company of frontier militia, who opened the road, thus coupling the defence of the frontiers with the making of the road: this was done in the autumn of 1812. In January, I received from the treasury of the United States $5,500, of which I expended on the road $4,922 14, before the march of the army alluded to. Having many occasions for disbursing moneys on account of war operations, the residue of the $5,500 was applied to various services, and for which I am accountable to the United States.

I am, very respectfully, your most obedient servant,

R. J. MEIGS, JUN.

JOSEPH NOURSE, Esq., *Register of the Treasury.*

No. 3.

Extract of a letter from Governor Lewis Cass and General Duncan McArthur to the Secretary of War, dated

Miami Rapids, *November* 29, 1817.

It is well known that along the southern margin of this part of Lake Erie is a tract of wet land which always presents serious difficulties to the traveller, and frequently insurmountable obstacles.

From Fort Meigs, for many miles towards Urbana, and nearly the whole distance to Lower Sandusky, it becomes a morass known by the name of the Black Swamp. To reach the Territory of Michigan from any part of the settlements of the State of Ohio, by land, this swamp must be crossed.

No description can convey to a person who is unacquainted with it an adequate idea of the difficulties to be surmounted before a tolerable road can be formed through this country. Little is hazarded in saying that individual enterprise, or the operation of ordinary causes, will not accomplish it for a period which the rapid improvement of the United States, generally, would leave without a parallel. But the country from the extremities of this swamp, northward to Detroit, and southward and eastward to the settlements in Ohio, is level and wet, and a good road through it, to be made at all, must be made at the national expense.

The events of the late war with Great Britain upon this frontier must have satisfied every reflecting person that a good road, at the commencement of that war, passing from the interior of Ohio to Detroit, would have saved to the nation the expenditure of immense sums of money, and would have rendered the reduction of that place at any time easy, and its tenure secure. The supplies of provisions and the munitions of war necessary to the operations of the army upon this frontier were transported at an enormous expense of time and treasure, and the principal obstacles opposed to those operations resulted from the nature of the country, and from its difficulty of access. This tract of country, in its present situation, renders the Territory of Michigan an insulated point upon the map of the nation. Its approach by water is uncertain, temporary, and, for many important purposes, inconvenient. By land it is difficult, tedious, and expensive. In any future war, its means of defence must be derived from the same States which were called upon to furnish them during the past. It is desirable, therefore, that the difficulties which were then experienced should be removed, and that the possession of a good road should enable the General Government at any time to throw into the country a force which would render it safe and secure: such a road would remove the barriers which nature has interposed, and would, in effect, approximate this country to the western portion of the Union, and, connected with the natural advantages it possesses, would insure it a speedy settlement, and an active and enterprising population.

But a road from the interior of Ohio to the lake only would not answer this important purpose. Lake Erie may once more become the theatre of desperate exertion and skill: enterprise and courage may not again be rewarded with victory. But were our naval superiority upon this lake beyond the reach of accident, it should be still recollected that its navigation is more hazardous than that of the ocean, and for a considerable portion of the year closed or impeded by the ice.

It is precisely at this season, with the exception of a short time in the middle of the winter, that the communication by land is most difficult; and the obstacles which are then interposed to traversing the country in any direction are serious and dangerous.

Should circumstances destroy our naval superiority upon the upper lakes, our communication with Detroit and its dependant settlements could be preserved by land only, and our possession of the country would, in a great degree, depend upon the facilities which the roads might offer to the march of troops, and to the transportation of their munitions of war, baggage, and provisions. It is to be hoped that such an occurrence is remote; but the possibility of its happening, and its disastrous consequences should we be found unprepared, furnish powerful motives to provide, as far as human wisdom can do, for the event.

By completing a road from Sandusky to Detroit, considerable progress would be made towards opening a great national communication from the capital to one of the extremities of the Union. The western turnpike from Cumberland to the Ohio, terminating at Wheeling, would leave only the portion of road between that place and Sandusky to be made. Future enterprise and industry, either individual or national, might complete the work, and it would equally promote the varied intercourse of peace and the important operations of war.

This view is prospective; but the time cannot be remote when the policy of connecting the different parts of this vast republic by great permanent roads will be felt and acknowledged; when such a policy shall banish local jealousies and discordant interests, shall furnish new and increased facilities for private industry, and shall add strength and wealth to the resources of the nation.

Forts and military positions along a remote and exposed frontier will furnish little protection unless the communication to it is rendered easy and expeditious. A great leading road, such as the nature of this country requires, and the public good demands, would add more to its permanent security than any other defensive measure which could be adopted.

But there are considerations connected with the necessity of such a road in consequence of the nature of the country, of its importance to the nation for the preservation of a weak and important frontier, and of the improbability that such a road will ever be made unless some portion of the general resources are directed to this object. But, viewed exclusively as a subject affecting the revenue, there can be no doubt but its operation would be favorable.

From the settlements in Ohio to Detroit, nearly the whole country is the property of the United States. Every consideration, either of a fiscal or political nature, demands the immediate sale and settlement of this land, and every measure is important which will facilitate the acquisition of either object. Among these measures the most obvious in itself (and most certain in its result) is the opening of a leading road. In any country this would be important; in this country it is absolutely necessary. Sales will only be made with a view to settlements, and settlement will be aided and encouraged by making roads where the population of the country will long be unable to make them.

There is little difficulty in proposing a plan which would accomplish this object, and, in all probability, increase the actual receipts at the Treasury after the expenditures which may be necessary in effecting it.

Previous to the sale of the public lands, were the site of a permanent well-made road located from the line of the tract recently purchased of the Indians to Detroit, and were the national faith pledged for its completion within a reasonable period, the competition excited among the purchasers to procure the land in the vicinity of this road would add greatly to its value. Any estimate upon this subject must be loose and conjectural; but when it is considered that this road would pass through lands the property of the United States for at least one hundred and fifty miles, a great part of which is fertile and susceptible of compact settlements, and much of which is equal to any land in Ohio, it cannot be doubted but it will enter the market with every prospect of obtaining a price far exceeding that fixed by law. It would not be necessary, in order to secure the desired object, that the work should be actually commenced; every purpose would be answered by determining the site of the road, and delaying its completion till sufficient funds for that purpose were received from the sale of the land.

We have travelled out of the proper object of our mission in bringing this subject to the attention of the Government, but we trust our excuse will be found in its vital importance to this section of our country, and in the consideration that, if the present opportunity passes away without producing any favorable result, we may consider as hopeless every effort to attain it.

Considered as the means of increasing the national strength, and of securing the possession of an important frontier, we are aware that it has no exclusive claim to the attention of the General Government; every section of the Union has an equal right to urge its claims. But there is probably none in which the expenditure of an equal amount would be productive of more important consequences; and certainly there is none which is weaker in itself, or more difficult, from its position, to be defended.

But when it is recollected that this whole road, from the line of the purchase, was made upon the frontier settlements of Ohio to the Detroit river, and will pass through a country the property of the United States, except one Indian reservation, and a few tracts which have been sold or granted at Lower Sandusky, Fort Meigs, and the river Raisin, the effect of such a road upon the sale of the land is a fair object of inquiry; and, if it is believed that the receipts from the sales will be increased by it, or even if such a result is doubtful, the importance and necessity of the measure, connected with other considerations, may fairly justify its adoption.

No. 4.

Extract of a letter addressed to the President, in the winter of 1818–'19, *by the Secretary of Michigan.*

The alleged intention of the Government to diminish the force at the military post at Detroit would seem to imply that the importance of that position is not justly appreciated.

If it be a correct proposition that, in respect to all permanent military arrangements, foreign people are to be considered in the character of *belligerants*, then I think that position, in point of importance, inferior to very few.

It juts far into the enemy's country, commanding the roads which, running parallel with the Thames, or the shore of Lake Erie, little diverging, pass through the rapidly increasing settlements of that part of the province of Upper Canada which extends from the head of Lake Ontario, and subjects the greater part of those settlements to the control of a large force at Detroit. The topography of that country, while it furnishes great facilities for the rapid advance of an American force through it, protects remarkably its retreat.

As a position opposed to an enemy's acting *offensively*, Detroit, in relation to the country opposite, is a *tête du pont*. All the principal roads of the British country, above the lower extremity of Lake Erie, lead to and terminate at or near the settlement of Sandwich; the position at Detroit commands them.

A large force here, also, will always keep in check the Indian tribes which inhabit the *peninsula* of Michigan, and, combined with other means, if it do not make them allies, will at least neutralize their hostility.

On this peninsula there must be full one thousand Indian warriors. Mr. Crooks, Dr. Turner, and other gentlemen, estimate them to be more numerous.

The routes by which these Indians ordinarily, and almost necessarily, communicate with the British, are up the river St. Joseph of Lake Michigan, and down the Huron to the mouth of the Detroit; and, from the northern extremity of it, past the south extreme of Saginaw bay, to the heads of river Rouge, and over to the Huron, coming in at the same point, opposite Malden: a large military force here, consequently, cuts off this communication.

This position, combined with that of Fort Gratiot, commands the straits of St. Clair and Detroit, and not only secures the upper country against the influence of a British naval superiority on Lake Erie, but secures, also, the safety of that avenue through which supplies to the upper posts must, of necessity, pass; for it is firmly believed that, without almost infinite hazard and expense, they cannot pass up the waters of the Mississippi. From Indiana to Chicago they cannot go; for through the intervening wilderness and swamps not even an Indian footpath has been explored; nor, without imminent danger, can they be passed from Fort Wayne; for, Detroit in possession of the enemy, the whole peninsula, being a wilderness, would be an enemy's country.

As a point from which to invade the upper province of Canada, Detroit is then of importance; but, as a shield of defence for the uncovered frontier of Ohio and Indiana, as the only pledge of security for the upper posts, and as a security against Indian hostility, its importance must be manifest.

Yet, without a strong military force, this important barrier may, at any time, be taken by a *coup de main*. Its inhabitants, as yet not probably exceeding about eight thousand, are located in one extended and incurvated line from Lake Huron to Lake Erie, not presenting at any point a very compact settlement. They have in their rear the Indians of the peninsula; on the one flank, a dreary extent of lake and wilderness; on the other, an impervious morass, cutting them off from the population of Ohio; while, in front, good and practicable roads lead to them, up which the concentrating force of the enemy may at any time be brought to bear upon them. How inadequate, therefore, is the country to the object of its own protection! If the Government had not heretofore closed the doors of the country against a greater influx of inhabitants, its situation would be less precarious. Since 1807 the Indian title over a very considerable portion of the country has been extinguished, but, until about the close of 1818, none of it has been brought into market.

To the advantages indicated by this view of the subject, of locating a considerable military force near Detroit, is to be superadded the important one of protecting emigrants now coming in, and for the first time penetrating into the back country, from the individual acts of hostility of wandering Indians. Such occasional acts of hostility are to be expected; they will be excited by interruptions upon their hunting grounds. And still further is to be added the advantage of giving effect to the project of making a road through the Black Swamp. This is a work which, without the national aid, will hardly be effected in very many years. The country between Fort Meigs and Sandusky cannot be settled until the swamp be drained; consequently, individual labor upon the road cannot be relied upon. The State of Ohio can hardly be expected to accomplish it; for, beyond that point, she has no citizens to protect; it forms her boundary in that direction. It must, therefore, be a national work; a work which, had it been effected before the late war, would have saved not only the degradation of a capitulated army, but also many millions of money.

It is very certain that a perfectly good military road may be made over this morass; it is equally certain that the greater part of it may be made capable of producing abundant crops. The very act of making a durable road over it will fit a considerable part of it for cultivation. The deep ditches which should be on each side of the road, leading into the many streams which would intersect that road, would drain a very considerable part of the land bordering it. This swamp is in general sufficiently elevated, consisting of a basin of hard clay, upon which is bedded a thick stratum of the most fertile black loam. The currents of the frequent streams which pass through it are rapid, and the height of their banks indicates that the general surface is not much depressed.

If the object of securing, by means of such a road, to the post of Detroit its military supplies, could be combined with that of inducing the settlement of the intermediate country, the advantage is surely worthy of notice, as it regards either the military or the fiscal concerns of the nation.

16th Congress.] No. 492. [1st Session.

FEES TAXED IN THE SEVERAL COURTS OF THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FROM TIME TO TIME, DURING THE FIRST SESSION OF THE SIXTEENTH CONGRESS.

IN THE HOUSE OF REPRESENTATIVES, *February* 22, 1819.

On motion by Mr. WHITMAN, *Resolved*, That the judges of the courts of the several districts of the United States be requested to prepare and transmit to the Speaker of the House of Representatives, as early as may be at the next session of Congress, a schedule of fees of office proper to be allowed and taxed for the officers of their courts, respectively, and that the Clerk of this House cause each of said judges to be furnished with a copy of this resolution.

DISTRICT OF MAINE.

SIR: PORTLAND, MAINE, *December*, 1819.

I transmit a schedule of fees of office proper to be allowed and taxed for the officers of the district court for the Maine district, pursuant to a resolution of the House of Representatives of the 22d of February last.

I have the honor to be, sir, &c.

ALBION K. PARRIS,
United States District Judge for Maine district.

The SPEAKER *of the House of Representatives of the United States.*

I have the honor to submit to you the annexed table or rule by which fees are taxed for the district attorney of the United States in the courts of the United States for the Maine district. In submitting this table or rule, permit me to suggest that I consider *the fees sufficiently liberal, applied as they are to all cases, without discrimination*, where the nature of the case admits it: for if, *where the amount* in controversy is *small*, the *fees* appear *too liberal*, in *cases of magnitude*, involving much labor and responsibility, the compensation is *totally inadequate.*

With great respect,

W. P. PREBLE.

Hon. Judge PARRIS.

Table or rule by which fees are taxed for the district attorney of the United States for the Maine district in the district court of Maine.

For drawing and filing in court a libel, information, indictment, claim, or answer, -	$6 00
Drawing and filing interrogatories, -	5 00
Actual travel, out and home, to attend court in any cause, for every ten miles, - -	33
Actual attendance at court in any one cause, for each day, - - - -	33
Drawing a writ and declaration, including writs of summons for defendants, - -	3
For all other services in any one cause, -	6

W. P. PREBLE,
U. S. Attorney for Maine district.

PORTLAND, *October* 1, 1819.

The following statement of fees taxed by the clerk of said district court is respectfully submitted, viz:

For blank writ and summons, - -	80
Entry of suit, &c., viz: including entry for trial, appearance, proclamation, and default, filing pleas, motions, verdict, and other papers in the case, and entering the judgments and orders of court thereon, and recording the case at large in the records of court, - - -	5 00
Each subpœna, - - - -	15
Entering continuance of suit, - -	30
Warrant, citation, capias, monition, or other precept, - - - -	1 00
Warrant of appraisement, and entry of same, and return thereof, - - -	1 50
Original execution, - - -	1 00
Alias, or subsequent execution, - -	75
Opening and certifying a deposition, - -	15
For entry and record of a copyright, -	$0 60
Certified copy of same, - - -	60
All certified copies, per page of ninety words, -	10
Examining a witness and drawing a deposition, per page, - - - -	15
Certifying any exhibit or paper, or for affixing the seal thereto, - - - -	25
Swearing each witness in admiralty causes, -	10
Filing each paper in same, - -	6
Drawing final decree,* - - -	1 50
Taxing, examining costs, and copy thereof,* -	30
And one-half of one per centum on money deposited in court.	

JOHN MUSSEY, JUN., *Clerk.*

To the Hon. ALBION K. PARRIS,
Judge of the United States district court for Maine district.

Fees charged by Thomas G. Thornton, Marshal of Maine.

For service of writs and warrants, for each named, summoned, or attached, - - -	2 00
From the place of service to the place of trial, or place named in the precept, per mile, -	5
For service of subpœna, - - -	50
From the place of service to the court, or place of examination named, per mile, - -	5
For collecting and paying over moneys by virtue of executions, on one hundred dollars, -	4 00
Do., on the next hundred dollars, - -	2 00
Do., on any sum above two hundred dollars, one per cent.	
To return the execution the distance from the residence of the debtor to the court to which the execution is to be returned, per mile, -	5
For advertising in newspapers and posting at or near the place of trial notices of the time and place of trial of libels and informations, and returning the monition to court, not more than	10 00
Proclamation in court of condemned vessels or goods, - - - - -	30
For advertising in newspapers sale of condemned goods, vessels, or merchandise, - -	5 00
Commission on amount of sales, (except of prizes captured by privateers in time of war,) on five hundred dollars or any less sum, two and one-half per cent.	
Commission on any sum over five hundred dollars, one and a quarter per cent.	

*Where the decree or bill of costs is unusually lengthy, a proportionate addition therefor is made.

Travel to return warrant of sale and money into court, per mile, - - - $0 05
For service of the warrant of sale, - - 2 00
For service of venire to draw jurymen, and return the same into court, - - - 2 00
For all services not provided for by the laws of the United States or the laws of Massachusetts, such sums are charged as are considered equitable and just by the judge of the court.

All of which is respectfully submitted.

T. G. THORNTON,
Marshal of Maine.

Hon. A. K. PARRIS,
Judge of the United States district court, Maine.

DISTRICT OF VERMONT.

SIR: WILLIAMSTOWN, *January* 8, 1820.

In pursuance of the resolution of the House of Representatives of February 22, 1819, I have the honor to transmit to you, herewith, a schedule of the fees which I have thought proper to be allowed and taxed for the officers of the United States courts in this district.

In complying with the resolution, I have thought that I could not do better than to bring into one compact view the fees now allowed those officers by various laws, and to suggest such alterations as I thought would be proper.

I hope the course I have pursued will be viewed in the same light by the House of Representatives.

I have the honor to be, very respectfully, your obedient servant,

ELIJAH PAINE,
Judge of the Vermont District.

Hon. HENRY CLAY, *Speaker of the House of Representatives.*

Table of fees and emoluments of the marshals, district attorneys, clerks, and other officers of the district and circuit courts of the United States of America within the Vermont district, established by and according to law.

TO THE MARSHAL.

For serving every writ, warrant, attachment, or process issuing out of any of the courts of the United States, - - - $2 00
And in case there be more than one, two dollars for every additional person named therein; and for travel out in serving the same, five cents per mile from the place of service to the court where the writ, &c. is ordered to be returned, computing travel from the residence of the person most remote, adding thereto the travel that may be necessary for serving on the other person or persons named in said writ, &c.
For summoning witnesses and appraisers, each, - 50
And for travel out five cents per mile, in the same manner as in the case of serving writs on two or more persons.
For every commitment or discharge of a prisoner, 50
For every proclamation in the admiralty.
For sales of ships or vessels, or other property, condemned in the admiralty side of the district court, or in the circuit court, and for receiving and paying the money into court, for any sum under $500, 2½ per centum; and for any larger sum, 1¼ per centum upon the excess.
For summoning each grand or other jury, - 4 00
Provided that in no case shall the fees for summoning jurors to any one court exceed - 50 00
For attending circuit court, per day, - - 5 00
For attending district court, per day, - 4 00
For attending district court, per day, when it has the powers and cognizance of a circuit court, - 5 00
In Vermont the district court has not such powers and cognizance.
For travel from his place of abode to either of said courts, per mile, - - - 10
For advertising notice upon monition issued out of the admiralty side of the district court, at the discretion of the court, not exceeding - 10 00
For travel to serve any other writ or process issuing out of the same court, computing from the place of return to the most remote place of service, per mile, - - - 5
For advertising notice of sale to be made by virtue of a venditioni exponas, the actual expense thereof, if allowed by the court.
For taking bail bond for each defendant or debtor, $0 50
For summoning appraisers to appraise real estate levied upon by execution, for each appraiser, - 50
For travel, per mile, to summon such appraisers, computing from the most remote to the place where the appraisers are to serve, - - 5
For attendance on such appraisers, per day, - 34
For all services not herein enumerated, such fees and compensation as are allowed in the supreme court of the State of Vermont, where such services are rendered.
For attendance upon grand and other juries, each, per day, - - - - 2 00
For salary, - - - 200 00

CRIER'S FEES.

For each day's attendance at court, - - 2 00

TO THE DISTRICT ATTORNEY.

For drawing every indictment or information, - 1 00
And if more than one count, such sum as shall be allowed by the courts, respectively.
For term fee in each cause or action, for every term, - - - - 2 00
For attorney's fee in each cause tried, not exceeding - - - - 5 00
For attorney's fee on each motion to chancer any penal bond, motion in arrest, or for new trial, 2 50
For copy of any indictment or information, such sum as shall be allowed by the court.
For drawing interrogatories, - - 5 00
For drawing and exhibiting libel, claim, or answer, or for drawing an information, and exhibiting the same, - - - - 6 00
For all other services in any one case, - 6 00
For each day's necessary attendance on the business of the United States during the sessions of the district or circuit courts, - - 5 00
For travelling from the place of his abode to either of said courts, per mile, - - 10
For his salary, - - - 200 00
For drawing declaration on note, - - 47
For *all other writs, [meaning declarations,] such sum as shall be allowed by the courts, according to their length and difficulty.

TO THE CLERK.

For each writ or mesne process, or subpœna, with the seal of the court affixed, - - 50
For each venire facias for grand or petit juries, for each juror ordered to be summoned one-sixth part of a dollar, adding thereto one-third part of that one-sixth part for each juror.

* It would seem difficult to fix, by law, the exact compensation to the district attorney for drawing all writs, as their length would be very variant, and it is supposed this compensation might with propriety be left to the discretion of the courts.

For travelling from the place of his abode to either of the said courts, per mile, - -	$0 10
For attending either of said courts, per day, -	5 00
For entering each action or prosecution, on the law side, - - - - -	67
For entering each action or prosecution in chancery, - - - - -	1 00
For entering each continuance, - -	21
For entering each discontinuance, - -	34
For entering judgment on an abatement, nonsuit, default, or confession, - - -	34
For entering judgment on demurrer or after verdict, - - - - -	1 34
For drawing and filing bond for plaintiff to prosecute his suit against defendant, - -	50
For recording any judgment in law, or decree in chancery, for every hundred words, -	10
For filing each necessary paper, - -	8
For entering every rule or order of court, -	12
For entering appeal in the district court, -	50
For each writ of execution, with the seal affixed,	58
For each capias or warrant, - - -	1 58
For each habeas corpus, - - - -	1 58
For recording each execution, and officer's return thereon where the same has been levied and extended on real estate, - -	1 34
For affixing the seal of the court to every necessary paper, each, - - - -	25
For each certificate, or any paper filed in court,	22
For filing and safe keeping each affidavit filed in court, - - - - -	75
For taking recognisance in court, for each person recognised, - - - - -	25
For copy of any paper, either on the law or chancery side of the court, for every hundred words,	10
For all copies, and other services, made or done by direction of the court, and not hereinbefore enumerated, such sum or sums as shall be allowed by the courts, respectively, according to their length and difficulty.	
For all moneys deposited in court, one-half of one per centum.	
For swearing each counsellor admitted by the court, recording the same, and issuing copy of the record under seal of the court, -	3 00
For recording each title-page of a book, map, or a chart, - - - - -	60
For copy of the record of the same, and affixing the seal of the court, - - -	60

CLERK'S FEES IN ADMIRALTY.

For drawing every stipulation, process, monition, or subpœna, for every ninety words, -	15
For engrossing each sheet of ninety words, -	10
For entering return of process.	
For filing every libel, claim, pleading, or other paper, - - - - -	6
For copies of the pleadings, interrogatories, depositions, and exhibits, when required, for every ninety words, - - -	10
For entering each proclamation, - -	15
For entering each default, - -	12
For entering every rule of court, - -	15
For examining each witness and drawing his deposition, for every ninety words, - -	15
For certifying each exhibit or writing shown to a witness at his examination, - - -	25
For drawing every decree or decretal order, for every ninety words, - - -	15
For entering the same in the minutes, for every ninety words, - - -	10
For drawing a record, or making a copy of the proceedings, for every ninety words, -	15
For entering a record in the register, or engrossing or copying proceedings or records to be sealed or exemplified, for every ninety words,	10
For every certificate, - - -	20
For entering return of appraisement on sales, for every ninety words, - - -	$0 10
For affixing the seal to any paper, when required,	25
For drawing commission to examine witnesses, for every ninety words, - -	15
And for engrossing the same, if on parchment, including the parchment, - -	20
And, if on paper, for every ninety words, -	10
For swearing each witness in court, - -	10
For every entry or writing not mentioned or described, such allowance shall be taxed as for similar services herein mentioned.	
For all money deposited in court, one-half of one per centum.	

The judge of the Vermont district believes the foregoing table of fees would give a proper and adequate compensation to the several officers if the following alterations were made, which he respectfully takes leave to suggest:

The fee to the attorney for each cause tried is evidently too small; it is therefore proposed that it be $10 instead of $5.	
The fee to the clerk for filing and safe keeping each affidavit is too great, and it is proposed that it should be reduced to 50 cents, instead of 75 cents.	
In some of the States the proceedings in a cause at law, with the judgment, are enrolled by the counsel, and no other record is made of it. In Vermont this is not done; but the clerk makes up what is here called a record of the cause, and it is a work of considerable labor. It is proposed that he should, for making up the record of a cause in law, receive a fee of 10 cents for every hundred words.	
It is thought reasonable that the clerk should, for entering each motion for a new trial, or in arrest of judgment, receive a fee of - -	50
Entering judgment on the same, - -	40
Upon a motion to chancer a penal bond, -	1 34
Upon a motion to redeem mortgaged premises, -	1 34
For recording every certificate which it is the duty of the clerk to record, - -	25
One-half of one per centum is too small a compensation for receiving, giving, and taking receipts and other vouchers, and paying out the moneys deposited in court, as the sums paid are generally small. It is believed that one per centum would be a more adequate compensation; and it is the fee allowed the clerks of the State courts.	
There are some services to be performed by the clerk for which it is difficult to fix an exact and adequate compensation, and it would seem in some measure necessary to leave it in the discretion of the court to allow the compensation for them; such as	
Drawing commissions to take testimony;	
To take accounts between parties;	
To appraise betterments;	
Rules of reference;	
And appointing auditors, and perhaps some other services.	
These papers and others of a like kind will vary much in length, according to the nature of the case and wishes of the parties.	

The district judge thinks it his duty to remark that the compensation of the clerk afforded a pretty good living during the time the embargo and non-intercourse laws were in force, and during the time the laws raising an internal revenue were in force, as the business in the courts in this district was much increased during that time. But, since the repeal of those laws, the whole compensation to the clerk has not annually amounted to more than three hundred dollars.

DISTRICT OF NEW YORK.

SIR: KINDERHOOK, *January* 27, 1820.

With a view to comply with the resolution of the House of Representatives of the 22d of February last, enclosed to me by you under date of the 10th of March, I requested Mr. Graham and Mr. Slosson, two professional gentlemen of respectability, who have done much business in the district court, and are familiar with the practice, to prepare a fee bill proper to be adopted by the court. I now enclose you the result of their labors, which has just been received. I perceive they have not taken into consideration the fees proper to be allowed to the marshal and clerk, which were probably intended to be embraced by the schedule required by the resolution. As soon as I go to New York, and can confer with gentlemen of the bar on the subject, I will supply the deficiency.

I remain, respectfully, your humble servant,

W. P. VAN NESS.

THOMAS DOUGHERTY, Esq., *Clerk of the House of Representatives.*

Cases in admiralty.

ADVOCATE'S FEES.

A retaining fee in each cause, $5; but not to be allowed for more than one advocate.	
Perusing, amending, and signing every libel, claim, plea, exception, interrogatories, decree, (when prepared by the proctor,) appeal, or other special pleading, - -	$3 00
Auguing every plea or exception, and trying every cause, or attending prepared for such argument on trial, $10; but not to be allowed for more than two advocates.	
Every special motion actually made before the court or judge, or attending to oppose such motion, $5; but not to be allowed for more than one advocate.	
Every common motion before the court or judge, or attending to oppose such motion, -	1 00
Arguing before clerk or commissioners upon any matter referred to them, $5; but not to be allowed for more than one advocate.	

PROCTOR'S FEES.

A retaining fee in every cause, -	$5 00
Drawing process, libel, claim, plea, exceptions, interrogatories, special notice, decree, petition, answer, affidavit, or other proceeding, for each sheet containing ninety words, - -	50
Every engrossment thereof to file, for every ninety words, - - - -	25
And for every other necessary copy, -	12½
Attending judge out of term upon petition or special motion, or to settle interrogatories, -	2 00
Attending court in term, to make or oppose a special motion, - - - -	2 00
Attending court upon the hearing or argument of a cause, or prepared for such hearing or argument when the cause is noticed for hearing or argument, - - - -	5 00
Serving every notice, rule, order, petition, interrogatories, or other paper, - -	50
Drawing instructions for examinations either in or out of court, for each sheet containing ninety words, - - -	$0 25
And for copies thereof, - - -	12½
Drawing brief for advocate upon special motion, or petition, or for argument before clerk or commissioners, upon matters referred to them,	2 50
Drawing brief for advocate upon the hearing or argument of a cause actually noticed for hearing at term or before a special court, including abbreviations of the pleadings and evidence, for each sheet containing ninety words, -	25
And for copies thereof, - - -	12½
Attending before clerk or commissioners upon matters referred to them, for each day's actual attendance, - - -	2 00
Attending clerk with the draught of every sentence, decree, or decretal order to have the same settled or entered, - - -	1 00
Copy of costs before decree, - -	50
Copy of costs after decree, - -	1 00
Attending to tax or oppose a taxation of costs, -	1 00
Mileage to attend court or judge upon hearing or special matter, where the attendance shall be in a different county from that in which the proctor resides, for every twenty miles, going and returning, - - -	2 00
And the solicitor is to be allowed, in the taxation of costs, for all disbursements actually and necessarily incurred or paid in the progress of a cause not hereinbefore provided for.	

NEW YORK, *January* 24, 1820.

DEAR SIR:

I send you a fee bill as prepared by Mr. Slosson and myself. I should have attended to it sooner, but have been confined by sickness.

Yours, very respectfully,

CHARLES GRAHAM.

Hon. WM. P. VAN NESS,
Judge of the District Court.

DISTRICT OF NEW JERSEY.

SIR: NEWARK, *December* 6, 1819.

In pursuance of a resolution of the honorable the House of Representatives of the United States, I have the honor to enclose to you, accompanying this, a schedule of fees proper to be allowed and taxed in favor of the officers of the circuit and district courts of the New Jersey district. In performing this duty, I have confined myself to the fees allowed by law, presuming that it was not the intention of the House of Representatives to call on the district judge for an opinion as to what fees ought, in equity and propriety, to be allowed; if, however, I had construed the resolution in this sense, I am not certain that I should have materially altered the schedule of fees, for, considering the distance the officers have to travel to court, no complaint hath arisen on the ground of excessive fees, and I am well satisfied that they are sufficient.

I have the honor to be, with great respect, your very humble servant,

WILLIAM S. PENNINGTON.

The Hon. the SPEAKER *of the House of Representatives.*

A schedule of fees proper to be allowed and taxed in favor of the officers of the circuit and district courts of the New Jersey district.

TO THE DISTRICT ATTORNEY.

In admiralty causes in the district court.

For drawing interrogatories, - - $5 00
For drawing and exhibiting libel claim or answer, 6 00
For all other services in any one cause, - 6 00

In criminal causes.

For every indictment to which the defendant or prisoner pleads guilty, - - - 10 00
For every indictment to which the defendant or prisoner pleads not guilty, and afterwards retracts his plea and pleads guilty, - - 12 00
For every indictment to which the defendant or prisoner pleads not guilty, is tried, and found guilty, - - - - 15 00
This in full of all other fees.

TO THE DISTRICT ATTORNEY AND ALSO ATTORNEYS AT LAW.

In common law causes.

For retaining fee in every cause, - - $1 00
For drawing every summons, capias, or other mesne process, - - - 34
For drawing warrant of attorney, - - 10
For copy thereof, - - - 7
For drawing every affidavit, - - 14
For copy of the same, when necessary, - 7
For drawing special bailpiece and attending the judge, - - - - 40
For drawing notice of justification of bail, - 30
For copy and service thereof, - - 20
For every declaration, plea, or other pleading, not exceeding three sheets, - - 70
For copy thereof, when necessary, - - 30
For every writ of error, habeas corpus, certiorari, prohibition, scire facias, venire, or distringas, - 60
For every declaration, plea, replication, or other pleadings, exceeding three sheets, for every sheet, 20
[A sheet, under the New Jersey practice act and fee bill, consists of one hundred words.]
For copy thereof, - - - 12
For copy of bond, note of hand, account, or other deed or writing, for every sheet, - - 9
For every special motion not exceeding two in any cause, - - - - 80
For every subpœna, - - - 34
For every ticket for the same, - - 10
For drawing notice of every motion, where notice of the same is necessary, - - 25
For copy and service thereof, - - 20
For attendance on striking a jury, - - 1 00
For drawing notice of trial, - - 25
For copy and service thereof, - - 20
For drawing every breviat, - - 40
For copy thereof, - - - 14
For arguing every special motion, - - 1 25
For arguing demurrer or special verdict, or trying every cause, except a cause in ejectment, - 2 00
For drawing notice of taxing costs, where necessary, 25
For copy and service thereof, - - 20
For drawing every capias ad satisfaciendum, - 50
For drawing execution against goods and chattels, 50
For drawing execution against goods and land, - 70
For term fee, - - - - - 80
[But no more than two term fees to be allowed where judgment entered by default, nor more than three in any cause.]
For drawing declaration in ejectment, - 1 50
For retaining fee in ejectment, - - 1 50
For every attendance before the circuit court in order to make or oppose a motion in error, or an appeal, - - - - 1 00

TO THE DISTRICT CLERK.

In admiralty causes.

For drawing every stipulation process, monition, or subpœna, for each sheet of ninety words, - 15
For engrossing each sheet, - - $0 10
For entering the return of process, - - 15
For filing every libel claim, pleading, or other paper, - - - - 6
For copies of the pleading, interrogatories, depositions, and exhibits, when required, for each sheet of ninety words, - - - 10
For entering each proclamation, - - 15
For entering each default, - - 12
For entering every rule of court, - - 15
For examining each witness, and drawing his deposition, for each sheet of ninety words, - 15
For certifying each exhibit or writing shown to a witness at his examination, - - 25
For drawing every decree or decretal order, for each sheet of ninety words, - - 15
For entering the same in the minutes, each sheet, 10
For drawing a record, or making of the proceedings, for each sheet, - - - 15
[But no pleading, deposition, exhibit, or other writing to be inserted therein verbatim, or *in hæc verba*, shall be computed as any part of such draught.]
For entering a record in the register, or engrossing or copying proceedings or records to be sealed or exemplified, for each sheet, including all the pleadings, depositions, exhibits, and writings inserted therein, - - 10
For every certificate, - - - 20
For entering return of appraisement or sales, for each sheet, - - - - 10
For affixing the seal to any paper, when required, 25
For drawing commission to examine witnesses, for each sheet, - - - - 15
For engrossing the same, if on parchment, including the parchment, for each sheet, - 20
And if on paper, for each sheet, - 10
For swearing each witness in court, - - 10
For every entry or writing not mentioned or described, such allowance to be taxed as for similar services before mentioned.
For all money deposited in court, one-half of one per cent.

In criminal causes.

For entering every indictment, and filing the same, 20
For every process, subpœna, or other writ, - 34
For sealing the same, - - - 14
For every ticket for a subpœna, - - 10
For entering an appearance or default, - 14
For entering a recognisance taken in court, - 20
For discharging by proclamation, and entering the same, - - - - 20
For entering and filing a plea, - - 14
For entering a relinquishment of plea, - 8
For entering an order or rule of court, - 16
For a certified copy thereof, when required, - 12
For calling and swearing every jury, - 40
For swearing each witness, - - 8
For reading every record, deed, or writing given in evidence, - - - - 14
For swearing constable to attend the jury, - 8
For taking and entering a general verdict, - 20
For entering every special verdict, for each sheet of one hundred words, - - - 12
For entering judgment, - - - 12
For copies of writs, indictments, pleadings, special verdicts, and other papers, for each sheet, - 8
But no cost to be allowed where the indictment is quashed, judgment arrested, or defendant acquitted or discharged for want of prosecution.
The foregoing being the fees allowed in the supreme court of the State of New Jersey, one-third is, by act of Congress, to be added to them.

In chancery causes in the circuit court.

For entering action, - - - 20
For entering appearance, - - - 20
For filing every bill, answer, plea, replication, and other pleadings, and every affidavit, petition, report, examination, deposition, or other paper, 12

For copy of the same, for each sheet of one hundred words, - - - -	$0 08
For entering rule to answer, reply, or other rules in a cause, - - - -	20
For copy thereof, - - -	12
For search for any bill, answer, pleading, or other paper, for every year in which such search is made, - - - - -	8
For entry of every dismission, - -	50
For every commission to examine witnesses, -	34
For entering every cause for argument, -	50
For swearing every witness, - -	8
For attending court on argument or hearing, with the bill, answer, pleadings, and other documents and papers filed in the cause, -	50
For reading every bill, answer, or other pleading, document, or paper on argument or hearing, -	20

Money brought into court, and lodged with the clerk, after the rate of one cent a dollar.

The foregoing being the fees allowed by law in the State court, one-third is to be added by act of Congress.

In common law causes.

For drawing every summons, capias, subpœna, or other process, if the clerk shall do it, -	34
For sealing every writ, - - -	14
For entering every action, - -	10
For entering an appearance or default, -	14
For entering the return of a writ, - -	14
For entering every rule of court, - -	16
For a certified copy thereof, when required, -	12
For filing every writ, declaration, pleading, roll, or other paper, - - - -	8
For entering every retraxit, discontinuance, or nonsuit, - - - - -	15
For reading every petition, and entering order thereon, - - - - -	20
For every copy of such order, - -	12
For searching the records, - -	20
For calling and swearing every jury, -	40
For swearing each witness, - -	8
For reading every record, deed, or writing given in evidence, - - - - -	14
For swearing a constable to attend a jury, -	8
For taking a general verdict and entering same, -	20
For entering judgment, - - -	12
For entering special verdict, or demurrer to evidence, for each sheet of one hundred words, -	12
For copies of writs, declarations, pleadings, special verdicts, demurrers to evidence, records, and other papers, for each sheet, - -	8
For entering satisfaction on record, - -	$0 20
For entering confession of lease, entry, and ouster,	20

The foregoing fees being allowed in the supreme court of the State, one-third is to be added by act of Congress.

TO THE COUNSEL.

In common law causes and appeals.

For the trial of a cause, or arguing a demurrer or special verdict, - - - -	3 00

But no costs to be taxed for more than one counsel on a side.

For making or opposing a motion in the case of error or appeal, - - -	1 00

TO THE MARSHAL.

For the service of every writ, warrant, or attachment, or other process, - - - -	2 00
But in case there be more than one person named in such process, then, and in that case, for each person so named, - - - -	2 00
For travelling expenses, per mile, - -	5
For each bail bond, - - -	50
For summoning witnesses and appraisers, each, -	50
For every commitment or discharge of a prisoner,	50
For every proclamation in the admiralty, -	30
For sales of vessels or other property, and for receiving and paying the money, for any sum under five hundred dollars, two and a half per cent.; for any larger sum, one and a quarter per cent. upon the excess.	
For summoning any grand or other jury, -	4 00

Not to exceed $50 at any one court.

For returning every writ, - - -	
For serving every declaration in ejectment, -	2 00
For mileage, out and in, - - -	2
For producing a list of freeholders in cases of striking a jury, and attending the judge, -	2 70
For attending a jury of view, each day, -	1 50
For executing every writ of possession and return, - - - - -	2 00
For executing every writ of inquiry, summoning the jury, and returning the inquisition, -	2 00
For attending with a prisoner before a judge on his being surrendered by or in discharge of his bail, and receiving him into custody, -	1 50

TO THE CRIERS AND UNDER OFFICERS.

No fees, but a compensation of $2 per day, paid by the United States.

WILLIAM S. PENNINGTON, *District Judge.*

NEWARK, *October* 28, 1819.

EASTERN DISTRICT OF PENNSYLVANIA.

A schedule of fees of office proper to be allowed and taxed in the courts of the United States.

FOR THE DISTRICT ATTORNEY.

In criminal causes.

For drawing and prosecuting every bill of indictment, when found, - -	$8 00
Do. if not found, - -	4 00

On proceedings in rem.

For drawing interrogatories, -	5 00
For drawing and exhibiting libel, claim, or answer, - - - -	6 00
For all other services in any one cause,	6 00

In other causes.

For issuing præcipe for the commencement of a suit, and entering appearance, if the suit is ended before or at the sitting of the first court,	3 33
For every suit ended after the first court, and before judgment, discontinuance, or non pros., the further sum of - -	$3 33
For every suit prosecuted to judgment, discontinuance, or non pros., - -	8 00

ATTORNEYS AT LAW.

In suits at law.

For issuing præcipe for the commencement of a suit, entering appearance, and filing warrant of attorney, (if required,) if the suit is ended before or at the sitting of the first court,	3 33
For every suit ended after the first court, and before judgment, discontinuance, or non pros., the further sum of - -	3 33
For every suit prosecuted to judgment, discontinuance, or non pros., - -	8 00

In suits in equity.

For a retaining fee, - - $2 00
For drawing every bill, answer, plea, demurrer, replication, or other pleading, and drawing exceptions and other proceedings, for each sheet of 100 words, - - - 33
For drawing notice of every motion, copy, and service, - - - - 40
For every motion of course, 80 cents; but no motion to be allowed for common process, nor for rules to answer, reply, or the like, which are to be entered, of course, by the clerk.
For every special motion, - - 1 50
For arguing every plea or demurrer, or on petition or exception, or other special matter, - 3 00
For arguing upon the final hearing, $4; but no costs to be taxed for more than one counsel in a cause.
For drawing every decree, each sheet of 100 words, - - - - 25
For engrossing the same, each sheet, - 12
For copy of every bill of costs to be taxed before a decree, - - - - 20
For the same after a decree, - - 30
For every term fee, 80 cents; but no more than three term fees to be allowed.

In suits in admiralty.

For drawing and exhibiting libel, claim, or answer, - - - - 3 00
For drawing interrogatories, - - 3 00
For all other services in one cause, - - 3 00

CLERK.

In criminal causes.

For all services performed in any one prosecution, if the party be convicted, - - 6 00
For the same, if not convicted, - - 3 00

In admiralty proceedings and proceedings in rem.

For drawing every stipulation process, monition, or subpœna, for each sheet containing 100 words, - - - - 20
For engrossing each sheet, - - 12½
For entering return of process, - - 15
For filing libel claim, pleading, or other paper, 10
For copies of the pleadings, interrogatories, depositions, and exhibits, for each sheet of 100 words, - - - 15
For entering each proclamation, - - 20
For entering each default, - - 12½
For entering every motion or rule, - - 20
For examining a witness, and drawing his deposition, for each sheet of 100 words, - 20
For certifying an exhibit or writing shown to a witness at his examination, - - 25
For drawing every decree or decretal order, for each sheet of 100 words, - - 20
For entering the same in the minutes, for each sheet as aforesaid, - - - 10
For drawing a record or making a copy of the proceedings, for each sheet of 100 words, 20 cents; but no writing to be inserted therein verbatim or *in hæc verba* to be computed as any part thereof.
For entering a record in the register, or engrossing or copying proceedings or records to be sealed or exemplified, for each sheet of 100 words, (including all the pleadings, depositions, exhibits, and writings inserted therein,) - 15
For every certificate, - - - 25
For affixing seal, - - - 75
For entering return of appraisement or sale, for each sheet of 100 words, - - 15
For swearing a witness, - - - 10
On all moneys deposited in court, 1¼ per cent.

In suits in equity.

For entering an action, - - - 25
For drawing a subpœna to answer, or attachment, $2 00
For drawing other process and writs except a subpœna to testify, for each sheet of 100 words, 20
For drawing every subpœna to testify, 67 cents. [If more than one name be inserted, then 10 cents for each additional name. Not more than six names to be inserted in a subpœna.]
For entering an appearance for either party, - 20
For filing every bill, answer, or other pleading, and every affidavit, or other paper or exhibit, 12
For copy of same, for each sheet of 100 words, 15
For entering every rule, - - - 25
For every copy thereof, - - - 50
For every search, - - - 30
For every certificate, - - - 25
For affixing the seal, - - - 75
For entering every dismission, - - 50
For entering a cause for argument or hearing, - 50
For swearing a witness, - - - 10
For attending court in argument or hearing, with the papers filed in the cause, - - 50
For reading the papers, each, - - 20
On all moneys brought into court, 1¼ per cent.
For taxing a bill of costs, and copy, - - 50

In suits at common law.

For issuing a writ of capias ad respondendum, of summons, of scire facias, of attachment, of partition, of dower, and all other writs; docketing the same, and entering return, - 2 50
For entering an appearance for either party, - 20
For entering special bail, - - - 67
For bailpiece, - - - 1 25
For filing declaration, plea, demurrer, and every subsequent plea and issue, and entering them upon the record, each, - - - 20
For filing all other papers of each party in a cause, and reading them, if necessary, each, - 25
For every continuance, - - - 20
For entering every rule, - - - 25
For certified copy of the same, - - 50
For entering discontinuance, retraxit, or quashing writ of error, - - - 20
For every trial, swearing jury, and recording general verdict, - - - 1 00
For every trial, swearing jury, and recording special verdict, - - - 1 33
For swearing a witness, - - - 10
For recording judgment, - - - 33
For entering arrest of judgment, - - 20
For entering acknowledgment of satisfaction, - 33
For filing and entering report of referees, - 33
For entering judgment thereon, - - 20
For every subpœna, 67 cents. [If more than one name be inserted, then 10 cents for each additional name. Not more than six names to be inserted in one subpœna.]
For every subpœna ticket, - - 33
For copy of declaration or other pleading, for each sheet of 100 words, - - 15
For filing declaration in ejectment, and docketing cause, - - - - 67
For entering confession of lease, entry, and ouster, 20
For entering every motion or rule, - - 20
For calling plaintiff or defendant, and entering default, - - - - 37½
For entering a cesset executio, - - 20
For a venire or distringas, - - 1 33
For making up a record, each sheet of 100 words, 15
For every search, - - 30
For every certificate, - - - 25
For affixing seal, - - - 75
For qualifying constable and list of jury, - 25
For taking and entering acknowledgment of marshal's deed, and recording the same, for each sheet of 100 words, - - - 15
For entering up a judgment confessed on warrant of attorney, - - - 2 00
For taxing bill of costs and copy, - - 50
On all moneys deposited in court, 1¼ per cent.

MARSHAL.

In criminal cases.

For every commitment or discharge of a prisoner, $0 67
For every capital cause, - - - 4 00
For every cause not capital, - - 2 00
For executing a death warrant, - 15 00

In other than criminal cases.

For the service of any writ, warrant, attachment, or process, $2. [Where more than one person is named therein, for each person so named, $2.]
For mileage on serving the same, going and returning, per mile, 5 cents. [Where more than one person is named therein, the mileage to be computed in reference to the place of service most remote, adding the extra mileage necessary to serve it on the others.]
For each bail bond, - - - 67
For assigning the same, - - - 25
For summoning witnesses or appraisers, each, 50 cents. [Mileage for summoning witnesses to be computed as for service of writ, warrant, &c. as above.]
For every proclamation in the admiralty, - 50
For summoning grand and petit juries, each, - 5 00
For summoning special juries, furnishing lists, attending, and striking, each, - - 3 00
For summoning general jury, - - 1 00
For taking replevin bond, attachment bond, or any writing of indemnification, and filing it, - 75
For executing fieri facias, if money paid without sale, - - - - 2 00
For taking goods into custody, advertising, and selling, for any sum under $500, 2½ per cent.
For any larger sum, on the excess 1¼ per cent.
For selling lands levied upon, or delivering them to the creditor, the same allowance.
For receiving and paying money under attachment or ca. sa., the same allowance.
For keeping goods or chattels, fees to be regulated by the court in case of dispute. [Poundage to be allowed only for the real debt.]
For summoning a jury of inquiry, attesting and charging them, and taking and executing inquisition and return, - - $4 00
If engaged more than one day, each day after, - 2 00
For making a deed on sale of lands, and acknowledging it, - - - - 5 00
For every return of non est inventus, nil habet, or nulla bona, - - - - 50
For selling vessels or goods under admiralty process, for any sum under $500, 2½ per cent.
For any larger sum, on the excess 1¼ per cent.
Custody fee of a vessel under admiralty process, 1 50

CRIER.

For every cause that is called, - - 25

JURORS.

For each day's attendance, - - 1 25
For mileage, coming and going, per mile, 5 cents, to be paid by the public.

WITNESSES.

In criminal cases.

The same allowance as to jurors, to be paid in like manner.

In civil cases.

For each day's travel to and from, and attendance at court, 50 cents. [The day's travel to be computed at 20 miles, to be paid by the party.]

Approved:

RICHARD PETERS.

WESTERN DISTRICT OF PENNSYLVANIA.

To the Speaker of the House of Representatives of the United States:

In pursuance of a resolution of the Congress of the United States of the 22d February, 1819, I hereby transmit to you "a schedule of fees of office proper to be allowed and taxed to the officers" of the court of the United States held in this district. You will observe that the district court of the United States for the western district of Pennsylvania possesses circuit court powers. The fees of office hereby transmitted are collected from a view of the acts of Congress now in force, and the acts of the Legislature of Pennsylvania of the 20th April, 1795, and the 28th March, 1814. By the second section of the act of Congress of the 28th February, 1799, the "clerks of the district courts in each State are allowed the same fees as are given in the supreme court of the State in which the court is held, with an addition thereto of one-third of said fees." By the last State fee bill above mentioned, the fees of the State officers are in various cases considerably raised. I have had a view to this circumstance in the bill of fees now reported. For the fees proper to be allowed in the chancery side of this court, I refer you to the report of the honorable Richard Peters, as, from the want of a court of chancery in this State, I am not sufficiently conversant with that subject.

MARSHAL'S FEES.

For all extra services as is usual in other districts in the interior of the United States, per annum, - - - $200 00
For the service of any writ, warrant, attachment, or process issuing out of any court in the United States, - - - 2 00
And in case there be more than one person named in said writ, warrant, attachment, or process, then for each person so named, - 2 00
For his travel in serving each summons, writ, warrant, attachment, or process aforesaid, each mile circular, - - - 6
[This to be computed from the court-house to the place of service, and back to the court-house; and if more persons than one are named therein, the travel shall be computed from the court-house to the nearest party, from thence to the next, and so on to the most remote, and from thence to the court-house again.]
For each bail bond, replevin bond, attachment, stipulation, or other indemnification bond, - $1 00
For summoning witnesses or appraisers, each, - 75
For every commitment or discharge of a prisoner, in civil cases, - - - 1 00
For every proclamation in admiralty, - 50
For sales of vessels or other property, and for receiving and paying the money on ca. sa. or other process, for any sum under $500, 3 per cent.; for any larger sum, 2 per cent. upon the excess.
For summoning each grand or other jury, - 5 00
But in no case shall the fees for summoning jurors to any one court exceed $50, inclusive of circular mileage.
For attending the district court for each day, where such court has the powers and cognizance of a circuit court, - - 5 00
For serving subpœnas, each, - - 30
For circular mileage, per mile, - - 5

For assigning bail bond, or replevin bond, or other indemnification, - - - $0 50
For serving narr. in ejectment, - - 2 00
For copies of narr. in ejectment, each, - 1 50
For copy of summons, each, - - 50
For copy of scire facias, each, - - 75
For advertising expenses where goods or lands are sold in each suit, - - - 5 00
For vendue crier, when sale is actually made in each suit, - - - - 1 50
Where the vendue is continued for more than one day, then for each day thereafter - - 1 50
For summoning jury of inquiry, taking inquisition and return, - - - - 4 00
For executing writs of partition, attesting jury and return, - - - - 5 00
If the marshal be engaged more than one day, for each day's attendance thereafter - - 5 00
For deed on sale of lands, - - 4 00
For acknowledging the same, - - 1 00
For return of non est inventus, tarde venit, or nulla bona, - - - - 50
For levying fines, 4 per cent.
For executing retorno habendo, levari facias, fieri facias, or venditioni exponas, each, - 2 00
For the discharge of every prisoner in criminal cases, - - - - 1 00
For the commitment of any prisoner in criminal cases, to be paid on the discharge of the prisoner, - - - - 1 00
For serving process on indictment or presentment, in every capital case, - - - 4 00
In every other criminal case - 2 00
For each action called in court, for crier, - 25
For executing a death-warrant, - - 25 00
For executing liberari facias, - - 3 00
And where more than one person is to be removed, then for each person more than one - 2 00
For executing every haberi facias possessionem, 3 00
And where more than one person is to be dispossessed in the same process, then for each person more than one - - - - 2 00
For copy of scire facias sur mortgage, - 1 00
For delivering lands to creditor on liberari facias, and making return for any sum under $500, one per cent., and for any larger sum one-half of one per cent.
For keeping goods or chattels on any attachment, fieri facias, or other writ, the fees to be regulated by the court in case of dispute.
For executing fieri facias, if the money be paid without levy, - - - 3 00
For executing fieri facias, if the money be paid to plaintiff after levy and before sale, the one-half of the same commission allowed in other cases, viz: for any sum under $500, one and a half per cent., and for any larger sum one per cent.; but no per centage shall in any case be allowed for more than the real debt.
For making out and furnishing every special jury list, each, - - - - 1 00
For all other services not herein enumerated, except as shall be herein and hereafter provided, such compensation as is allowed in the supreme court of the State where such services are rendered; and where no provision is made for such services, the court shall regulate the same on a reference to charges for similar services in this bill.

CLERK'S FEES.

In civil cases.

For issuing every writ of summons, capias, scire facias, fieri facias, attachment, ca. sa., and habeas corpus, - - - 2 50
For each name of every plaintiff and defendant after the first, - - - 10
Issuing writs of partition, dower, scire facias sur mortgage, levari facias sur mortgage, liberari facias, venditioni exponas, and every other writ, 3 00
Docketing each cause, - - $0 50
For each name of every plaintiff and defendant after the first, - - - 10
Recording marshal's return of every writ or process, - - - - 25
Entering an appearance, - - - 25
Entering oyer and imparlance, - - 12½
Entering recognisance of special bail, - 75
Filing and entering on record each narr., plea, demurrer, joinder, replication, &c., or any other paper in a cause, - - 25
Entering every motion and rule, - - 25
Taking and filing every recognisance, - 50
Entering rules of reference for trial to show cause, take depositions, give security for costs, &c. - 25
Copy of the same under seal, - - 1 00
Every continuance, - - - 25
Entering discontinuance, nonsuit, non pros., retraxit, satisfaction, or quashing writ on motion, 50
Copy of bailpiece under seal, - - 1 25
Every trial, swearing jury or constable, and recording general verdict, - - 1 50
Recording special verdict, - - 2 00
Swearing or affirming each witness, - - 12½
Entering and recording judgment, - - 50
Entering motion and filing reasons in arrest of judgment or for new trial, - - 37½
Entering arrest of judgment, - - 25
Entering appointment of referees, - - 50
Filing and recording report of referees, - 50
Entering judgment on report, - - 50
Copy of record, narr., pleadings, &c., per ten words, - - - - 2
Certificate and seal, - - - 1 25
Subpœna for witnesses under seal, - - 1 00
Every name after the first, - - 12½
Every subpœna ticket, - - - 50
Every subpœna duces tecum, - - 1 50
Every search of record, - - - 25
Filing narr. in ejectment, docketing and entry of confession of lease, entry, and ouster, - 2 00
Issuing venire in each case when tried by a jury, 1 50
List of special jury, and copies of same, - 1 50
Putting a cause on issue list for trial, - 25
Entering motion and rule for attachment for contempt, - - - - 25
Issuing attachment for contempt, - - 2 00
Entering exoneretur on bailpiece or surrender, 20
Calling plaintiff or defendant, and entering default, - - - - - 30
Entering a cesset executio, - - 20
All services in entering judgment on confession, either on warrant of attorney, confession of judgment on suit depending, or amicable action, 3 00
Commission to examine witnesses, - - 2 00
Filing interrogatories, - - - 25
Copying interrogatories, every ten words, - 2
Bill to perpetuate testimony, filing same, - 37½
Order of court thereon, and recording the same, 2 00
Entering returns on commissions, - - 50
Copy of record or paper filed, or any part thereof, for every ten words, - - 2
Taxing bill of costs, other than clerk's, - 50
Suggesting death of party on record, and substitution of a new party, - - - 25
Stationary on each suit, - - - 20
Making return to writ of error or appeal, - 2 00
Entering proceedings of court above on return, - 1 00
All proceedings on petition for marshal to execute a deed of lands sold by his predecessor, - 1 50
Making entry of the acknowledgment, and recording marshal's deed, - - - 3 00
Commission on money paid into court, one per cent.
Registering alien, - - - 75
Copy thereof under seal, - - - 1 25
Filing and entering declaration of intention to become a citizen, - - - 50
Copy thereof under seal, - - - 1 25
Filing and entering the naturalization of alien, - 50

Copy thereof under seal, - - $1 50
Filing and entering all papers, if necessary, relative to one suit, - - - 75
Citation to show cause of bail before a judge, - 1 25
All fees not herein enumerated to be regulated by the court in the same manner as the marshal's.

In criminal causes.

For filing and entering every recognisance taken out of court, - - - - 35
For taking a recognisance in court, - - 35
For calling a recognisance and entering forfeiture, 20
For discharging forfeiture of recognisance, - 15
For respiting recognisance, - - 15
For entering discharge by proclamation, - 20
For docketing every indictment or presentment found by a grand jury, - - - 45
For every name after the first, - - 12½
For entering general plea, joinder, and issue, - 33½
For every special plea or demurrer and joinder, 35
For retracting plea, - - - 25
For entering nolle prosequi, - - 33½
For arraignment, and entering same, - 35
For entering submission and judgment, - 75
For entering verdict and judgment, - - 1 00
For calling and attesting jury, - - 35
For swearing constable, - - - 12½
For swearing or affirming each witness, - 12½
For entering motion and reasons in arrest of judgment, or for a new trial, - - 30
For entering any other motion and rule, - 25
For process on indictment or presentment, - 1 25
For each name after the first, - - 12½
For taking and entering return thereon, - 25
For issuing subpœna and seal, - - 1 00
For each name after the first, - - 12½
For subpœna ticket, if required, - - 50
For filing and entering, if necessary, all papers relating to one prosecution, - - 1 00
For each continuance, - - - 12½
For services rendered on a surety for peace and good behavior, - - - 50
For stationary in each prosecution, - - 12½
For putting case on trial or argument list, - 12½
For issuing attachment, and entering motion for same, - - - - 1 00
For certificate and seal to any matter of record, 1 00
For every search, - - - 25
For taxing bill of costs other than clerk's, - 50
For issuing process against defaulting jurors, - 75
For copy of any record or paper filed, or any part thereof, for every ten words, - - 2
All fees not herein enumerated to be ascertained and regulated by the court, as in the case of the marshal.

In admiralty and maritime causes.

For every citation, attachment, monition, writ of sale, or other process, under seal, - - 2 50
For every name after the first of libellant and libellee, - - - - - 12½
For drawing every stipulation, - - 1 00
For every subpœna, - - - 1 00
For every name after the first, - - 12½
For every subpœna duces tecum, - - 1 50
For engrossing and copying, per ten words, - 2
For entering return of process, - - 25
For filing every libel, claim, pleading, or other paper, - - - - 10
For copies of pleadings, interrogatories, decrees, depositions, and exhibits, when required, for each ten words, - - - 2
For entering each proclamation, - - 20
For entering each default, - - 15
For entering every rule of court, - - 20
For examining each witness and drawing each deposition, per ten words, - - 2
For certifying each exhibit or writing shown to a witness at his examination, - $0 25
For drawing every decree or decretal order, per ten words, - - - - - 2
For entering abstract of the same in the minutes, per ten words, - - - - 2
For drawing a record, or making a copy of the proceedings, per ten words, - - 2
But no pleading, deposition, exhibit, or other writing to be inserted therein verbatim or *in hæc verba*, shall be computed as any part of such draught.
For entering a record in the register, or engrossing or copying proceedings or record to be sealed or exemplified, per ten words, including all the pleadings, depositions, exhibits, and writings inserted therein, - - - - 2
For every certificate and seal, - - 1 25
For entering return of appraisement or sales, per ten words, - - - - - 2
For affixing the seal to any paper, when required, 25
For drawing commission to examine witnesses, per ten words, - - - - 2
For engrossing the same if on parchment, including the parchment in addition, - - 1 00
And if on paper, per ten words, - - 2
For swearing or affirming each witness, - 12½
For all moneys deposited in court, one per cent.
For each day's attendance in court, - - 5 00
For every entry or writing not mentioned or described herein, such allowance shall be taxed as for similar services herein mentioned, or regulated by the court, as in other cases.

FEES OF THE DISTRICT ATTORNEY.

For each day which any such attorney shall necessarily attend on business of the United States during the session of any court, - 5 00
For travelling from the place of his abode to such court and back again, per mile circular, - 6
For drawing interrogatories, - - 5 00
For drawing and exhibiting libel, claim, answer, or information in revenue cases, - - 6 00
For all other services in any one cause, - 6 00
For drawing and prosecuting every bill of indictment, information, or presentment, - 6 00
For every additional name in an indictment or presentment, - - - 4 00
For every case of surety of the peace heard and decided before the court, to be paid by the party bound over, or the party making the application, if the decision be against him, - 3 00
For every nolle prosequi, when paid by the defendant or defendants, - - - 3 00
Where two or more persons shall be prosecuted separately for a joint offence, the same fees shall be charged as if they had been prosecuted jointly, provided a prosecution had then commenced against all concerned.
For any other services not herein mentioned, the same fees as are allowed in the highest criminal court in the State.
And where no provision is made by the State laws, the compensation for such services shall be ascertained and regulated by the court, as in other cases.
For all extra services, the further annual sum of $200 as a full compensation.

FEES OF THE ATTORNEYS AND COUNSELLORS.

For issuing præcipe for the commencement of any suit, entering an appearance on the clerk's docket, filing warrant of attorney if required, if the suit be ended before or during the session of the first court, - - - 3 50
For every suit ended after the first court, and before judgment, discontinuance, nonsuit, or non pros., the further sum of - - 3 25

For every suit prosecuted to judgment, discontinuance, nonsuit, or non pros., - $8 00

FEES OF JURORS.

For each grand or other juror, for each day he shall attend in court, - - 1 25
For travelling, at the rate of five cents per mile from their respective places of abode to the place where the court is holden; and the like allowance for attorney, to be charged in the marshal's bill, and paid by the United States as heretofore.
For every inquisition on real estate, each juror, 45
For every inquisition of damages, each juror, - 45
For each day's attendance on view or other service in the country, - - - 1 25
To be charged in the bill of cost.

FEES OF WITNESSES.

For each day's attendance at court, - 1 00
For travelling to and from court, per mile, - 5

CRIER'S FEES.

For each action called in court, to be charged to the unsuccessful party, - - - 25
Each day's attendance in court for the purpose of attending on the court, or other necessary business, to be charged in the marshal's bill, and paid by the United States as heretofore, 2 00

CONSTABLES' FEES,

Appointed by the marshal, not exceeding three.

For each day's attendance in court for the necessary business thereof, to be included in the marshal's bill, and paid by the United States as heretofore, - - $2 00

FEES OF PARTIES.

For each subpœna and subpœna ticket, the same sum paid to the clerk of the court for the same.
Service of each subpœna, - - 30
Travelling expenses in serving the same, counting from the court-house to the nearest witness, thence to the next nearest, and so on to the last, and from thence back to the court-house, circular, per mile, - - - 5
Commissions and interrogatories, the same as lawfully charged by the clerk.
Serving notices to take depositions, each, - 30

SURVEYORS AND ARTISTS,

Appointed by the court to make draughts, &c. per day, - - - - 4 00

FEES OF ELISORS,

Appointed by the court in cases of the affinity, consanguinity, or interest of the marshal.

The same fees as for similar services by the marshal.

PITTSBURG, *December* 21, 1819.

In pursuance of the resolution of your honorable body, above referred to, I have drawn up, and herewith transmit, the above bill of fees. I will not pretend to assert that it is free from many defects, though the experience of thirty years in courts of justice will claim for it some respect. I have omitted to state the fees in the chancery side of the court, for the reasons stated in the first page of the report, and I trust they will be admitted as a sufficient apology for the omission. It will be found that some few innovations have been imbodied in the present bill: these are founded on personal experience, and a correct adjustment of the compensation to the services to be rendered. In some instances the fees have been augmented, and in some lessened. This arose as well from a conviction of the comparative smallness of business in this court, as from the sense of Congress heretofore expressed in adding one-third to the fees of the highest court of the State. For extra service I have advised the addition of $200 per annum to the marshal and district attorney, as well on the ground that the United States pay no costs in ordinary cases, as on the consideration that the same allowance is made by act of Congress to nearly all the marshals and district attorneys in the interior of the Union. I have also allowed $5 per diem to the clerk of the court, as I am entirely satisfied, on a careful view of the acts of Congress, that it is at present lawfully demandable. I have further recommended the same allowance to the marshal, as this is usual in the interior districts of the United States. In the performance of this honorable duty I have exercised my best judgment, and trust my intentions at least will be duly appreciated by yourself and that honorable body in which you so ably, honorably, and impartially preside.

With sentiments of great respect and consideration, I have the honor of subscribing myself yours, sincerely,

JONATHAN K. WALKER.

To the Hon. HENRY CLAY, *Speaker of the House of Representatives U. S.*

DISTRICT OF DELAWARE.

The undersigned, district judge of the United States for the Delaware district, in pursuance of a resolution of the honorable the House of Representatives of the United States of the 22d of February last, prays leave to report the schedule of fees contained on the following sheets, as proper to be allowed and taxed to the several officers of the courts of the United States therein mentioned.

FEES OF THE DISTRICT ATTORNEY.

In the district court, in admiralty and maritime causes.

For drawing and exhibiting libel, claim, or answer, in each cause, - - $4 00
Drawing interrogatories, - - - 2 67
For all other services in any one cause, 10 00
For each day's *actual* attendance on business of the United States, - - - 5 00
Ten cents per mile from the place of his abode to the place of holding the court, in going thither, but not on returning.

FEES OF THE MARSHAL.

In the district court, in admiralty and maritime causes.

For summoning every witness or appraiser, - 20
Making each proclamation, - - 20
Serving every capias, attachment, or summons, $1 75
Travelling each mile to serve process or subpœna a witness, - - - - 10
Custody fees for both vessel and cargo, per day, 1 50
For a vessel only, - - - 1 00
On sales, for any sum under five hundred dollars, three per cent.; and for any larger sum, one and a half per cent.
Daily attendance on said court, five dollars; and ten cents a mile from the place of his abode to the place of holding the court in going thither, but not on returning.

FEES OF THE CLERK.

In the district court, in admiralty and maritime causes.

For drawing every stipulation bond, process, monition, or subpœna, one cent for every line of twelve words.

And for engrossing the same, one cent for every line of twelve words.

Entering the return of process, - - $0 13

Filing every libel, claim, pleading, or other paper in a cause, - - - - 7

Copies of the pleadings, interrogatories, depositions, and exhibits, when required, half a cent for every line of twelve words; and if under seal, fifty cents for seal and certificate.

Entering each proclamation, - - 13

Entering every rule of court, - - 13

Entering each default, - - - 13

Examining each witness, and drawing out his deposition, for each line of twelve words, - 1½

Certifying each exhibit or writing shown to a witness at his examination, - - 12½

Drawing every decree or decretal order, one cent for every line of twelve words; and for entering the same on the docket, one cent for every line of twelve words.

For drawing out a record, or making a copy of the proceedings, one cent for every line of twelve words.

For every certificate and seal annexed to a copy of a record, fifty cents; and for every such copy, one cent for every line of twelve words.

Entering a return of appraisement and sale, - 50

Drawing a commission to examine witnesses, - 1 00

Affixing the seal to the same, - - 25

Swearing or affirming each witness, in court, 7

For every entry not mentioned or described above, such allowance shall be taxed by the judge as for similar services herein mentioned.

For each day's *actual* attendance five dollars, and such mileage as is before specified for the district attorney and marshal.

On all money deposited in bank by order of court, or paid into court, one and a half per centum.

FEES TO EACH CRIER AND BAILIFF.

Two dollars per day for each day of his *actual* attendance as such crier or bailiff, and no more.

TO THE DISTRICT ATTORNEY.

In the circuit court.

For the whole prosecution in every capital cause, to be paid by the United States, $16; but if the bill be not found by the grand jury, $8.

For every other indictment $5, if bill found; if not found, $2 50.

On every attachment of contempt issuing out of the circuit or district court, - - 2 67

For his *actual* attendance each day of the court on the business of the United States, $5, and the same mileage as is hereinbefore allowed him for his attendance on the district court.

And such other fees as are allowed him by law for services not hereinbefore set forth.

FEES TO SOLICITORS.

On the equity side of the circuit court.

For draughting and filing of every bill in equity, 16 00

For every answer, - - - 16 00

For writing and filing every plea or demurrer, - 5 00

For writing and filing interrogatories, whether direct or cross, - - - 5 00

FEES TO THE CLERK.

On the equity side of the circuit court.

For writing, signing, and sealing every original writ, 93

Every subpœna ad respondendum, - - 67

Every attachment, - - - 40

Every writ of sequestration, - - 1 00

Every writ of injunction, habeas corpus, or ne exeat, - - - - 1 00

A writ of execution of a decree, one cent for every line of twelve words.

Entering every appearance, - $0 07

Writing and filing every decree, one cent for every line of twelve words.

Entering every dismissal of a bill, plea, or demurrer, - - - - 14

Filing every bill, plea, answer, demurrer, replication, or rejoinder, - - - 7

Filing every affidavit, - - - 4

Filing interrogatories or depositions, - - 7

Filing a petition, - - - 4

Every rule, order to plead, answer, or demur, reply, or other rule, - - - 7

A commission to examine witnesses under seal, 1 00

A dedimus potestatem, - - - 93

Every search, - - - 6

Copy of any bill, answer, replication, or other paper in a cause in equity, one cent per line of twelve words.

In the circuit or district court, as the case may be.

For writing, signing, and sealing every original or judicial writ, - - - 93

Entering every action, - - - 7

Filing every declaration, - - - 7

Copy of a declaration in any action or suit, made out and delivered, if required, one cent per line of twelve words.

Withdrawing or discontinuing every action, - 7

Every retraxit, if actually entered and filed, - 14

Filing every demurrer, plea, replication, and pleading, in any action, to be paid by the party pleading, - - - - 7

Filing record returned on a certiorari, - 7

Reading certiorari and return, - - 7

Copy of every plea, replication, or pleading subsequent, to be paid by the party requiring the same, for each line of twelve words, - 1

Calling the jury and attesting them, - - 13

Attesting each witness on a trial, to be paid by the party producing him, - - 4

Attesting the bailiff to attend the jury, - 7

Entering an arrest of judgment, to be paid by the party moving, - - - 7

Filing reasons in arrest of judgment, - 4

Recording every verdict, - - - 13

Entering a judgment, - - - 7

Entering every appearance, - - 7

Every imparlance or continuance, - - 4

Entering a committitur, - - - 4

Drawing a bill of costs, containing the particular items, - - - - 7

Acknowledging satisfaction of a judgment on record, - - - - 25

Search of a record, - - - 7

Entering an appeal from the district court to the circuit judge, - - - 10

Filing exceptions, - - - 10

Every rule of reference, rule to plead, or other rule of court, - - - 4

Filing record, and proceedings returned, - 7

Copy of every rule of court, signed and sealed, 25

Reading a deposition or affidavit, - - 6

Entering and filing every writ, original or judicial, which is returnable process, - - 7

Taking and filing every affidavit in attachment or other matters, - - - 33

Reading and entering a report of auditors, and filing the same, - - - 10

Entering and filing every recognisance of bail, - 12½

A copy of the same, with seal and certificate, - 62½

Writing, signing, and sealing every subpœna to give evidence, containing the names of four persons, - - - - 40

Drawing out a list of forty-eight names, for a special or struck jury, and all services in striking the same, $2, to be paid by the party moving for such jury.

Copy of a record or other proceeding, for every line of twelve words, one cent.
Confession of a judgment on an amicable suit, and all the services thereon, - - $1 00
For each day's *actual* attendance on said courts, respectively, $5; and ten cents per mile in going to the place of holding the same, but not on returning.

TO THE MARSHAL.

In the circuit or district court, as the case may be.

For serving and making return of every summons, capias, or replevin, - - - 93
Serving every attachment for contempt, in vacation, 67 cents, and mileage at the rate of 5 cents per mile, going.
Serving every attachment issued returnable in term time, $1, and same mileage.
Taking the body into custody for safe keeping on an execution, 67 cents, and same mileage.
Summoning and serving a witness with a subpœna, and making return thereof, 33 cents, and same mileage.
Serving an execution, and making return thereof, with an inventory and appraisement, $2 50, and same mileage.
Copy of a summons, subpœna, &c. - - 13
Delivery of a copy of a declaration in ejectment, $1, and same mileage.
In every other action, 33 cents, and same mileage.
Every bail bond, replevin bond, or bond of indemnity, - - - - - 33
Turnkey's fees on every committitur, when the person is actually in jail, - - 50
A copy of a panel, when demanded, - - 7
Assigning every bail bond, - - 25
Summoning the grand jury to attend at one term or special session, $4, and no mileage.
Summoning and qualifying two appraisers, to appraise goods taken in execution, and same mileage, - - - 50
Advertising goods for sale, - $0 67
Dollarage on all sums received on execution, with or without sale, 1½ per centum, and no more.
Executing writ of inquiry of damages and every other writ of inquiry, summoning and attesting the jury, and returning the same, exclusive of mileage, - - - - 3 00
Serving writs of attachment, taking the goods or lands, and making return thereof, $1 50, and same mileage.
Levying an attachment in the hands of garnishees, and summoning them, 40 cents, and same mileage.
Executing a sentence of death, $40, and same mileage, to be paid by the United States.
Every indictment tried or submitted, - - 50
Summoning and returning a petit jury, $4, and no mileage.
Every committitur, to be paid by the party committed, - - - - 50
Serving and returning every subpœna, for a *single* or one witness, 13 cents, and same mileage.
For attending on either the circuit or district court during the sitting thereof, each day, $5, and mileage of 10 cents per mile in going to the place of holding the court, but not on returning.

FEES TO THE CRIER.

In the circuit or district court, as the case may be.

For each day's attendance on either of said courts, $2, and no mileage.

FEES TO THE BAILIFF.

In the circuit or district court, as the case may be.

For each day's attendance on either of said courts, $2, and no mileage.
To attorneys of either of said courts such fees, and no more, as are allowed them in the highest courts of judicature of the State in which either of the said courts may be holden.

All which is humbly submitted.

JOHN FISHER,
District Judge of the United States for the Delaware district.

DOVER, *December* 12, 1819.

DISTRICT OF VIRGINIA.

LOWER DISTRICT OF VIRGINIA, *September* 21, 1819.

In obedience to a resolution of the House of Representatives of the United States of the 22d of February, 1819, the annexed schedule of fees of office at present allowed and taxed for the officers of the courts of the United States for the district of Virginia is respectfully submitted to the House of Representatives as proper to be allowed and taxed for the officers of those courts, respectively.

ST. G. TUCKER,
District Judge of the United States for the District of Virginia.

To the Hon. the SPEAKER *of the House of Representatives.*

Fees allowed the clerks of the circuit and district courts of the United States in the Virginia district.

In cases in chancery.

For filing a bill, answer, replication, or other pleadings, each, - - - -$0 35
For a copy thereof, for every twenty words, - 2⅔
For entering every decree, - - 24
For drawing up every decree at large, entering the substance of the bill, answers, and other pleadings, the substance of the evidence, and the decree thereupon, for every twenty words, 2⅔
For filing depositions in every cause in behalf of each party, - - - - 35
For a copy of the depositions, for every twenty words, - - - - 2⅔
For every scire facias, - - - 57
For every other writ whatsoever, - - 47
For entering the marshal's return in the rule book, 47
For entering the personal appearance of the plaintiff or defendant, or the appearance of an attorney for either party, - - - 24
For entering security for costs for persons out of the county, - - - -$0 47
For every rule entered in the rule book, - 47
For a copy of every rule, - - - 24
For every order in court, - - - 24
For a copy of the same, - - - 24
For filing papers for each party, - - 35
For docketing every cause on the docket, to be charged but once, - - - 24
For entering every continuance on the court docket, - - - - 24
For the filing a declaration, and every plea or demurrer in any cause to the making up of an issue, - - - - 47
For every trial, swearing the jury and witnesses, and recording a general verdict, - - 1 16
For administering an oath or affirmation in court, except to witnesses to a jury, - - 24

In cases at common law.

For every writ of error, supersedeas, or scire facias, 57

For taking a bond on issuing a writ of error or supersedeas, - - - - -$0 57
For every other writ in any action or suit whatsoever, - - - - - 47
For entering the marshal's return, and entering the bail by him returned, in the rule book, - 47
For entering special bail, - - - 47
For entering the personal appearance of the plaintiff or defendant, or the appearance of an attorney for either party, - - - 24
For entering security for costs for persons out of the county, - - - - 47
For filing a declaration, and every plea or demurrer in any cause to the making up of the issue, and for filing errors upon appeals, writs of error, or supersedeas, - - - 47
For a copy of every declaration, plea, or demurrer, or of errors, - - - 47
For every rule entered in the rule book, - 47
For a copy of every rule, - - - 24
For every order in court before trial, - - 24
For a copy of the same, - - - 24
For filing papers for each party in any action or suit, - - - - 35
For docketing every cause on the docket, to be charged but once, - - - 24
For every trial, swearing the jury and witnesses, and recording a general verdict, - - 1 16
For administering an oath or affirmation in court, except witnesses to a jury, - - 24
For every trial where there is a special verdict, swearing the witnesses and jury, and recording such verdict, - - - - 1 73
And where there is no jury, but a case agreed, - 57
For swearing witnesses for each party in every cause where there is no jury, - - 35
For a copy of a case agreed, or notes of a special verdict, - - - - 57
For entering every order made in court, after verdict, or demurrer joined, - - 24
For entering every continuance on the court docket, - - - - 24
For entering every judgment, - - 24
For making a complete record of every cause, inserting a case agreed or special verdict at large from the notes, and all deeds and other evidences at large, for every twenty words, - $22\frac{2}{3}$
For a copy thereof, or any part thereof, - $22\frac{2}{3}$
For a recognisance in court, - - 47
For filing a return of a habeas corpus, - 35
For filing the record on a writ of error, - 35
For a copy of such record, for every twenty words, - - - - $22\frac{2}{3}$

In cases in chancery, or at common law.

For taking a bond on issuing injunctions, - 57
For every dedimus potestatem, - - 47
For recording the report of auditors, when it is desired, - - - - 93
For making a complete record of every cause, for every twenty words, - - $22\frac{2}{3}$
For filing the return of a certiorari, - - 35
For taxing the costs in any action or suit, and a copy thereof, - - - - 47
For recording any thing not herein particularly mentioned, or for a copy thereof, for every twenty words, - - - $22\frac{2}{3}$
For a search for any thing, if above a year's standing, or reading the same or any part thereof, if required, if a copy be not taken, - 24
For every order to a witness for attendance, to be charged to the party against whom the order goes, - - - - 24

In admiralty causes.

For drawing every stipulation, process, monition, or subpœna, for each sheet containing ninety words, - - - - 15
And for engrossing each sheet, - - 10
For entering the return of process, - - 15
For filing every libel, claim, pleading, or other paper, - - - - -$0 06
For copies of the pleadings, interrogatories, depositions, and exhibits, when required, for each sheet of ninety words, - - - 10
For entering each proclamation, - - 15
For entering each default, - - - 12
For entering every rule of court, - - 15
For examining each witness, and drawing his deposition, for each sheet containing ninety words, 15
For certifying each exhibit or writing shown to a witness at his examination, - - - 25
For drawing every decree or decretal order, for each sheet containing ninety words, - 15
And for entering the same in the minutes, for each sheet, as aforesaid, - - - 10
For drawing a record, or making a copy of the proceedings, for each sheet containing ninety words, - - - - - 15
But no pleading, deposition, exhibit, or other writing, to be inserted therein verbatim, or *in hæc verba*, shall be imputed as any part of such draught.
For entering a record in the register, or engrossing or copying proceedings or records to be sealed or exemplified, for each sheet of ninety words, including all the pleadings, depositions, exhibits, and writings inserted therein, - 10
For every certificate, - - - 20
For entering return of appraisement or sales, for each sheet of ninety words, - - 10
For affixing the seal to any paper, when required, 25
For drawing commission to examine witnesses, for each sheet containing ninety words, - 15
And for engrossing the same, if on parchment, including the parchment, - - 20
And if on paper, for each sheet of ninety words, 10
For swearing each witness in court, - - 10
For every entry or writing not mentioned or described, such allowance shall be taxed as for similar services herein mentioned.
On all money deposited in court, one-half of one per centum.

TO THE MARSHAL.

For the service of any writ, warrant, attachment, or process issuing out of any courts of the United States, - - - - - 2 00
And in case there be more than one person named in the said writ, warrant, attachment, or process, then $2 for each person so named.
For his travel out in serving each writ, warrant, attachment, or process aforesaid, 5 cents per mile, to be computed from the place of service to the court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the court to the place of service which shall be the most remote, adding thereto the extra travel which shall be necessary to serve it on the other.
For each bail bond, - - - 50
For actually summoning witnesses or appraisers, each, - - - - - 50
For every commitment or discharge of a prisoner, 50
For every proclamation in the admiralty, - 30
For sales of vessels or other property, and for receiving and paying the money, for any sum under $500, $2\frac{1}{2}$ per cent.; for any larger sum, $1\frac{1}{4}$ per cent. upon the excess.
For summoning each grand and other jury, - 4 00
Provided that in no case shall the fees for summoning jurors to any one court exceed $50.
And in those States where jurors, by the laws of the State, are drawn by constables or other officers of corporate towns or places, by lot, the marshal shall receive, for the use of the officers employed in summoning the jurors and returning the venire, the sum of - - 2 00

And for his own trouble in distributing the venire, the sum of - - - -$2 00
For attending the supreme or circuit court, per day, 5 00
And for attending the district court, where such court has the powers and cognizance of a circuit court, per day, - - - 5 00
And for attending the district courts in other cases, $4 per day, and at the rate of 10 cents per mile for his travel from the place of his abode to either of the said courts.
For all other services not herein enumerated, except as shall be hereafter provided, such fees and compensations as are allowed in the supreme court of the State where such services are rendered; and the annual sum of $200 as a full compensation for all extra services.

TO THE ATTORNEYS.

Taxed for their fees in admiralty causes, each case, - - - - -$17 00
Taxed for their fees in all other causes, each case, - - - - 20 00

SIR: CLARKSBURG, *December* 13, 1819.

I have the honor to transmit to you the annexed schedule of fees, proper, in my opinion, to be allowed and taxed for the officers of the court of which I am judge; which has been prepared in obedience to the resolution of the House of Representatives passed on the 22d of February last.

Very respectfully, your most obedient servant,

J. G. JACKSON.

To the Hon. HENRY CLAY, *Speaker of the House of Representatives.*

TO THE MARSHAL.

For the service of any writ, attachment, warrant, or process issuing out of any court of the United States, - - - - - $2 00
And if there be more than one person named therein, $2 for each person so named.
For travelling to serve such process, 5 cents per mile from the court to which the process is returnable to the place of service.
For each bail bond, - - - 62
For summoning a witness or other person, - 50
For committing or discharging a prisoner, - 50
For collecting and paying money on any execution or other process, 5 per cent. on the first $300, and 2 per cent. on all sums above $300.
For summoning and attending a jury upon any inquisition, survey, writ of dower, or partition, and returning such inquisition, - - 6 00
For serving a declaration in ejectment, on each tenant, - - - - 2 00
And the same for travelling as in the case of serving a writ.
For taking a bond for the delivery of property executed, - - - - 62
And in all cases where such bonds are forfeited, the same fees as for collecting and paying money on an execution.

TO THE CLERK.

For filing a bill, answer, replication, or other pleadings in chancery, each, - - 35
For a copy thereof, for every twenty words, - 3
For entering a decree, - - - 24
For drawing up every decree at large, entering the substance of any pleading, evidence, or decree, for every twenty words, - - 3
For filing the depositions in every cause, for each party, - - - - 35
For copy of a deposition, for every twenty words, 3
For taking a bond upon issuing an injunction, - 57
For a dedimus potestatem, - - 47
For recording the report of auditors, - - 94
For making a complete record of every cause, for every twenty words, - - - 3
For taxing the costs in any suit, or for a copy thereof, - - - - 47
For recording any thing not herein particularly mentioned, or for a copy thereof, for every twenty words, - - - 3
For a search for any thing, if above a year's standing, or reading the same if required, if a copy be not taken, - - - 24
For every order to a witness for attendance, to be charged to the party against whom the order goes, - - - - 24
For every writ of capias ad respondendum, - 24
For a copy of such writ, - - - 12
For every writ of execution or scire facias, - 35
For a copy thereof, - - - 19
For recording the return thereof, - - $0 19
For any writ of attachment, - - 35
For recording the return thereof, - - 35
For filing every bail bond, or entering the bail returned, - - - - 24
For docketing every cause, - - 11
For a copy of the return of any writ, - 11
For entering special bail, - - - 24
For entering security for costs, - - 24
For entering the appearance of the defendant where he has no attorney, - - 11
For entering one or more attorneys for each party, - - - - 11
For every declaration or other pleading, or for a copy thereof, - - - 24
For every trial, swearing the jury and witnesses, filing all papers, and recording a general verdict, - - - - 94
And where there is a special verdict or case agreed, - - - - 1 51
For swearing the witnesses in every other cause, 24
For a copy of a special verdict, case agreed, or making up a complete record, for every twenty words, - - - - 3
For entering every judgment, or for a copy thereof, - - - - 24
For every recognisance in court, - - 24
For entering the order or orders in any cause in one court, - - - - 35
For a copy of any order, - - - 24
For recording the report of a jury in the country, surveyor, auditor, or viewers, - - 47
For a copy thereof, - - - 47
For taxing costs to any judgment or decree where costs are recovered, or for a copy of a bill of costs, - - - - 27
For entering an appeal, and bond to prosecute it, 47
For returning a writ of error, supersedeas, certiorari, or habeas corpus, - - 47
For a copy of an account, - - 24
For an attachment on any order for the attendance of a witness, to be charged to the party against whom the attachment shall be issued, - - - - - 24
For a summons for one or more witnesses, - 24

NOTE.—In admiralty and maritime cases I have had no experience or practice, and am incompetent to give any opinion in regard to the fee bill already established.

TO THE ATTORNEY.

For each chancery case, or other case wherein the title or bounds of lands shall or may come in question, - - - - 25 00
In all other suits, except where the United States is a party, - - - - 20 00
In suits where the United States is a party, and the amount claimed is $500 or upwards, - 20 00
And where the sum claimed is less than $500, - 15 00
In all motions, - - - - 10 00

Although the following suggestions may not fall within the contemplation of the resolution, yet, having designated the foregoing fees as proper to be *allowed and taxed*, with reference to an additional allowance for mileage and attendance upon the courts, I further respectfully offer the opinion that, in consequence of the limited jurisdiction of the court, the probable paucity of suits which will be instituted therein, and the remote situation of the respective places where the courts are appointed to be held, there should be paid to the marshal, clerk, and attorney for the district, respectively, $300 per annum for attending the three places of holding courts, and 15 cents per mile for travelling to, and the same for returning from, the said courts, in lieu of the present allowance for mileage and attendance.

All which is respectfully submitted.

J. G. JACKSON.

DECEMBER 13, 1819.

DISTRICT OF NORTH CAROLINA.

SIR: RALEIGH, *December* 4, 1819.

I have the honor to transmit, herewith, a schedule of fees for the officers of the district courts of North Carolina, prepared in pursuance of a resolution of the House of Representatives of the United States passed the 22d February last.

With sentiments of high regard and respect, I am, sir, your most obedient, humble servant,

H. POTTER.

The Hon. the SPEAKER *of the House of Representatives.*

A schedule of the fees of office now charged and taxed by the officers of the district courts of the United States for the district of North Carolina.

TO THE MARSHAL.

For the service of any writ, warrant, attachment, or process issuing out of any court of the United States,	$2 00
And, in case there be more than one person named in the said writ, warrant, attachment, or process, then for each person so named,	2 00
For his travel out in serving each writ, warrant, attachment, or process aforesaid, per mile, (to be computed from the place of service to the court where the writ or process shall be returned; and, if more persons than one are named therein, the travel shall be computed from the court to the place of service which shall be the most remote, adding thereto the extra travel which shall be necessary to serve it on the other,)	5
For each bail bond,	50
For actually summoning witnesses or appraisers, each,	50
For every commitment, or discharge of a prisoner,	50
For every proclamation in the admiralty,	30
For sales of vessels or other property, and for receiving and paying the money, for any sum under $500, 2½ per cent.; for any larger sum, 1¼ per cent. upon the excess.	
For summoning each grand or other jury, (limited to $50 at each court,)	4 00
For attending the circuit court, per day,	5 00
For attending the district courts, per day, (and at the rate of 10 cents per mile for his travel from the place of his abode to either of the said courts,)	4 00
For the custody of all vessels and goods seized by any officer of the revenue, a reasonable compensation to be allowed by the court.	
For selling prize property, and receiving and paying over the proceeds, a commission of one per cent., first deducting all duties, costs, and charges; and in no case of condemnation and sale of any one prize vessel and cargo shall the commissions exceed $250.	
For all other services not enumerated, such fees and compensations as are allowed in the Supreme Court of the State.	

Under this rule, a commission of 2½ per cent. is charged on executions, including all services for levying, receiving, and paying over the money.

A schedule of fees of office proper to be allowed and taxed for the officers of the district courts of the United States for the district of North Carolina.

TO THE MARSHAL.

For the same service,	$2 00
For the same service,	2 00
For the same service, and to be computed in the same manner,	8
For the same service,	50
For the same service,	70
For the same service,	50
For the same service,	30
For sales of vessels or other property, (prize vessels and property, and sales by execution, excepted,) and for receiving and paying the money for any sum under $1,000, 2½ per cent.; for any larger sum, 1¼ per cent. upon the excess.	
For the same service,	4 00
For the same service,	5 00
For the same service, (same mileage pay,)	5 00
For the same service, same compensation.	
For the same service, same compensation.	
For collecting by execution, including all services for levying, receiving, and paying over the money, a commission of 2½ per cent. upon the sums collected.	
For all other services not enumerated, such fees and compensations as are allowed in the supreme or superior court of the State, as the case may be.	

TO THE CLERKS OF THE DISTRICT COURTS.		TO THE CLERKS OF THE DISTRICT COURTS.	
The same fees as are allowed in the supreme court of the State, with the addition thereto of one-third of the said fees; and, in case they perform any duty which is not performed by the clerks of the State, and for which the laws of the State make no provision, the court in which such service shall be performed shall make a reasonable compensation therefor.		For all services not hereinafter enumerated or provided for, a reasonable compensation to be allowed by the court.	
The fees which have been taxed under this rule are the following:			
For every leading process, under seal, returned to the first court, and all subsequent process, appearances, pleas, rules, orders, and other services necessary thereon, until the making up of an issue, inclusive; and also for dismission or final judgment, when either happens, or for confession of judgment, - - -	$2 07	For every leading process, under seal, returned to the first court, and all subsequent process, appearances, pleas, rules, orders, and other services necessary thereon until the making up of an issue, inclusive; and also for dismission, confession of judgment, or entering final judgment, either at the first or at any subsequent court, including all fees for every necessary service thereon, - - -	$3 00
For every continuance or reference of every cause after the second court, including all fees for every necessary service, - -	66⅔	For every continuance or reference of any cause after the first court, including all fees for every necessary service, - - - -	50
For the court at which the cause is determined, including all fees for every necessary service thereon, and entering final judgment, inclusive,	3 00	Provided for above.	
For every subpœna, under seal, provided the party insert no more than four witnesses in the same, - - - - -	74	For the same service, - - -	70
For every execution or order of sale, under seal, when necessarily issued and returned, including all services thereon, with taxing costs and copy, and entering satisfaction, - -	1 24	For the same service, - - -	1 25
For every scire facias against bail, under seal, with making an issue thereon, or entering judgment without plea, including fees for every service necessary thereon, provided that the party cast shall not be subject to this unless the scire facias is requisite, and required by the plaintiff, - - - - -	1 74	For every scire facias against bail, under seal, with making an issue thereon, and entering final judgment, with or without plea, either at the first or at any subsequent court, including fees for every service necessary thereon, -	2 00
For giving a copy of the record of any cause, when demanded by either of the parties, under seal, - - - - -	1 00	For the same service, - - -	2 00
For every order or rule of court made in matters foreign to the suit depending in court, and a copy thereof, when demanded, - -	44	For the same service, - - -	40
For searching a record out of court, - -	16	For the same service, - - -	20
For a commission to take the examination of witnesses in any cause depending, the return thereon entering, and all other services necessary thereon, including the seal, - -	49	For the same service, - - -	70
For a special verdict, demurrer, or motion in arrest of judgment, and argument thereon, -	66⅔	For the same service, - - -	50
For a writ of error, certiorari, or appeal, with a transcript of the record, and all services necessary thereon, - - - -	1 33	For the same service, - - -	2 00
For making out certificates of witnesses and jurymen's attendance, - - - -	11	For the same service, - - -	10
For every security taken to prosecute plaintiff's suit or pay costs, - - - -	33⅓	For the same service, - - -	30
For entering the same with the names of the security in the book to be by him kept for that purpose, - - - - -	33⅓	For the same service, - - -	30
For affixing the seal to any instrument of writing that may require the same, - -	41	For affixing the seal to any instrument of writing that may require the same, other than such as are herein under seal, - - -	25

For an indictment, calling the prisoner to the bar, charging him, receiving and entering his plea at length,	$1 66⅔	For the same services,	$1 00
For every recognisance,	33⅓	For the same service,	30
For each continuance of an indictment,	66⅔	For the same service,	50
For the trial of criminals, entering of final judgment, and issuing a copy of the sentence of the court,	3 00	For the same services,	2 00
For their attendance at court, (by act of Congress,) per day,	5 00	For the clerk's attendance at court, per day,	5 00
In admiralty and maritime causes, (by act of Congress,)		For the same in admiralty and maritime causes,	
For drawing every stipulation process, monition, or subpœna, for each sheet containing ninety words,	15	For the same service,	15
And for engrossing each sheet,	10	For the same service,	10
For entering the return of process,	15	For the same service,	15
For filing every libel claim, pleading or other paper,	6	For the same service,	6
For copies of the pleadings, interrogatories, depositions, and exhibits, when required, for each sheet of ninety words,	10	For the same service,	10
For entering each proclamation,	15	For the same service,	15
For entering each default,	12	For the same service,	12
For entering every rule of court,	15	For the same service,	20
For examining each witness, and drawing his deposition, for each sheet containing ninety words,	15	For the same service,	15
For certifying each exhibit, or writing shown to a witness at his examination,	25	For the same service,	25
For drawing every decree or decretal order, for each sheet containing ninety words,	15	For the same service,	15
And for entering the same on the minutes, for each sheet, as aforesaid,	10	For the same service,	10
For drawing a record, or making a copy of the proceedings, for each sheet containing ninety words,	15	For the same service,	15
But no pleading, deposition, exhibit, or other writing to be inserted therein verbatim, or *in hæc verba*, shall be computed as any part of such draught.			
For entering a record in the register, or engrossing or copying proceedings or records to be sealed or exemplified, for each sheet of ninety words, including all pleadings, depositions, exhibits, and writings inserted therein,	10	For the same service,	10
For entering return of appraisement or sale, for each sheet of ninety words,	10	For the same service,	10
For affixing the seal to any paper when required,	25	For the same service,	25
For drawing commission to examine witnesses, for each sheet of ninety words,	15	For the same service,	15
And for engrossing the same, if on parchment, including the parchment,	20	For the same service,	20
And if on paper, for each sheet of ninety words,	10	For the same service,	10
For swearing each witness in court,	10	For the same service,	10
For every entry or writing not mentioned or described, such allowance shall be taxed as for similar services herein mentioned.		Same service, same allowance.	
On money deposited in court, a commission of one-half of one per cent.		On money deposited in court, a commission of one-half of one per cent. for receiving and depositing the same according to the order of court.	
TO THE ATTORNEY.		TO THE ATTORNEY.	
For each day he shall necessarily attend on business of the United States, during the session of any circuit or district court,	5 00	For the same service,	5 00
For travelling from his place of abode to such court, per mile,	10	For travelling from the place of his abode to the several circuit and district courts, and back again, per mile,	10
For drawing interrogatories $5; for drawing and exhibiting libel claim or answer, $6; and for all other services in any one cause, $6.		A tax fee in every suit instituted by libel, including all services,	17 00
And such fees as are allowed in the supreme court of the State, viz:			
A tax fee as now charged in all suits not criminal, nor of admiralty jurisdiction,	12 50	A tax fee on all indictments and criminal prosecutions,	12 50
A tax fee on indictments and criminal prosecutions,	3 33⅓	A tax fee in all other suits,	12 50

In compliance with the resolution of the House of Representatives of the United States of the 22d February, 1819, I have prepared the above schedule. I have confined myself to the officers of the *district* courts, because such seemed to be the import of the resolution. In forming a list of fees "proper to be allowed" in my opinion, I was led necessarily to the examination of the present fee bill; and, believing that both lists might, by a comparison, be useful in leading to a proper conclusion, I have presented both. It will be seen that in some instances the proposed allowances are greater than those which already exist. In this I have been influenced chiefly by the consideration that the reward of each official act should be increased or diminished according to the aggregate profit, and in the same ratio. I am aware that the fees here submitted would be extravagant for an office abounding with business; but where there is very little to do, nothing but high fees can make the office an object; and if it be no object, an incumbent is to be sought for only among those whom the office may suit, but who are seldom found to suit the office. The small total of business in the district courts of North Carolina is divided and allotted (whether properly or improperly is not for me in this place to say) into three separate courts, far distant from each other, thereby reducing the emolument of each clerk to a mere pittance, and increasing the labor of the marshal and attorney, without an adequate compensation; hence the propriety, as it seems to me, of increasing the fees of these officers.

All which is respectfully submitted.

H. POTTER, *District Judge of the United States for the North Carolina District.*

RALEIGH, *December* 4, 1819.

DISTRICT OF SOUTH CAROLINA.

SIR: SOUTH CAROLINA DISTRICT, *October* 15, 1819.

In pursuance of a resolution of the House of Representatives in Congress assembled, of the 22d February last, I have the honor of transmitting to you, herewith, schedules of the district attorney, (No. 1,) of the marshal, (No. 2,) and of the clerk, (No. 3,) as respects fees of office proper to be allowed and taxed for the courts, and their departments, respectively.

The references in the marshal's schedule are written in my handwriting; the clerk's schedule is all in his handwriting; the district attorney's schedule is in the handwriting of his chief clerk; and they all meet my approbation, as being proper for this district.

I have the honor to be, sir, with great respect, your most obedient servant,

JOHN DRAYTON, *District Judge of South Carolina.*

To the Hon. the SPEAKER *of the House of Representatives in Congress.*

No. 1.

Table of fees established and allowed by an act of the General Assembly of the State of South Carolina, passed the 14th day of February, 1791, to the attorneys of the superior courts of the said State, by which act the fees of the attorney of the United States for the district of South Carolina are regulated and taxed, in conformity with the fourth section of the act of Congress passed 28th February, 1799. (Fourth volume Laws of the United States, page 272, old edition.)

ATTORNEYS OF THE SUPERIOR COURTS OF LAW.

PLAINTIFF'S ATTORNEY.

For filling up writs, signing, attendance to lodge the same with sheriff, in cases where no bail is required, and all incidental charges, when settled before declaration filed, -	$4 29
For every extra copy of writ and notice, -	32
For all subsequent proceedings whatever, from the filing of the declaration or obtaining interlocutory judgment, inclusive, where no bail is required, - - - -	5 36
In all cases where special bail is required, -	1 50
For all proceedings subsequent to the former, including final judgment and verdict, -	3 21
For all other services whatever, including the whole proceedings to the issuing of execution, inclusive, - - - -	1 29
For all exhibits in cases of covenant, per copy sheet of ninety words, - - -	9
To the jury in each cause tried, *(not applicable,)*	1 07

Attorney's fees in extraordinary cases.

For every demurrer, joinder, and argument on a point of law, - - -	5 36
For every motion for a new trial, or for arrest of judgment, or special matter and argument, -	5 36
For every renewal of writ or execution, -	1 07
For filling up every writ of subpœna, and four tickets inclusive, - - -	1 07
For every rule to show cause in arrest of judgment, copy and notice, and motion for trial, -	1 50
For preparing every commission to examine witnesses when necessary, attending to strike commissioners, drawing interrogatories in chief, and cross-interrogatories and instructions, -	$8 57
To each witness attending the court, residing in cities, towns, or villages where the courts are held, per day, (not applicable,) - -	50
Each witness from the country, including horse hire per day, (not applicable,) - -	1 00
All witnesses to be allowed their ferriage and toll, (not applicable.)	
For commencing, prosecuting, and defending a suit by summary process, - -	4 29

In all cases of dower or partition.

All fees from the commencement to the end of the proceedings, all services inclusive, surveyor's fees extra, - - -	21 43

On writs of attachment.

In addition to common costs on bond, note, or account, except printer's bill, - -	12 86

DEFENDANT'S ATTORNEY.

For appearance, filing bail, and imparlance, -	4 29
For drawing and filing plea, demurrer, or other proceedings, previous to the joinder of demurrer, or issue taken, - - -	3 75
For verdict in cases for defendant, postea bill of costs, and allowing taxation, copy and notice, including all charges, - - -	2 14
For drawing commissions to examine witnesses, drawing interrogatories, attending to strike commissioners, and instructions, all incidental charges inclusive, - - -	8 57
For copies of all necessary exhibits, to be filed by defendant, per copy sheet, - -	9

ATTORNEY GENERAL.

Criminal cases.

On papers returned, and no indictment given out, and nolle prosequi entered, - -	5 36

Where an indictment is found,	$8 57
Upon bill of indictment found, and trial before petit jury, and verdict or confession,	15 00

SOLICITOR'S FEES IN EQUITY.

Complainant's solicitor.

For preparing and filing a bill in equity, with all necessary exhibits,	30 00
For drawing interrogatories in chief for complainant's witnesses, and cross-interrogatories, drawing and engrossing commissions, and attending to strike commissioners where necessary, with proper instructions,	15 00
For arguing exceptions on points of law before the master or judge at chambers, when necessary, and attending thereon, including all charges incidental thereto,	8 57
For all other services in the cause, including brief served on judges, except the decree,	12 86
For drawing and engrossing decree, per copy sheet,	9

Defendant's solicitor.

For preparing and filing defendant's answer, and all necessary exhibits,	30 00
For drawing interrogatories in chief for defendant's witnesses, drawing and engrossing cross-interrogatories, commissions, attending to strike commissioners where necessary, with instructions,	15 00
For arguing exceptions on points of law, before the master or judges at chambers, when necessary, including notices, attendances, and all incidental charges relative thereto,	8 57
For all other services in the cause, including serving judges with brief, and except the decree,	12 86
For drawing and engrossing decree, per copy sheet,	9

The act of February, 1791, was passed in sterling money, but by a resolution of the General Assembly of South Carolina, dated 14th December, 1812, the fee bill was reduced to dollars and cents, and ordered to be published with the acts of the session of the Legislature of that year.

The following orders in the circuit and district courts have been made respecting fees:

IN THE CIRCUIT COURT, *June* 22, 1816.

Ordered, That the attorney on record in this court, in appeals and writs of error, shall be allowed $20 as a gross charge, and, in addition thereto, fifteen cents per copy sheet of ninety words, in lieu of all other costs; and that the clerk and marshal be allowed in such cases the fees allowed by law in other suits in the common pleas and equity, with the addition of the fees in the admiralty when the laws respecting the fees in the common pleas do not apply; but this shall not be considered as authorizing an additional charge of per centage when money is paid into their hands.

IN THE DISTRICT COURT, *February* 13, 1818.

Ordered, That the district attorney and other proctors who practise in this court be in future allowed, for writs of subpœna issued by them, the same fees as are allowed in the State court for the like services.

By the fourth section of the act of Congress passed 28th February, 1799, (vol. 4 Laws of the United States, page 272, old edition,) compensation was established and allowed to the attorneys of the United States in the following cases, and which have been accordingly taxed:

For each day which any attorney shall necessarily attend on business of the United States, during the session of any district or circuit court,	$5 00
For travelling from the place of his abode to such court, per mile,	10
For drawing interrogatories,	5 00
For drawing and exhibiting a libel claim or answer,	$6 00
For all other services in any one cause,	6 00

No. 2.

Fees proposed to be allowed to the marshal of the United States for the South Carolina district in lieu of those at present allowed by law, viz:

For the service of any writ, warrant, attachment, or process issuing out of the courts of the United States, for each person named,	$2 00
For the necessary travel in serving such writ, warrant, attachment, or process, for each mile,	10

[Travelling, in South Carolina, is expensive; less than the allowance herein recommended would not defray the ordinary expense of travelling.]

For each bail bond,	50
For every commitment or discharge of a prisoner,	50
For every proclamation in the admiralty,	30

For sales of vessels or other property, and for receiving or paying the money, one and a half per cent. commission.

For collecting money under an execution otherwise than by a sale of property, and paying the same away, one per cent. commission.

For summoning each grand or other jury,	10 00

[The expense to the marshal for summoning the juries for the circuit court at Columbia is never less than *fifty dollars*, and frequently more. The jurors are generally scattered over a wide extent of country, which renders the service arduous and expensive.]

For attending the courts of the United States, per day,	5 00

[This constitutes the chief emolument of the marshal's office in the South Carolina district, and without it the profits of the office would be inconsiderable.]

For his travel to attend said courts, per mile,	10

[Travelling, in South Carolina, is expensive; less than the allowance herein recommended would not defray the ordinary expense of travelling.]

The marshal shall have the custody of all property seized by virtue of a process issuing out of the courts of the United States, and shall be allowed such compensation therefor as the court may judge reasonable.

[Perhaps no sum which could be fixed for this service would be reasonable in all the cases which may arise. It is therefore recommended that the compensation should be left to the discretion of the court, as it now is.]

For any services not herein enumerated, the marshal shall be allowed such compensation as the court shall judge reasonable.

[Such a clause as this is necessary to meet extraordinary services.]

N. B. The crier of the court is allowed by the laws of the United States two dollars per day for his attendance on the court when sitting.

No. 3.

**Fees of the clerk of the district court in admiralty and maritime causes, as established by act of Congress of March* 1, 1793.

For drawing every stipulation, &c., each copy sheet of ninety words,	$0 15
For engrossing each sheet,	10
For entering the return of process,	15
For filing every libel claim or other paper,	6
For copies of any pleadings, each copy sheet of ninety words,	10
For entering each proclamation,	15
For entering each default,	12
For entering every rule of court,	15
For certifying each writing shown to witness,	25
For drawing every decree or decretal order, each sheet,	15

For entering every decree or decretal order in minutes, each sheet,	$0 10
For entering a record in the register, or copying proceedings to be sealed or exemplified, each sheet, &c.	10
For every certificate,	20
For entering return of appraisement or sales, each sheet of ninety words,	10
For affixing seal to any paper,	25
For drawing commission to examine witness, each sheet,	15
For engrossing the same on parchment, each sheet,	20
For engrossing the same on paper, each sheet,	10
For swearing each witness in court,	10
For every entry or writing not mentioned or described, such allowance shall be taxed as for similar services herein mentioned.	
For all money deposited in court, one and a quarter per centum.	

By the act of 28th February, 1799, "To the clerks of circuit and district courts in each State, respectively, *the same fees* as are allowed in the supreme court of the said State, *with an addition thereto of one-third of said fees*, and five dollars per day for his attendance at any circuit or district court, and at the rate of ten cents per mile for his travel from the place of his abode to either of said courts; and in case a clerk of a court of the United States perform any duty which is not performed by the clerks of the State, and for which the laws of the State make no provision, the court in which such service shall be performed shall make a reasonable compensation therefor; and in all cases of admiralty jurisdiction the clerk of the district court shall be allowed the same fees as are prescribed by the second section of an act passed the 1st of March, 1793."

By an act of Congress passed April 18, 1814, "the clerks of the district and circuit courts of the United States shall be entitled to one half of one per centum, and no more, on money deposited in court; any law to the contrary notwithstanding."

In every other respect, the rule appears to be a good one which gave to the clerks the same fees as the State allowed, and one-third in addition; a schedule of such fees is, therefore, herewith sent, (marked ‡,) and also a statement of the fees as allowed by act of Congress, (marked *,) which appears only objectionable in the following particulars;† it is considered that the mileage of the officers is too low, the expenses of travelling being very considerable.

It is further respectfully suggested whether the commission on deposites might not be advantageously altered; that perquisite was reduced during the war from one and a quarter to a half per centum; and it is worthy of observation that the clerks are now required to make out and exhibit abstracts at every stated court, so that the emolument is diminished, while the duty is increased. The clerk of the State court here is allowed one per centum; would it not be fair to allow one per cent. to the clerk on any sum deposited not exceeding $5,000, and a half per cent. on such sums as shall exceed?

In criminal cases and cases in equity the clerk is governed by the rule which allows the same fees as the State law in such cases allows, adding one-third.

‡*Extract from the table of fees established by act of the Legislature of South Carolina.*

TO THE CLERK OF THE SUPERIOR COURTS OF LAW.

For signing writ and affixing seal,	$0 21
For filing declaration, plea, or other pleading,	16

† *Alterations respectfully suggested.*

Taking examinations of each witness, (exclusive of 15 cents per copy sheet of ninety words,)	$3 00
Reference of any matter, and report thereon, (only one report in any cause,)	5 00
Drawing, engrossing, recording, or entering, the same fee, the trouble being precisely the same, per copy sheet, say	15
For copying declaration or other writing, per copy sheet,	$0 09
For entering every special order of court, or copy,	11
For every search in record, where cause is ended,	14
For signing every judgment,	43
For drawing jury for special court,	75
For drawing bailpiece, attending and taking bail,	43
For recording every judgment or other writing, per copy sheet,	9
For every recognisance,	43
For every cause tried, swearing jury, and docketing,	43
For swearing every witness,	11
For every certificate, and signing,	11
For administering every oath,	11
For reading a verdict,	11
For attending at judges' chambers,	43
For making out a license for the admission of an attorney, administering oath, &c.	6 43
For issuing a certiorari or other special writ,	75
For dedimus potestatem, &c.	43
For filing and entering return thereof,	21
For entering decree on summary process and execution,	43

TO THE CLERK OF THE SESSIONS AND PEACE.

On a nolle prosequi,	1 50
For bill found or thrown out,	3 21
For bill found, and trial before petit jury,	4 29
For writ of venire,	32
For writ of habeas corpus or bench warrant,	1 50
For writ of subpœna and ticket,	43
For taking recognisance, &c.	54

Fees in equity.

TO THE MASTER.

For every summons,	37
For copy of charge or discharge,	21
For every affidavit,	32
For every oath administered,	11
For every recognisance,	43
For taking oath of defendant to answer,	1 07
For every attendance summons of either party,	75
For hearing and determining any contested matter,	1 07
For making up and returning every report into court,	3 00
Only one report in each case to be charged.	

TO THE REGISTER.

For affixing seal and signing,	54
For affidavit of service of subpœna, &c.	54
For examining every witness, drawing depositions, exemplifications, orders of court, or copies, per copy sheet,	9
For every search,	14
For entering every cause for hearing,	21
For reading all papers in a suit,	43
For examining decree, affixing seal, &c.,	86
For notification to insert in gazette, by order of court, &c.	32
For affixing seal, and signing every commission to take answers and examine witnesses, &c.	54

TO THE PROCTORS.

There is no law at present regulating the fees of proctors in the court of admiralty; the act of Congress on that subject has been repealed; the following schedule is therefore respectfully submitted:

For drawing and exhibiting a petition to judge, and issuing process or precept,	6 00
For drawing and exhibiting libel or answer, plea or claim,	6 00
For drawing interrogatories,	5 00
For all other services in any one cause,	5 00
For issuing summons, case being disposed of on return of summons,	5 00
For preparing and prosecuting appeal,§	20 00

§ This is now allowed by rule of court.

DISTRICT OF GEORGIA.

SIR: SAVANNAH, *September* 17, 1819.

In complying with the resolution of the House of Representatives passed on the 22d February, 1819, I consider it best to transmit a copy of the fee-bill by which the marshal and clerk of this district are at present governed. In cases at common law and in equity, these officers are allowed one-third more than was, at the passage of the act of Congress making this allowance, (1799,) permitted to be charged by the officers of the State courts. The act of this State regulating the fees of officers was passed, I think, in the year 1797—a period at which money was worth much more than it is at the present day; and if, as I think was the case, the fees at that time were not extravagant, it follows that they are not now an adequate compensation for the discharge of the duties required. This is to be presumed, too, from the circumstance of our Legislature (which has never, I believe, been charged with an excess of liberality in compensating our State officers for their services) having, within the last two years, increased the fees of the officers of the courts fifty per cent.

With this view of the subject, I am of opinion that the fees now charged by the marshal and clerk should be increased in the same proportion as the fees of the State officers have been, with the exception of the marshal's charges on sales. I think that he should be allowed three per cent. on the amount of sales under $1,000, and one and a half per cent. on any excess above that sum. These sales are sometimes made at places remote from the residence of the marshal or his deputies, and it then happens that the travelling expenses amount to more than the commissions.

With regard to the salary and fees of the district attorney, they are, in this State, a mere cipher, as I know from having held the appointment for several years. The salary will scarcely defray the expenses of stationary and postage; and in cases at common law he is allowed $4 on each suit prosecuted to judgment, which he only receives if the money is collected from the defendant; but if the defendant proves insolvent, the officers have hitherto been allowed nothing. So long as this practice is adhered to, I think the attorney should be allowed $8 on each judgment from which the amount recovered may be collected; and that, in *qui tam* actions and proceedings to recover forfeitures or penalties, in which the informer or officers of Government are entitled to a part of the penalty or forfeiture, the attorney should be allowed on such part a commission of two and a half per cent.

I am, very respectfully, your obedient servant,

WILLIAM DAVIES, *District Judge of Georgia.*

The Hon. the SPEAKER *of the House of Representatives of the U. S.*

MARSHAL'S FEES FOR THE DISTRICT OF GEORGIA.

For serving any writ, warrant, attachment, or process, issuing out of any court of the United States, or for serving each copy of said writ,	$2 00
For travel in serving such writ, 5 cents per mile, to be computed from the place of service to the court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the court to the place of service which shall be the most remote, adding thereto extra travel, which shall be necessary to serve it on the others.	
For each bail bond,	50
For summoning witnesses or appraisers, each,	50
For every commitment or discharge of prisoners, each,	50
For sales of property, and for receiving and paying the money for any sale under $500, 2½ per cent.; for any larger sum, 1¼ per cent. upon the excess.	
For each execution,	2 00
For each case in admiralty,	4 00
For serving warrant,	2 00
For serving monition,	2 00
For each admiralty case in circuit court,	5 00
For attending circuit court,	5 00
For attending district court,	4 00
For serving each subpœna,	2 00
For summoning grand and petit juries, each venire,	4 00
For commissions on expenditures of courts, &c. 2½ per cent.	

CLERK'S FEES FOR THE CIRCUIT AND DISTRICT COURTS.

For issuing writ, if only one defendant, and 68 cents in addition for every defendant more than one,	$4 00
For filing judgment,	80
For issuing execution,	80
For issuing commission to take testimony,	1 50
For issuing subpœna, 50 cents; ticket, 25 cents,	75
For issuing venire facias,	3 00
For entering satisfaction of record,	50
For copy and certificate of the same,	50
For attendance in court, per diem,	5 00

ADMIRALTY FEES.

For drawing every stipulation process, monition, or subpœna, for each sheet of 90 words,	15
For engrossing each sheet,	$0 10
For entering the return of process,	15
For filing every libel claim, pleading, or other paper,	6
For copies of the pleadings, interrogatories, depositions, and exhibits, for each sheet of 90 words,	10
For entering each proclamation,	15
For entering each default,	12
For entering every rule of court,	15
For examining each witness and drawing his deposition, for each sheet containing 90 words,	15
For certifying each exhibit or writing shown to a witness at his examination,	25
For drawing every decree or decretal order, for each sheet containing 90 words,	15
For entering every decree or decretal order in the minutes, for each sheet, as aforesaid,	10
For drawing a record or making a copy of the proceedings, for each sheet containing 90 words,	15
For entering a record in the register, or engrossing or copying proceedings or records, to be sealed or exemplified, for each sheet of 90 words, including all the pleadings, depositions, exhibits, and writings inserted therein,	10
For every certificate,	20
For entering return of appraisement or sale, for each sheet of 90 words,	10
For affixing the seal to any paper, when required,	25
For drawing commission to examine witnesses, for each sheet containing 90 words,	15
For engrossing the same, if on parchment, including the cost of parchment, 20 cents; and if on paper, for each sheet of 90 words, 10 cents.	
For swearing each witness in court,	10
For attendance on court, in each cause,	
For all money deposited in court, one-half of one per cent.	

FEES OF THE CLERK IN OTHER CASES.

For drawing out a protection,	4 00
For certificate of copyright to proprietors of books, &c., 60 cents; and for copy thereof certified, 60 cents.	
For registering an alien,	50
For certificate of the same, and seal,	50
For search,	16
For extract and certificate,	33

DISTRICT OF LOUISIANA.

SIR: NEW ORLEANS, *December* 7, 1819.

In compliance with a resolution of the House of Representatives of the United States, I transmit a bill of fees for the different officers of the district court of the United States for the Louisiana district.

I have the honor to be, with the highest consideration and respect, your most obedient servant,

D. A. CRALL,
District Judge of Louisiana District.

The Hon. HENRY CLAY, *Speaker of the House of Representatives.*

Fee bill of the Clerk of the District Court of the United States for the Louisiana District.

IN COMMON LAW CASES.	State fees.	One-third added.
For endorsing, registering, and filing petitions,	12½	16⅔
Endorsing, registering, and filing answers,	12½	16⅔
Copying all instruments of writing not otherwise provided for, for each 100 words,	12½	16⅔
Issuing citation, with seal and certificate,	75	1 00
Copying the same, with seal,	50	66⅔
Issuing attachment, with seal,	1 00	1 33⅓
Copying the same, with seal,	50	66⅔
Issuing fieri facias, with seal,	1 50	2 00
Issuing ca. sa., with seal,	1 50	2 00
Issuing seizure, with seal,	1 00	1 33⅓
Issuing order of sequestration, with seal,	1 50	2 00
Issuing injunction, with seal,	1 00	1 33⅓
Issuing writ of habeas corpus, with seal,	1 00	1 33⅓
Issuing certiorari, with seal,	1 50	2 00
Issuing mandamus, with seal,	1 50	2 00
Issuing distringas, with seal,	1 50	2 00
Issuing subpœna duces tecum, with seal,	1 00	1 33⅓
Issuing a subpœna for witnesses, with seal,	25	33⅓
Issuing summons for witnesses, with seal, each,	75	1 00
Each writ of possession, and affixing the seal,	75	1 00
Each order of partition and seal,	75	1 00
Issuing notice of judgment, with seal,	25	33⅓
Every continuance,	25	33⅓
Issuing citation of appeal, with seal and certificate,	50	66⅔
Copy of said citation, with seal and certificate,	50	66⅔
Issuing attachment to bring persons into court,	50	66⅔
Issuing a venire facias,	50	66⅔
Swearing jury,	50	66⅔
Swearing witnesses, each,	6¼	8⅓
Entering final judgment,	1 00	1 33⅓
Every interlocutory judgment,	50	66⅔
Every order of court not otherwise provided for,	25	33⅓
Copy of same and seal, when required,	50	66⅔
Filing and registering return on all writs,	12½	16⅔
Every search (never charged by the clerk,)	25	33⅓
Taxing costs, certifying and filing same, and giving certificate thereof when required,	1 00	1 33⅓
Setting cause for trial, and calling same,	25	33⅓
Affixing the seal of court to all other records or documents but those herein specified, when required,	50	66⅔
Every necessary certificate,	25	33⅓
Notice to creditors to attend meetings, each,	25	
Taking and filing bond,	1 00	1 33⅓
Recording and registering deed of conveyance for property sold and transferred by the sheriff,	1 00	1 33⅓
Entering satisfaction of judgment,	25	
Issuing commission to take examination of witnesses,	1 50	

MARSHAL'S FEES,

Allowed by an act of Congress of February 28, 1799, *vol.* 4, *page* 272, *taken from Graydon's Digest, page* 258.

For service of any writ, warrant, attachment, or process issuing out of any of the courts of the United States, - - - $2 00

In case there be more than one person named in the said writ, warrant, attachment, or process, then for each person so named, - - 2 00

For his travel out in serving each writ, warrant, attachment, or process, per mile, to be computed from the place of service to the court where the writ or process shall be returned, - 5

If more persons than one are named therein, the travel shall be computed from the court to the place of service which shall be the most remote, adding thereto the extra travel which shall be necessary to serve it on the others.

For each bail bond, - - - $0 50

For actually summoning witnesses or appraisers, each, - - - - 50

For every commitment or discharge of prisoner, 50

For every proclamation in the admiralty, - 30

For sales of vessels or other property, and for receiving and paying the money for any sum under $500, 2½ per cent.; for any larger sum, upon the excess, 1¼ per cent.

For summoning each grand and other jury, provided that in no case shall the fees for summoning jurors to any one court exceed $50, - 4 00

For attending the district court, per day, - 5 00

For his travel from the place of his abode to said court, per mile, - - - 10

For all such services not herein mentioned, except as shall hereafter be provided, such fees and compensations as are allowed in the Supreme Court of the United States when such services are rendered.

Criers, when they serve at court, per day, - $2 00
Attendants, for their services for attending grand and other juries, and other necessary duties, per day, $2; but not more than three shall be appointed to a court; allowed 2½ per cent. for paying over moneys to the officers of the court.

I am of opinion that the above fees are reasonable.

D. A. CRALL,
Dist. Judge Louisiana District.

NEW ORLEANS, *December* 8, 1819.

In compliance with a resolution of the House of Representatives of the United States, I have the honor to submit to their consideration the enclosed bill of fees for the officers of the district court of the United States for this district.

D. A. CRALL,
District Judge U. S., Louisiana Dist.

DISTRICT ATTORNEY.

For every indictment, - - - $18 00
In every common law case, where judgment has been obtained, - - - 18 00
In admiralty cases, the same fees as are now allowed under the act of Congress.

D. A. CRALL,
District Judge U. S., Louisiana Dist.

NEW ORLEANS, *December* 8, 1819.

The first column of the following table exhibits the legal fees of the clerk of the supreme court of the State of Louisiana, in civil cases, as contra-distinguished from those in admiralty, wherever the services therein specified are performed; and the second column shows the fees which are thought reasonable and ought to be allowed to the clerk of the United States district court in Louisiana.

By an act of the State Legislature, the clerk of the supreme court is allowed *double* the fees given to the clerks of the *State district* courts; and although, from the nature of the supreme court, a number of the services specified in the first table are not performed by the clerk of that court, yet they are required of the clerks of the several district courts of the State, and of the clerk of this court; and, therefore, according to the principle established by the Legislature, if those services were performed by the clerk of the supreme court, his fees would be such as stated in the first column. Formerly, the clerk of the district court of the United States was allowed, in virtue of an act of Congress, one-third more fees than were given to the clerk of the then superior court of the Territory of Orleans, which was the highest court of judicature in the State. The territorial system of courts having been superseded by those established by the State authority, the supreme court is now the highest court of the State, and, therefore, the fees of that court are taken as a standard in the following table for the fees of the clerk of this court; for if one-third be added to the fees allowed to the clerk of the highest *State* court, it will only be a recognition of the principle established during the Territorial Government, which has ceased to apply since the change to State Government; the Territorial superior court, and the fees incident thereto, having been abolished. All, therefore, that is asked, is, to place the clerk of this court in the same situation he was in before the change of Government, by allowing him one-third more fees than are allowed by the State.

The reason why the clerk of the supreme court is allowed greater fees than those of the other courts of the State is because the former, in its nature, is a court of limited jurisdiction, and, consequently, much less business is transacted there than in those of general jurisdiction; the same facts exist with respect to this court, and, consequently, the same reason for an increase of fees applies to it.

It is thought reasonable that the fees in *admiralty* ought to be equal, for equal services, to those in common law cases. The first column shows the admiralty fees established by the act of Congress of 1793; and the second, such as are thought reasonable to be allowed. From the year 1793 until 1814, the clerk of this court was allowed one and a quarter per cent. commission on all moneys deposited in court; but during the war it was reduced to one-half per cent., in consequence of the number and amount of prizes brought in and condemned; but as that reason no longer applies, it is hoped that the former commission will be allowed. In addition to the reasons assigned for an increase of fees, it is known that the expense of living in New Orleans is proverbially great. Even the stationary and office furniture necessary to a clerk's office cost much more here than, perhaps, in any other section of the Union.

These remarks are respectfully submitted for consideration.

Fees proper to be allowed to the Clerk of the District Court of the United States.—See 2d column.

In common law.		
For endorsing, registering, and filing petition,	$0 25	$0 33⅓
Endorsing, registering, and filing answer,	25	33⅓
Copying all instruments of writing not otherwise provided for, for each 100 words,	25	33⅓
Issuing citation, with seal,	1 50	2 00
Copy of same, with seal,	1 00	1 50
Issuing attachment, with seal,	2 00	2 66⅔
Copy of same, with seal,	1 00	1 50
Issuing fieri facias, with seal,	3 00	4 00
Issuing capias ad satisfaciendum,	3 00	4 00
Issuing injunction, with seal,	2 00	2 66⅔
Issuing writ of habeas corpus,	2 00	2 66⅔
Issuing writ of certiorari,	3 00	4 00
Issuing writ of mandamus,	3 00	4 00
Issuing writ of distringas,	3 00	4 00
Issuing subpœna duces tecum,	2 00	2 66⅔
Issuing subpœna for witness,	50	66⅔
Issuing summons,	1 50	2 00
Each writ of possession,	1 50	2 00
Order of partition,	1 50	2 00
Notice of judgment,	50	66⅔
Continuance,	50	66⅔
Citation of appeal,	1 00	1 33⅓
Copy of citation of appeal,	1 00	1 33⅓
Attachment to bring persons into court,	1 00	1 33⅓
Venire facias,	1 00	1 33⅓
Swearing jury,	1 00	1 33⅓
Swearing each witness,	12½	16⅔

TABLE OF FEES—Continued.

For entering final judgment,	$2 00	$2 66⅔
Entering interlocutory judgment,	1 00	1 33⅓
Every order of court not otherwise provided for,	50	66⅔
Copy of same, with seal when required,	1 00	1 33⅓
Filing and registering return on all writs,	25	33⅓
Every search,	50	66⅔
Setting cause for trial, and calling same,	50	66⅔
Taxing costs, certifying same, &c.	2 00	2 66⅔
Affixing seal of court to all documents other than above specified, when required,	1 00	1 33⅓
Every necessary certificate,	50	66⅔
Taking and filing bond,	2 00	2 66⅔
Entering satisfaction of judgment,	50	66⅔
Commission to examine witnesses,	3 00	4 00
Arraigning prisoner,	1 00	1 33⅓
Certificate of admission to an attorney,	10 00	13 33⅓
All services not above described, such allowance shall be taxed by the court as for similar services herein mentioned.		
In admiralty, as fixed by the act of Congress of 1793.—*See first column.*		
Drawing every stipulation process, monition, or subpœna, for each ninety words,	15	33⅓
Engrossing each sheet,	10	33⅓
Entering return of process,	15	33⅓
Filing every libel claim, pleading, or other paper,	6	33⅓
Copies of pleadings, interrogatories, &c., each ninety words,	10	33⅓
Entering each proclamation,	15	33⅓
Entering each default,	12	66⅔
Entering every rule of court,	15	66⅔
Examining witness, and drawing his deposition, each ninety words,	15	33⅓
Certifying each exhibit or writing shown to a witness at his examination,	25	50
Drawing every decree or decretal order, each ninety words,	15	33⅓
Entering same in the minutes, each ninety words,	10	33⅓
Drawing record, or making copy of proceedings, each ninety words,	15	33⅓
Every certificate,	20	66⅔
Affixing seal to any paper, when required,	25	1 33⅓
Entering return of appraisement or sales, each ninety words,	10	33⅓
Drawing commission to examine witnesses, each ninety words,	15	*4 00
Engrossing the same, if on parchment, each ninety words,	20	33⅓
Engrossing the same, if on paper, each ninety words,	10	33⅓
Swearing each witness in court,	10	16⅔
All moneys deposited in court,	½ per ct.	1¼ per ct.
Fees not mentioned by law.		
Setting cause for trial,	-	66⅔
Issuing warrant of seizure, with seal,	-	2 00
Copy of warrant of seizure, with seal,	-	1 00
Subpœna duces tecum,	-	2 66⅔
Subpœna for witness,	-	66⅔
Every continuance,	-	66⅔
Issuing citation of appeal,	-	1 00
Copy of citation of appeal,	-	1 00
Issuing order of sale,	-	1 00
Taxing costs,	-	2 66⅔
Taking and filing bond,	-	2 66⅔
Every entry or writing not mentioned or described, such allowance shall be taxed as for similar services herein mentioned.		

NOTE.—In the second column, and opposite to the fees allowed for each ninety words, I have put such fees as think ought to be charged for each one hundred words, as being more convenient to calculate.

SAMUEL H. HARPER, *Clerk.*

I am of opinion that the clerk's fees ought to be increased; and the addition proposed is deemed to be a reasonable one. The clerk is not permitted to practise, and depends solely for support on his office.

D. A. CRALL, *District Judge U. S. L. D.*

DISTRICT OF INDIANA.

SIR: CORYDON, *November* 8, 1819.

I have the honor herewith, to enclose you a schedule of fees, prepared in conformity to a resolution of the House of Representatives of the United States of February 22, 1819.

I have the honor to be, with great respect, your obedient servant,

B. PARKE.

The Hon. the SPEAKER *of the House of Representatives of the United States.*

A schedule of fees proper to be allowed in the district court of the United States for the Indiana district.

For every capias and seal,	$0 75
For entering action,	21
For filing writ,	14
For drawing bond for costs,	$0 50
For filing declaration or other pleading, each,	14
For copy of declaration or other pleading, per sheet of seventy-two words,	15
For altering declaration in ejectment, and admitting defendant,	37½

*$4 each commission, as in common law.

For discontinuance or retraxit, - - $0 75
For entering order or rule thereon, - - 50
For copy of every rule of court, - - 25
For entering satisfaction on record, - 50
For receiving and entering verdict, - - 37½
For entering judgment, - - - 37½
For an execution, - - - 75
For entering defendant's appearance, - 25
For entering on docket, - - - 25
For receiving and entering the traverse, panel, and swearing jury, - - - 1 00
For each subpœna, - - - 75
For each writ of possession and seal, - 1 00
For each scire facias, - - - 1 00
For each venire facias, - - 75
For every attachment or rule of court to show cause, - - - - 75
For swearing officer to attend jury, - 25
For swearing each witness, - - 21
For swearing plaintiff or defendant on affidavit to continue, - - - 21
For entering report of referees, per sheet of seventy-two words, - - - 15
On confession of judgment, default, joinder, or demurrer, - - - 37½
For entering rule of court for the appointment of referees, - - - 37½
On surrendering principal in court by sureties, 40
For entering every order thereon, or copy thereof, 25
For every issue joined, - - - 37½
For every trial, - - - 75
For issuing commission to take depositions, - 75
For each subpœna in chancery or writ of injunction, or copy thereof, - - - 1 00
For every attachment for contempt, - 75
For every writ of elegit, venditioni exponas, or other special writ, or copy thereof, - 1 00
For recording every official certificate, - 37½
For entering appearance of either party in person or by attorney, - - - 21
For making complete record, or copy thereof, per sheet of seventy-two words, - - 15
For copy of a grant or patent separate from a complete record, - - - 66⅔
For copy of every entry from commissioners' books, - - - - 37½
For copy of every entry from surveyor's books, 21½
For every entry entered on the rule docket or in court, - - - - 37½
For each order to advertise or order of survey, or copy thereof, - - - 57½
For entering decree, or copy thereof, per sheet of seventy-two words, - - 15
For taxing the costs in any action, or copy thereof, - - - - 50
For every order to witness for attendance, or copy thereof, to be charged to the person against whom such order goes, - - 25
For copy of a bond or note for payment of money only, - - - - 66⅔
For copy of bond with condition, - - 75
For endorsement on a subpœna in injunction, - 15
For filing depositions, - - - 37½
For recording any verdict of a jury or matter agreed upon by the parties, per sheet of seventy-two words, - - - 15
For recording the award of auditors, viewers, or report of commissioners, or a copy thereof, per sheet of seventy-two words, - - 15
For recording every paper filed, or copy thereof, per sheet of seventy-two words, - - 15
For recording bond for the conveyance of land, or copy thereof, - - - 75
For filing the papers of each party in the cause, 35
For affixing the seal of office, and certificate accompanying the same, - - 75
For entering special bail, - - 50
For copy of an account not included in a complete record, if it be contained in one page or less, for recording the same, - - 75
For recording of an account of more than one page, for every seventy-two words or figures, $0 15
For copy of complete record, per sheet of seventy-two words, - - - 15
For recording of articles of agreement, or copy thereof, - - - - 75
For each certificate for which no fee is allowed, 50
For copy of witnesses' claim, - - 25
For taking bail in or out of court, - - 50
For discharging special bail, - - 37½
For entering order of defendant into custody, - 25
For drawing injunction bond, - - 75
For entering judgment and fine for contempt, - 50
For each day's attendance at court, - 5 00
For all moneys paid into court, one per cent.

MARSHAL'S FEES.

For serving writ, warrant, attachment, or other process, - - - - 2 00
If more than one named therein, for each person, 2 00
For every bail bond, - - - 1 00
For his travel out in serving each writ, warrant, attachment, or other process, to be computed from the place of service to the court where the writ or process shall be returned, six cents per mile.
If more persons than one are named therein, the travel shall be computed from the court to the place of service, which shall be the most remote, adding thereto the extra travel, which shall be necessary to serve it on the other.
For returning each writ or subpœna, - 12½
For every commitment, - - - 75
For every discharge, - - - 75
For calling each jury, - - - 25
For summoning grand or traverse jury, - 5 00
For attending prisoner before a judge when surrendered by his bail, and receiving such prisoner into custody, - - - 1 00
For summoning jury to try the right of property, 3 00
For serving every rule of court, - - 50
For mileage thereon, per mile, - - 6
For calling each witness, - - 12½
For calling action, - - - 12½
For dieting prisoner, per day, - - 31¼
For proceeding to sell on any execution, if the property be actually sold, the commission to the marshal shall be five per centum on the first five hundred dollars, and two per centum on all sums above that; and half of such commission when the money is paid to the marshal without seizure, or when the lands or goods seized or taken shall not be sold; which commission shall come off the debtor; and no other fee or reward shall be allowed upon any execution, except for the expense of receiving and keeping the property.
For making deed on the sale of real property, - 5 00
For serving writ of possession without the aid of the posse, - - - 3 00
For serving same with the aid of the posse, - 6 00
For all moneys disbursed on the part of the Government, three per cent.
For each mile in travelling to and from court, - 5
For each day's attendance at court, - 5 00

JURORS' AND WITNESSES' FEES.

For each mile in travelling to and from court, - 5
For each day at court, - - - 1 50

FEES OF ATTORNEY FOR THE DISTRICT.

For each mile in travelling to and from court, - 5
For each action, information, bill or plaint, or indictment, - - - 10 00
For attending the taking depositions on the part of the United States, per day, - - 5 00
For every action in court, whether at law or in equity, - - - - 10 00

CRIER'S FEES.

For each day's attendance in court, - 2 50

DISTRICT OF MISSISSIPPI.

SIR: NATCHEZ, MISSISSIPPI, *January* 6, 1820.

In obedience to the resolution of the House of Representatives of the 22d of February last, I have the honor herewith to enclose you a schedule of fees proper to be allowed and taxed for the officers of the district court of this district. It may not be improper to remark that, in making out the list, I have had regard to the fees allowed in the State courts.

Circumstances which I could not control have prevented me from making this communication as early as I had designed.

I have the honor to be, very respectfully, your obedient servant,

W. B. SHIELDS.

THOMAS DOUGHERTY, Esq., *Clerk of the House of Representatives.*

A list of fees which are deemed proper to be taxed in the district court of the United States for the district of Mississippi.

CLERK'S FEES.

In chancery.

Entering each action,	$0 50
Entering appearance,	50
Filing each paper,	25
Copies, per sheet of 100 words,	40
Entering each rule,	50
Entering each continuance,	50
Entering dismission, discontinuance, or non pros.,	50
Setting cause for hearing,	50
Each writ in equity,	3 00
Enrolling or recording decree, per 100 words,	50
Each injunction bond,	1 50
Entering each motion,	50
Administering each oath,	50
Certificate,	50
Affixing seal,	1 00
Taxing costs and copy,	1 50
Reading papers when required, per page,	12½

In civil cases at common law.

Each writ other than those specified,	2 50
Entering and return,	50
Docketing every cause, to be charged but once,	50
Filing each paper,	25
Entering appearance,	50
Every motion or order in court,	50
Declaration in ejectment,	5 00
Entering nonsuit, discontinuance, or non pros.,	1 00
Order and copy of rule of reference,	2 00
Swearing each witness,	2 00
Entering each continuance,	1 00
Venire facias in each cause tried by jury,	50
Scire facias, (except against jurors when excused,)	4 00
Scire facias against defaulting jurors,	3 00
Swearing and empannelling each jury,	1 00
Receiving and entering verdict,	50
Entering every judgment in court,	75
Copies thereof, per 100 words,	40
All other copies, per 100 words,	40
Each subpœna for one witness,	1 00
For every other name inserted,	12½
For every search in the office,	50
Entering tender of principal by his bail,	50
Commission to take deposition,	2 00
Taking a recognisance,	1 00
Execution, docketing, and entering return, &c.	3 00
Taxing costs and copy,	$1 00
Recording final judgment, each 100 words,	50
Each bailpiece,	1 00
Certificate,	50
Affixing seal,	1 00
Each day court sits,	5 00
Travelling to and from court-house, per mile,	10

One per cent. on all moneys deposited in court.

A salary from the United States of $500 per annum for three years.

DISTRICT ATTORNEY'S FEES.

Each day's attendance on court,	5 00
Travelling, per mile,	10
Drawing interrogatories,	5 00
Drawing or exhibiting claim, libel, or answer,	6 00
All other services in a cause,	6 00

MARSHAL'S FEES.

Service of any writ, warrant, process, or attachment, for each person named,	3 00
Docketing process and return,	50
Copy of process and return,	50
Bail bond,	75
Summoning witnesses or appraisers, each,	50
Commitment or discharge of a prisoner,	1 00
Every proclamation in the admiralty,	50
Attending district court, per day,	5 00
Travelling to court, per mile,	12½
Levying execution,	2 00
Entering and return of the same,	50
Assignment of bail bond,	50
Executing venire facias, to be taxed in each cause tried,	50
Summoning a special jury,	10 00
Summoning a panel,	10 00
Executing writ of possession and return,	3 00
Deed to purchasers of real estate,	5 00
Attending prisoner on habeas corpus, each day,	3 00
Serving declaration in ejectment, and copy thereof,	4 00
Travelling, to be computed from place of service to court-house, adding extra distance, if more than one be named in the process, per mile,	12½
Making the money on all executions, if it do not exceed $100, 5 per cent.; and on all sums above $100, and not exceeding $1,000, 2½ per cent.; and in larger sums, 1½ per cent. on the excess.	
For extra services, per annum,	500 00

16th Congress.] No. 493. [2d Session.

APPROVAL OF THE CONSTITUTION, AND ADMISSION OF MISSOURI INTO THE UNION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, NOVEMBER 23, 1820.

Mr. LOWNDES, from the committee to whom had been referred the constitution of the State of Missouri, reported:

That they have not supposed themselves bound to inquire whether the provisions of the constitution referred to them be wise or liberal. The grave and difficult question as to the restraints which should be imposed upon the power of Missouri to form a constitution for itself was decided by the act of the last session; and the committee have had only to examine whether the provisions of that act have been complied with. In the opinion of the committee, they have been. The propositions, too, which were offered in the same act to the free acceptance or rejection of the people of Missouri, have all been accepted by them. But there remains a question too important to be overlooked.

We know that cases must often arise in which there may be doubt whether the laws or constitution of a State do not transcend the line (sometimes the obscure line) which separates the powers of the different Governments of our complex system. It appears to the committee that, in general, it must be unwise in Congress to anticipate judicial decision by the exposition of an equivocal phrase, and that it would be yet more objectionable, by deciding on the powers of a State just emerged from Territorial dependance, that it should give the weight of its authority to an opinion which might condemn the laws and constitutions of old as well as sovereign States. The committee are not unaware that a part of the twenty-sixth section of the third article of the constitution of Missouri, by which the Legislature of the State has been directed to pass laws "to prevent free negroes and mulattoes from coming to and settling in the State," has been construed to apply to such of that class as are citizens of the United States, and that their exclusion has been deemed repugnant to the federal constitution. The words which are objected to are to be found in the laws of at least one of the middle States, (Delaware;) and a careful examination of the clause might perhaps countenance the opinion that it applies to the large class of free negroes and mulattoes who cannot be considered as citizens of any State. But, of all the articles in our constitution, there is probably not one more difficult to construe well than that which gives to the citizens of each State the privileges and immunities of citizens of the several States; there is not one an attention to whose spirit is more necessary to the convenient and beneficial connexion of the States; nor one of which too large a construction would more completely break down their defensive power, and lead more directly to their consolidation. This much, indeed, seems to be settled by the established constitutions of States in every section of our Union—that a State has a right to discriminate between the white and the black man, both in respect to political and civil privileges, though both be citizens of another State; to give to the one, for instance, the right of voting and of serving on juries, which it refuses to the other. How far this discrimination may be carried is obviously a matter of nice and difficult inquiry. The committee do not propose to engage in it; they believe it best, whenever a case occurs which must *necessarily* involve the decision of it, that it should be committed to judicial cognizance.

In this view (which narrows their inquiries and duties) the committee are confirmed by a consideration of the embarrassments and disasters which a different course of proceeding might sometimes produce. When a people are authorized to form a State, and do so, the trammels of their Territorial condition fall off. They have performed the act which makes them sovereign and independent. If they pass an unconstitutional law, and we leave it, as we should that of another State, to the decision of a judicial tribunal, the illegal act is divested of its force by the operation of a system with which we are familiar; the control of the General Government is exercised in each particular case in support of individual right; and the State retains the condition which it has just acquired and would not easily renounce. But a decision by Congress against the constitutionality of a law passed by a State of which it had authorized the establishment could not operate directly by vacating the law, nor is it believed that it could reduce the State to the dependance of a Territory. In these circumstances, to refuse admission into the Union to such a State is to refuse to extend over it that judicial authority which might vacate the obnoxious law, and to expose all the interests of the Government within the territory of that State to a Legislature and Judiciary, the only checks on which have been abandoned. On the other hand, if Congress shall determine neither to expound clauses which are obscure, nor to decide constitutional questions which must be difficult and perplexing, equally interesting to old States, whom our construction could not, as to the new, whom it ought not to coerce, the rights and duties of Missouri will be left to the determination of the same temperate and impartial tribunal which has decided the conflicting claims, and received the confidence of the other States.

The committee recommend the adoption of the following resolution:

Resolution declaring the admission of the State of Missouri into the Union.

Whereas, in pursuance of an act of Congress passed on the 6th day of March, 1820, entitled "An act to authorize the people of the Missouri Territory to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories," the people of the said Territory did, on the 19th of July, 1820, by a convention called for that purpose, form for themselves a constitution and State Government, which constitution and State Government so formed is republican, and in conformity to the provisions of the said act:

Be it therefore resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Missouri shall be, and is hereby declared to be, one of the United States of America, and is admitted into the Union on an equal footing with the original States in all respects whatever.

16th Congress.] No. 494. [2d Session.

CITY OF WASHINGTON: FIRE ENGINES AND APPARATUS.

COMMUNICATED TO THE SENATE, DECEMBER 13, 1820.

To the Senate of the United States: DECEMBER 12, 1820.

In compliance with a resolution of the Senate of the 6th December, requesting that the agent employed under the act entitled "An act authorizing the purchase of fire engines, and building houses for the safe keeping of the same," should report, in the manner stated in the said resolution, his conduct in execution of the said act, I now transmit to the Senate a report from the agent, which communicates all the information which has been desired.

JAMES MONROE.

SIR: WASHINGTON, *December* 11, 1820.

In obedience to a resolution of the Senate of the United States requesting the President of the United States to cause the agent employed under the act entitled "An act authorizing the purchase of fire engines, and for building houses for the safe keeping of the same," to inform the Senate if said act is carried into complete effect; if not, to what degree, and why not *fully;* and also if a warrant has been issued from the Treasury Department for the sum appropriated, and, if so, *when* issued; I have the honor to state that, in proceeding to carry into effect the act referred to, I caused notices to be inserted at Baltimore, Philadelphia, New York, and Boston, inviting proposals for furnishing the engines; that, in consequence of proposals received, among others, from Messrs. Perkins & Bacon, of Philadelphia, I was induced to go in person to that place, in order to investigate more particularly the character of the engines executed by them, (which were professed to be of an improved kind,) and to endeavor to procure more favorable terms than had been offered; that eventually I did contract with the persons above named for furnishing the engines at a reduction of one hundred and fifty dollars on each from their first proposals; that, under date of October 22, 1819, I was advised of the completion of one of the engines, and that the other would be shortly completed. I thereupon applied for and obtained a warrant, dated the 4th of November, 1819, for the sum appropriated by the act referred to, which sum was deposited to my credit in the Patriotic Bank of this city. On the 15th of December, one, and on the 3d of January following, the other engine arrived here.

In procuring the rivet-hose and its appendages, I have not been so successful. I could not learn that this article was manufactured anywhere except by the original patentees, Messrs. Sellers & Pennock, of Philadelphia. Upon inquiry of them, I was satisfied that, taking into view the great reduction in the price of materials and labor, their demands were exorbitantly high, and spent considerable time in attempting, by direct negotiation, as well as through a friend at Philadelphia, and their agent (Dr. Ott) at this place, to reduce them to reasonable terms; but without much prospect of success. At length I received a proposition from Dr. Ott to furnish the articles above eight per cent. lower than the manufacturers' prices, and, on the 1st day of June last, entered into a written contract with him in conformity thereto; and, upon his giving security, advanced the estimated amount of the articles. The death of Dr. Ott, happening shortly afterwards, produced some unexpected difficulties, which my subsequent correspondence with Messrs. Sellers & Pennock (copies of which are annexed) will explain. I have only to add, under this head, that, the articles having arrived here, I am assured it is in the contemplation of Dr. Ott's administrators to reclaim them; in which event, they would be immediately turned over to me. It is hoped the decision of this point will not be much longer delayed.

The annexed abstract (marked A) exhibits the expenditures already incurred, amounting to $2,590 49, which, deducted from the appropriation, leaves the sum of $1,909 51 applicable to the erection of engine-houses. By the terms of the law, these houses are to be located, one near the Capitol, the other near the President's house. They ought to be placed in situations the most accessible and conspicuous, and, therefore, should be erected in a style corresponding with the buildings to which they would appear as appendages. It is very obvious that the sum in hand would go but a little way towards accomplishing this object; it was, therefore, thought advisable to construct a temporary house out of refuse lumber at the Capitol for one engine, and to deposite the other in the offices attached to the President's house, until some further provision was made.

I have the honor to be, most respectfully, your obedient servant,

SAMUEL LANE, *Commissioner of Public Buildings.*

To the PRESIDENT OF THE UNITED STATES.

RESPECTED FRIEND: PHILADELPHIA, 1*st of 8th Month*, 1820.

On hearing of the lamented death of Dr. Ott, we wrote thee, enclosing an order given us by him for fire apparatus for the Capitol and President's house, requesting thy authority for proceeding to complete the order. Not having heard from thee, we are apprehensive our letter must have miscarried; we therefore beg leave to repeat the substance of it. Dr. Ott, in his late visit to this city, contracted with us to furnish the following apparatus: 600 feet engine hose, per foot 65 cents; 100 feet to be in sections of 25 feet, the remainder 50 feet sections; 14 connecting screws, each $4 25; 2 pairs wrenches, $1; 2 hose carriages, made to carry 500 feet—one marked "Capitol U. S.," the other, "President's house," each $225; repairing anvil and compressor, $2; 2 elbow pipes, each $5. They are in considerable forwardness: the hose-carriages are now nearly completed; the hose is finished; the connecting screws are ready to be attached, and all the other articles (elbow pipes excepted, which can be prepared without delay) are made. We would be obliged by thy advising us whether these articles are to be transmitted to thee when in a condition to be shipped, and whether payment therefor will be assumed by thee, as we should not like to refer for payment to Dr. Ott's estate, presuming there will be the usual delay of one year in the settlement of it. When Dr. Ott was in the city, he was much inclined to adopt connecting boxes in lieu of swivel screws. He was to have written us in relation to them. On this subject we wish thee would confer with our mutual friend A. Coyle, who is apprized of the advantages of the connecting boxes.

We remain thy friends,

Colonel LANE. SELLERS & PENNOCK.

GENTLEMEN: WASHINGTON, *August* 3, 1820.

Your letter of the 1st instant is received. I had contracted with the late Dr. Ott for the delivery of the articles you mention, but at prices somewhat lower than those quoted by you. I advanced the estimated amount of the articles; of course, I cannot pay for them again, but must look to the administrators of the doctor's estate for a performance of the contract. I need not add that the articles would be received if in conformity with the contract. I was to pay freight. There is no question about the solvency of the doctor's estate.

Your very obedient servant,

S. LANE, *Commissioner of Public Buildings.*

Messrs. SELLERS & PENNOCK.

RESPECTED FRIEND: PHILADELPHIA, *25th of 9th Month*, 1820.

We have shipped by the Hilan, Captain John Hand, the fire apparatus ordered by the late Dr. Ott, (under insurance,) to the care of our mutual friend Andrew Coyle, of your city, who is authorized by us to deliver the same, and receive payment therefor, according to the annexed invoice, adding freight (which will be $30) and such other charges as may be incidental to their transmission.

We remain thy friends,

Colonel S. LANE. SELLERS & PENNOCK.

GENTLEMEN: WASHINGTON, *September* 28, 1820.

In my letter of the 3d of August I informed you of having advanced to Dr. Ott the estimated amount of the articles which he ordered of you, and that I could not pay for them again. From your now advising that these articles are shipped, to be delivered to me upon paying for them, I am apprehensive that my letter has miscarried, and hasten to inform you of its purport, that you may give such further orders as to you may seem best. The articles cannot be received upon the condition mentioned.

Your obedient servant,

S. LANE, *Commissioner of Public Buildings.*

Messrs. SELLERS & PENNOCK.

A.

Abstract of disbursements made by Samuel Lane, Commissioner of Public Buildings, on account of fire engines.

Date.	Vouchers.	To whom paid.	On what account paid.	Amount.
Dec. 15, 1819,	1	Joseph Hand, -	For freight of one engine from Philadelphia, - $20 00 For wharfage, - - - - - 1 00	$21 00
Dec. 16, 1819,	2	Thomas McNew,	For hauling do. from Georgetown to the Capitol, -	2 00
Jan. 3, 1820,	3	Moses Hawkins,	For freight of one large and three small engines, -	26 00
Jan. 7, 1820,	4	William Smith,	For hauling three engines from navy yard to President's house, - - - - -	2 00
Jan. 31, 1820,	5	Perkins & Bacon,	For two first class fire engines, with pipes, hose, &c. complete, at $600, - - - $1,200 00 For two forcing pumps, with carriages, hose, &c. at $80, - - - - 160 00 For one domestic engine, with pipes, &c. at - 50 00 Insurance on $1,410, at 1¼ per cent. $17 62; two policies, $2, - - - - 19 62	1,429 62
May 8, 1820,	6	David Stewart, -	One large bell, and fixing the same, $8 25; pair of strong lamps, and fixing same, $13; ropes with tugs, and covering same with leather, $13 62, for engine, - -	34 87
June 1, 1820,	7	David Ott, -	Advanced upon his contract for hose, &c. (O. Carr security,)	1,075 00
				$2,590 49

Errors excepted.

SAMUEL LANE, *Commissioner of Public Buildings.*

WASHINGTON, *December* 11, 1820.

16th CONGRESS.] No. 495. [2d SESSION.

EXTENSION OF A PATENT RIGHT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 15, 1820.

Mr. MALLARY, from the select committee to whom was referred the petition of Benjamin Tyler and John Tyler, reported:

That, on the 20th February, 1800, Benjamin Tyler, of Claremont, in the State of New Hampshire, obtained a patent for a new and useful improvement of water wheels, to be used in mills of different descriptions. Soon after, an assignment was duly made to the petitioners, except to four counties in the State of Vermont.

Immediately after the date of the patent and assignment, the proprietors, with a view to give the invention an early introduction, and prove its utility, put it in operation in different parts of the United States. This was attended with great expense, and from which immediate remuneration was not expected.

Soon after the improvement was known, the right of the petitioners was repeatedly violated. The proprietors considered it necessary to maintain their claim by a suit at law. An action was accordingly instituted before the circuit court of the United States in 1804. This produced a powerful combination of mill owners to defend the suit, and destroy the validity of the patent. After a full investigation of its merits at the trial of the suit, a verdict was returned in favor of the petitioners. This verdict was afterwards set aside by the Supreme Court of the United States, in 1810, in consequence of the assignment of the patentee not being for the whole of his interest; four counties only of the whole United States being excepted.

It appears that the expenditures of the petitioners in attempting to support their rights have never been remunerated by the profits of the invention.

It appears that, during the existence of the suit above mentioned, the reputation of the patent was very greatly injured in public estimation by the false representations of those who had an interest in its destruction.

The petitioners have presented a mass of testimony from different parts of the Union, which proves, undeniably, the great value and importance of the invention.

As an excuse to the petitioners for urging this claim at this late period, the committee consider it proper to mention that they presented their petition to Congress for relief in 1811, when a report favorable to their pretensions was made, and upon which there was no decision of the House. [See vol. 2, page 146.]

In 1816, the subject was again considered by a different committee; a favorable report was made, a bill was presented, twice read, and met with no other consideration, so far as can be ascertained by the committee. [See No. 393, page 278.]

Considering the importance to the public and to individuals that the encouragements intended by the constitution should be effectually secured to inventors and discoverers; that the improvement in question is of great public utility; that the petitioners have been deprived of the advantages and emoluments to which they were justly entitled, from no improper conduct of their own, but from circumstances over which they had no control, the committee consider the prayer of said petitioners reasonable, and ought to be granted.

16th Congress.] No. 496. [2d Session.

ENCOURAGEMENT OF THE FINE ARTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 24, 1821.

Mr. Wood, from the Committee on the Public Buildings, to whom was referred the petition of Julia Plantou, of the city of Philadelphia, reported:

That the petitioner states that, having from early life an ardent attachment to the art of painting, she was encouraged by the approbation of intelligent gentlemen, on whose judgment she relied, to cultivate her talents for this branch of the fine arts; that, for this purpose, she visited Europe to inspect the works of the great masters of the art, in order to improve her taste and talents, and to render them worthy of the consideration of her enlightened countrymen; that, while there, she spared no pains in her improvement, under the direction of the first artists of the age.

Anxious that her own country should reap the fruits of her improvement, and desirous to commemorate some of its distinguished events, she selected as the most interesting subject of her pencil the concluding scene of the late war, and has, with great labor and assiduity, accomplished an emblematical representation of the treaty of Ghent, which she now offers to the acceptance of Congress, and prays for such remuneration for her performance as the design and execution may, in their estimation, be worth.

The committee are not insensible of the importance of the fine arts in the scale of social improvement, or of the claim those who cultivate them have upon the public munificence; they derive much pleasure from contemplating the progress of improvements in the United States, and are happy to perceive the cultivation of the arts that contribute to the embellishment of society, as well as such as are essential to its wellbeing.

It must be admitted that the fine arts not only serve to amuse and please as the evanescent exertions of rare and extraordinary genius, but they elevate the mind, purify the moral feelings, create a relish for pure and refined pleasures, and diffuse a taste for kindred arts and improvements; they serve to commemorate important eras in the history of nations, to preserve the memory of distinguished citizens, and to inspire succeeding ages with an emulation of their virtues; they, in effect, connect the past with the present, and thus invigorate public spirit, keep alive a sense of national honor, and contribute to promote the national glory.

The committee cannot behold without the most pleasing emotions a female fellow-citizen, prompted by the ardor of genius, abandoning all the pleasurable amusements of her sex, and braving the dangers of the ocean in search of the aid and instruction in foreign regions which her native soil did not afford; and would most cheerfully recommend her productions to the patronage of Congress did they conceive it compatible with the powers of Congress to afford it, or consistent with the duty they owe their country.

Such a course is, indeed, not without precedent, but the committee are not able to perceive by what article of the constitution it can be sustained.

A Government without restriction doubtless possesses powers commensurate with every public improvement that can contribute to the welfare or glory of a nation; but the Government of the United States is restricted to the objects enumerated in the constitution, and the committee cannot discover that the encouragement of the fine arts is among the number.

Independently of this difficulty, the committee conceive that the pressure of the times and the exhausted state of the treasury imperiously require that the public buildings should be completed before any further appropriation is made for their embellishment.

The committee, therefore, recommend the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

16th Congress.] No. 497. [2d Session.

OCCUPATION OF COLUMBIA RIVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 25, 1821.

Mr. Floyd, from the committee to whom was referred the resolution of the 19th of December, 1820, to inquire into the situation of the settlements upon the Pacific ocean, and the expediency of occupying the Columbia river, reported:

That they have carefully examined the subject referred to them, and, from every consideration which they have been able to bestow upon it, believe, from the usage of all nations, previous and subsequent to the discovery of America, the title of the United States to a very large portion of the coast of the Pacific ocean to be well founded; nor have they been able to ascertain that any other Government than Spain has made claim to any part of it from Cape Horn to the sixtieth degree of north latitude.

When this continent was first made known to Europe by the bold and enterprising genius of Christopher Columbus, it seemed for a long time conceded that the Spanish monarchy, which alone could be prevailed upon to listen to his plans and propositions, was most entitled to the benefits resulting from the successful issue of his undertaking. Though Ferdinand and Isabella, who at that time filled the throne of that country, did not rest their title upon the tacit consent of other nations, or even upon their armies or fleet, (which was, at that period, formidable and well provided,) but, instructed by the example of the Portuguese, who had obtained a grant for all countries east of the Azores, from pole to pole, they obtained a similar grant from the Roman Pontiff of all the territories they wished to occupy west of the same point, as the superstition of the times conferred on him a right of dominion over all the kingdoms of the earth. Thus, in virtue of his power, as the vicar and representative of Jesus Christ, did Alexander VI., in 1493, grant to the Crown of Spain, in full right, all the countries inhabited by infidels which they had or should discover.

Enormous as the power was which the Popes then exercised, it was recognised and submitted to by the monarchs of that day, and considered as having vested in Spain a title which they deemed completely valid, and authorized her to extend her discoveries and establish her dominion over a great portion of the new world. The Spanish Crown, as well as individuals, the subjects of that Power, continued to fit out ships for voyages of discovery, and, in the space of a few years, had visited various parts of the coast of America, from the Gulf of Mexico to many degrees south of the equinoctial line, taking possession, according to the custom of that day, in the name of the Spanish King. Nor was their zeal for discovery confined to the Atlantic shore alone; parties, under daring and enterprising leaders, penetrated far into the interior of the continent, and even to the shores of the Pacific ocean, wresting by violence the rich empires of Peru and Mexico from the peaceful and legitimate sovereigns who reigned over them, and annexed them to the Crown of Spain by the triple title of conquest, discovery, and the grant of the Pope.

So well satisfied do the rest of Europe seem to have been of the rights of Spain, derived from such high authority, that they permitted her to progress unmolested in her career of discovery and conquest for many years, until she had acquired the undisputed possession of most of the Atlantic coast of South America, and the whole shore of the Pacific as high as the northern extremity of California, and, as they affirmed after they came in possession of Louisiana, to a point far to the northward of that.

Though discoveries were frequently made of countries among the most beautiful and fertile, where nature seemed to invite the industry of man to the enjoyment of luxuriant abundance, yet none seemed to arrest the attention of either Government or people but those which contained the precious metals. This morbid thirst for gold may be the cause why no settlements were made north of California, as no metal of that description is believed to be found in that region.

About this time it became the interest of the British Crown to think differently on the subject of religion from the see of Rome, and, separating entirely from it, assumed the right of annexing to their Crown all the territories discovered by their subjects, and of bestowing them by charter upon individuals. To this end, grants were issued by Elizabeth in the years 1578 and 1584—the one to Sir Humphrey Gilbert, the other to Sir Walter Raleigh, which were limited to a certain number of leagues; but those issued in 1606, 1608, and 1611, by James I., in the charters for Virginia, were declared to embrace the whole extent of country from thirty-four to forty-five degrees of north latitude, extending from sea to sea, always excepting the territories of any Christian prince or people.

It is believed that when these charters were granted by the monarchs of England, they were not well apprized of the extent of country they were giving away; but, from their reservations in regard to the title of Christian princes or people, they were apprized of the title of Spain upon the Western ocean, though not informed of its extent; as it is evident, from the words *Christian* and *infidel* often occurring, both in the charters of the monarchs and the bulls of the Pope, the legitimate sovereigns, as well as people of this country, in that day, were considered as possessing no rights. With whatever care they avoided collisions with each other respecting territory, which might produce a war with a Power equally skilled in the military art with themselves, they were not scrupulous in dispossessing the natives of both Americas of their country, all of whom were as brave, as generous, and magnanimous as themselves, and some of whom as far advanced in civilization and the arts of peace, though not professing to be Christians, or skilled in war.

The opinion of Europe undergoing another change upon the subject of discoveries in unknown regions, they were now reduced to a more definite and reasonable extent; consequently, in a few years, a third mode of obtaining territory came to be admitted by all as the basis on which they could safely rely for a just decision of their claims, should difficulties present themselves; and one which, to a moderate extent, gave to all nations the benefit of their own labors. By this rule, too, all the territory thus acquired was vested in the state rather than the Crown, which Spanish jurisprudence, under the authority of the Pope, seemed to consider.

Hence, the Power which discovered a country was entitled to the whole extent of soil watered by the springs of the principal river or watercourse passing through it, provided there was settlement made, or possession taken, with the usual formalities, in the name and on the behalf of the Government to whom the individual owed allegiance, though the tacit consent of all seemed to yield the sovereignty from sea to sea, where no settlement or express possession was had of an intermediate country; and such right was held good to the whole extent, but not wholly confirmed until another settlement was made at a distinct point upon the same territory beyond the water of the first, or so distant as not manifestly to encroach upon the establishments of the coast: other Powers, though, might avail themselves of the failure of the first to occupy another principal stream, or distant point, and become thereby vested with a full right of sovereignty. This seems to have been the condition of America until the close of the

war of 1812; since which time all treaties have yielded to the different Powers, in full right, all they claimed, either by settlement, or from the failure of others to occupy the principal streams when they might do so. There is now no longer territory to be obtained by settlement or discovery; and if there should be any difficulty, it will be where the different limits of the different Powers shall be fixed.

Impressed with a belief that, under this mode, valuable possessions might be added to the French monarchy, it is presumed Sieurs Joliet and Marquette penetrated the unknown wilderness from Canada, and discovered the Mississippi so long ago as the year 1673, and explored it down to the Arkansas. Perhaps encouraged by their success, a few years after Hennepin visited those regions, and pursued that river to its mouth. His representations, with other considerations, two years after, induced M. de la Salle and M. Tonti to descend that river with a considerable force to the Gulf of Mexico, and they are believed to have built the fort during that trip; the bricks and other remains of which are now to be seen on the first high ground on the west side of the Mississippi below the mouth of the White river.

After this period (in 1685) M. de la Salle, being on his return from France, landed on the west side of the Rio Colorado, in the bay of St. Bernard, and planted a considerable colony there, taking possession, in due and solemn form, in the name of the French King. Such were the discoveries which gave to France the country called Louisiana, from the Rio Grande del Norte, being the next great river to the west of that settlement, along the mountains of Mexico and New Spain, west, as the western limits, and California as the eastern boundary. That France, and all other nations interested in its boundary, considered it in the same light, is ascertained in various ways, to the conviction of the most incredulous.

In consequence of these settlements and discoveries of the French, Louis XIV. granted, by letters patent, in the year 1712, to Anthony Crozat, the exclusive commerce of that country, and defines its boundary, declaring that it comprehends all lands, coasts, and islands situated in the Gulf of Mexico, between California on the east, and Old and New Mexico on the west. The French title to these boundaries is further established by the Chevalier de Champigny, who lived in the country, and declares Louisiana to extend to the Rio Grande del Norte and the mountains of Mexico. This appears to be the opinion of other writers, who, it is presumed, had the most intimate knowledge of the subject, and, among them, we find that intelligent statesman the Count de Vergennes, in a work entitled "An Historical and Political Memoir of Louisiana," where he says "it is bounded by Florida on the east, and by Mexico on the west." The same extent is assigned to it by Don Antonio de Alcedo, an officer of high rank in the service of Spain, in a work entitled "Diccionario Geografico Historico de las Indias Occidentales ó America." Don Thomas Lopez, geographer to the King of Spain, in a map published in 1762, is of the same opinion, which is supported by the opinion of De Lisle, of the Royal Academy of Paris, in the year 1782.

Upon the testimony of so many respectable writers, many of whom were in the employment of both France and Spain, not to mention the authority of Du Pratz, it is believed the United States may with safety rely, they having, by the treaty of Paris of 1803, become possessed of the French title. If, however, there exists any obscurity in the boundary of that province, Spain, with whom it is supposed the title conflicts, has no right to claim any benefit arising from it, as all the writers and geographers above referred to agree in fixing Mexico, New Spain, the Rio Grande del Norte, and the mountains of Mexico, as the true boundary anterior to the treaty of 1763. If she, then, by treaty, obtained from France that country, with these limits, as asserted by France, and different ones not being stipulated for by her, she cannot now, with any shadow of justice, propose others. Moreover, Spain, by the treaty of St. Ildefonso, retroceded this same country to France, with the same extent of boundary it had when originally in her possession, thereby confirming to France, without doubt, all she originally claimed, particularly as no notice is there taken of the invalidity of the original French title to the full extent of their claim; at all events, it is believed, if there was difficulty in regard to it, during this last transfer would have been the time to adjust it; or, by the law of nations, it is thought, as well as candor and good faith, she has not, or ought not to be permitted to insist upon other boundaries. That law in one place declares that "if the party making them [meaning grants or cessions] fails to express himself clearly and plainly, it is the worse for him: he cannot be allowed to introduce subsequently restrictions which he has not expressed."

It is proper, before this part of the subject is passed over, to remark that, from the examination of the best records of the times, from the discovery of America until the year 1763, the bull of the Pope rather gave a title to the country the coast of which had been examined by the Spaniards, than confirmed, beyond the participation of other nations, the hemisphere west of the Azores; but, where an extensive coast had been discovered by them, and no settlement attempted previous to 1763, that coast, and its extended interior, has been considered the property of the nation so discovering it; or, discovering the interior, the unoccupied coast becomes a part.

Great Britain, as was her interest, maintained for a long time the old notion of a right to grant by charter all the countries from sea to sea, where it did not interfere with the territory of any Christian prince or people; and her obstinate adherence to that system is considered as largely contributing to the production of the war of 1755, when she was opposed by France and Spain, as granting away almost all Mexico and the French possessions, both claiming much of the intermediate country and the coast of the Pacific. Great Britain, at the close of that war, abandoned her pretensions, and gave manifestation of her sincerity by revoking the first charter granted to Georgia; and in the second, in 1764, limited it to the Mississippi; and agreed, in 1763, to limit her whole territory to that river in the west.

Where territory has been acquired, as already shown, upon any coast, and the same coast is actually settled or occupied by another Power, at such a distance as not manifestly to encroach upon the first, the point equidistant from either is considered as the utmost limits of each. This principle, it is believed, was fixed and settled by all the most important treaties which have engaged the Powers of Europe in affairs appertaining in any way to possessions in this country, and, it is believed, was acted upon and sanctioned not only by the treaty of 1763, but, in some measure, by that of Utrecht, in 1713.

Spain, by virtue of her original discovery and actual settlement in Mexico, together with her title to Louisiana, claimed the Pacific coast of North America, as high up as the sixtieth degree of north latitude; and, to enforce her claim, in the year 1789 sent a ship of war up the coast to capture or drive from those waters several English vessels fitted out in the East Indies by English merchants, upon their own authority, and at their own risk, to trade with the natives in that quarter. This service was performed by Martinez, of His Catholic Majesty's navy, and, in the year 1790, became the subject of a message from the British King to his Parliament. Although much debate ensued, and some resentment was expressed towards Spain for her treatment of the British subjects who were made prisoners, yet no claim was alleged on the part of England to territory there. Great Britain, in the course of that transaction, seems to have recognised the claim of Spain, and was willing to treat for the enjoyment of privileges on that coast, which she obtained, and was, by stipulations, invested with the further right to fish even as low down as the Gulf of California.

The Spanish monarch, being in possession of the French title, regardless of that which the United States had obtained according to the mode last adopted, felt great confidence in his negotiations with the British Government

in the year 1790. But the territory, the title to which gave that confidence, has since, by the treaty of Paris, come into the possession of the United States; and it is believed the treaty of St. Ildefonso confirmed to France the full extent of boundary originally claimed, Spain taking no notice of the original error, if any existed.

Under this view of the case, the United States being possessed of the title of France, and, by a just application of the law of nations, that of Spain too, (if she ever had any,) leaves them the undisputed sovereignty of that coast from the sixtieth degree of north latitude down to the thirty-sixth, which is believed to be the situation of the mountains of Mexico alluded to in all the authors and charts before referred to. If, however, there should remain a doubt, that doubt is relieved by a reference to the subordinate principle recognised by the treaties of Utrecht and of Paris in 1763. When we know that all the formalities deemed necessary in the possession of a newly discovered country have been complied with on the part of the United States; that in the year 1785-'6 an establishment was made at the mouth of Columbia river by Mr. Hendricks, the full and entire benefit of whose courage, enterprise, and success results to this Union; and that at a later day, in 1805, Messrs. Lewis and Clark, in executing the desires of this Government, again visited the Columbia and the Western ocean, twelve miles from which they built Fort Clotsop, yet to be seen—these establishments, made by the United States not so near the settlements of California as manifestly to encroach upon them, entitle them to the whole country north of Columbia. And in applying the principle known to govern in such cases, the point equidistant from the Spanish actual settlements and the mouth of that river is the true point at which a line drawn, separating the two countries, should commence. The actual settlements of Spain are believed to have been, at that time, upon the Colorado of California, in latitude 32° north; but even supposing the point to be the extreme south of the claim of the United States, which is believed to be 36 degrees, then the line of separation would fall at 41 degrees. And if any doubt arose as to the claim of the United States to the full extent of the Spanish title, to the north of Fort Clotsop, as high as 60 degrees of latitude, there could remain no doubt as far as the equidistant point, which would be at the completion of the fifty-third degree of latitude, leaving us twelve degrees of coast on that ocean.

From every information which can be obtained worthy to be relied upon, our coast on the Pacific, for years past, has been the theatre of much individual enterprise, stimulated by the rich returns of numerous whale ships, and the great profit of the fur trade, together with the flattering accounts of Messrs. Lewis and Clark relative to the resources of the interior, though no regular trade or well-organized system of commerce existed until the year 1810, in the course of which year a vessel was fitted out in the city of New York, well supplied with provisions and seed of every description necessary in a permanent occupation of the coast, which they contemplated. This little colony consisted of a hundred and twenty men when it arrived in the Columbia; and, after ascertaining its soundings, they removed some miles above Fort Clotsop, and built the town of Astoria, where a portion of them cultivated the soil, whilst the others engaged in the fur trade with the natives. The soil was found to be rich, and well adapted to the culture of all the useful vegetables found in any part of the United States, as turnips, potatoes, onions, rye, wheat, melons of various kinds, cucumbers, and every species of pease. In the course of a year or two, it was believed their interest would be promoted by cultivating and securing the friendship and confidence of the tribes inhabiting the waters of that great river; to which end the town of Astoria was maintained by about thirty men, whilst the rest established themselves at five other points, to become fixed stations, to raise their own vegetables, trade with the natives, and receive supplies of merchandise from the general depot at Astoria, and return to it the fruits of their labor. One of these subordinate establishments appears to have been at the mouth of Lewis's river; one at Lantou; a third on the Columbia, six hundred miles from the ocean, at the confluence of the Wantana river; a fourth on the east fork of Lewis's river; and the fifth on the Multnomah. Thus situated, this enterprising little colony succeeded well in all their undertakings, nor met with but one misfortune, which seemed to partake largely of that kind which had for a long time, so certainly and so unseen, been inflicted upon our western inhabitants: this was the loss of the Tonquin, a vessel they had taken from New York, whilst trading down the coast, where, in time past, she had been, in common with the ships of some European Powers, enjoying the friendship and confidence of the natives. This confidence had, by some means, been destroyed; and, whilst they induced many of the ship's company to go on shore, many of their own number went on board the ship, and, suddenly attacking the crew, the whole were destroyed, as well as the vessel. This, though a great affliction to the survivors on the Columbia, did not dishearten them, as other vessels were expected soon to arrive, and, with these expectations, they continued their trade, which, becoming profitable, they were the less inclined to abandon. But the operations of the war of 1812, which took place between the United States and Great Britain, were destined to mar their prosperity. That Government, it appears, despatched a vessel of war, called the Racoon, to destroy or possess Astoria, which, by the assistance of the Indians, influenced by the Northwest and Hudson's Bay Companies of fur traders, they were easily enabled to do; and have, from that period to the present time, continued to reside at it, as well as on the river above, though a messenger or agent was sent by the authority of the United States to receive, and did receive, that post from them at the close of the late war.

From every reflection which the committee have been able to bestow upon the facts connected with this subject, they are inclined to believe the Columbia, in a commercial point of view, a position of the utmost importance. The fisheries on that coast, its open sea, and its position in regard to China, which offers the best market for the vast quantities of furs taken in those regions, and our increasing trade throughout that ocean, seem to demand imme diate attention.

The fur of every country which has produced it has been ever esteemed one of its most valuable commodities, and has long held a rank among the most profitable articles of commerce. It was much sought for even in the days of Tatila, a Visigoth, who reigned in Italy about the year 522, at which time they drew their supplies from the Suethons, who inhabited that part of Europe called Sweden. The Welch set a high value on them as early as the time of Howel Dda, in 940, and, from its being first an article of dress used only by the poorer class of the community, it, by gradually extending itself, came to be one of luxury of the highest value, in which kings and princes vied with each other in their costly magnificence and display; their clothes were not only fashioned of them, but even their tents were lined with the finest varieties. Such was the display of the great Cham of Tartary, when he was visited in his tent by Marco Polo, about the year 1252. It had become so much in use, and so high in price, that Edward III. in the year 1337, deemed it expedient to prohibit its use to any but those who could afford to spend a hundred pounds a year without detriment to their property. At that day, having exhausted those parts of Europe which had supplied them, the price increasing with a growing demand, they were obliged to seek them elsewhere, and procured their supplies from the north of Asia. This for a long time poured into the adjoining parts of Europe immense sums, as it was in that direction they were brought to market. This trade, so valuable to that part of the world, had no competition; nor were other sources of supply even known until Francis I. of France, in the year 1514, sent Jacques Curtis, of St. Maloes, to make discoveries in this country. That gentleman entered the St. Lawrence, and exchanged his merchandise for fur, which was the commencement of a feeble trade, that was continued until the year 1608, when Samuel Champlain went some distance up that river, and laid the foundation of the town of Quebec as a trading establishment, and commenced a system, which, however, did

not greatly flourish until about the year 1640. But very soon after that country came into the possession of England, this trade was cherished and greatly increased; and the dominion of the Hudson's bay enabled her not only to supply Russia itself, and all Europe, but even to send it to Turkey, and round the Cape of Good Hope, to distant China. That trade, which had destroyed all competition, and, in the hands of well-regulated companies, was capable of enriching an empire, had yielded a part of its profits to the skill and industry of individuals upon our western shore. That skill and that industry have withered, not for the want of fostering care, but justice and protection.

The fur trade of Canada has long been conducted by well-organized companies; and, although they encounter infinite difficulties, yet the great profit of their business enables them to overcome them, and to divide a considerable per centage. All those articles intended as supplies for the Indians are shipped at Montreal, and carried far into the interior, through lakes, and rivers, and difficult streams, until they arrive even in the vicinity of the Rocky Mountains. The increasing wealth derived from this source induced a large increase of capital and corresponding exertions to obtain a more extensive knowledge of the rivers and lakes through which their merchandise was to be carried, and a more extensive acquaintance with the natives among whom they were eventually to be disposed of for furs, the produce of the labor of the savage. With views of this kind, small parties have been despatched at different times, from the year 1774 until the year 1793, to examine the rivers of the west: at the period last mentioned, one of those parties, under the direction of Alexander Mackenzie, penetrated even to the Western ocean, thereby greatly adding to their stock of useful knowledge in that branch of commerce, which they have not failed duly to appreciate. Notwithstanding the great difficulties which the British furriers encounter from the embarrassment of their commerce by their different systems of exclusive privilege, these companies find it a source of vast profit, far exceeding any thing known in the United States; this, too, when the merchandise is so much advanced in price, from the distance and the numerous obstructions. The enhanced value of the articles, and their difficulties in transporting them, may be fully understood when it is known that the tract of transport is equal to three or four thousand miles, through more than sixty lakes, some of them very considerable in extent, and numerous rivers; and the means of transportation are bark canoes. Furthermore, these waters are interrupted in at least a hundred places by falls and rapids, along which the trader has to carry his merchandise on his back, and over a hundred and thirty carrying places, from twenty or thirty yards in extent to thirteen miles, where both canoe and cargo have to be conveyed by the same means.

These are some of the obstructions which the Northwest Company encounter; yet their exports from Quebec alone are valued at more than a million of dollars annually, without reference to those brought to the United States, and shipped from New York and Philadelphia direct to China, rather than incur the cost and delay in procuring them a passage to London, and thence to India, in the ships of the East India Company. Indeed, it appears that many of the goods of that company destined for this trade, particularly on the coast of the Pacific, are shipped to Boston, and immediately reshipped in American vessels for the benefit of drawback. These vessels are sometimes employed to make a voyage for them from the mouth of Columbia to Canton. To illustrate more fully the increasing value of this trade, it is only necessary to observe that, from Quebec, in 1803, there were exported the skins of six hundred and fifty thousand seven hundred and twenty-nine quadrupeds, ninety-three thousand seven hundred and seventy-eight of which were of the beaver. Since that time they have extended their trade beyond the Rocky Mountains, and have, as has already been observed, established themselves at the mouth of Columbia: the amount of their exports from that port cannot be ascertained, but it is thought to be of great value. The Hudson's Bay Company is believed to be considerable, and, from a state of former depression, is fast becoming the rival of the other; but for several years past they have withdrawn their traders from the west side of the Rocky Mountains. They have fewer difficulties to overcome in arriving at the highest point of navigation than the Northwest Company: their route is through the Hudson's bay, the Nelson river, to Lake Winnipeg; thence, by passing other lakes, they ascend the Red river to their establishment, which is within ninety miles of the Missouri river, at a point called the Mandan villages. This river takes its rise in the Rocky Mountains, in about the forty-third degree of latitude, and observes a course north and northeast towards Hudson's bay, until it arrives at the Mandan villages, a distance of nearly twelve hundred miles, when it turns short to the south, without any apparent cause, and joins the Mississippi; the water running to the Hudson's bay at that point approaching within one mile, and no hill or high ground to separate them of any magnitude. Yet, notwithstanding the many advantages which the Hudson's Bay Company possessed over the Northwest Company, the Earl of Selkirk, the patron of the former, and a man of uncommon enterprise, was exceedingly desirous to obtain the privilege of supplying his establishments upon the Red river by ascending the Mississippi to the St. Peter's; thence to its source in Stone lake; then, by a short portage through open woods and a level country, to his stations; or, taking the route by the Missouri to the Mandan villages, thence by a portage of ninety miles to his place of destination. The exports of this company, for a short time past, have been very little less than those of the Northwest Company.

The committee, from carefully examining all the facts connected with the subject referred to them, are well persuaded that the situation of the United States is such as to enable them to possess all the benefits derived from this trade, which, in the hands of others, amounts to millions; many of whose trading establishments east of the Rocky Mountains are within the acknowledged limits of this republic, as fixed by the convention of London of the 20th of October, 1818; and it is believed that no Power, with the exception of Spain, has any just claim to territory west of them or on the Pacific. The dependance for subsistence of many of those establishments is upon the buffalo beef hunted by the Assinboin Indians, who inhabit the country between the river of that name and the Missouri; their hunting ground is far within our boundary. To succeed in procuring to the people of the United States all the wealth flowing from this source, it is only necessary to occupy with a small trading guard the most northeastern point upon the Missouri river, and confine the foreigners to their own territory, at the same time occupying with a similar guard the mouth of the Columbia. The great profit derived from this trade by the Canadian companies, when we know the distance and obstructions in their rivers, and in the various streams they ascend in carrying it on, the advance of price consequent upon it becomes rather a matter of amazement than otherwise, and inclines us to examine our own rivers with a view to the same object. Instead, however, of those formidable obstructions, we find a smooth and deep river running through a boundless extent of the most fertile soil on this continent, containing within its limits all those valuable furs which have greatly enriched others; a certain, safe, and easy navigation, with a portage of only two hundred miles, uniting it with another river equally smooth, deep, and certain, running to the great Western ocean. Thus are those two great oceans separated by a single portage of two hundred miles! The practicability of a speedy, safe, and easy communication with the Pacific is no longer a matter of doubt or conjecture: from information not to be doubted, the Rocky Mountains at this time, in several places, are so smooth and open, that the labor of ten men for twenty days would enable a wagon with its usual freight to pass with great facility from the navigable water of the Missouri to that of the Columbia. The actual distance from river to river several hundred miles from their source, that is, from the great falls of Missouri to the fork of Clark's river, is one hundred and forty-nine miles; the distance, therefore, of two hundred miles is to good navigation on the Columbia, which is the only river of any magnitude upon that whole coast north of the Colorado of California, though there are several good harbors secure and safe for vessels of any size.

The region of country from the ocean to the head of tide water, which is about two hundred miles, is heavily timbered with a great variety of wood well calculated for ship-building and every species of cabinet or carpenter's work. Though there is a heavily timbered country thence for two hundred miles farther, yet it is of a smaller growth, and quality not so durable; at that point commences the plain country, when the soil becomes more thin and almost without wood, until it arrives at the table lands below the mountain. Though the soil of this region is not so good as in any other part of this great valley, yet it produces grass of the finest quality, and is emphatically called the region favorable to the production of the horse; this noble animal, so far surpassing all others in usefulness, courage, and swiftness, is here produced in greater perfection than even in Andalusia or Virginia. But, independent of all the wealth which may be derived from the fur trade of that river and the Missouri, the security, too, which the peace of this country would find in the influence which the American traders would obtain over the native, is the increasing commerce in the Western ocean. There is no employment so well calculated to make good seamen as the whale fisheries, which are known to be more profitable on this coast than any other; at the same time the oil is far preferable to that taken on any other coast, being clear and transparent as rock water. Whilst so many of our citizens are industriously engaged in the various branches of trade in those seas, more valuable to this country, it is believed, than any other; whilst all nations who have claims upon that coast, and some who have none, are anxious to occupy some position upon it, even at a vast expense, to enable them to participate in its benefits, we have neglected to extend to it any portion of our care, though it appears, from the best information, that there is at this time eight millions of property owned by citizens of this republic in the Pacific ocean.

Russia, whose dominions on the Asiatic coast occupy nearly the same position upon that side which ours do on this, has long been well informed of the great and increasing value of that commerce; and whilst she has been nowhere visible, not even to the Powers of Europe, only as she has of late taken part in a few memorable enterprises, she has been felt everywhere. No labor, care, or expense is avoided, to make tributary the four quarters of the globe; forts, magazines, towns, cities, and trade seem to rise on that coast as if by magic; with an army of a million of men, she sits not only in proud security as it regards Europe, and menaces the Turk, the Persian, the Japanese, and Chinese, but even the King of Spain's dominions in North America are equally easy of access, and equally exposed to her fearful weight of power. Her watchfulness is ever in advance in discerning the most practicable avenues to profitable commerce. In the midst of all her busy arrangements, she has not neglected the opportunity of possessing herself of two important stations on the American shore of the Pacific—the one at a place called New Archangel, in about 59° of north latitude; the other at Bodiga bay, in latitude 38° 34′. At the former of these military positions, for the protection of her commerce, it is presumed, she has incurred much expense, and built a fort of great strength, situated upon one of the best harbors on the coast, standing upon a point of land projecting into the little bay, giving something the appearance of a conical island in the centre of it; this fort is well supplied at all times with provisions and military stores, mounting a hundred and twenty cannon, carrying balls from eighteen to twenty-four pounds weight. That at Bodiga is well constructed and supplied with cannon, and has a good harbor; at this point they have ammunition and merchandise in abundance, and find the Indian trade at this post as well as at New Archangel very considerable. Besides the fine condition of this fort and its defences, they have many field-pieces, some of brass, of the finest construction, in good order, and well mounted. All these supplies have been conveyed to those places through immense oceans, round Cape Horn, which would have appalled any but Russian policy and perseverance. The light articles destined for this trade are transported from St. Petersburg in sledges, which will perform in three months that which would require two summers of water conveyance to effect; their communications are open to Kamtschatka, to Fort St. Peter and St. Paul, by Ohotsk, in the Pacific, where they have the finest harbor in the world; the distance is estimated at ten thousand miles. The nation which can encounter such journeys as these, often through seas of ice and storms of snow so terrible as to obscure an object beyond the distance of a few paces, to prosecute any branch of commerce, must be well and fully informed of its value. That the objects she has in view may not by any event be taken from her grasp, after encountering such vast difficulties, she has found it expedient to occupy one of the Sandwich islands, which not only enables her effectually to maintain her positions, but to command the whole northern part of the Pacific ocean. These islands, lying just within the tropics, in the direct course from the lower coast of North America to Canton, are well supplied not only with all the fruits of that climate, but with every vegetable and animal known in this country.

It is worthy of remark, that, among other advantages which the Russian position on the opposite coast possesses is, that a voyage from Kamtschatka to Japan can be made in an open boat, as it is a continued chain of islands from the Ohotsk sea until it arrives at its place of destination.

Your committee are well persuaded that, by a little care and small expense, the citizens of this republic might reap all the benefits of this trade, not only profitable now, but, from every view of the subject, there is a strong probability that it will increase for many years.

Were an establishment made at the mouth of Columbia, which should be allowed to take with them their women and children, there could be no doubt of success, as so many years of experience of the English fur companies has amply shown that this mode has the most powerful effect in separating the minds of the men from pursuits which often, in frontier countries, lead to strife, as it gives them a local interest and feeling, and makes them even more vigilant and prudent in the discharge of all their duties. It is believed that population could be easily acquired from China, by which the arts of peace would at once acquire strength and influence, and make visible to the aborigines the manner in which their wants could be supplied. The coast of the Pacific is, in its climate, more mild than any part of the continent in the same parallel, and many vegetables on that shore grow in great abundance in the native forests, which are likewise natives of China.

It is known that, when the Spanish Government, in 1789, sent their ships of war up the coast to capture the British vessels which were intruding, they found seventy Chinese, whom the English had procured to emigrate, that they might be employed in the mechanic arts; and though the people of that country evince no disposition to emigrate to the territory of adjoining princes, it is believed they would willingly, nay, gladly, embrace the opportunity of a home in America, where they have no prejudices, no fears, no restraint in opinion, labor, or religion.

The committee cannot doubt that an establishment made on the Pacific would essentially benefit the natives, whilst it would give this country the advantage of all its own treasures, which otherwise must be lost forever, or rather never enjoyed, and, from all that can be ascertained relative to its present and increasing value, of more profit to this country than the mines of Potosi.

From the best information which can be had, it appears that the Indian trade on the Missouri, below the Mandan villages, is worth about $120,000, and that on the Mississippi is valued at $250,000, making the sum of $370,000 annually. They have reflected upon this trade, and that prosecuted by the whalers on that coast, and are irresistibly drawn to the conclusion that they are the most valuable to this nation, and demand its care and attention in a high degree. This trade, unlike any other, originates its own capital, and may fairly be said to bring into the United States $370,000 every year where not one dollar previously existed, and adds that much to the wealth of the community as decidedly as though it had been fished from the bottom of the rivers in gold and silver, as it is in

the market of China, or any other market, capable of purchasing as much; and if, with that amount in furs, a vessel should sail from the mouth of Columbia to Canton, which is a voyage of from fifty to seventy days, she would return with that in exchange which would sell for perhaps double that amount, thereby contributing to the comfort, enjoyment, and accommodation of the community $740,000, which is the result, not of a profitable voyage, but of a creative trade.

It is believed that a shipment of tobacco, flour, or cotton, bears no comparison, in point of profit, with this, as they are properly the rough manufactures of the country, and the result of considerable capital; and the cargo brought back in return for them, in European or other fabrics, is only an increased value they receive by being exported and returned to us in that shape. Hence, the exportation of $370,000 worth of tobacco or cotton, should it return to us $740,000 in European silks and cloth, is still the original cargo of tobacco or cotton, as nothing but these have been paid for them; but, in the first instance, he who manufactures either the tobacco, flour, or cotton, is compelled to take into consideration the capital employed, and then the balance is his gain; but, in the fur trade and the whale fisheries, there is in the one little capital, in the other none.

Under the strongest belief that, by a new organization of the system of Indian trade, comprehending a settlement on the Columbia river, great benefits would result to the citizens of this republic, whilst the aborigines would be better protected and provided for by instructing them in agriculture and the minor branches of the mechanic arts, the committee ask leave to report a bill.

16th Congress.] No. 498. [2d Session.

LOTTERIES IN THE DISTRICT OF COLUMBIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, ON THE 26TH OF JANUARY, 1821.

Mr. Mercer made the following report:

The Committee on the District of Columbia, to whom was referred a resolution of the House of Representatives, instructing them to inquire into, and report to the House, "the number of lotteries which have been instituted in the District, by virtue of an act which passed the 15th of May, 1820, 'to incorporate the inhabitants of the city of Washington, and to repeal all acts heretofore passed for that purpose;' the objects for which the moneys are to be raised; the amount of each scheme, and the total nominal value of the tickets offered for sale; the rate of reduction proposed to be made from the prizes; and the gross amount of the proceeds of the said lotteries which will come into the hands of the managers; and, also, whether the condition of the said act of incorporation has been complied with, so far as it respects the authority to raise money by lotteries;" have, accordingly, had the said resolution under consideration, and respectfully report:

That, under the act of incorporation referred to in the said resolution, one lottery only has been authorized by the corporation of the city of Washington; but the committee, presuming it to have been the purpose of the resolution of the House of Representatives to ascertain how the power to raise money by lottery has been hitherto exerted by the corporation, have extended their inquiry to the lotteries authorized by an amendment of the former charter of the corporation.

The terms of that amendment, which, as far back as the 6th of May, 1812, vested in the city corporation the power of raising money by lottery, are, in substantial import, the same with those of the renewed charter, except that in the latter the duration of this power is limited to ten years. In both it is subjected to the control of the President of the United States; and every resolution adopted by the corporation, in pursuance of this power, has been subsequently approved by the President.

The first resolution of the Boards of Aldermen and Common Council of the city, in which its legislative power is vested by its charter, authorized the raising of $10,000 by lottery, "for building, establishing, and endowing two public school-houses on the Lancasterian system," and received the approbation of Mr. Madison on the 23d of November, 1812.

Seven other resolutions, each giving power to raise by lottery a like amount, have emanated from the same authority since the above period: one of these resolutions having been approved in every subsequent year, except the year 1813; and the last on the 31st of October, 1820.

The three resolutions next following the first add to the objects of public utility sought to be provided for by that resolution a penitentiary and a city-hall.

In pursuance of these resolutions, the managers in whom the corporation vested the power of carrying their purpose into effect have contracted at different periods for the drawing of five lotteries, or classes of a lottery. The first of these authorized the sale of tickets to the amount of $150,000; and for this the corporation was, by the contract of the managers with the lottery agent, to receive $10,000: but the managers have stated to the committee that, owing to a misunderstanding between themselves and the agent for that class, they have as yet received no part of that sum.

From the second and third classes, anthorizing the sale of a number of tickets of the value of $300,000, the managers have realized $20,000; being $10,000 for each class.

From the fourth class, which is now drawing, and the tickets of which amount in gross value to $210,000, the managers will have received in the course of the ensuing month $6,666 67; and from the fifth class, the tickets of which are computed at $400,000, they expect to realize the further sum of $13,333 33, being, in all, $80,000 from the authority granted by the resolutions of eight years.

Copies of the schemes of these lotteries have been submitted to the committee by the mayor of the city of Washington, through whom the preceding facts have been collected. In all of them the rate of reduction from the prizes is fifteen per centum.

The committee, having reported all the facts called for by the resolution of the House of Representatives, are required to pronounce an opinion on the question, "whether the condition of the act of corporation of the city of Washington has been complied with, so far as it respects the authority to raise money by lotteries."

As this question is likely to be involved in a judicial inquiry now pending in one or more of the courts of the United States, the committee hope to be excused by the House for forbearing to express any opinion upon it. They

have annexed to this report the original correspondence through which the preceding facts have been collected, together with a copy of one of the contracts between the managers appointed by the city corporation and the contractor for drawing one of the lotteries authorized by a resolution of the corporation; and such extracts from the old and new charters of the city of Washington as may serve to illustrate the nature and extent of the authority vested in the corporation to raise money by lottery: in relation to all which they respectfully submit the following resolution to the House of Representatives:

Resolved, That it is inexpedient for the House of Representatives to express any opinion on the question whether the condition of the act of incorporation of the city of Washington has been complied with by the corporation, so far as regards the authority to raise money by lottery.

SIR: WASHINGTON, MAYOR'S OFFICE, *January* 16, 1821.

Your note of the 12th instant has been received, enclosing a resolution passed by the House of Representatives of the United States on the subject of the city lotteries. I am now collecting the information you require, and the moment it is obtained I shall transmit or wait on you with the same.

I have the honor to be, sir, your obedient servant,

SAMUEL N. SMALLWOOD.

Hon. CHARLES F. MERCER, *Chairman District Committee.*

SIR: WASHINGTON, MAYOR'S OFFICE, *January* 16, 1821.

In compliance with your note of the 12th instant, submitting to me a resolution of the House of Representatives of the 8th instant, relative to the city lotteries heretofore authorized by Congress, I transmit letters, with other documents, from the register of this city and the president of the board of managers of said lotteries, which contain the information desired. As to the purposes for which the moneys are to be raised, I reply, that a penitentiary, two Lancasterian school-houses, and a city-hall, are to be built out of those funds. The latter has been commenced on a magnificent scale, and is progressing with great rapidity, and, if not impeded by the acts and proceedings of the different States, as it respects our lotteries, we shall, in a few years, accomplish these desirable objects, and thereby improve and embellish the metropolis of the Union to a considerable extent, which, in a national point of view, is the property of the nation; therefore it is reasonable to conclude, for reasons obvious to all, that it would be the pride and interest of every man in the country to aid the inhabitants of this city in beautifying and adorning the metropolis of their Union. I beg you will excuse this small digression from the subject of your call.

I have the honor to be, sir, your obedient servant,

SAMUEL N. SMALLWOOD.

Hon. CHARLES F. MERCER, *Chairman District Committee.*

SIR: WASHINGTON, REGISTER'S OFFICE, *January* 15, 1821.

In compliance with your request, I herewith transmit to you a copy of the first resolution of the corporation authorizing the raising of $10,000 by lottery; and an abstract of all the succeeding resolutions.

First resolution.—*Resolved by the Board of Aldermen and Board of Common Council of the city of Washington*, That it is expedient to raise, by lottery, the sum of ten thousand dollars (clear of expenses) for the following object, to the accomplishment of which the ordinary funds of the city are inadequate, viz:

For building, establishing, and endowing two public school-houses on the Lancasterian system, (one in the eastern, and one in the western section of the city,) the sum of ten thousand dollars.

Resolved, That the Mayor be, and he is hereby, requested to present the foregoing resolution to the President of the United States, and respectfully solicit his approbation thereto.

Approved: November 23, 1812. JAMES MADISON.

Second resolution, authorizing the raising of ten thousand dollars for a penitentiary.

Approved: August 3, 1814. JAMES MADISON.

Third resolution, authorizing the raising of ten thousand dollars for a town-house or city-hall.

Approved: May 10, 1815. JAMES MADISON.

Fourth resolution, authorizing the raising of ten thousand dollars for two public school-houses, a penitentiary, and a city-hall.

Approved: April 20, 1816. JAMES MADISON.

Fifth resolution, authorizing the raising of ten thousand dollars for same.

Approved: April 5, 1817. JAMES MONROE.

Sixth resolution, authorizing the raising of ten thousand dollars for same.

Approved: October 19, 1818. JAMES MONROE.

Seventh resolution, authorizing the raising of ten thousand dollars for same.

Approved: October 29, 1819. JAMES MONROE.

Eighth resolution, authorizing the raising of ten thousand dollars for same.

Approved: October 31, 1820. JAMES MONROE.

I am, respectfully, your obedient servant,

WILLIAM HEWITT, *Register of the City of Washington.*

ROGER C. WEIGHTMAN, Esq.

Extracts from the old and new charters of the city of Washington, illustrative of its power to raise money by lottery.

That the said corporation shall have full power and authority to authorize, with the approbation of the President of the United States, the drawing of lotteries for the erection of bridges, and effecting any important improvements in the city which the ordinary revenue thereof will not accomplish, for the term of ten years: *Provided*, That the amount so authorized to be raised in each year shall not exceed the sum of ten thousand dollars, clear of expenses.

The said corporation shall also have power and authority to provide for the establishment and superintendence of public schools, and to endow the same; to establish and erect hospitals or pest-houses, watch and work-houses, houses of correction, penitentiary, and other public buildings, and to pass all laws which shall be deemed necessary and proper for carrying into execution the powers vested by this act in the said corporation or its officers. [Pamphlet copy, page 87 of the acts of the 1st sess. 16th Congress.]

By an act to amend the charter of the city of Washington, which passed May 6, 1812, the corporation was vested with full power to authorize the drawing of lotteries, for effecting any important improvement in the city which the ordinary funds or revenue thereof will not accomplish: *Provided*, That the amount to be raised in each year shall not exceed the sum of ten thousand dollars: *And provided, also*, That the object for which the money is intended to be raised shall be first submitted to the President of the United States, and shall be approved of by him; and to pass all laws which shall be deemed necessary and proper for carrying into execution the foregoing powers, and all other powers vested in the corporation or any of its officers, either by this act or any former one. [Vol. 11, Laws of the United States, page 153.]

SIR: WASHINGTON, *January* 14, 1821.

I have this moment received your communication of this morning, enclosing a resolution of the House of Representatives, and a letter of the chairman of the Committee on the District of Columbia, on the subject of the lotteries authorized by the charter of this city, and, by direction of the board of managers of the lotteries, have the honor to state that the corporation has, by authority of the late and present charter, authorized, up to this period, the raising by lottery of $80,000, for the erection of two Lancasterian school-houses, a penitentiary, and a city-hall, as will more fully appear by the enclosed letter from the register of the city.

That the board of managers have, by authority of the resolutions of the corporation, contracted for five classes of lotteries; that the first class amounted, in gross, to $150,000, for which the managers were to receive $10,000, but that, owing to a misunderstanding between them and the contractor for that class, they have not, as yet, received a cent; that, from the second and third classes, amounting in gross to $300,000 each, the managers have realized $20,000, being $10,000 for each scheme; that, from the fourth class, now drawing, amounting in gross to $210,000, the managers have received, and will receive in the course of the month of February ensuing, $6,666 67; that, from the fifth class, amounting in gross to $400,000, the managers expect to realize $13,333 33; that 15 per cent. has been the uniform deduction from all prizes, as will appear by the enclosed schemes.

I am sir, very respectfully, your obedient servant,

R. C. WEIGHTMAN, *President of the Managers.*

SAMUEL N. SMALLWOOD, Esq., *Mayor.*

Scheme of first class national lottery.

1	prize of	$30,000	$30,000
1	do.	20,000	20,000
2	do.	10,000	20,000
3	do.	5,000	15,000
5	do.	1,000	5,000
6	do.	500	3,000
20	do.	100	2,000
100	do.	50	5,000
2,000	do.	25	50,000
2,138	prizes.		$150,000
3,862	blanks.		

6,000 tickets at $25 is $150,000.
Subject to a deduction of 15 per cent.

Scheme of third class national lottery.

1	prize of	$50,000	$50,000
1	do.	25,000	25,000
1	do.	10,000	10,000
4	do.	5,000	20,000
70	do.	1,000	70,000
50	do.	100	5,000
10,000	do.	12	120,000
10,127	prizes.		$300,000
19,873	blanks.		

30,000 tickets at $10 is $300,000.
Subject to a deduction of 15 per cent.

Scheme of fourth class national lot'y.

1	prize of	$35,000	$35,000
1	do.	10,000	10,000
3	do.	5,000	15,000
40	do.	1,000	40,000
10	do.	500	5,000
50	do.	100	5,000
10,000	do.	10	100,000
10,105	prizes.		$210,000
19,895	blanks.		

30,000 tickets at $7 is $210,000.
Subject to a deduction of 15 per cent.

Contract for the fifth class of a lottery.

Memorandum of an agreement made this 7th day of October, 1820, between Roger C. Weightman, president of the board of managers of the lotteries authorized by a law of the corporation of the city of Washington, entitled "An act authorizing a lottery or lotteries in the city of Washington, for the purposes therein mentioned," by and with the advice and consent of a majority of the said managers, of the one part, and David Gillespie, of the city of New York, of the other part, viz:

The said Roger C. Weightman, as president, hath agreed to sell to the said David Gillespie the right and privilege of a lottery, for the purpose of raising $13,333 33, clear of expenses, as authorized in and by the said act of the corporation of Washington, he conforming, in all respects, to the provisions and true intent and meaning of the said act; that the said David Gillespie shall not publish the scheme of the said lottery until the same shall be submitted to and approved by the said managers, or a majority of them, nor until he shall execute and deliver a bond to the said managers, with sufficient security, in the penal sum of $20,000, to be approved of by the said managers, or a majority of them, conditioned for the true and faithful discharge of his duty in selling the tickets, the payment of the prizes, and for conducting the said lottery fairly and honestly, according to the true intent and meaning of this agreement, and of the said law of the corporation of Washington; that the said David Gillespie is to be at the entire expense of the said lottery, and shall, before the commencement of the drawing thereof, pay to the president of the said board of managers the sum of $13,333 33, being the full consideration for the said lottery to the said managers; that the said managers, or a committee of them, or such other person or persons as they may appoint, shall have the privilege at all times of examining into the state of the said lottery, which shall be drawn in the city of Washington, in the presence of at least three of the said managers, and shall be concluded within one year from the commencement of the drawing, and the prizes paid within the time limited in the said act of the corporation; that the scheme of the said lottery shall not exceed, in the gross amount, the sum of $400,000.

And it is the understanding of the parties that the said David Gillespie shall have the refusal of the lotteries for raising the balance of the money authorized by the said act of the corporation of Washington, paying at the rate of $3,333 33 for every $100,000 of the gross amount.

In witness whereof, the said parties have hereto subscribed their names, the day and year first above written.

DAVID GILLESPIE,
R. C. WEIGHTMAN, *President.*

16th Congress.] No. 499. [2d Session.

COMPENSATION OF THE OFFICERS OF CONGRESS AND OF THE EXECUTIVE DEPARTMENTS.

COMMUNICATED TO THE SENATE, JANUARY 31, 1821.

Mr. DANA, from the committee appointed to inquire into the propriety of reducing the allowances authorized by law for the two Houses of Congress and for the Executive Departments, submitted the following report:

That they have made inquiry, according to the resolution for their appointment, and do not consider it advisable, at the present time, to propose any reduction of legal allowances in the cases to them referred. The following resolution is accordingly submitted:

Resolved, That it is not expedient, at the present time, to reduce the compensations allowed by law for the respective Houses of Congress, and for the principal and other officers in the Executive Departments.

Statement of compensations allowed to officers and attendants of the Senate in the years 1800, 1808, 1816, *and* 1820.

Officers.	Years.			
	1800.	1808.	1816.	1820.
Secretary of the Senate,	$2,050	$2,000	$3,000	$3,000
Principal clerk,	1,139	1,300	1,800	1,800
Engrossing clerk,	826	1,000	1,500	1,500
Engrossing clerk,	-	1,000	1,500	1,500
Doorkeeper and sergeant-at-arms,	800	950	1,500	1,500
Assistant doorkeeper,	750	900	1,450	1,450
One attendant,	150	200	400	400
One attendant,	150	200	400	400
One attendant,	150	200	400	400
	$6,015	$7,750	$11,950	$11,950

The foregoing statement exhibits the *regular* compensations, fixed by law, of the officers of the Senate. In addition thereto, they received the following allowances by *special* acts or resolutions:

THE SECRETARY.

1799, March 2, by act,	$200
1800, by resolution,	300
1804, by resolution,	300
	$800

THE PRINCIPAL CLERK.

1796, by resolution,	$100
1798, May 14, by act,	100
1799, March 2, by act,	100
1799, by resolution,	100
1800, by resolution,	200
1803, by resolution,	200
1804, by resolution,	200
	$1,000

ENGROSSING CLERK.

1796, by resolution,	$100
1798, May 14, by act,	100
1799, by resolution,	100
1799, March 2, by act,	100
1800, by resolution,	200
1803, by resolution,	200
1804, by resolution,	200
	$1,000

DOORKEEPER AND SERGEANT-AT-ARMS.

1798, May 14, by act,	$100
1799, by resolution,	100
1799, February 25, by act,	500
1799, March 2, by act,	100
1803, by resolution,	200
1804, by resolution,	200
1806, by resolution,	135
	$1,335

ASSISTANT DOORKEEPER.

1798, May 14, by act,	-	$100
1799, March 2, by act,	-	100
1803, by resolution,	-	200
1804, by resolution,	-	200
		$600

Until the year 1813, the doorkeeper was allowed, by a resolution of the Senate, twenty-eight dollars per week for an assistant and two horses. He has, since that time, been authorized to employ an assistant and two horses, the expense of which, after being allowed by the Committee of Accounts, has been paid out of the contingent fund.

Statement of the entire compensations received by the officers and attendants of the Senate, and by the chaplain and librarian, in the years 1800, 1808, 1816, *and* 1820.

Officers, &c.	Years.			
	1800.	1808.	1816.	1820.
Secretary, - - - - -	$2,350	$2,000	$3,000	$3,000
Principal clerk, - - - - -	1,339	1,300	1,800	1,800
One engrossing clerk, - - - -	1,026	1,000	1,500	1,500
One engrossing clerk, - - - -	-	1,000	1,500	1,500
Doorkeeper and sergeant-at-arms, - - -	800	950	1,500	1,500
Assistant doorkeeper, - - - -	750	900	1,450	1,450
One attendant, - - - - -	150	200	400	400
One attendant, - - - - -	150	200	400	400
One attendant, - - - - -	150	200	400	400
Chaplain, - - - - -	206	206	500	500
Librarian,* - - - - -	-	468	1,000	1,500
	$6,921	$8,424	$13,450	$13,950

Abstract of laws fixing the compensations of the officers of the Senate.

SECRETARY.

1789,	volume 2	Laws of the United States, page	55, { salary, - - $1,500 }	$1,800
1796,	2	do.	512, { per diem during session, - 300 }	
1800,	3	do.	367, additional to former allowances, from December 31, 1799, - - -	250
1802,	3	do.	492, in lieu of former allowance, - -	2,000
1806,	4	do.	31, same continued.	
1816,	4	do.	143, in lieu of former allowance, - -	3,000

PRINCIPAL CLERK.

1789,	2	do.	55, allowance per diem, $3, - -	$939
1796,	2	do.	512, continued.	
1800,	3	do.	367, additional, from December 1, 1799, -	200
1802,	3	do.	492, in lieu of former allowances, - -	1,300
1806,	4	do.	30, continued.	
1814,	4	do.	706, in lieu of former allowance, - -	1,500
1816,	6	do.	143, in lieu of former allowance, - -	1,800
1818, April 18, continued.				

ENGROSSING CLERKS.

1789,	2	do.	55, per diem, $2, - - -	$626
1800,	3	do.	367, additional salary, - - -	200
1802,	3	do.	492, in lieu of former allowance, - -	1,000
1806,	4	do.	30, continued.	
1814,	4	do.	706, in lieu of former allowance, - -	1,250
1816,	6	do.	143, in lieu of former allowance, - -	1,500
1818, April 18, continued.				

DOORKEEPER AND SERGEANT-AT-ARMS.

1789,	volume 2	Laws of the United States, page	55, for his own services and of attendants, $3 per diem.	
1792,	2	do.	270, salary in lieu, - - -	$500
1800,	3	do.	267, salary in lieu of former, - $500	
			$2 per diem during session, - 300	
				800
1802,	3	do.	492, salary in lieu of former, - -	800
1806,	4	do.	30, salary in lieu of former, - -	950
1815,	4	do.	831, additional to former salary, - -	550

*First appointed in 1802.

ASSISTANT DOORKEEPER.

1789, volume 2 Laws of the United States, page	55, $2 per diem during session,	-	-			$300
1792, 2 do.	270, salary in lieu,	-	-	-		450
1800, 3 do.	367, salary,	-	-	-	450	
	$2 per diem during session,			-	300	
						750
1806, 4 do.	30, salary in lieu of former allowance,			-		900
1815, 4 do.	831, additional to former salary,			-		550

NOTE.—The following acts are *exclusive* of those granting special allowances:

CHAPLAIN.

1789, volume 2 Laws of the United States, page 54, chaplains allowed *at the rate of* $500 per annum during the session, which, estimating each session at 150 days, is, per annum, - -	$206
1818, April 30, the salary of chaplains fixed at - - - - -	500

LIBRARIAN.

1802, January 26, volume 3 Laws of the United States, page 446, the librarian allowed $2 per diem for days necessarily attending. The rules required his attendance during the session, and three times a week in the recess; the whole estimated at 234 days, - - - -	$468
1816, April 30, makes the librarian a salary officer, - - - -	1,000
1818, April 18, increases the salary to - - - - -	1,500

Statement of the compensations allowed to the officers and attendants of the House of Representatives in the years 1800, 1808, 1816, *and* 1820.

Officers and attendants.	Years. 1800.	1808.	1816.	1820.
Clerk of the House, - - - - -	$2,072	$2,000	$3,000	$3,000
Principal clerk, - - - - -	1,295	1,300	1,800	1,800
One engrossing clerk, - - - -	930	1,000	1,500	1,500
One engrossing clerk, - - - -	930	1,000	1,500	1,500
One engrossing clerk, - - - -	-	1,000	1,500	1,500
One engrossing clerk, - - - -	-	-	1,500	1,500
Sergeant-at-arms, - - - - -	822	950	1,500	1,500
Doorkeeper, - - - - -	822	950	1,500	1,500
Assistant doorkeeper, - - - -	772	900	1,450	1,450
One messenger, - - - - -	161	200	350	400
One messenger, - - - - -	-	200	350	400
One messenger, - - - - -	-	200	350	400
One messenger, - - - - -	-	200	350	400
One messenger, - - - - -	-	200	350	400
One messenger, - - - - -	-	-	350	400
	$7,804	$10,100	$17,350	$17,650

Senators and Representatives of the United States.

	1790.		1800.		1808.		1816.		1820.	
	States.	No.	States.	No.	States.	No.	States.	No.	States.	No.
Senators, - - -	13	26	16	32	17	34	19	36	22	44
Representatives, - - -	-	65	-	106	-	142	-	183	-	186
		91		138		176		219		230

First Congress, for three sessions, total days in a Congress, - - - -	519
Fifth Congress, for three sessions, total days in a do. - - - -	394
Eleventh Congress, for three sessions, total days in a do. - - - -	315
Thirt'th Congress, for three sessions, total days in a do. - - - -	471
Total number of days, including the second session of the sixteenth Congress, - - -	4,821
Average number of days for each session, - - - - - -	$106\frac{5}{16}$
Average number of days for each year, - - - - - -	$150\frac{21}{32}$

Summary of compensations for Executive Departments in 1790, 1795, 1800, 1808, 1816, 1820.

Departments.	1790.			1795.		
STATE.						
Secretary, - - -	$3,500 00	-	-	$3,500 00		
Clerks and messenger, - -	2,648 70	-	-	3,037 17		
		$6,148 70			$6,537 17	
PATENT OFFICE.						
Clerk, Superintendent.						
Clerk and messenger.						
			$6,148 70			$6,537 17
TREASURY.						
Secretary, - - -	3,500 00	* -	-	3,500 00		
Clerks and messengers, - -	4,444 00	-	-	4,067 50		
		7,944 00			7,567 50	
First Comptroller, - -	2,000 00	-	-	2,650 00		
Clerks and messenger, - -	3,122 46	-	-	6,963 43		
		5,122 46			9,613 43	
Second Comptroller.						
Clerks and messenger.						
First Auditor, - - -	1,500 00	-	-	2,400 00		
Clerks and messenger, - -	7,940 00	-	-	8,212 03		
		9,440 00			10,612 03	
Second Auditor, late Accountant War.						
Clerks and messenger.						
Third Auditor, late additional Accountant.						
Clerks and messenger.						
Fourth Auditor, late Accountant Navy.						
Clerks and messenger.						
Fifth Auditor.						
Clerks and messenger.						
Treasurer, - - -	2,000 00	-	-	2,400 00		
Clerks and messenger, - -	600 00	-	-	1,950 00		
		2,600 00			4,350 00	
Register, - - -	1,250 00	-	-	2,000 00		
Clerks and messenger, - -	4,183 29	-	-	13,171 54		
		5,433 29			15,171 54	
Commissioner of General Land Office.						
Clerks and messenger.						
Commissioner of the Revenue, - -		-	-	2,400 00		
Clerks and messenger, - -		-	-	3,062 51		
					5,462 51	
			30,539 75			52,777 01
WAR.						
Secretary, - - -	3,000 00	-	-	3,000 00		
Clerks and messenger, - -	2,180 28	-	-	4,903 63		
		5,180 28			7,903 63	
Paymaster General.						
Clerks and messenger.						
Commissary General of Purchases.						
Clerks and messenger.						
Accountant, now Auditor,† - -		-	-	1,200 00		
Clerks and messenger, - -		-	-	3,579 25		
					4,779 25	
Additional Accountant, now Auditor						
Clerks and messenger.						
Clerks, Adjutant and Inspector General.						
Clerks, Ordnance.						
Clerks, Commissary General of Subsistence.						
Clerks, Engineers.						
Clerks, Surgeon General.						
			5,180 28			12,682 88
NAVY.						
Secretary.*						
Clerks and messenger.						
Accountant.‡						
Clerks and messenger.						
Commissioners.						
Secretary.						
Clerks and messenger.						
			$41,868 73			$71,997 06

* By act of 30th April, 1798, $3,000.
† Established by act of 27th November, 1796, at $1,600.
‡ By act of 16th July, 1798, at $1,600.

SUMMARY OF COMPENSATIONS—Continued.

Departments.	1800.			1808.		
STATE.						
Secretary, - - -	$5,000 00	-	-	$5,000 00		
Clerks and messenger, - -	8,821 83	-	-	7,972 00		
		$13,821 83			$12,972 00	
PATENT OFFICE.						
Clerk, Superintendent, - -	-	-	-	-	1,550 00	
Clerk and messenger.						
			$13,821 83			$14,522 00
TREASURY.						
Secretary, - - -	5,000 00	-	-	5,000 00		
Clerks and messengers, - -	6,106 82	-	-	7,331 83		
		11,106 82			12,331 83	
First Comptroller, - -	3,500 00	-	-	3,500 00		
Clerks and messenger, - -	10,091 27	-	-	13,262 68		
		13,591 27			16,762 68	
Second Comptroller.						
Clerks and messenger.						
First Auditor, - - -	3,000 00	-	-	3,000 00		
Clerks and messenger, - -	8,237 97	-	-	11,166 51		
		11,237 97			14,166 51	
Second Auditor, late Accountant War.						
Clerks and messenger.						
Third Auditor, late additional Accountant.						
Clerks and messenger.						
Fourth Auditor, late Accountant Navy.						
Clerks and messenger.						
Fifth Auditor.						
Clerks and messenger.						
Treasurer, - - -	3,000 00	-	-	3,000 00		
Clerks and messenger, - -	3,030 12	-	-	3,734 00		
		6,030 12			6,734 00	
Register, - - -	2,400 00	-	-	2,400 00		
Clerks and messenger, - -	14,495 68	-	-	16,164 53		
		16,895 68			18,564 53	
Commissioner of General Land Office.						
Clerks and messenger, - -	-	-	-	-	5,309 68	
Commissioner of the Revenue, -	3,000 00					
Clerks and messenger, - -	3,193 06	-	-	-	1,041 60	
		6,193 06				
			65,054 92			74,910 83
WAR.						
Secretary, - - -	4,500 00	-	-	4,500 00		
Clerks and messenger, - -	6,720 00	-	-	7,940 00		
		11,220 00			12,440 00	
Paymaster General, - -	1,764 40	-	-	1,440 00		
Clerks and messenger, - -	3,100 00	-	-	4,200 00		
		4,864 40			5,640 00	
Commissary General of Purchases.						
Clerks and messenger.						
Accountant, now Auditor, - -	2,000 00	-	-	2,000 00		
Clerks and messenger, - -	8,910 00	-	-	10,185 00		
		10,919 00			12,185 00	
Additional Accountant, now Auditor.						
Clerks and messenger.						
Clerks, Adjutant and Inspector General,	-	-	-	-	500 00	
Clerks, Ordnance.						
Clerks, Commissary General of Subsistence.						
Clerks, Engineers.						
Clerks, Surgeon General.						
			26,994 40			30,765 00
NAVY.						
Secretary, - - -	4,500 00	-	-	4,500 00		
Clerks and messenger, - -	5,658 92	-	-	6,045 00		
		10,158 92			10,545 00	
Accountant, - - -	2,000 00	-	-	2,000 00		
Clerks and messenger, - -	7,551 25	-	-	9,610 00		
		9,551 25			11,610 00	
Commissioners.						
Secretary.						
Clerks and messenger.						
			19,710 17			22,155 00
			$125,581 32			$142,352 83

SUMMARY OF COMPENSATIONS—Continued.

Departments.	1816.			1820.		
STATE.						
Secretary, - - -	$5,000 00	-	-	$6,000 00		
Clerks and messenger, - -	9,860 00	-	-	14,260 00		
		$14,860 00			$20,260 00	
PATENT OFFICE.			-			
Clerk, Superintendent, - -	1,400 00	-	-	1,500 00		
Clerk and messenger, - -	750 00			1,250 00		
		2,150 00			2,750 00	
			$17,010 00			$23,010 00
TREASURY.						
Secretary, - - -	5,000 00	-	-	6,000 00		
Clerks and messengers, - -	10,883 49	-	-	11,110 00		
		15,883 49			17,110 00	
First Comptroller, - -	3,500 00	-	-	3,500 00		
Clerks and messenger, - -	15,926 05	-	-	18,260 00		
		19,426 05			21,760 00	
Second Comptroller, - -	3,000 00	-	-	3,000 00		
Clerks and messenger, - -	8,110 00	-	-	12,960 00		
		11,110 00			15,960 00	
First Auditor, - - -	3,000 00	-	-	3,000 00		
Clerks and messenger, - -	17,049 60	-	-	15,610 00		
		20,049 60			18,610 00	
Second Auditor, late Accountant War, -	-	-	-	3,000 00		
Clerks and messenger, - -	-	-	-	17,610 00		
					20,610 00	
Third Auditor, late additional Accountant,	-	-	-	3,000 00		
Clerks and messenger, - -	-	-	-	*37,659 56		
					40,659 56	
Fourth Auditor, late Accountant Navy, -	-	-	-	3,000 00		
Clerks and messenger, - -	-	-	-	15,460 00		
					18,460 00	
Fifth Auditor, - - -	-	-	-	3,000 00		
Clerks and messenger, - -	-	-	-	10,910 00		
					13,910 00	
Treasurer, - - -	3,000 00	-	-	3,000 00		
Clerks and messenger, - -	5,850 01	-	-	6,860 00		
		8,850 01			9,860 00	
Register, - - -	3,000 00	-	-	3,000 00		
Clerks and messenger, - -	16,838 00	-	-	22,760 00		
		19,838 00			25,760 00	
Commissioner of General Land Office, -	3,000 00	-	-	3,000 00		
Clerks and messenger, - -	12,672 50	-	-	22,960 00		
		15,672 50			25,960 00	
Commissioner of the Revenue, -	3,000 00					
Clerks and messenger, - -	9,045 86	-	-	4,525 00		
		12,045 86			4,525 00	
			122,875 51			233,184 56
WAR.						
Secretary, - - -	4,500 00	-	-	6,000 00		
Clerks and messenger, - -	14,921 79	-	-	30,117 57		
		19,421 79			36,117 57	
Paymaster General, - -	2,500 00	-	-	2,500 00		
Clerks and messenger, - -	19,187 34	-	-	9,610 00		
		21,687 34			12,110 00	
Commissary General of Purchases, -	3,000 00	-	-	3,000 00		
Clerks and messenger, - -	2,800 00	-	-	3,160 00		
		5,800 00			6,160 00	
Accountant, now Auditor, - -	2,000 00					
Clerks and messenger, - -	20,808 56					
		22,808 56				
Additional Accountant, now Auditor, -	2,000 00					
Clerks and messenger, - -	14,350 00					
		16,350 00				
Clerks, Adjutant and Inspector General,	-	2,300 00	-	-	2,150 00	
Clerks, Ordnance, - -	-	-	-	-	2,950 00	
Clerks, Commissary General of Subsistence,	-	-	-	-	2,150 00	
Clerks, Engineers, - -	-	-	-	-	1,457 01	
Clerks, Surgeon General, - -	-	-	-	-	1,150 00	
			88,367 69			64,244 58
NAVY.						
Secretary, - - -	4,500 00	-	-	6,000 00		
Clerks and messenger, - -	7,645 00	-	-	8,910 00		
		12,145 00			14,910 00	
Accountant, - - -	2,000 00					
Clerks and messenger, - -	15,077 04					
		17,077 04				
Commissioners, - - -	10,500 00	-	-	7,788 46		
Secretary, - - -	2,000 00	-	-	2,000 00		
Clerks and messenger, - -	4,467 50	-	-	7,960 00		
		16,967 50			17,748 46	
			46,189 54			32,658 46
			$274,442 74			$353,097 60

TREASURY DEPARTMENT, REGISTER'S OFFICE, *January* 30, 1821.
Stated from the records. JOSEPH NOURSE, *Register.*

*For the year 1821, will only be $29,310, from the time limited for the employment of certain clerks having expired 31st December, 1820.

16th Congress.] No. 500. [2d Session.

RIGHT OF A STATE TO TAX A BRANCH OF THE BANK OF THE UNITED STATES.

COMMUNICATED TO THE SENATE, FEBRUARY 1, 1821.

SIR: COLUMBUS, *January* 22, 1821.

I have the honor to transmit to you the enclosed report and resolutions on the subject of certain proceedings of the Bank of the United States, and to request that you will lay the same before the Senate, over which you preside.

With great respect, I am, sir, your obedient servant,

ETHAN A. BROWN.

To the PRESIDENT *of the Senate of the United States.*

Report of the Joint Committee of both Houses of the General Assembly of the State of Ohio on the communication of the Auditor of State upon the subject of the proceedings of the Bank of the United States against the officers of state in the United States circuit court.

From the papers submitted to the committee, it appears that, in the month of September, 1819, the Bank of the United States exhibited a bill in chancery before the circuit court of the United States, then sitting at Chilicothe, against Ralph Osborn, auditor of the State of Ohio, and obtained in that court an order of injunction against him, prohibiting him, as auditor, from performing the duties enjoined upon him by the "Act to levy and collect a tax from all banks and individuals, and companies and associations of individuals, that may transact banking business in this State without being authorized to do so by the laws thereof."

It further appears that the auditor, not being satisfied, before the time appointed by law for him to act, that an injunction had been ordered, issued his warrant in conformity to the law under which the tax imposed by law was collected and paid into the State treasury.

It further appears that the circuit court of the United States, at their last term, adjudged that this act of official duty was a contempt of court; for committing which, they awarded a writ of attachment against the auditor, returnable to January term next.

It appears, also, that, at the September term last, upon the application of the Bank of the United States, an order was made allowing them to file an amended and supplemental bill making Samuel Sullivan, the treasurer of state, a defendant, "*as present treasurer of Ohio, and in his private and individual character;*" and also making Hiram Mirick Currey, late treasurer, and John L. Harper, the officer that collected the tax, defendants; upon the filing of which amended and supplementary bill, a further order of injunction was made, prohibiting the treasurer of state from "negotiating, delivering over, or in any manner parting with or disposing of" the money collected for tax, and paid into the State treasury according to law. And it further appears that, besides these proceedings, an action of trespass, at the suit of the Bank of the United States, was commenced, and made returnable to the last September term of the same circuit court, against Ralph Osborn, John L. Harper, Thomas Orr, James McCollister, John C. Wright, and Charles Hammond, in which the plaintiffs have filed a declaration charging, among other things, the taking and carrying away the same sum of money in the proceedings in chancery specified, under color and pretence of the law of Ohio.

Whatever attempt may be made to characterize this proceeding as a controversy between individuals, it is evident that its practical effect is to make the State a defendant before the circuit court of the United States. In every thing but the name, the State is the actual defendant. No other interest but that of the State is involved. In every stage of the inquiry, the rights, interests, and powers of the State only are presented for adjudication. The final process must operate directly upon the State, and, if effectual, must derange totally the official accounts both in the auditor's and treasurer's departments; for, if there be a specific decree, as prayed for in the supplemental bill, a specific execution may be sent into the State treasury to carry that decree specifically into effect.

Nor is it only in its practical effect that the real character of this proceeding is to be perceived. It is distinctly avowed in the body of the bill, both by naming the General Assembly of Ohio as the offending party, and by calling on the court to restrain the auditor of state from performing official acts in his official character; and, in fact, it would seem, from the foundation upon which the injunction was allowed, both on the first and second applications, that the court must have regarded it as, substantially, a proceeding against the State.

All judicial proceedings are founded upon facts established judicially. The transactions of individuals are verified by testimony judicially taken; but the proceedings of States and Governments are regarded as of public notoriety, to be received upon the evidence of general history. When an individual applies for an injunction against another individual, his application is never regarded unless the matter alleged in his petition be established by his own affidavit, or that of others. The court never restrain an individual in the exercise of his supposed rights, upon the naked suggestion of another. The law of Virginia, of Kentucky, and of Ohio alike requires that, before any injunction shall be granted, the judge or court granting it shall be satisfied, by affidavit at the foot of the bill, or by other means, that the allegations in the bill are true. The practice of the federal court and federal judges in Ohio has been to require proof. No injunction has been granted upon mere suggestion until that against Ralph Osborn, auditor of state. No other injunction has been granted upon mere suggestion but that against Samuel Sullivan, treasurer of state. Both these injunctions were granted instantly, upon application by bill alone, without any proof being offered or required that one single allegation contained in the bill was true. This departure from the common course of proceeding can be accounted for and vindicated but upon one ground—that the party substantially a defendant was a sovereign State, all of whose proceedings were matters of public notoriety, of which the court was informed without proof in the ordinary mode.

By the original provisions of the constitution of the United States, the federal judiciary were empowered to take cognizance of controversies between a State and citizens of another State; but by the same instrument this jurisdiction was vested exclusively in the Supreme Court. A State never could be held to answer or be made amenable before a circuit court of the United States. By the eleventh amendment to the constitution, this power to call a State to answer before the Supreme Court, at the suit of a citizen, was wholly taken from the federal judiciary. It is perfectly clear that, before this amendment to the constitution was made, the circuit court of the United States could not have entertained jurisdiction of a suit in equity, enjoining the State officers from executing the State laws, in a case of the direct action of the State sovereignty, like that for the collection of taxes. The principal,

and not the ministerial, agent is always the proper defendant in such a suit. That principal being directly and personally amenable in the Supreme Court, his case could not be drawn to a tribunal that had no jurisdiction over the principal, by instituting a suit against the agent alone. The State, before the amendment, could be sued in equity before the Supreme Court of the United States, and could, in a proper case, be there enjoined. In that court only could a State be prohibited from carrying her laws into operation. For that very reason her officer could not be enjoined in a circuit court. It would be to subject the interest and rights of the State to the decision of a tribunal that had no jurisdiction to decide upon them, and where the State could not be admitted a defendant to defend them. It is, therefore, a strange doctrine to maintain that an amendment to the constitution, expressly forbidding the judges so to construe the constitution as to call States before the supreme courts as defendants, at the suit of individuals, is to operate as vesting the circuit courts with power to do that indirectly which they never had any direct power to do. The amendment was intended to protect the States from a direct responsibility, upon process before the Supreme Court, the only tribunal before which they were then liable to be called to answer. By the construction now attempted, this amendment is made to vest the circuit court with a jurisdiction equally effective against the State, though indirect in its form of proceeding. It effects nothing but the degradation and humiliation of the States. Instead of the distinction of being called to defend its rights before the highest judicial tribunal of the nation, the State is reduced to the level of the most ordinary citizen, and made answerable in an inferior tribunal. Instead of enjoying the privilege of managing directly its own interests, and absolutely controlling its own defence, the State must submit to the consequence of blending its interests with the timidity or treachery of others, and must be concluded in a decision made by a case which it is in the power of others to manage as they please. The committee are persuaded that such was not the object of the amendment, and that such is not the correct construction of the constitution.

It is asserted that this is an individual proceeding against the persons named as defendants; that although the State cannot be sued, yet persons remain responsible, and may be made subject to every proper process. It has heretofore been deemed a sound maxim in ethics, that whatever could not be lawfully done directly, could not be justly effected by indirect means. If this maxim be regarded, (as the State never could be directly proceeded against in the circuit court without a violation of the constitution,) every indirect mode of proceeding ought to be considered inadmissible; but, in fact, and substantially, this is not a proceeding against individuals.

A court of chancery proceeds against the person and against the subject: in technical language, *in personam* and *in rem*. The proceeding in this case is not against Ralph Osborn and Samuel Sullivan for any matter in which they have an individual or personal concern; it is only in the performance of official duties that the process of the court interferes to control them. It was not for himself, or upon his individual account, that Ralph Osborn issued his warrant to collect a tax from the Bank of the United States; it was for the State, and in his character as auditor, that he acted: it is not in the transaction of individual business, or upon his own contracts, that Samuel Sullivan is forbidden to *dispose of, or part with*, particular funds. He is inhibited from paying away money received by him as treasurer, held by him as such, and for the disbursement of which he is officially responsible to the State.

A State, in the abstract, is an intangible entity, like a corporation; in substance, it is a community of individuals; it can only act by individual agents, and its power of action is completely destroyed when these agents are restrained from acting. It is solemn trifling to admit that a State cannot be sued in the circuit court, and, at the same time, insist that every agent that the State employs may be controlled and restrained from performing his official functions by the same circuit court.

The auditor of state is a ministerial agent in the Executive Department of the Government; it is his duty to superintend the collection of the revenue; he acts directly for the whole people upon each; in every one of his official acts he exercises a portion of the sovereign power; and when he is restrained from acting officially, it is the sovereign power of the State that is restrained.

Injunctions to stay proceedings in the courts of law are founded upon a different principle; they act upon the party and not upon the court, and call in question the conduct of the party, not the justice or integrity of the judges. The people, too frequently called the Government, never intend that one individual shall use their power to do injustice to another. Courts of chancery are instituted, not to control the courts of law, but to control individuals who may have obtained unconscionable advantages in the law courts. The proceedings of the chancery courts is the act of the people; but it does not operate upon the people themselves in and through the courts of law; it only withdraws the subject from the judgment of the people in their law court, to their judgment in their court of chancery, upon the principle that adequate justice cannot be administered elsewhere.

This injunction operates through the auditor upon the whole people of the State. He is their agent; his acts are their acts; he proceeds under their direction, and for their sole benefit. They are responsible for his errors, and are bound to protect him from unjust responsibility.

If the injunction was intended, and did in fact operate upon Ralph Osborn alone, his resignation or removal from office would render it unavailing. His successor in office would be at liberty to act notwithstanding the injunction. But that this was not the intention, and is understood not to be the effect of this injunction, is placed beyond all doubt. The bill prayed not only that Ralph Osborn, *auditor of state*, but that all others whom it concerned, should be enjoined, and so the order of injunction was made. The court have judicially declared that this order did not extend to Ralph Osborn and his agent alone, but to all who might act upon the subject. By resigning his office after notice of an application for the injunction, Ralph Osborn would have ceased to have any concern in the subject of it. Yet we are distinctly given to understand that his successor in office was enjoined, as well as every other agent or officer whom the law might appoint, to perform any duty connected with the collection prohibited. This fact alone would seem decisive that the proceeding is not personal against Ralph Osborn, but is direct against the auditor of state.

It is charged in the supplemental bill that the money collected was delivered to Hiram Mirick Currey to keep upon deposite, and by him delivered to Samuel Sullivan to keep in like manner; it is also charged that at the time of receiving the money Currey was treasurer of the State of Ohio, and at the time of delivering it to Sullivan he was the successor of Currey; and the bill prays that Currey as late treasurer, and Sullivan as present treasurer, and also in their individual capacities, may be made defendants; the bill also prays that Sullivan may be enjoined from disposing of the specific moneys received by him upon account of the tax. This injunction, too, is granted upon the suggestions contained in the bill, without any evidence that the money was paid to Sullivan as alleged.

This proceeding is not merely personal against the treasurer, it is direct against the subject; and that subject is money in the State treasury received by the treasurer as revenue of the State, receipted for as such, and as such carried into his official accounts. But this is not a proceeding against the State, because the complainants allege that the "nature and character of the whole transaction forbid the supposition that the money was received by the defendants in the capacity of treasurer." Thus the court are called to determine the whole transaction to be illegal, and then to invest themselves with jurisdiction to reach the specific funds, by shutting their eyes to the real facts of the case, and supposing a state of things that never did exist.

When a State was liable to be sued before the Supreme Court, the process issued against the State, and the court directed a service to be made upon the Governor for the time being. If the proceedings in the present case are correct, it is now sufficient to issue process against the person who may happen to be treasurer, and name him both as treasurer and as an individual, and, upon such process, at the mere suggestion of a complainant, prohibit him from using, for the benefit of the State, any moneys paid to him officially which it may be alleged were collected illegally. In due season a decree may be passed for the specific restitution of the money thus claimed, and this decree will bind the treasurer that may be in office when it is pronounced, and subject him to the responsibilities of a defendant. If he refuse to pay the money, the court may attach him for a contempt; if he does pay it without a legislative appropriation, he is liable upon his bond, and subject to impeachment. Such might have been the consequence of a judgment against a State in the Supreme Court; and it was, no doubt, an apprehension of such a result that induced the amendment to the constitution forbidding the federal courts to call a State before them as a defendant at the suit of an individual.

It is evident that the principle of the proceeding secures to the federal tribunals every power supposed to be taken from them by the amendment. If the auditor of state can be enjoined from acting officially; if the treasurer can be decreed to pay back money received as revenue, upon the doctrine that the court consider them wrongdoers, there is no case of the exercise of State power that may not be completely controlled. The Legislature levy a tax: the federal court are called upon, and, upon motion, adjudge it to be contrary to the constitution of the United States; they regard the collector as a wrongdoer, and enjoin him from collecting it; the tax is collected and paid into the State treasury; the federal court are applied to; they pronounce the tax unconstitutional; the collection a trespass; the State treasurer a baillee for the claimant, and decree a restitution of the amount. The Legislature of the State enact a law for the punishment of crimes: an individual is convicted under its provisions, and imprisoned in the penitentiary; he complains that the law under which he is convicted is repugnant to the constitution of the United States; he calls upon the federal court for redress; the court decide the law to be unconstitutional, the conviction illegal, the keeper of the penitentiary a trespasser, and order the prisoner to be discharged. In such a proceeding they keep the State entirely out of view, and regard it as a mere personal matter; they shut their eyes to the real state of facts, and assert "that the nature and character of the whole transaction forbid the supposition" that the State could have had any agency or concern in the imprisonment. In this manner the States may be placed at the foot of the federal judiciary, as well in its administration of criminal justice as in its fiscal concerns.

In granting an injunction against the auditor of state, in the first instance, and in awarding an attachment against him for disobedience to that injunction, the federal circuit court in Ohio have unequivocally asserted a jurisdiction over the State and its officers in the collection of revenue. The circumstances under which the attachment was ordered admonish us that the jurisdiction thus asserted will be without reluctance enforced. The auditor will be fined or imprisoned, or both, for executing his official duty; and the State must either acquiesce in the correctness of the proceeding, and avert the consequence by retracing their steps, or, regarding it as an encroachment upon their just authority, must prepare to take such a stand against it as the constitution and a just regard to their rights may warrant.

The committee conceive that the proceeding in this case, by bill in chancery and injunction, against the auditor and treasurer, is, to every substantial purpose, a process against the State. The auditor and treasurer are defendants in name and in form only, and can only be made and regarded as defendants to evade the provisions of the constitution. From the view they have taken of the subject, the conclusion seems inevitable that the federal court have asserted a jurisdiction which a just construction of the constitution does not warrant; and the committee conceive that to acquiesce in such an encroachment upon the privileges and authority of the State, without an effort to defend them, would be an act of treachery to the State itself, and to all the States that compose the American Union.

The committee are aware of the doctrine that the federal courts are exclusively vested with jurisdiction to declare, in the last resort, the true interpretation of the constitution of the United States. To this doctrine, in the latitude contended for, they never can give their assent.

Every court of justice, where they have jurisdiction over the parties to the suit and the subject of controversy, are, of necessity, invested with power to decide every question upon which the rights of the parties depend; and their decision is conclusive unless a superior court be invested with jurisdiction to review it. On this subject the powers of the federal and of the State judiciary are precisely the same. These powers are not founded upon any express constitutional provision, but result from the very nature of written constitutions and judicial duty.

Among other things, the constitution of the United States declares that "no State shall pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts." A defendant, prosecuted for a crime before a State court, may insist that the law upon which he is accused is *ex post facto*. If the State court decide in his favor, it is conclusive; because there is no law authorizing the federal court to review it. If the decision be against him, it is, for the same reason, conclusive. No person can be criminally prosecuted before the federal courts for the violation of a State law. No appeal or writ of error from the decision of a State court, in a State prosecution, lies to the federal court. The interpretation of that provision of the constitution of the United States which declares that no State shall pass an *ex post facto* law is now exclusively vested in the State courts. Nor can the federal courts ever be vested, under the constitution, as it now stands, with effective jurisdiction to interpret and enforce this provision. They cannot be empowered to take the administration of criminal justice from before the State courts, in the incipient stages of a prosecution; and a writ of error after judgment would clearly be a *suit at law*, in which the State must be defendant, and would come directly within the terms of the amendment.

In this case, then, the federal courts cannot now pronounce an effective judicial decision. They cannot possess themselves of jurisdiction over the parties upon whom any decision they might make could operate. Yet, individuals may contrive some feigned action, or make some feigned issue, and present to the federal court for decision a case, calling upon them, and thus empowering them to decide that, upon a particular state of facts, the operation of a State law would be *ex post facto*, within the meaning of the provision of the constitution of the United States. A decision thus obtained would be entitled to respect as the opinion of eminent men, but never could be regarded as a judicial declaration of the law of the land.

By an express provision of the constitution of the United States, a provision introduced purposely to effect that object, the States, in any controversies they may have with individuals, are placed beyond the jurisdiction of the federal courts. It would seem incontrovertible that the amendatory article placed the States and the United States in a relation to each other different from that in which they stood under the original constitution—different in this: that, in all cases where the States could not be called to answer in the federal courts, these courts ceased to be a constitutional tribunal to investigate and determine their power and authority under the constitution of the United States. The duty of the courts to declare the law terminated with their authority to execute it.

The committee conceive that such is the true, and that such is the settled construction of the constitution; settled by an authority paramount to all others, and from which there can be no appeal—the authority of the people themselves.

So early as the year 1798, the States and the people were called to declare their opinions upon the question involving the relative rights and powers of the Government of the United States and of the Governments of the separate States. In the month of November of that year, the State of Kentucky resolved:

"That the several States composing the United States of America are not united on the principle of unlimited submission to their General Government; but that, by compact, under the style and title of a constitution for the United States, and amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving to each State itself the residuary mass of right to their own self-government; and that, whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party; that the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the constitution, the measure of its power; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

In the month of December of the same year, (1798,) the Legislature of Virginia resolved:

"That this Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that, in case of deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them."

It cannot be forgotten that these resolves, and others connected with them, were occasioned by the acts of Congress commonly called the alien and sedition laws, and by certain decisions in the federal circuit courts, recognising the obligatory force of the common law, as applicable to the federal jurisprudence.

The resolutions of Virginia were submitted to the Legislatures of the different States; Delaware, Rhode Island, Massachusetts, the Senate of New York, Connecticut, New Hampshire, and Vermont, returned answers to them, strongly reprobating their principle, and all but Delaware and Connecticut asserting that the federal judiciary were exclusively the expositors of the federal constitution. In the Virginia Legislature, these answers were submitted to a committee, of which Mr. Madison was chairman, and in January, 1800, this committee made a report, which has ever since been considered the true text book of republican principles.

In that report, the claim that the federal judiciary are the exclusive expositors of the federal constitution is taken up and examined. The committee say:

"But it is objected that the judicial authority is to be regarded as the sole expositor of the constitution, in the last resort; and it may be asked for what reason the declaration by the General Assembly, supposing it to be theoretically true, could be required at the present day, and in so solemn a manner?

"On this objection it might be observed, first, that there may be instances of usurped power, which the forms of the constitution would never draw within the control of the judicial department; secondly, that if the decision of the judiciary be raised above the authority of the sovereign parties to the constitution, the decisions of the other departments, not carried by the forms of the constitution before the judiciary, must be equally authoritative and final with the decisions of that department; but the proper answer to the objection is, that the resolution of the General Assembly relates to those great and extraordinary cases in which all the forms of the constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it. The resolution supposes that dangerous powers not delegated may not only be usurped and executed by the other departments, but that the *judicial departments also may exercise or sanction dangerous powers beyond the grant of the constitution; and, consequently, that the ultimate right of the parties to the constitution, to judge whether the compact has been dangerously violated, must extend to violations by one delegated authority as well as by another, by the judiciary as well as by the executive or legislative.*"

"However true, therefore, it may be, that the judicial department is, in all questions submitted to it by the forms of the constitution, to decide in the last resort, this resort must necessarily be deemed the last in relation to the authorities of the other departments of the Government; not in relation to the rights of the parties to the constitutional compact, from which the judicial as well as the other departments hold their delegated trusts. On any other hypothesis, the delegation of judicial power would annul the authority delegating it; and the concurrence of this department with the others in usurped powers might subvert forever, and beyond the possible reach of any rightful remedy, the very constitution which all were instituted to preserve."

The resolutions of Kentucky and Virginia, and of Massachusetts, Rhode Island, the Senate of New York, New Hampshire, and Vermont, in reply, and the answer to these replies by the Legislature of Virginia, were a direct and constitutional appeal to the States and to the people upon the great question at issue. The appeal was decided by the presidential and other elections of 1800. The States and the people recognised and affirmed the doctrines of Kentucky and Virginia, by effecting a total change in the administration of the Federal Government. In the pardon of Callender, convicted under the sedition law, and in the remittance of his fine, the new administration unequivocally recognised the decision and the authority of the States and of the people. Thus has the question, whether the federal courts are the sole expositors of the constitution of the United States in the last resort, or whether the States, "as in all other cases of compact among parties having no common judge," have an equal right to interpret that constitution for themselves, where their sovereign rights are involved, been decided against the pretension of the federal judges, by the people themselves, the true source of all legitimate powers.

In the opinion of the committee, the high authority of this precedent, as well as the clear right of the case, imposes a duty upon the State, from which it cannot shrink without dishonor. So long as one single constitutional effort can be made to save them, the State ought not to surrender its rights to the encroaching pretensions of the circuit court.

But justice should ever be held sacred. Pride and resentment are alike poor apologies for perseverance in error. If it were admitted that the proceedings of the federal court against the State, through its officers, are not warranted by the constitution, still, if the State has commenced in error, it should abandon the controversy. Before, therefore, we determine upon the course we ought to pursue, it is necessary to review and examine the ground upon which we stand.

The Bank of the United States established an office of discount and deposite at Cincinnati, in this State, which commenced banking in the spring of the year 1817. The Legislature met in December following, and upon the 13th day of December a resolution was proposed in the House of Representatives, and adopted, appointing a committee to inquire into the expediency of taxing such branches as were or might be established within this State. The committee reported against the expediency of levying such a tax; but the House of Representatives reversed

their report by a majority of 37 to 22. A substitute for their report was then offered, asserting the right of the State to levy such a tax, and the expediency of doing it at that time. The constitutional right of the State to levy such a tax was carried by 48 to 12, and the expediency of proceeding to levy the tax by 33 to 27. A bill assessing a tax was reported to the House, and passed to be engrossed for a third reading and final passage, and, upon the third reading, was postponed to the second Monday of December, 1818.

After this solemn assertion of the right to tax, and when a bill for that purpose was pending before the House of Representatives, the bank proceeded to organize a second office of discount and deposite at Chilicothe, in this State, which commenced banking in the spring of the year 1818. In January, 1819, the Legislature enacted the law levying the tax, and postponed its execution until the September following, that the bank might have abundant time so to arrange their business as not to come within the provisions of the taxing law.

At the period of adopting these measures, the constitutional right of the State to levy the tax was doubted by none but those interested in the bank, or those who expected to derive pecuniary advantages for themselves or their friends by the location of branches. It seemed impossible that a rational, disinterested, and independent mind could doubt. During the existence of the old Bank of the United States, the State of Georgia had asserted this right of taxation, and actually collected the tax. The bank brought a suit to recover back the money in the federal circuit court of Georgia. This suit was brought before the Supreme Court, upon a question not directly involving the power of taxation. The Supreme Court decided the point before them in favor of the bank, but upon such grounds that the suit was abandoned, and the tax submitted to. When the charter of the present bank was enacted, it was known that the States claimed, and had practically asserted, the power of taxing it; yet no exemption from the operation of the power is stipulated by Congress. The natural inference from the silence of the charter upon this point would seem to be, that the power of the States was recognised, and that Congress were not disposed to interfere with it.

The constitution of the United States had distinctly expressed in what cases the taxing power of the States should be restrained. No maxim of legal construction is better settled, and more universally acknowledged, than that express limitations of power, either in constitutions or in statutes, are distinct admissions that the power exists, and may be exercised in every other case than those expressly limited. With a knowledge of these facts and doctrines in their minds, that a confidence in the power of the State to levy this tax should be almost universal, is what every intelligent man would expect.

But, after the law was enacted that levied the tax, and before the time of its taking effect, the Supreme Court of the United States, in the case of Maryland and McCulloch, decided that the States were debarred, by the constitution of the United States, from assessing or levying any such tax. And upon the promulgation of this decision it is maintained that it became the duty of the State and its officers to acquiesce, and treat the act of the Legislature as a dead letter. The committee have considered this position, and are not satisfied that it is a correct one.

It has been already shown that, since the eleventh amendment to the constitution, the separate States, as parties to the compact of Union, are not subject to the jurisdiction of the federal courts upon questions involving their power and authority as sovereign States. Not being subject to their jurisdiction, no State can be concluded by the opinions of these tribunals. But these are questions in respect to which there is no common judge, and, therefore, the State has a right to judge for itself. If, by the management of a party, and through the inadvertence or connivance of a State, a case be made, presenting to the Supreme Court of the United States for decision important and interesting questions of State power and State authority, upon no just principle ought the States to be concluded by any decision had upon such a case. The committee are clearly of opinion that such is the true character of the case passed upon the world by the title of McCulloch *vs.* Maryland.

It was once remarked, by a most profound politician, that *words are things;* and the observation is most unquestionably a correct one. This case, dignified with the important and high-sounding title of "*McCulloch* vs. *the State of Maryland*," when looked into, is found to be an ordinary *qui tam* action of debt, brought by a common informer, of the name of John James; and it is, throughout, an agreed case, made expressly for the purpose of obtaining the opinion of the Supreme Court of the United States upon the question whether the States could constitutionally levy a tax upon the Bank of the United States. This agreed case was manufactured in the summer of the year 1818, and passed through the county court of Baltimore county and the court of appeals of the State of Maryland in the same season, so as to be got upon the docket of the Supreme Court of the United States for adjudication at their February term, 1819. It is only by the management and concurrence of parties that causes can be thus expeditiously brought to a final hearing in the Supreme Court.

It must be remembered that, through the extravagant and fraudulent speculations of those intrusted with conducting the concerns of the bank, it stood, at the close of the year 1818, upon the very brink of destruction. At this critical juncture of its affairs, it was a manœuvre of consummate policy to draw from the Supreme Court of the United States a decision that the institution itself was constitutionally created, and that it was exempt from the taxing power of the States. This decision served to prop its sinking credit; and if it inflicted a dangerous wound upon the authority of the States, both with the bank and with John James this might be but a minor consideration. It is truly an alarming circumstance if it be in the power of an aspiring corporation and an unknown and obscure individual thus to elicit opinions compromitting the vital interests of the States that compose the American Union.

It is not, however, either in theory or in practice, the necessary consequence of a decision of the Supreme Court, that all who claim rights of the same nature with those decided by the court are required to acquiesce. There are cases in which the decisions of that tribunal have been followed by no effective consequence.

In the case of Marbury *vs.* Madison, the Supreme Court of the United States decided that William Marbury was entitled to his commission as a justice of the peace for the District of Columbia; that the withholding of this commission by President Jefferson was violative of the legal vested right of Mr. Marbury. Notwithstanding this decision, Mr. Marbury never did obtain his commission; the person appointed in his place continued to act; his acts were admitted to be valid; and President Jefferson retained his standing in the estimation of the American people. The decision of the Supreme Court proved to be totally impotent and unavailing.

So in the case of Fletcher *vs.* Peck, the Supreme Court decided that the Yazoo purchasers from the State of Georgia were entitled to the lands. But the decision availed them nothing, unless as a make-weight in effecting a compromise.

These two cases are evidence that, in great questions of political rights and political powers, a decision of the Supreme Court of the United States is not conclusive of the rights decided by it. If the United States stand justified in withholding a commission when the court adjudged it to be the party's right; if the United States might, without reprehension, retain possession of the Yazoo lands after the Supreme Court decided that they were the property of the purchasers from Georgia, surely the State of Ohio ought not to be condemned because she did not abandon her solemn legislative acts as a dead letter upon the promulgation of an opinion of that tribunal.

This opinion is now before us, and the committee conceive that it is the duty of this General Assembly calmly to examine the principles and reasoning upon which it is founded. Much deference is due to the respectable indi-

viduals by whom it was formed, and more to the high station they occupy in the Government. Although their opinion is not admitted to have the force of absolute authority, yet a course of proceeding pronounced by such eminent statesmen and lawyers, to be unconstitutional, ought not to be lightly and unadvisedly adopted.

It is not perceived that the power of the State to tax the officers of the Bank of the United States established within their jurisdiction is necessarily connected with the question whether Congress have, or have not, the constitutional power to create a corporation. This power may safely be admitted, if, at the time of making this admission, we clearly comprehend the principles upon which the corporation is to be instituted.

"A corporation," says Chief Justice Marshall, in the case of Dartmouth College, "is an artificial being; invisible, intangible, and existing only in contemplation of law. Being the mere creature of law, it possesses only those properties which the charter of its creation confers upon it, either expressly, or as incidental to its very existence. These are such as are supposed best calculated to effect the objects for which it was created. Among the most important are immortality, and, if the expression may be allowed, individuality—properties by which a perpetual succession of many persons are considered as the same, and may act as a single individual. They enable a corporation to manage its own affairs, and to hold property without the perplexing intricacies, the hazardous and endless necessity of perpetual conveyances for the purpose of transmitting it from hand to hand. It is chiefly for the purpose of clothing bodies of men, in succession, with these qualities and capacities, that corporations are invented and are in use. By these means a perpetual succession of individuals are capable of acting for the promotion of the particular object, like one immortal being. But this being does not share in the civil government of the country, unless that be the purpose for which it was created. Its immortality no more confers on it political power, or a political character, than immortality would confer such power or character upon a natural person. It is no more a state instrument than a natural person exercising the same powers would be."

To this definition of a corporation, the committee see no reason to object; and when the true character of a private banking company is correctly understood, there seems to be no cogent reason why it may not be incorporated by Congress upon the principles here defined.

Banking, where the capital is owned by an association of individuals, is a private trade, carried on by the individuals constituting the company for their own profit. A mercantile company trade in produce and merchandise; a banking company trade in money, promissory notes, and bills of exchange. Both may carry on their trade without a charter of incorporation; the trade of both may be regulated by the law of the State in which they are located; and a charter of incorporation may be conferred upon either, without changing the character of their business, or clothing them with any portion of political power.

It is competent for the Government of the United States to make contracts with an association of individuals as well as with a single person. The Secretary of the Treasury may be authorized to employ an unincorporated banking company to take charge of, and transmit from place to place, the public revenue. For the performance of this service he may stipulate a compensation, but he cannot be authorized to barter a privilege inconsistent with the laws of the State where the company is located, by way of compensation for services to be performed. If such banking association be prohibited by the laws of the State, a contract with the General Government cannot suspend the operation of those laws. If such banking association be subject to State taxation, they cannot be exempted from their responsibility by a contract with the United States. But a capacity to transact its associate concerns in a legal and artificial name; a capacity to exist by perpetual succession, notwithstanding the natural death of the individuals; a capacity to sue, and a liability to be sued, without abatement, by the death of any one of the parties; an exemption from personal responsibility for the company debts, and conferring a separate character upon the company funds, so as to preserve them distinct from the individual property of the members of the company, are not privileges incompatible with State laws. And if investing a private company with these privileges may conduce to the public convenience and the public safety, in making contracts to receive and transmit the public moneys, conceding that Congress are empowered, under the constitution, to confer these privileges, as a consideration for the performance of the services agreed upon, and for the purposes of public good, cannot possibly compromit the safety of the States. If their charter of incorporation confer upon the Bank of the United States no other privileges than are here enumerated, it is manifest that, in every other respect, their property and business stand upon the same footing with that of other individuals.

It was in this light that a charter incorporating a bank was contemplated by the first founders of the Bank of the United States. The power of establishing themselves where they pleased, without respect to the State authority, was not claimed by the old bank, nor did they arrogate to themselves any federal character, or any privilege which did not appertain to them as individual citizens. No new or extended privileges are conferred by its charter upon the present institution. It is created a private corporation of trade, "as much so as if the franchises were invested in a single person." But it has received its chartered privileges from the Government of the United States, and therefore it is that it is exempt from State taxation.

If the committee have been able to understand the opinion of the Supreme Court, this consequence is deduced from the five following propositions:

1. The Government of the Union, though limited in its powers, is supreme within its sphere of action.
2. It is of the very essence of supremacy to remove all obstacles to its action within its own sphere, and so to modify every power vested in subordinate Governments as to exempt its own operations from their influence.
3. A power to create implies a power to preserve.
4. A power to destroy, if wielded by a different hand, is hostile to, and incompatible with, these powers to create and to preserve.
5. Where this repugnancy exists, that authority which is supreme must control, not yield to, that over which it is supreme.

These propositions are plausible and imposing, but, when carefully examined, and applied to the subject under consideration, it is conceived that no one of them can be sustained to the extent here laid down.

At the threshold of the inquiry, we demand what is meant by the assertion that "the Government of the Union is supreme within its sphere of action?" If this observation is applied to a subject where no question of conflicting power arises, its truth may be safely admitted; and the proposition is equally applicable to the States. In the same sense, each State is equally "supreme within its sphere of action." In regulating our foreign trade, the Government of the Union is supreme; and in establishing the modes of conveyance, and the canons of descent, each State is equally supreme. But this proves nothing upon either side, when the relative powers and authorities of the General and State Governments are drawn into discussion.

The power to establish light-houses, beacons, buoys, and public piers, is within the sphere of action of the Government of the Union; but, in practice, this power has never been considered supreme. It has always been exercised with the assent of the States, and within cessions of territory made by them.

The Cumberland road was laid out and constructed by the Government of the Union; consequently, the power to do it is considered within their sphere of action. Yet this power was not claimed as supreme; it was only exercised with the assent and approbation of the States through which the road was made.

Murder is an offence against all government; yet the Government of the United States cannot punish murder unless it be committed in the army or navy, upon the high seas, or within their forts and arsenals, or other places where they exercise exclusive jurisdiction. Except in the cases specified, the murder of an officer of the United States cannot be distinguished from an ordinary homicide. A judge of the federal courts, a marshal, a collector of the revenue, a postmaster, a member of either House of Congress, the President or Vice President, may be murdered, and, if the respective States refuse to interpose their authority to punish the perpetrator, he must escape with impunity. This Government, though supreme within its sphere of action, cannot protect the lives of its public functionaries by the punishment of those who may assail them. It can assert no jurisdiction, unless violence be offered to them in their official characters, and in the performance of official duties.

It may be answered to this that the punishment of murder is not within their sphere of action. True. But how futile is it to talk of a Government being supreme, which is not invested with this the most common and ordinary mode of preserving its existence. It is supreme over individuals in cases entirely subject to federal cognizance. But is it supreme over the States? It cannot coerce them either to elect Senators in Congress, or electors of President and Vice President. A combination between one-half of the States, comprising one-third of the people only, possesses the power of disorganizing the Federal Government, in all its majesty of supremacy, without a single act of violence. It is expressly inhibited by the constitution, from which this supremacy is derived, from calling the States as defendants before its courts. It cannot save from punishment one single citizen whom the State authorities have condemned. It is neither supreme to save, nor to punish. In what, then, does this supremacy consist, in which the separate States are not also supreme? In one thing only, and that is, the exercise by the federal courts of appellate jurisdiction in cases, and between parties, made subject to their jurisdiction by the constitution. But the States, as parties, are not subject to their jurisdiction, but are expressly exempt from it; and, therefore, over the States, and upon questions involving the extent of their powers and authority, the Government of the Union is not supreme. It cannot, according to the hypothesis of the second proposition, remove all obstacles to its action, and so modify the powers of the State Governments as to exempt its own operations from their influence.

Is this second proposition sustainable upon any acknowledged principle of constitutional law? It is certainly a doctrine of portentous import when connected, as it necessarily must be, with the proposition that precedes it: it claims, as an attribute of the Government of the Union, a power to *modify* every power vested in the State Governments, so as to remove all obstacles to its own action, and exempt its own operations from their influence.

According to this doctrine, the States are not co-parties to the compact of union, as asserted in 1798, by the States of Kentucky and Virginia, and established in 1800 by the American people. The rights, powers, and authorities of the States are not immutably established by constitutional provisions; but are subject to modification, in order to give scope for the action of the Government of the Union.

The two propositions stand in a perfectly natural and logical connexion, though not thus arranged in the opinion:

"The Government of the Union, though limited in its powers, is supreme within its sphere of action."

"It is of the very essence of supremacy to *remove* all obstacles to its action within its own sphere, and so to *modify* every power vested in *subordinate* Governments as to exempt its own operations from their influence."

Therefore, we may very properly add the consequent—it is competent for the Government of the Union to remove all obstacles to its action, by so modifying the powers of the State Governments as to exempt its own operations from their influence. If the postulates be admitted, this consequent is inevitable.

This result will hardly be contended for in explicit terms; it asserts a supremacy nowhere recognised in the constitution. The powers retained by the States cannot be *modified* by the Government of the Union. To modify, is to change, or give a new shape to, the power modified; and if the Government of the Union can give a new character to the powers reserved by the States, for the purpose of removing obstacles to their own power of action, there must soon be an end to the State Governments. The Government of the Union asserts an exclusive authority in itself to determine its own sphere of action. On this point it is as supreme as upon any other. So soon as it has resolved that the exercise of any power appertains to it, that power assumes the character of supremacy, and removes by modification—puts down before its march—every power previously supposed to be vested in the States that may present any obstacle to its action. Thus, the Government of the Union may, and undoubtedly will, progressively draw all the powers of government into the vortex of its own authority. Against these doctrines the committee conceive that it is the duty of the States to enter their most solemn protest.

The committee do not admit that supremacy is an attribute either of the Government of the Union or of the State Governments. Supremacy is an attribute of the people, and an attribute of the laws. In relation to the Governments, the people are supreme; and the laws supreme over individuals. Government is but the medium through which the supreme power acts: the Government of the Union is the medium through which the American people act upon particular subjects that concern their interest and their welfare; the Governments of the States are the medium through which the same people act upon other subjects, equally interesting and important to them. These two mediums of action are only brought into collision by the usurpations of one or the other. Neither is invested with power to render its encroachments permanent, by a modification of the powers of the other. While moving within its proper limits, neither can present an obstacle to the action of the other: both must proceed harmoniously. In respect to each other, neither is supreme, neither subordinate. The Government of the Union and the Governments of the separate States are alike the property and the agencies of the whole American people. This principle is the base and bond of the American Union.

The third proposition is, "that a power to create implies a power to preserve."

As applicable to the Government of the Union, and the incorporation of the Bank of the United States, this proposition, in the broad sense of its expression, is considered totally inadmissible.

The committee have already attempted to demonstrate that the Bank of the United States is a mere private corporation of trade. Their charter confers upon them neither political character nor political power; it gives them corporate capacity, and nothing more. The provision that the bank may establish branches in the States and Territories, when fairly construed, can only be regarded as giving corporate capacity to do so; and this is the only provision of the charter that, by any colorable interpretation, can be understood to vest them with a semblance of political power.

The legal faculty and capacity conferred by the charter, if constitutionally created, are preserved in existence by the very law that originates them. They become private vested rights, and are preserved by the same universal law that protects individual rights and individual contracts.

But the trade and business of the bank, and the franchises conferred to aid in carrying them on, are separate and distinct matters. To lend money and drive a trade in bills of exchange and gold and silver bullion are not corporate franchises. These trades exist independent of the charter, and may be pursued by individuals without an act of incorporation. It is not the business itself, but the particular method of conducting it, that is created by the act of Congress incorporating the Bank of the United States.

Natural persons are clothed with an original, inherent capacity to make contracts, and to acquire property. In a corporation this capacity is artificial. In other respects, natural persons, and corporations or legal persons, stand upon the same principles. The power of making contracts, enjoyed by individuals, is subject to the regulations of law; the property acquired by individuals is liable to taxation for the support of those laws that originate and protect it. Private corporations of trade, upon every maxim of justice and common sense, are subjected to the same regulations and exactions.

The employments, professions, business, and trade of natural persons may be taxed as such; and laws for this purpose are not considered as violative of individual rights, or as incompatible with the existence and preservation of trade, business, and employments. No just principle is perceived upon which these laws should receive a different interpretation in their application to the trade and business of a private corporation.

According to the definition of a corporation heretofore given, the corporate franchises of the Bank of the United States invest the stockholders with immortality and individuality; with a capacity to act like one immortal being, to perpetuate their existence, to manage their own affairs, to hold property, and transmit it from hand to hand as a natural person could. These franchises are conferred by the Government of the Union to enable the company to conduct the business of lending money, and the trade in bills of exchange and gold and silver bullion, with convenience and security; but the business and trade to be conducted are not corporate franchises, and are not created by the act of Congress. A tax assessed upon the business of the company does not touch their corporate franchises, however it may affect their convenience or their profit. This power to preserve, as asserted by the court, and applied to the subject before them, is not asserted for maintaining and preserving the corporate franchises of the bank, but for the purpose of giving to these corporate franchises action and employment everywhere, independent of State laws, and beyond the control of State legislation. When fairly traced to its consequences, the doctrine asserted amounts to this: that a corporation created by the Government of the Union is clothed with supreme authority to conduct its business, without respect to the existing laws of the States, and free from any apprehension of those that may be enacted.

A most serious objection to this doctrine is, that it asserts the power to preserve, not as pertaining to the Government of the Union, to be employed or not at the discretion of Congress, but as incidental to the charter, and to be secured to the company by the judicial power alone.

The committee conceive that the power to create a corporation, and the power to preserve it by special privileges and exemptions, are powers of the same class and description; both are legislative powers, to be conferred or withheld at the discretion of the Legislature; and where a charter of incorporation stipulates no special privileges and exemptions, none can be supposed to exist. "Being the mere creature of law, it possesses only those properties conferred upon it, either expressly, or as incidental to its very existence."

Had Congress intended to exempt the bank from the taxing power of the State as a means of preserving its existence, a provision for that purpose should have been introduced into the charter. The power to make this provision would have been examined before the charter was created, and the intention of Congress would have been manifested. The people and the States would have been apprized of the pretensions of the bank before it got foothold among them, and before it had established a moneyed influence to support itself. Every privilege claimed by the company, when inserted in the charter, has received the sanction of the legislative authority, and is open to the examination of all. But to invest them with unknown and latent privileges to any extent that the Supreme Court may deem convenient, to preserve, not only their corporate franchises, but the most beneficial use of them, is undoubtedly a new doctrine as applied to corporations, and as dangerous as it is novel.

This company have claimed that the States cannot tax their corporate operations, or the profits arising from them; and the Supreme Court have sustained their claim as a privilege necessary to preserve their existence. By their charter, they are authorized to employ officers, clerks, and *servants*. Should the company claim to send slaves into Ohio, and employ them in their branches as *servants*, the committee would conceive the claim as well founded, and as likely to be sustained, as the exemption from taxation. It stands upon the same principle. If the States may control the company in the employment of *servants*, they may embarrass its operations, and impede a free and unrestrained exercise and enjoyment of their corporate faculties. By the laws of Ohio, a promise to pay the debt of another is not obligatory unless made in writing; but the charter of this company is silent as to the mode of binding parties that contract with them; they may claim that this law of contracts applies to individuals only, and cannot touch them without narrowing the beneficial use of the faculty conferred upon them by Congress. Who shall say that this claim may not be sustained? In short, who can undertake, with any hope of success, to enumerate the privileges and exemptions to which, upon this doctrine, the bank are entitled?

It is important to glance at the train of implications with which this doctrine is connected. The power to create the bank implies the power to preserve it. This power to create is itself derived by implication. It is found among the subsidiary powers as incident to the choice of means for the administration of the Government. This implied power to create is made the foundation for further implication; it implies the power to preserve; and again, of necessity, the power to preserve implies a choice in selecting the means of preservation; and upon the doctrine of the court, all these powers are supreme, to the operations of which the constitutions and laws of the States can oppose no obstacle. It is certainly difficult to see the point where these implications terminate, or to name the power which they leave to the States unimpaired.

The Government of the Union have no authority, by the express provisions of the constitution, to interfere with the law of contracts. They have found authority to institute a bank, or, in other words, to create a private corporation of trade; and with the power to create, they have possessed themselves of power to preserve, not the corporation they have created, but the business in which the corporation have engaged. This business extends over the whole region of contract, either direct, in negotiating loans of money, and purchasing and selling bills of exchange and gold and silver bullion, or indirect, in receiving and disposing of merchandise and real estate, pledged or mortgaged for debts previously contracted. From the aid of this corporation the States may withdraw their law of conveyances; or, as applied to their dealings, the States may introduce provisions regulating contracts, which the corporation may deem obstructions to the enjoyment of their corporate trade. From this doctrine, that the power to create implies the power to preserve, Congress may derive a power to frame a new law of contracts, and devise a new system of conveyances, suitable to the beneficial enjoyment of the trade of this corporation; and this new system, in the supremacy of its action, may disregard both fundamental laws and established maxims of jurisprudence.

The Government of the Union was not instituted to protect individual rights or to redress individual wrongs; but this power to preserve the trade, business, and property of a corporation, created by themselves, invests them with power to frame a code of criminal law for the punishment of those who violate the property of the bank, and thus draw into the federal courts the ordinary administration of criminal justice. This is already attempted in the provision for punishing those who counterfeit the notes of the bank, and, upon the doctrine asserted, may be extended to cases of larceny, burglary, or robbery upon their corporate property. No doctrine has ever yet been advanced that draws to the Government of the Union such a host of powers—none that contains such potency for "rending into shreds" the authority of the States.

Those who claim for the Government of the Union the power of creating corporations hold that "one may be created in relation to the collection of the taxes, or to the trade with foreign countries, *or between the States*, or with the Indian tribes; because it is the province of the General Government to regulate those objects, and because it is incident to a *general* sovereign or legislative power to regulate a thing to employ all the means which relate to its regulation to the best advantage." The power to create all these corporations, upon the principle asserted, implies the power to preserve them; and the power to preserve implies a power in the Government of the Union to bargain with companies for monopolies of trade and exemptions from taxation; to place such companies above the power of the States, as means employed by themselves, which they have a right to use to the best advantage.

In the discussion of this subject, an extraordinary and the most miraculous efficacy is given to the terms "*employment of means;*" and it is worthy of remark, that no effort is made to explain their true import, or the sense in which they are used. We are told that the collection of taxes, and the safe-keeping and transmission of money from place to place, are an end or object of Government, and that the bank is a convenient means of obtaining this end. But it is not the charter or corporate franchise that is used or employed for this purpose; it is the individuals that compose the company, as an aggregate body, that are thus used; and the corporate franchise bestowed upon them by the Government is conferred to enable them to transact their own business, and perform this service for the Government, with greater security and convenience. At this moment the Government of the Union employs the Franklin Bank of Columbus to receive and pay out the public moneys; and, while thus employed, this bank is used as a means of Government, but being thus used is not supposed to invest it with any privilege peculiar to the public functionaries.

The Government and all its machinery and officers are but the means of the people for attaining the great ends declared in the preamble to the constitution. Every person employed under the constitution, from the President of the United States to the post-boy that carries the mail, partakes of this character of means. The law that the President is bound to see faithfully executed, and the horse that the post-boy rides, are alike, in a certain sense, means of the Government; but, in respect to privileges and exemptions, no man ever supposed them to stand upon the same footing. Those who hold offices directly under the Government may be regarded as principal means; those who are employed by contract, as incidental or subsidiary. The first class compose, as it were, a part of the Government direct, are intrusted with the exercise of some portion of political power, and are clothed with privileges and exemptions attached to their official stations. Those engaged by contract to perform services have no official character, and, consequently, cannot claim the exemptions attached to public office. Thus, a deputy postmaster is an officer under the Government, invested with privileges, and subject to disabilities attached to his office; but a contractor to carry the mail has no such character; yet both are means used by Government, under the constitutional authority "to establish post offices and post roads."

The Bank of the United States is not *a mean* of the Government of the Union in the same sense with the mint and the post office, but in the same sense with contractors to supply public stores, or to carry the mail. The director, assayer, chief coiner, engraver, treasurer, melter, and refiner of the mint are public officers; so are the Postmaster General and deputy postmasters. They cannot hold their offices and seats in Congress at the same time; they are appointed to and take an oath of office. But the workmen employed in the mint, like contractors to carry the mail, and the drivers and riders they employ, are not public officers; nevertheless, they are necessary means in the employment of the Government. The stockholders in the Bank of the United States and the president and directors of that institution are not public officers. Even the directors appointed by the Government are destitute of public character. They are eligible to seats in Congress, which is conclusive evidence upon this point; and it is a monstrous doctrine to maintain that corporations created by the Government of the Union, in point of privilege and exemption, are principal means of Government, not to be distinguished from the officers of the mint and the post office, while all the members and officers of such corporations are eligible to seats both in the Congress of the Union and the Legislatures of the several States. By this doctrine, the great principle of separating the departments of Government is completely broken down. Collectors of revenue, officers of the customs, Indian agents, and receivers of public moneys, under the Government of the Union, may become legislators and judges in their own case, both in the General and State Governments. This consequence alone would seem sufficient to expose the unsoundness of the doctrine asserted.

It is singular that, in the very elaborate opinion which the committee have been engaged in examining, no definition should be given of the true character of the bank, but that, like the terms "employment of means," it should be left to doubtful and various interpretations. It is a public institution, or a private corporation of trade. If the former, with the privileges of office, the corporators must be subject to the disabilities of office. If the latter, like any other individual or bank employed by the Government of the Union, its trade and business must be regulated by State laws, and subject to State exactions. In support of their position that it is a private corporation of trade, the committee can adduce a judicial opinion delivered in the Supreme Court itself: "For instance, [says Mr. Justice Story,] a bank, created by the Government for its own uses, whose stock is exclusively owned by the Government, is, in the strictest sense, a public corporation. So is a hospital, created and endowed by the Government for general charity. *But a bank whose stock is owned by private persons is a private corporation, although it is erected by the Government, and its objects and operations partake of a public nature.* The same doctrine may be affirmed of insurance, canal, bridge, and turnpike companies. In all these cases, the uses may, in a certain sense, be called public, *but the corporations are private; as much so, indeed, as if the franchise were vested in a single person.*"

We have seen that, by the employment of natural persons or State banks to perform those services stipulated to be performed by the Bank of the United States, they become, to a certain extent, *means employed* by the Government, and yet have never been regarded as public officers, privileged from the operation of State laws. May we not, therefore, paraphrase the language of the chief justice, and ask, "If, then, a natural person or State bank employed by the Government of the Union to receive, keep, and pay out public moneys, would not become a public officer, or be considered as a member of the civil Government, how is it that this artificial being, created by law for the purpose of being employed by the same Government for the same purposes, should become a part of the civil Government of the country? Is it because its existence, its capacities, its powers, are given by law? Because the Government has given it the power to take and to hold property, in a particular form, and for particular purposes, has the Government a consequent right (as over all members of the civil Government it must have) substantially to change that form, or to vary the purposes to which the property is to be applied? *This principle has never been asserted or recognised, and is supported by no authority.*"

Thus reasoned the judges of the Supreme Court upon the 2d February, 1819. The case of McCulloch *vs.* Maryland had not then been argued or decided. And the doctrine that the Government, by chartering a private corporation of trade, placed the association upon the same foundation with the mint and the post office, had then never been recognised in a court of law, and was "*supported by no authority.*" If the public character of the Bank of the United States stands upon other foundation than that expressly negatived in these quotations, the committee have been unable to discover it: it is not explained or developed in the opinion that places them on a

level with the mint and the post office, and gives to their trade in bills of exchange and gold and silver bullion the same character as to the process of the federal courts.

When the committee deny that "a power to create implies a power to preserve," they are to be understood as denying the application of this principle only to the case of creating corporations. A power to create a public office necessarily implies a power to preserve that office; but a power to bestow a corporate franchise to carry on a private trade is totally different from creating a public office. A distinction between the corporate franchise, and the business to be conducted under it, must be always borne in mind; the power that creates a corporate franchise for private purposes not only can preserve such franchise, but cannot new model or impair it: its corporate character and existence are as secure as the existence and personal rights of a natural person; but its trade and business, like the employments of natural persons, remain subject to regulation by the local authorities where it seeks to locate them. Thus a power in the States to tax, or even to prohibit a trade in bills of exchange and gold and silver bullion, is not a power to destroy the corporate franchises of the Bank of the United States. These corporate franchises remain, notwithstanding the exercise of this power, just as the existence and rights of an individual remain, though his business is taxed, or he is forbidden to engage in certain employments. The Government of the Union has conferred upon the bank certain capacities for engaging in trade, but it has not, and cannot confer an absolute right and power to drive this trade, in contempt of State laws. It is made capable, but not sovereign; its capacity must be examined, not with a single eye to the supremacy of the power that created it, but with a whole view of what that power could confer, and what it has conferred.

If the committee have succeeded in showing that the power which created the Bank of the United States is not supreme, in the sense of the first two propositions, but is limited in its powers and means of preserving the bank, so as to render the third proposition untenable, the fourth and fifth propositions, which are founded upon, and consequences derived from, the other three, must necessarily be given up. As applied to the question under discussion, however, it has been shown that a power to tax their trade is not a power to *destroy* the corporation. It is not perceived how a power to diminish the profits of labor and capital, by exacting a portion of their proceeds for the support of Government, can be construed into a power to destroy human life and annihilate capital. The power of taxing the bank is denied, because it might be so used as to prevent the corporation from driving a profitable trade; and this is deemed a power to destroy the charter, which did not originate the trade, but merely created a facility for conducting it. But what is most singular is this: that, after arriving at this conclusion, an admission is made that at once demolishes the whole doctrine upon which it is founded.

It is conceded that each State may tax the stock owned by its citizens in this bank. Then it is not a public institution, exempt from State taxation, upon the great principle that the States cannot tax the offices, institutions, and operations of the Government of the Union. It is not that the States have no power to tax the bank; but that this power exists only over its capital, and does not extend to its operations. What, then, becomes of all the labored doctrines of the opinion? The Government of the Union, though supreme within its sphere of action, removing all obstacles, and so modifying all powers vested in subordinate Governments as to exempt its own operations from their influence, cannot, after all, preserve what it can create. Those who advance this pretension are compelled to admit, that, upon their own principles, a power to destroy may be wielded by the State Governments.

In its utmost extent, a State tax upon the operations of the bank can produce no other injury than a suspension of its business. By ceasing to trade, a tax upon business can always be avoided. Not so a tax upon capital. Should the States of Pennsylvania, New York, and Massachusetts combine to tax the stock in the Bank of the United States owned by their citizens, to an amount that must consume the annual profits and encroach upon the capital advanced, the destruction of the bank must be inevitable; for this tax upon capital may be exacted, whether it be productive or not. The power of the States to tax the business of the bank is denied upon the broad ground that the power to levy such a tax is tantamount to a power to destroy the bank, and is incompatible with a power in the Government of the Union to create it. Yet this power to tax the capital, though incontestably of greater potency to destroy the institution, is admitted to exist. Between the point decided and the point conceded there is a palpable contradiction, to which sound argument and just conclusions are never subject.

Another very absurd consequence results from the decision and admission, when connected together as they are in the opinion under consideration. A State tax upon the stock or actual capital invested by its citizens in the bank cannot reach or affect the stock owned by foreigners or by the other States; but a tax upon the business operates alike upon all the stockholders. Should Massachusetts tax the stock of her citizens, stock in the bank must be worth less in Massachusetts than elsewhere. Should all the States tax the stock owned by their citizens, stock held by foreigners must be most valuable. Should one State tax the stock so as to exhaust the capital, the citizens of that State must sell out to citizens of other States or to foreigners. Should all the States assess such a tax, the whole stock must be transferred to foreigners, or the bank annihilated. One consequence, therefore, of this admission, may be to throw the institution into the hands of foreigners, when our Government will exhibit the strange spectacle of a company of foreign bankers regarded as a national institution, and, as such, protected by the constitution of the Union from any of the burdens to which citizens are subject.

It may be said that this admission was unwarily made, and, upon further consideration, would be retracted as inconsistent with what had been previously decided. But the committee conceive that this explanation is quite unsatisfactory. It has been already stated that the constitution does, in express terms, declare what subjects shall be exempt from the taxing power of the States. It was felt that indirectly to exempt other subjects was unwarrantable, upon all established principles of interpreting laws and constitutions. This argument was pressed; and, to escape its force, the admission was made, so that evidently it is part of the decision, and, as such, sweeps away the grand pillar upon which the whole decision rested.

If the committee have taken a correct view of the subject, it would seem manifest that, in denying to the States a power to tax private corporations of trade incorporated by the Government of the Union, where no doubt exists of the power to create the incorporation, it becomes necessary to maintain many doctrines of very doubtful character and dangerous tendency; while conceding to them this power involves nothing either doubtful or dangerous. It strips such corporations of all pretensions to be regarded as instruments of Government, in the same sense as the mint and the post office; but it preserves untouched their corporate franchises, and concedes to them every right and privilege which a natural person is entitled to claim. It presents no obstruction to the legitimate action of the Government of the Union, but places it, in the establishment of private corporations of trade, upon the same foundation as in erecting light-houses and constructing roads.

It is in nothing derogatory to this corporation called the Bank of the United States, nor to the Government of the Union that created it, to place its trade upon the same footing with that of a private citizen employed by the Government. The contractor to transport the mail must use horses and carriages; without them, he cannot comply with his contract. They are means or instruments employed by Government, but they are subject to State taxation, as other property of the same description. This has been a universal practice, and has never been deemed any obstruction to the action of the Government of the Union. The States cannot tax the transportation

of the mail without obstructing the action of the Government; but were an association incorporated to transport the mail all over the Union, with capacity to trade in live stock and agricultural products, there can be no doubt but that their private trade and property would be subject to State taxation.

The committee have not deemed it necessary to examine any argument founded upon a supposed abuse of power by the States. As between States, every argument of this sort is inadmissible, because it may be urged with equal force against the exercise of any power by either, and concludes to the destruction of all authority. There can be no doubt but the States will at all times be ready to encourage rather than repress the introduction and employment of capital within their dominion, where it may probably be of any general advantage. Of this the State authorities are much more competent judges than capitalists or their agents at a distance can be. It must always be unwise to force capital into a country against the sense of those who administer the Government. That the bank has sustained great losses by sending branches into this State, is now notorious; that their trade and loans have been highly injurious to all the best interests of the State, cannot be disputed. This loss on the one hand, and injury on the other, would have been avoided, had the bank consulted the authorities of the State instead of holding counsel with money-jobbers and speculators.

The committee have carefully examined the subject, and, without pretending to present it in all the views of which it is susceptible, have urged only those which appear to them most prominent. The result of their deliberations is, that the Bank of the United States is, in their opinion, a mere private corporation of trade, and, as such, its trade and business must be subject to the taxing power of the State.

In considering what course the committee should recommend as proper to be adopted at this time, one point of difficulty has presented itself. It is urged by many that the tax levied and collected is enormous in amount, and therefore unequal and unjust. It is readily admitted that this allegation is not entirely unfounded, and all must agree that it does not comport with the character of a State to afford any color to accuse her of injustice. Even in the assertion of a right, it is highly derogatory for a State to act oppressively; and all injustice is oppression. It cannot be doubted but that the tax was levied as a penalty, and that it was not supposed the Bank would venture to incur it. It was an act of temerity in them to do so; and although in this view the tax was justly, and in the opinion of the committee, legally collected, yet, under all the circumstances of the case, the committee conceive that the State ought to be satisfied with effecting the objects for which the law was enacted.

At this time the bank can have little object in continuing its branches, except to maintain the point of right, which may not be definitively settled by the controversy. The State, having refused to use the money collected, has no interest but that of character and an assertion of the right. If an accommodation can be effected without prejudice to the rights upon either side, it would seem to be desirable to all parties. With this view, as well as with a view to remove all improper impressions, the committee recommend that a proposition of compromise be made by law, making provision that, upon the bank discontinuing the suits now prosecuted against the public officers, and giving assurance that the branches shall be withdrawn, and only an agency left to settle its business and collect its debts, the amount collected for tax shall be paid, without interest.

But the committee conceive that the General Assembly ought not to stop here. The reputation of the State has been assailed throughout the United States; and the nature of the controversy, and her true course of conduct, have alike been very much misunderstood. It behooves the General Assembly, even if a compromise be effected, to take measures for vindicating the character of the State, and also for awakening the attention of the separate States to the consequences that may result from the doctrines of the federal courts upon the questions that have arisen. And, besides, as it is possible that the proposition of compromise may not be accepted, it is the duty of the General Assembly to take ulterior measures for asserting and maintaining the rights of the State by all constitutional means within their power.

In general, partial legislation is objectionable; but this is no ordinary case, and may therefore call for and warrant extraordinary measures. Since the exemptions claimed by the bank are sustained upon the proposition that the power that created it must have the power to preserve it, there would seem to be a strict propriety in putting the creating power to the exercise of this preserving power, and thus ascertaining distinctly whether the executive and legislative departments of the Government of the Union will recognise, sustain, and enforce the doctrine of the judicial department.

For this purpose the committee recommend that provision be made by law forbidding the keepers of our jails from receiving into their custody any person committed at the suit of the Bank of the United States, or for any injury done to them; prohibiting our judicial officers from taking acknowledgments of conveyances, where the bank is a party, or when made for their use, and our recorders from receiving or recording such conveyances; forbidding our courts, justices of the peace, judges, and grand juries, from taking any cognizance of any wrong alleged to have been committed upon any species of property owned by the bank, or upon any of its corporate rights or privileges; and prohibiting our notaries public from protesting any notes or bills held by the bank or their agents, or made payable to them.

The adoption of these measures will leave the bank exclusively to the protection of the Federal Government, and its constitutional power to preserve it in the sense maintained by the Supreme Court may thus be fairly, peaceably, and constitutionally tested. Congress must be called on to provide a criminal code to punish wrongs committed upon it, and to devise a system of conveyances to enable it to receive and transmit estates; and, being thus called on to act, the National Legislature must be drawn to the serious consideration of a subject which the committee believe demands much more attention than it has excited. The measures proposed are peaceable and constitutional; conceived in no spirit of hostility to the Government of the Union, but intended to bring fairly before the nation great and important questions, which must one day be discussed, and which may now be very safely investigated.

The committee conclude by recommending the adoption of the following resolutions:

Resolved by the General Assembly of the State of Ohio, That, in respect to the powers of the Governments of the several States that compose the American Union, and the powers of the Federal Government, this General Assembly do recognise and approve the doctrines asserted by the Legislatures of Kentucky and Virginia in their resolutions of November and December, 1798, and January, 1800, and do consider that their principles have been recognised and adopted by a majority of the American people.

Resolved, further, That this General Assembly do protest against the doctrines of the federal circuit court sitting in this State, avowed and maintained in their proceedings against the officers of state upon account of their official acts, as being in direct violation of the eleventh amendment to the constitution of the United States.

Resolved, further, That this General Assembly do assert, and will maintain, by all legal and constitutional means, the right of the States to tax the business and property of any private corporation of trade, incorporated by the Congress of the United States, and located to transact its corporate business within any State.

Resolved, further, That the Bank of the United States is a private corporation of trade, the capital and business of which may be legally taxed in any State where they may be found.

Resolved, further, That this General Assembly do protest against the doctrine that the political rights of the separate States that compose the American Union, and their powers as sovereign States, may be settled and determined in the Supreme Court of the United States, so as to conclude and bind them in cases contrived between individuals, and where they are, no one of them, parties direct.

Resolved, further, That the Governor transmit to the Governors of the several States a copy of the foregoing report and resolutions, to be laid before their respective Legislatures, with a request from this General Assembly that the Legislature of each State may express their opinion upon the matters therein contained.

Resolved, further, That the Governor transmit a copy of the foregoing report and resolutions to the President of the United States, and to the President of the Senate and Speaker of the House of Representatives of the United States, to be laid before their respective Houses, that the principles upon which this State has, and does proceed, may be fairly and distinctly understood.

HOUSE OF REPRESENTATIVES, *December* 28, 1820.

The foregoing report approved, and resolutions adopted.

Attest: WM. DOHERTY, *Clerk House of Representatives.*

IN SENATE, *January* 3, 1821.

Report and resolutions concurred in.

Attest: RICHARD COLLINS, *Clerk of the Senate.*

16th CONGRESS.] No. 501. [2d SESSION.

PUNISHMENT FOR PIRACY.

COMMUNICATED TO THE SENATE, ON THE 9TH OF FEBRUARY, 1821.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the resolution "to inquire into the propriety of so modifying the law punishing piracy as to authorize the President of the United States, in such cases as he may deem expedient, to commute capital punishments for confinement in penitentiary houses," made the following report:

The object of the resolution is to alter the criminal code of the United States so far as to place within the power of the President of the United States the complete control over the punishment now affixed by law to the crime of piracy, and to soften it down from death to the less rigorous punishment of confinement in penitentiary houses.

As we have drawn most of our impressions of the utility and efficacy of penitentiaries from the practical operations of this system in the several States where it has been adopted, it may not be thought improper to give the result of certain official inquiries into the condition, usefulness, and advantages of some of these institutions in States where much zeal and diligence had been displayed to cherish them.

Some time in the year 1817 the grand jury of Philadelphia visited the penitentiary in that city, upon which they made the following presentment:

"That, while they notice with pleasure the high degree of order and cleanliness, they are compelled by a sense of duty to present, as an evil of considerable magnitude, the present very crowded state of the penitentiary; the number of prisoners of all classes continues to increase, so that from twenty to forty are lodged in rooms eighteen feet square. So many are thus crowded together, that the institution already begins to assume the character of a European prison *and a seminary for every vice*, in which the unfortunate being who commits the first offence, and knows none of the arts of methodized villany, can scarcely avoid the contamination which leads to extreme depravity." The same grand jury further stated "that, of four hundred and fifty-one convicts now in the penitentiary of Pennsylvania, one hundred and sixty-one have been confined there before." It is believed that no institution of this character ever received more attention as respects its comforts and means for promoting the reformation of offenders.

The commissioners appointed to examine into the state of the New York prison, not long since, in their report say: "It has for some time past not only failed of effecting the object chiefly in view, but has subjected the treasury to a series of disbursements too oppressive to be continued if they can in any way be prevented."

The commissioners of the prison of Massachusetts, in a report, complain "that the prison is so crowded as to defeat the object for which the institution was created." These commissioners, after enumerating what they consider to be the advantages arising to the commonwealth, say: "But there appears great reason to suppose that the advantage first mentioned is more than counterbalanced by the greater hardihood and more settled corruption which a promiscuous association among the convicts must produce, particularly the young."

These appear to be fair and impartial representations made by men whose duty it was to represent things as they were, in order to bring to the public view their true character; and if this is the state and effect of those prisons, after twenty years of experience and prudent management, upon convicts whose offences are not of the most atrocious class, but little hope can be entertained that pirates can be reformed by such means.

In the catalogue of human offences, if there is any one supremely distinguished for its enormity over others, it is piracy. It can only be committed by those whose hearts have become base by habitual depravity. It is called by jurists an offence against the universal laws of society. A pirate is *hostis humani generis*. He is at war with his species, and has renounced the protection of all civilized Governments, and abandoned himself again to the savage state of nature. His flag consists of a "black field, with a death's head, a battleaxe, and an hourglass." These are the ensigns of his profession. He does not select the enemies of his native country as the only objects of his conquest, but attacks indiscriminately the defenceless of every nation; prowls every ocean in quest of plunder; and

murders or jeopardizes the lives of all who fall within his power, without regard to nation, to age, or to sex. With such a blood-stained front, a pirate can have no claim to the clemency of a Government, the protection of which he has voluntarily renounced, and against which he has so highly offended.

Our general policy and political institutions are administered so mildly, that we seem to have forgotten the protection due to the public; and call that punishment which the law prescribes for offences, however enormous they may be against the public safety and public morals, cruel and degrading to our national character. The laws punishing piracy with death have had from the legislative department all the consideration due to so important a subject at a time when no undue influence could interpose.

The executive clemency has more than sufficient range for its exercise, without the aid sought for by this resolution. Whatever may be the public feeling against a pirate previous to his trial and conviction, as soon as that takes place that feeling subsides and becomes enlisted on the part of the criminal. There is not a favorable trait in his case but what is brought up and mingled with as many circumstances of pity and compassion as his counsel can condense in a petition, which every body subscribes without any knowledge of the facts; and this is presented to the Executive, upon which alone he is to judge the case. All the atrocious circumstances are kept out of view. There is no one hardy enough to tell that this criminal and his associates had boarded a defenceless ship, and, after plundering all that was valuable, had, with the most unrelenting cruelty, butchered the whole crew and passengers; or crowded them into a small boat, in the midst of the sea, without provisions or clothing, and set them adrift, where their destruction was inevitable; or, the better to secure their purpose, had shut all, both male and female, under deck, and sunk the ship, to elude detection, or to indulge an insatiable thirst for cruelty.

The object of capital punishment is to prevent the offender from committing further offences, or to deter others from doing so by the example. If it be commuted for temporary confinement, it can effect neither to any valuable purpose. The temptation is so strong, and detection so difficult and so rare, that but few, it is feared, can be deterred. The punishment of death is inflicted upon pirates by all civilized nations, notwithstanding which it is a growing evil; every sea is now crowded with them, which, instead of diminishing, ought to increase the reasons for inflicting capital punishment.

The committee are of opinion that capital punishment is the appropriate punishment for piracy, and that it would be inexpedient to commute it for confinement in penitentiary houses.

16th Congress.] No. 502. [2d Session.

ADMISSION OF MISSOURI INTO THE UNION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, ON THE 10TH OF FEBRUARY, 1821.

Mr. Clay made the following report:

The select committee, to whom was referred the resolution from the Senate declaring the admission of the State of Missouri into the Union, have, according to order, had the same under consideration, and beg leave to submit to the House the following report:

That they have entered upon the discharge of the duty assigned them by the House with the most anxious desire to arrive at a conclusion which would give general satisfaction; that, in the prosecution of this purpose, it seemed to them to be useful to ascertain, in the first place, by a full and frank comparison of opinions among themselves, whether any, and what, conditions ought to be prescribed to the admission of Missouri into the Union; that, on making this comparison, the opinion appeared to be nearly unanimous in the committee that no other conditions ought now to be required than those which were specified in the act of the last session of Congress providing for the admission of Missouri into the Union; and that, considering all the circumstances attending that act, the settlement which it made of the question of restriction ought not to be disturbed; that this opinion limited their subsequent inquiry to the consideration of the single question whether the constitution which Missouri has formed for herself contained any thing in it which furnished a valid objection to her incorporation in the Union; and, on that question, they thought that there was no other provision in that constitution to which Congress could, of right, take exception, but that which makes it the duty of the Legislature of Missouri to pass laws to prevent free negroes and mulattoes from going to and settling in the said State. In regard to that clause, the same diversity of opinion existed among the members of the committee which had been previously manifested in the House: one portion believing it liable to an interpretation repugnant to the constitution of the United States; and the other thinking it not exposed to that objection; or that, if it were, the exceptionable interpretation was superseded by the paramount authority of the federal constitution.

With these conflicting opinions, the committee thought it best that, without either side abandoning its opinion, an endeavor should be made to frame an amendment to the Senate's resolution, which, compromitting neither, should contain an adequate security against any violation of the privileges and immunities of citizens of other States in Missouri; and a majority of the committee thinking that such security could not be sufficiently afforded without some previous act to be done by the Legislature of Missouri, the amendment was finally agreed upon, which they now beg leave to report.

According to this amendment, Missouri is to be admitted into the Union upon the fundamental condition that she shall never pass any law preventing any description of persons from going to and settling in the said State, who now are, or hereafter may become, citizens of any of the States in this Union; and upon the Legislature of the said State signifying its assent to that condition, by a solemn public act, which is to be communicated to the President of the United States, he is to proclaim the fact, and thereupon the admission of the said State into the Union is to be complete, without any further or other proceeding on the part of Congress. To prevent, however, this amendment from being considered as impairing any right which may appertain to Missouri, in common with other States, to exclude from her jurisdiction persons under peculiar circumstances, (such as paupers, vagabonds, &c.,)

a further proviso is added, declaring that nothing in the said amendment is to be construed to take from Missouri, when admitted into the Union, the exercise of any right or power which the original States may constitutionally exert.

The modification which the committee thus respectfully recommend of the Senate's resolution is the result of a spirit of concord, under the guidance of which they have anxiously sought, without the sacrifice of principle on either side, to reconcile the variant opinions among them. There cannot be a doubt but that Missouri, solicitous as she must be to participate in all the high advantages of our excellent Union, will eagerly seize the opportunity of testifying her attachment to the federal constitution, by giving the solemn pledge which she is asked to make, to respect the privileges and immunities which it secures to citizens of other States—a pledge become necessary, in the opinion of a large and respectable portion of the House, by the terms which she has employed in a clause of her constitution. Nor will there be a doubt of the sincerity or efficacy of such a pledge. On the other hand, if, by postponing for a short period her admission into the Union, (a circumstance every day less and less important, in consequence of the lapse of the time allotted to this session,) those who thought her invested with a perfect right to be admitted without delay are not fully gratified, they will be consoled by the reflection that the amendment requires only the performance of a precise and simple act, which cannot be mistaken by the highly responsible officer to whom the judgment of its execution is confided. And the whole House must be gratified with any proper disposition of the subject which will henceforth free the public deliberations from the agitation and disturbance to which it is but too likely always to give rise. And your committee believe that all must ardently unite in wishing an amicable termination of a question, which, if it be longer kept open, cannot fail to produce, and possibly to perpetuate, prejudices and animosities among a people, to whom the conservation of their moral ties should be even dearer, if possible, than that of their political bond. Sharing as the committee do largely in this sentiment, they respectfully submit to the House the amendment which they propose, in the hope that it will be received and considered in the same spirit in which it has been devised.

16th Congress.] No. 503. [2d Session.

WEIGHTS AND MEASURES.

COMMUNICATED TO THE SENATE, FEBRUARY 22, 1821.

The Secretary of State, to whom, by a resolution of the Senate of the 3d of March, 1817, it was referred to prepare and report to the Senate "a statement relative to the regulations and standards for weights and measures in the several States, and relative to proceedings in foreign countries for establishing uniformity in weights and measures, together with such propositions relative thereto as may be proper to be adopted in the United States," respectfully submits to the Senate the following report:

The resolution of the Senate embraces three distinct objects of attention, which it is proposed to consider in the following order:

1. The proceedings in foreign countries for establishing uniformity in weights and measures.
2. The regulations and standards for weights and measures in the several States of the Union.
3. Such propositions relative to the uniformity of weights and measures as may be proper to be adopted in the United States.

The term *uniformity*, as applied to weights and measures, is susceptible of various constructions and modifications; some of which would restrict, while others would enlarge, the objects in contemplation by the resolution of the Senate.

Uniformity in weights and measures may have reference—

1. To the weights and measures themselves.
2. To the objects of admeasurement and weight.
3. To *time*, or the duration of their establishment.
4. To *place*, or the extent of country over which, including the persons by whom, they are used.
5. To numbers, or the modes of numeration, multiplication, and division of their parts and units.
6. To their *nomenclature*, or the denominations by which they are called.
7. To their connexion with *coins* and *moneys of account*.

In reference to the weights and measures themselves, there may be—

A uniformity of identity, or

A uniformity of proportion.

By a uniformity of *identity*, is meant a system founded on the principle of applying only one unit of weights to all weighable articles, and one unit of measures of capacity to all substances thus measured, liquid or dry.

By a uniformity of *proportion*, is understood a system admitting more than one unit of weights, and more than one of measures of capacity, but in which all the weights and measures of capacity are in a uniform proportion with one another.

Our present existing weights and measures are, or originally were, founded upon the uniformity of proportion. The new French metrology is founded upon the uniformity of identity.

And, in reference to each of these circumstances, and to each in combination with all or either of the others, uniformity may be more or less extensive, partial, or complete.

Measures and weights are the instruments used by man for the comparison of quantities and proportions of things.

In the order of human existence upon earth, the objects which successively present themselves are—man; natural, domestic, civil society; government; and law. The want, at least, of measures of length, is founded in the physical organization of individual man, and precedes the institution of society. Were there but one man upon

earth, a solitary savage, ranging the forests and supporting his existence by a continual conflict with the wants of his nature and the rigor of the elements, the necessities for which he would be called to provide would be *food*, *raiment*, *shelter*. To provide for the wants of food and raiment, the first occupation of his life would be the chase of those animals, the flesh of which serves him for food, and the skins of which are adaptable to his person for raiment. In adapting the raiment to his body, he would find at once, in his own person, the want and the supply of a standard measure of length, and of the proportions and subdivisions of that standard.

But, to the continued existence of the human species, two persons of different sexes are required. Their union constitutes natural society, and their permanent cohabitation, by mutual consent, forms the origin of domestic society. Permanent cohabitation requires a common place of abode, and leads to the construction of edifices where the associated parties and their progeny may abide. To the construction of a dwelling-place, superficial measure becomes essential, and the dimensions of the building still bear a natural proportion to those of its destined inhabitants. Vessels of capacity are soon found indispensable for the supply of water; and the range of excursion around the dwelling could scarcely fail to suggest the use of a measure of itinerary distance.

Measures of *length*, therefore, are the wants of individual man, independent of and preceding the existence of society. Measures of surface, of distance, and of capacity, arise immediately from domestic society. They are wants proceeding rather from social than from individual existence. With regard to the first—*linear* measure: nature, in creating the want, and in furnishing to man, within himself, the means of its supply, has established a system of numbers and of proportions between the man, the measure, and the objects measured. Linear measure requires only a change of direction to become a measure of circumference; but is not thereby, without calculation, a measure of surface. Itinerary measure, as it needs nothing more than the prolongation or repetition of linear measure, would seem, at the first view, to be the same; yet this is evidently not the progress of nature. As the want of it originates in a different stage of human existence, it will not naturally occur to man to use the same measure, or the same scale of proportions and numbers, to clothe his body and to mark the distance of his walks. On the contrary, for the measurement of all objects which he can lift and handle, the fathom, the arm, the cubit, the hand's breadth, the span, and the fingers, are the instruments proposed to him by nature; while the pace and the foot are those which she gives him for the measurement of itinerary distance. These natural standards are never, in any stage of society, lost to individual man. There are probably few persons living who do not occasionally use their own arms, hands, and fingers to measure objects which they handle, and their own pace to measure a distance upon the ground.

Here, then, is a source of *diversity* to the standards even of linear measure, flowing from the difference of the relations between man and physical nature. It would be as inconvenient and unnatural to the organization of the human body to measure a bow and arrow, for instance, the first furniture of solitary man, by his foot or pace, as to measure the distance of a day's journey, or a morning's walk to the hunting ground, by his arm or hand.

Measures of capacity are rendered necessary by the nature of fluids, which can be held together in definite quantities only by vessels of substance more compact than their own. They are also necessary for the admeasurement of those substances which nature produces in multitudes too great for numeration, and too minute for linear measure. Of this character are all the grains and seeds, which, from the time when man becomes a tiller of the ground, furnish the principal materials of his subsistence. But nature has not furnished him with the means of supplying this want in his own person. For this measure he is obliged to look abroad into the nature of things; and his first measure of capacity will most probably be found in the egg of a large bird, the shell of a cetaceous fish, or the horn of a beast. The want of a *common* standard not being yet felt, these measures will be of various dimensions; nor is it to be expected that the thought will ever occur to the man of nature of establishing a proportion between his cubit and his cup, of graduating his pitcher by the size of his foot, or equalizing its parts by the number of his fingers.

Measures of length, once acquired, may be, and naturally are, applied to the admeasurement of objects of surface and solidity; and hence arise new diversities from the nature of things. The connexion of linear measure with *numbers*, necessarily, and in the first instance, imports only the first arithmetical rule of numeration or addition. The mensuration of surfaces and of solids requires the further aid of multiplication and division. Mere numbers and mere linear measure may be reckoned by addition alone; but their application to the surface can be computed only by multiplication. The elementary principle of decimal arithmetic is then supplied by nature to man within himself in the number of his fingers. Whatever standard of linear measure he may assume in order to measure the surface or the solid, it will be natural to him to stop in the process of addition when he has counted the tale equal to that of his fingers. Then turning his line in the other direction, and stopping at the same term, he finds the square of his number a hundred; and, applying it again to the solid, he finds its cube a thousand.

But while decimal arithmetic thus, for the purposes of *computation*, shoots spontaneously from the nature of man and of things, it is not equally adapted to the numeration, the multiplication, or the division of material substances, either in his own person or in external nature. The proportions of the human body, and of its members, are in other than decimal numbers. The first unit of measures for the use of the hand is the *cubit*, or extent from the tip of the elbow to the end of the middle finger; the motives for choosing which are, that it presents more definite terminations at both ends than any of the other superior limbs, and gives a measure easily handled and carried about the person. By doubling this measure is given the ell, or arm, including the hand, and half the width of the body, to the middle of the breast; and, by doubling that, the fathom, or extent from the extremity of one middle finger to that of the other, with expanded arms—an exact equivalent to the stature of man, or extension from the crown of the head to the sole of the foot. For subdivisions and smaller measures, the span is found equal to half the cubit, the palm to one-third of the span, and the finger to one-fourth of the palm. The cubit is thus, for the mensuration of matter, naturally divided into 24 equal parts, with subdivisions of which 2, 3, and 4 are the factors; while, for the mensuration of distance, the foot will be found at once equal to one-fifth of the pace, and one-sixth of the fathom.

Nor are the diversities of nature, in the organization of external matter, better suited to the exclusive use of decimal arithmetic. In the three modes of its extension, to which the same linear measure may be applied, length, breadth, and thickness, the proportions of surface and solidity are not the same with those of length: that which is decimal to the line is centesimal to the surface, and millesimal to the cube. Geometrical progression forms the rule of numbers for the surface and the solid, and their adaptation to decimal numbers is among the profoundest mysteries of mathematical science—a mystery which had been impenetrable to Pythagoras, Archimedes, and Ptolemy; which remained unrevealed even to Copernicus, Galileo, and Kepler; and the discovery and exposition of which were reserved to immortalize the name of Napier. To the mensuration of the surface and the solid, the number 10 is of little more use than any other. The numbers of each of the two or three modes of extension must be multiplied together to yield the surface or the solid contents; and, unless the object to be measured is a perfect square, or cube of equal dimensions at all its sides, decimal arithmetic is utterly incompetent to the purpose of their admeasurement.

Linear measure, to whatever modification of matter applied, extends in a straight line; but the modifications of matter, as produced by nature, are in forms innumerable, of which the defining outward line is almost invariably a curve. If decimal arithmetic is incompetent even to give the dimensions of those artificial forms the square and the cube, still more incompetent is it to give the circumference, the area, and the contents of the circle and the sphere.

There are three several modes by which the quantities of material substances may be estimated and compared—by number, by the space which they occupy, and by their apparent specific gravity. We have seen the origin and character of mensuration by space and number, and that, in the order of human existence, one is the result of a necessity incidental to individual man preceding the social union, and the other immediately springing from that union. The union of the sexes constitutes natural society; their permanent cohabitation is the foundation of domestic society, and leads to that of government, arising from the relations between the parents and the offspring which their union produces. The relations between husband and wife import domestic society, consent, and the sacred obligation of promises. Those between parent and child import subordination and government; on the one side authority, on the other obedience. In the first years of infancy, the authority of the parent is absolute; and has, therefore, in the laws of nature, been tempered by parental affection. As the child advances to mature age, the relations of power and subjection gradually subside, and finally are dissolved in that honor and reverence of the child for the parent which can terminate only with life. When the child goes forth into the world to make a settlement for himself, and found a new family, civil society commences; government is instituted; the tillage of the ground, the discovery and use of metals, exchanges, traffic by barter, a *common* standard of measures, and mensuration by *weight*, or apparent specific gravity, all arise from the multiplying relations between man and man, now superadded to those between man and things.

The difference between the specific gravities of different substances is so great that it could not, for any length of time, escape observation; but nature has not furnished man, within himself, with any standard for this mode of estimating equivalents. Specific gravity, as an object of mensuration, is in its nature *proportional*. It is not, like measures of length and capacity, a comparison between different definite portions of space, but a comparison between different properties of matter. It is not the simple relation between the extension of one substance and the extension of another, but the complicated relation of extension and gravitation in one substance to the extension and gravitation of another. This distinction is of great and insuperable influence upon the principle of *uniformity*, as applicable to a system of weights and measures. *Extension* and *gravitation* neither have, nor admit of, one common standard. *Diversity* is the law of their nature; and the only *uniformity* which human ingenuity can establish between them is a uniformity of proportion, and not a uniformity of identity.

The necessity for the use of *weights* is not in the organization of individual man. It is not essential even to the condition or the comforts of domestic society. It presupposes the discovery of the properties of the balance, and originates in the exchanges of traffic, after the institution of civil society. It results from the experience that the comparison of the articles of exchange, which serve for the subsistence or the enjoyment of life, by their relative extension, is not sufficient as a criterion of their value. The first use of the balance and of weights implies two substances, each of which is the test and the standard of the other. It is natural that these substances should be the articles the most essential to subsistence. They will be borrowed from the harvest and the vintage; they will be corn and wine. The discovery of the metals, and their extraction from the bowels of the earth, must, in the annals of human nature, be subsequent, but proximate, to the first use of weights; and, when discovered, the only mode of ascertaining their definite quantities will be soon perceived to be their weight. That they should, themselves, immediately become the common standards of exchanges, or otherwise of value and of weights, is perfectly in the order of nature; but their proportions to one another, or to the other objects by which they are to be estimated, will not be the same as standards of weight and as standards of value. Gold, silver, copper, and iron, when balanced each by the other in weight, will present masses very different from each other in value. They give rise to another complication and another diversity of weights and measures, equally inaccessible to the uniformity of identity and to the computations of decimal arithmetic.

Of the metals, that which, by the adaptation of its properties to the various uses of society, and to the purposes of traffic, by the quantities in which nature has disclosed it to the possession of man, intermediate between her profuse bounties of the coarser, and her parsimonious dispensation of the finer metals, holds a middle station between them, wins its way as the common, and at last as the only standard of value. It becomes the universal medium of exchanges. Its quantities, ascertained by weight, become themselves the standards of weights. Civil government is called in as the guardian and voucher of its purity. The civil authority stamps its image, to authenticate its weight and alloy; and silver becomes at once a weight, money, and coin.

With civil society, too, originates the necessity for common and uniform standards of measures. Of the different measures of extension necessary for individual man and for domestic society, although the want will be common to all, and frequently recurring, yet the standards will not be uniform, either with reference to time or to persons. The standard of linear measure for each individual being in himself, those of no two individuals will be the same. At different times, the same individual will use different measures, according to the several purposes for which they will be wanted. In domestic society, the measures adaptable to the persons of the husband, of the wife, and of the children, are not the same; nor will the idea of reducing them all to one common standard press itself upon their wants until the multiplication of families gives rise to the intercourse, exchanges, and government of civil society. Common standards will then be assumed from the person of some distinguished individual; but accidental circumstances, rather than any law of nature, will determine whether identity or proportion will be the character of their uniformity. If, pursuing the first and original dictate of nature, the cubit should be assumed as the standard of linear measure for the use of the hand, and the pace for the measure of motion, or linear measure upon earth, there will be two units of long measure—one for the measure of matter, and another for the measure of motion. Nor will they be reducible to one, because neither the cubit nor the pace is an aliquot part or a multiple of the other. But, should the discovery have been made that the *foot* is at once an aliquot part of the pace, for the mensuration of motion, and of the ell and fathom for the mensuration of matter, the foot will be made the common standard measure for both; and, thenceforth, there will be only one standard unit of long measure, and its uniformity will be that of identity.

Thus, in tracing the theoretic history of weights and measures to their original elements in the nature and the necessities of man, we have found linear measure with individual existence; superficial, capacious, itinerary measure, and decimal arithmetic, with domestic society; weights and common standards with civil society; money, coins, and all the elements of uniform metrology, with civil government and law, arising in successive and parallel progression together.

When weights and measures present themselves to the contemplation of the legislator, and call for the interposition of law, the first and most prominent idea which occurs to him is that of *uniformity*. His first object is to embody them into a system, and his first wish to reduce them to one universal common standard. His purposes are uniformity, permanency, and universality; one standard to be the same for all persons and all purposes, and to continue

the same forever. These purposes, however, require powers which no legislator has hitherto been found to possess. The power of the legislator is limited by the extent of his territories and the numbers of his people. His principle of universality, therefore, cannot be made, by the mere agency of his power, to extend beyond the inhabitants of his own possessions. The power of the legislator is limited over time. He is liable to change his own purposes. He is not infallible; he is liable to mistake the means of effecting his own objects. He is not immortal; his successor accedes to his power, with different views, different opinions, and perhaps different principles. The legislator has no power over the properties of matter. He cannot give a new constitution to nature. He cannot repeal her law of universal mutability. He cannot square the circle. He cannot reduce extension and gravity to one common measure. He cannot divide or multiply the parts of the surface, the cube, or the sphere, by the uniform and exclusive number 10. The power of the legislator is limited over the will and actions of his subjects. His conflict with them is desperate when he counteracts their settled habits, their established usages, their domestic and individual economy, their ignorance, their prejudices, and their wants; all which is unavoidable in the attempt radically to change or to originate a totally new system of weights and measures.

In the origin of the different measures and weights, at different stages of man's individual and social existence; in the different modes by which nature has bounded the extension of matter; in the incommensurable properties of the straight and the curve line; in the different properties of matter, number, extension, and gravity, of which measures and weights are the test, nature has planted sources of diversity which the legislator would in vain overlook, which he would in vain attempt to control. To these sources of diversity in the nature of things must be added all those arising from the nature and history of man. In the first use of weights and measures, neither universality nor permanency is essential to the uniformity of the standards. Every individual may have standards of his own, and may change them as convenience or humor may dictate. Even in civil society, it is not *necessary* to the purposes of traffic that the standards of the buyer and seller should be the same. It suffices if the proportions between the standards of both parties are mutually understood. In the progress of society, the use of weights and measures having preceded legislation, if the families descended from one should, as they naturally may, have the same standards, other families will have others. Until regulated by law, their diversities will be numberless, their changes continual.

These diversities are still further multiplied by the abuses incident to the poverty, imperfections, and deceptions of human language. So arbitrary and so irrational is the dominion of usage over the speech of man, that, instead of appropriating a specific name to every distinct thing, he is impelled, by an irresistible propensity, sometimes to give different names to the same thing, but far more frequently to give the same name to different things. Weights and measures are, in their nature, relative. When man first borrows from his own person a standard measure of length, his first error is to give to the measure the name of the limb from which it is assumed. He calls the *measure* a cubit, a span, a hand, a finger, or a foot, improperly applying to it the name of those respective parts of his body. When he has discovered the properties of the balance, he either confounds with it the name of the weight which he puts in it to balance the article which he would measure, or he gives to the definite mass which he assumes for his standard the indefinite and general name of *the weight*. Such was the original meaning of the weight which we call a *pound*. But, as different families assume different masses of gravity for their unit of weight, the pound of one bears the same name, and is a very different thing from the pound of another. When nations fall into the use of different weights or measures for the estimation of different objects, they commit the still grosser mistake of calling several different weights or measures by the same name; and when Governments degrade themselves by debasing their coins, (as, unfortunately, all Governments have done,) they add the crime of fraud to that of injustice, by retaining the name of things which they have destroyed or changed. Even things which nature has discriminated so clearly that they cannot be mistaken, the antipathy of mankind to new words will misrepresent and confound. It suffers not even numbers to retain their essentially definite character. It calls sixteen a dozen; it makes a hundred and twelve a hundred, and twenty-eight twenty-five. Of all the tangles of confusion to be unravelled by the regulation of weights and measures, these abuses of language in their nomenclature are, perhaps, the most inextricable; so that, when law comes to establish its principles of permanency, uniformity, and universality, it has to contend, not only with the diversities arising from the nature of things and of man, but with those, infinitely more numerous, which proceed from existing usages and delusive language; with the partial standards and misapplied names which have crept in with the lapse of time, beginning with individuals or families, and spreading, more or less extensively, to villages and communities.

In this conflict between the dominion of usage and of law, the last and greatest dangers to the principle of uniformity proceed from the laws themselves. The legislator, having no distinct idea of the uniformity of which the subject is susceptible, not considering how far it should be extended, or where it finds its boundary in the nature of things and of man, enacts laws inadequate to their purpose, inconsistent with one another; sometimes stubbornly resisting, at others weakly yielding to, inveterate usages or abuses; and finishes by increasing the diversities which it was his intention to abolish, and by loading his statute book only with the impotence of authority and the uniformity of confusion.

This inquiry into the theory of weights and measures, as resulting from the natural history of man, was deemed necessary as preliminary to that statement of the proceedings of foreign countries for establishing uniformity in weights and measures called for by the resolution of the Senate.

It presents to view certain principles believed to be essential to the subject, upon which the historical statement required will shed continual illustration, and which it will be advisable to bear in mind, when the propositions supposed to be proper for the adoption of the United States are to be considered.

In this review, civil society has been considered as originating in a single family. It can never originate in any other manner. But Governments and national communities may originate, either by the multiplication of families from one; or in compact, by the voluntary association of many families; or in force, by conquest. In the nations formed by the reunion of many families, each family will have its standard measures and weights already settled, and common standards for the whole can be established only by the means of *law*. It is a consideration from which many important consequences result, that the proper province of law, in relation to weights and measures, is not to create, but to regulate. It finds them already existing with diversities innumerable, arising not only from all the causes which have been enumerated, but from all the frauds to which these diversities give continual occasion and temptation.

There are two nations of antiquity from whom almost all the civil, political, and religious institutions of modern Europe, and of her descendants in this hemisphere, are derived—the Hebrews and the Greeks. They both, at certain periods, not very distant from each other, issued from Egypt; and both nearly at the time of the first invention of alphabetical writing. The earliest existing records of history are of them, and in their respective languages. They exhibit examples of national communities and Governments originating in two of the different modes noticed in the preceding remarks. The Hebrews sprung from a single family, of which Abraham and Sarah were the first founders. The Greeks were a confederated nation, formed by the voluntary association of many families. To

their historical records, therefore, we must appeal for the actual origin of our own existing weights and measures; and, beginning with the most ancient of them, the Hebrews, it is presumed that the Scriptures may be cited in the character of historical documents. We there find that all the human inhabitants of this globe sprung from one created pair; that the necessity of raiment adapted to the organization of their bodies, and of the tillage of the ground for their subsistence, arose by their fall from innocence; that their eldest son was a tiller of the ground, and built a city, and their second son a keeper of sheep; that, at no distant period from the creation, instruments of brass and iron were invented. Of the origin of weights and measures, no direct mention is made; but the Hebrew historian, Josephus, asserts that they were invented by Cain, the tiller of the ground, and the first builder of a city. As the duration of human life was tenfold longer before the flood than in later ages, the multiplication of the species was proportionally rapid; and the inventions and discoveries of many ages were included within the life of every individual. In the early stages of man's existence upon earth, direct revelations from the Creator were also frequent, and imparted knowledge unattainable but in a series of centuries to the merely natural energies of the human mind. The division of numbers by decimal arithmetic, and the use of the *cubit* as a standard measure of length, are distinctly proved to have been established before the general deluge. The division of time into days, months, and years was settled. The ages of the patriarchs are noted in units, tens, and hundreds of years; and Noah, we are told, built, by Divine instruction, his ark three hundred *cubits* long, fifty cubits broad, and thirty cubits in height.

After the general deluge, the dispersion of the human species and the confusion of languages which ensued must have destroyed whatever uniformity of weights and measures might have existed while the whole earth was of one language and of one speech. After noticing this great and miraculous event, the historical part of the Bible is chiefly confined to the family of Abraham, originally a Chaldean, said to have been very rich in cattle, in silver, and in gold. In his time we find mention made of *measures* of meal. Abimelech gives him a thousand pieces of silver. He himself gives to Hagar a *bottle* of water, and buys of Ephron, the Hittite, the field of Machpelah, for which he pays him, by *weight*, four hundred shekels of silver, current money with the merchant. At this period, therefore, we find established measures of length, of land, and of capacity, liquid and dry, weights, coined money, and decimal arithmetic. The elements for a system of metrology are complete; but the only uniformity observable in them is, the identity of weights and coin, and the decimal numbers.

In the *law* given from Sinai—the law, not of a human legislator, but of God—there are two precepts respecting weights and measures. The first, (Leviticus xix, 35, 36,) "Ye shall do no unrighteousness in judgment, in meteyard, [measure of length,] in weight, or in measure [of capacity.] Just balances, just weights, a just ephah, and a just hin, shall ye have." The second, (Deuteronomy, xxv, 13, 14, 15,) "Thou shalt not have in thy bag *divers* weights, a great and a small. Thou shalt not have in thine house divers measures, a great and a small. But thou shalt have a perfect and just weight, a perfect and just measure shalt thou have." The weights and measures are prescribed as already existing and known, and were all probably the same as those of the Egyptians. The first of these injunctions is addressed in the plural to the whole nation, and the second in the singular to every individual. The first has reference to the standards which were to be kept in the ark of the covenant, or the sanctuary; and the second to the copies of them, kept by every family for their own use. The first, therefore, only commands that the standards should be *just;* and that, in all transactions for which weights and measures might be used, the principle of righteousness should be observed. The second requires that the copies of the standards used by individuals should be uniform, not divers; and not only just, but perfect, with reference to the standards.

The long measures were the *cubit*, with its subdivisions of two *spans*, six palms or hand-breadths, and twenty-four digits or fingers. It had no division in decimal parts, and was not employed for itinerary measure; that was reckoned by paces, Sabbath day's journeys, and day's journeys. The measures of capacity were the ephah for the dry, and the *hin* for liquid measure; the primitive standard from nature of which was an egg-shell; six of these constituted the *log*, a measure little less than our *pint*. The largest measure of capacity, the *homer*, was common both to liquid and dry substances; and its contents nearly corresponded with our wine hogshead and with the Winchester quarter. The intermediate measures were different, and differently subdivided. They combined the decimal and duodecimal divisions; the latter of which may, perhaps, have arisen from the accidental number of the tribes of Israel. Thus, in liquids, the bath was a tenth part of the homer, the hin a sixth part of the bath, and the log a twelfth part of the hin; while, for dry measure, the ephah was a tenth part of the homer, the seah a third, and the omer a tenth part of the ephah, and the cab a sixth part of the seah. The weights and coins were the shekel, of twenty gerahs; the maneh, which for weight was of sixty, and in money of fifty shekels; and the kinchar or talent, of three thousand shekels in both. The ephah had also been formed by the process of cubing an Egyptian measure of length, called the *ardob*. The original weight of the shekel was the same as one-half of our avoirdupois ounce, the most ancient of weights traceable in human history.

And thus, the earliest and most venerable of historical records extant, in perfect coincidence with speculative theory, prove that the natural standards of weights and measures are not the same; that even the natural standards of cloth and of long measure are two, both derived from the stature and proportions of man, but one from his hand and arm, the other from his leg and foot; that the natural standards of measures of capacity and of weights are different from those of linear measure, and different from each other, the essential character of the weight being compact solidity, and that of the vessel bounded vacuity; that the natural standards of weights are two, one of which is the same with metallic money; and that decimal arithmetic, as founded in nature, is peculiarly applicable to the standard *units* of weights and measures, but not to their subdivisions or fractional parts, nor to the objects of admeasurement and weight.

With all these diversities, the only commands of the law for observing uniformity were, that the weights and the measures should be just, perfect, and not divers, a *great* and a *small*. But this last prohibition was merely an ordinance against fraud. It was a precept to the individual, and not to the nation. It forbade the iniquitous practice of using a large weight or measure for buying, and a small one for selling the same article; and, to remove the opportunity for temptation, it enjoined upon the individual not to have divers weights and measures, great and small, of the same denomination, in his bag when at market, or in his house when at home. But it was never understood to forbid that there should be measures of different dimensions bearing the same name; and it appears, from the sacred history, that there actually were three different measures called a cubit, of about the relative proportion of seventeen, twenty-one, and thirty-five of our inches to each other. They were distinguished by the several denominations of the cubit of a man, the cubit of the king, and the cubit of the sanctuary.

In the vision of the prophet Ezekiel, during the Babylonian captivity—that vision which, under the resurrection of dead bones, shadowed forth the restoration and union of the houses of Ephraim and of Judah—with the reproaches of former violence and spoil, injustice and exactions, are mingled the exhortations of future righteousness, particularly with reference to weights and measures; and there is a special command that the measures of capacity, liquid and dry, should be the same.

"Thus saith the Lord God, Let it suffice you, O princes of Israel, remove violence and spoil, and execute judgment and justice; take away your exactions from my people, saith the Lord God. Ye shall have just balances,

and a just ephah, and a just bath. The ephah and the bath shall be one measure, that the bath may contain the tenth part of an homer, and the ephah the tenth part of an homer; the measure thereof shall be after the homer. And the shekel shall be twenty gerahs; twenty shekels, five and twenty shekels, fifteen shekels, shall be your maneh. This is the oblation that ye shall offer; the sixth part of an ephah of an homer of wheat; and ye shall give the sixth part of an ephah of an homer of barley. Concerning the ordinance of oil, ye shall offer the tenth part of a bath out of the cor, which is an homer of ten baths; for ten baths are an homer."

Here we see combined the uniformity of identity and the uniformity of proportion. The homer was a dry, and the cor a liquid, measure of capacity; they were of the same contents; the ephah and the bath were their corresponding tenth parts, also of the same capacity. But the oblation of wheat and barley was to be a *sixth* part of the ephah, and the oblation of oil a tenth part of the bath. The oblations were uniform, but the measures were proportional, and that proportion was compounded of the different weight and value of the respective articles.

In the same vision of Ezekiel, the directions are given for the building of the new temple after the restoration of the captivity; and all the dimensions of the temple are prescribed by a measuring reed of six cubits long by the cubit and a hand-breadth. "And these (says he) are the measures of the altar after the cubits; *the cubit is a cubit and an hand-breadth.*" (Ch. xliii, 13.)

The book of Job is a story of a man supposed not to have been descended from Abraham, and certainly not belonging to any of the tribes of Israel. It has reference to other manners, other customs, opinions, and laws, than those of the Hebrews. But it bears evidence of the primitive custom of paying silver by weight, while gold and jewels were valued by tale; and of that system of proportional uniformity which combines gravity and extension for the mensuration of fluids. Speaking of wisdom, it says, (ch. xxviii, v. 15, 17,) "It cannot be gotten for gold, neither *shall silver be weighed* for the price thereof. The gold and the chrystal cannot equal it; and the exchange of it shall not be for jewels of fine gold." And afterwards, in the same chapter, that "God maketh the weight for the winds, *and weigheth the waters by measure.*"

The cubit was also a primitive measure of length among the Greeks; but, at the institution of the Olympic games by Hercules, his foot is said to have been substituted as the unit of measure for the footrace. Six hundred of these feet constituted the stadium or length of the course or stand, which thenceforth became the standard itinerary measure of the nation. It was afterwards by the Romans combined with the pace, a thousand of which constituted the mile. The foot and the mile, or thousand paces, are our standard measures of length at this day.

The foot has over the cubit the advantage of being a common aliquot part both of the pace and the fathom. It is also definite at both extremities, and affords the natural means of reducing the two standard measures of length to one. Its adoption was therefore a great and important advance towards uniformity; and this may account for the universal abandonment, by all the modern nations of Europe, of that primitive antediluvian standard measure, the *cubit.*

Of the Greek weights and measures of capacity, the origin is not distinctly known; but that whatever uniformity ever existed in the system was a uniformity of proportion, and not of identity, is certain. They had weights corresponding to our avoirdupois and troy pounds, and measures answering to our wine and ale gallons; not, indeed, in the same proportions, but in the proportions to each other of the weight of wine and oil.

It has been observed that the process of weighing implies two substances, each of which is the standard and test of the other; that, in the order of human existence, the use of weights precedes the weighing of metals, but that when the metals and their uses to the purposes of life are discovered, their value can at first be estimated only by weight, whereby they soon become standards both of weight and of value for all other things. This theory is confirmed by the history of the Greek no less than by that of the Hebrew weights and measures. The term *talent*, in its primitive meaning in the Greek language, signified a *balance;* and it was at once the largest weight and the highest denomination of money among the Greeks. Its subdivisions, the *mina* and the *drachma*, were at once weights and money, and the *drachma* was the unit of all the silver coins. But the money which was a weight, though substituted for many purposes instead of the more ancient weight by which it had itself been tried, never excluded it from use. It had not the fortune of the *foot*, to banish from the use of mankind its predecessor. They had the weight for money, and the weight for measure.

As there are thus in nature two standards of weight, there are also two measures of capacity. From the names of the Greek measures of capacity, they were originally assumed from cockle and other shells of fish. But as these give no scales of proportion for subdivisions, when reduced to a system, their capacity was determined by the two modifications of matter—extension and weight. Like the Hebrews, they had measures for liquid and dry substances, which were the same, but with different multiples and subdivisions. Their measures of wine and oil were determined by the *weight* of their contents; their measures of water and of grain, by vessels of capacity cubed from measures of length.

The weights and measures of the Romans were all derived from those of the Greeks. The identity of one of their standard units of weight with money and coin was the same. *Aes*, brass, was their original money: and as its payment was by weight, the term pound, *libra*, was the balance; and *money* was the weight of brass in the balance. The general term soon came to be applied to a definite weight: and when afterwards silver came to be coined, the *sestertius*, which signified two and a half, and the *denarius*, or piece of *ten*, meant the pieces of silver of value equal, respectively, to two and a half and to ten of the original brass weights of the balance. The sestertius was the unit of money, and the denarius of silver coins.

The Romans had also two pound weights, which were termed the metrical and the scale pound. "The scale pound," says Galen, "determines the *weight* of bodies; the metrical pound, the contents or quantity of *space* which they fill."

Their measures of capacity for wet or dry substances were in like manner, in part, the same, but with different multiples and subdivisions. Like them, they were formed of the two different processes of cubing the foot, and of testing wine and oil by weight. The *amphora*, or largest measure of liquids, weighed eighty pounds of water, and was formed by cubing, or, as they called it, squaring their foot measure: it was for that reason called a *quadrantal.* But their *congius*, or unit of liquid measure, was any vessel containing ten metrical *pounds weight* of wine. The Silian law, enacted nearly three centuries before the Christian era, expressly declares that the quadrantal contains eighty *pounds* of wine, the *congius* ten pounds; that the *sextarius* contains the sixth *part* of a congius, and is a measure both for liquid and dry substances; that forty-eight sextarii make a quadrantal of wine, and sixteen *libræ* a modius. The money pound, or *pondo*, and the metrical pound, or *libra*, were in the proportion to each other of 84 to 100, nearly the same as that between our troy and avoirdupois weights. [Arbuthnot on Coins, Weights, and Measures, p. 23.] There is a standard congius of the age of Vespasian still extant at Rome; and the inscription upon it marks that it contains ten pounds of wine.

Among the nations of modern Europe there are two, who, by their genius, their learning, their industry, and their ardent and successful cultivation of the arts and sciences, are scarcely less distinguished than the Hebrews, from whom they have received most of their religious, or the Greeks, from whom they have derived many of their

civil and political institutions. From these two nations the inhabitants of these United States are chiefly descended; and from one of them we have all our existing weights and measures. Both of them, for a series of ages, have been engaged in the pursuit of a uniform system of weights and measures. To this the wishes of their philanthropists, the hopes of their patriots, the researches of their philosophers, and the energy of their legislators, have been aiming with efforts so stupendous, and with perseverance so untiring, that, to any person who shall examine them, it may well be a subject of astonishment to find that they are both yet entangled in the pursuit at this hour, and that it may be doubted whether all their latest and greatest exertions have not hitherto tended to increase diversity instead of producing uniformity.

It was observed at the introduction of these remarks that one of the primary elements of uniformity, as applied to a system of weights and measures, has reference to the *persons* by whom they are used; and it has since been noticed that the power of the legislator is restricted to the inhabitants of his own dominions. Now, the perfection of uniformity with respect to the persons to whose use a system of metrology is adapted consists in its embracing, at least in its aptitude, the whole human race. In the abstract, that system which would be most useful for one nation would be the best for all. But this uniformity cannot be obtained by legislation. It must be imposed by conquest, or adopted by consent. When, therefore, two populous and commercial nations are at the same time forming and maturing a system of weights and measures on the principle of uniformity, unless the system proves to be the same, the result, as respects all their relations with each other, must be, not uniformity, but new and increased diversity. This consideration is of momentous importance to the people of this Union. Since the establishment of our national independence, we have partaken of that ardent spirit of reform, and that impatient longing for uniformity, which have so signally animated the two nations from whom we descended. The Congress of the United States have been as earnestly employed in the search of a uniform system of weights and measures as the British Parliament. Have either of them considered how that very principle of uniformity would be effected by any the slightest change, sanctioned by either, in the existing system, now common to both? If uniformity be their object, is it not necessary to contemplate it in all its aspects? And while squaring the circle to draw a straight line from a curve, and fixing mutability to find a standard pendulum, is it not worth their while to inquire whether an imperceptible improvement in the uniformity of things would not be dearly purchased by the loss of millions in the uniformity of persons?

It is presumed that the intentions of the Senate, in requiring a statement of the proceedings in foreign countries for establishing uniformity in weights and measures, will be fulfilled by confining this part of the inquiry to the proceedings of the two nations above mentioned. It appears that a reformation of the weights and measures of Spain is among the objects now under the consideration of the Cortes of that kingdom: and, as weights and measures are the necessary and universal instruments of commerce, no change can be effected in the system of any one nation without sensibly affecting, though in very different degrees, all those with whom they entertain any relations of trade. But the results of this inquiry, newly instituted in Spain, have not yet been made known. France and Great Britain are the only nations of modern Europe who have taken much interest in the organization of a new system, or attempted a reform for the avowed purpose of uniformity. The proceedings in those two countries have been numerous, elaborate, persevering, and, in France especially, comprehensive, profound, and systematic. In both, the phenomenon is still exhibited, that, after many centuries of study, of invention of laws, and of penalties, almost every village in the country is in the habitual use of different weights and measures; which diversity is infinitely multiplied by the fact that in each country, although the quantities of the weights and measures are thus different, their denominations are few in number, and the same names, as foot, pound, ounce, bushel, pint, &c. are applied in different places, and often in the same place, to quantities altogether diverse.

During the conquering period of the French Revolution, the new system of French weights and measures was introduced into those countries which were united to the empire. Since the severance of those countries from France, it has been discarded, excepting in the kingdom of the Netherlands, where, by two ordinances of the King, it has been confirmed, with certain exceptions and modifications, particularly with regard to the coins.

In England, from the earliest records of parliamentary history, the statute books are filled with ineffectual attempts of the Legislature to establish uniformity. Of the origin of their weights and measures, the historical traces are faint and indistinct; but they have had, from time immemorial, the pound, ounce, foot, inch, and mile, derived from the Romans, and through them from the Greeks, and the *yard* or *girth*, a measure of Saxon origin, derived, like those of the Hebrews and the Greeks, from the human body, but, as a natural standard, different from theirs, being taken, not from the length or members, but from the circumference of the body. The yard of the Saxons evidently belongs to a primitive system of measures different from that of the Greeks, of which the foot, and from that of the Hebrews, Egyptians, and antediluvians, of which the cubit was the standard. It affords, therefore, another demonstration how invariably nature first points to the human body and its proportions for the original standards of linear measure; but the *yard* being for all purposes of use a measure corresponding with the *ulna*, or ell, of the Roman system, became, when superadded to it, a source of diversity, and an obstacle to uniformity in the system. The yard, therefore, very soon after the Roman Conquest, is said to have lost its original character of girth; to have been adjusted as a standard by the arm of King Henry the First; and to have been found or made a multiple of the foot, thereby adapting it to the remainder of the system; and this may perhaps be the cause of the difference of the present English foot from that of the Romans, by whom, as a measure, it was introduced. The ell measure has, however, in England, retained its place as a standard for measuring cloth; but, in the ancient statutes, which for centuries after the Conquest were enacted in the degenerate Latin of the age, the term *ulna*, or ell, is always used to designate the yard. Historical traditions allege that, a full century before the Conquest, a law of Edgar prescribed that there should be the same weights and the same measures throughout the realm; but that it was never observed. The system which had been introduced by the Romans, however uniform in its origin, must have undergone various changes in the different Governments of the Saxon heptarchy. When those kingdoms were united in one, it was natural that laws of uniformity should be prescribed by the prince, and as natural that usages of diversity should be persisted in by the people. Canute the Dane, William the Conqueror, and Richard the First, princes among those of most extensive and commanding authority, are said to have made laws of the like import and the same inefficacy. The Norman Conquest made no changes in any of the established weights and measures. The very words of a law of William the Conqueror are cited by modern writers on the English weights and measures; their import is: "We ordain and command that the weights and measures throughout the realm be as our worthy predecessors have established." (Wilkins, Legg, Saxon, Folkes, cited by Clark, page 150.)

One of the principal objects of the Great Charter was the establishment of uniformity of weights and measures; but it was a uniformity of *existing* weights and measures; and a uniformity, not of identity, but of proportion. The words of the 25th chapter of the Great Charter of the year 1225 (9 Henry III.) are, in the English translation of the statutes, "one measure of wine shall be through our realm, and one measure of ale, and one measure of corn, that is to say, the *quarter* of London; and one breadth of dyed cloth, that is to say, two yards [ulnæ] within the lists; and it shall be of weights as it is of measures." The London quarter, therefore, and the *yard* or *ulna*, were

existing, known, established measures; and the one measure of corn was the London quarter. The one measure of ale was a gallon, of the same contents for liquid measure as the half-peck was for dry; but the one measure of wine was a gallon, not of the same cubical contents as the half-peck and ale gallon, but which, when filled with wine, was of the same weight as the half-peck or corn gallon when filled with wheat; and the expressions "it shall be of weights as it is of measures" mean that there shall be the same proportion between the money weight and the merchant's weight as between the wine measure and the corn measure.

The Great Charter, which now appears as the first legislative act in the English Statutes at Large, is not the Magna Charta extorted by the barons from John, at Runnimede, but a repetition of it by Henry III. in the year 1225, as confirmed by his son, Edward I., in the year 1300. It is properly an act of this late date, though inserted in the book as of 9 Henry III., or 1225.

In several of the subsequent confirmations of this charter, which, for successive ages, attest at once how apt it was to be forgotten by power, and how present it always was to the memory of the people, the real meaning of this 25th chapter appears to have been misunderstood. It has been supposed to have prescribed the uniformity of identity, and not the uniformity of proportion; that, by enjoining one measure of wine, and one measure of ale, and one measure of corn, its intention was that all these measures should be the same; that there should be only one unit measure of capacity for liquid and dry substances, and one unit of weights.

But this neither was, nor could be, the meaning of the statute. Had it been the intention of the legislator, he would have said there shall be one and the same measure for wine, corn, and ale; and the reference to the London quarter could not have been made, for neither wine nor ale was ever measured by the quarter; and, instead of saying "it shall be of weights as it is of measures," it would have said there shall be but one set of weights for whatever is to be weighed.

The object of the whole statute was, not to innovate, but to fix existing rights and usages, and to guard against fraud and oppression. It says that the measure of corn shall be the London quarter; that cloth shall be two yards within the lists. But it neither defines the contents of the quarter, nor the length of the yard; it refers to both as fixed and settled quantities. To have prescribed that there should be but one unit of weights, and one measure of wine, ale, and corn, would have been a great and violent innovation upon all the existing habits and usages of the people. The chapter is not intended for a *general* regulation of weights and measures. It refers specifically and exclusively to the measure of three articles, wine, ale, corn, and to the width of cloths. Its intention was to provide that the measure of corn, of ale, and of wine, should *not* be the same; that is, that the wine measure should not be used for ale and corn, nor the ale measure for wine.

That such was, and must have been, the meaning of the statute, is further proved by the statute of 1266, (51 Henry III.) and by the treatise upon weights and measures published in the statute books as of the 31st Edward I., or 1304; the first, an act of the same Henry III., whose Great Charter is that inserted among the laws, and the second, an act of the same Edward I., whose confirmation of the Great Charter is the existing statute.

The act of 51 Henry III. (1266) is called the assize of bread and of ale. It purports to be an exemplification, given at the request of the bakers of the town of Coventry, of certain ordinances of the assize of bread and ale, and of the making of money and measures, made in the times of the King's progenitors, some time Kings of England. It presents an established scale, then of ancient standing, between the prices of wheat and of bread, providing that when the *quarter* of wheat is sold at twelve pence, the farthing loaf of the best white bread shall weigh six pounds sixteen shillings. It then graduates the weight of bread according to the price of wheat; and for every six pence added to the quarter of wheat, reduces, though not in exact proportions, the weight of the farthing loaf, till, when the wheat is at twenty shillings a quarter, it directs the weight of the loaf to be six shillings and three pence. It regulates, in like manner, the price of the gallon of ale by the price of wheat, barley, and oats; and, finally, declares that, "by the consent of *the whole realm* of England, the *measure* of the King was made; that is to say, that an English *penny*, called a sterling, round, and without any clipping, shall weigh thirty-two wheat corns, in the midst of the ear, and twenty pence do make an ounce, and twelve ounces one pound, and eight pounds do make a gallon of *wine*, and eight gallons of *wine* do make a London bushel, which is the eighth part of a quarter."

Henry III. was the eighth King of the Norman race, and this statute was passed exactly two hundred years after the Conquest. It is merely an exemplification, word for word, embracing several ordinances of his progenitors, Kings of England, and it unfolds a system of uniformity for weights, coins, and measures of capacity, very ingeniously imagined and skilfully combined.

It shows, first, that the money weight was identical with the silver coins; and it establishes a uniformity of proportion between the money weight and the merchant's weight, exactly corresponding to that between the measure of wine and the measure of grain.

It makes wheat and silver money, the two weights of the balance, the natural tests and standards of each other; that is, it makes wheat the standard for the weight of silver money, and silver money the standard for the weight of wheat.

It combines a uniformity of proportion between the weight and the measure of wheat and of wine; so that the measure of wheat should at the same time be a certain weight of wheat, and the measure of wine at the same time a certain weight of wine, so that the article whether bought and sold by weight or by measure, the result was the same. To this, with regard to wheat, it gave the further advantage of an abridged process for buying or selling it by the number of its kernels. Under this system, wheat was bought and sold by a combination of every property of its nature, with reference to quantity; that is, by number, weight, and measure. The statute also fixed its proportional weight and value with reference to the weight and value of the silver coin for which it was to be exchanged in trade. If, as the most eminent of the modern economists maintain, the value of every thing in trade is regulated by the proportional value of money and of wheat, then the system of weights and measures contained in this statute is not only accounted for as originating in the nature of things, but it may be doubted whether any other system is reconcileable to nature. It was with reference to this system that, in the introduction to this report, it was observed that our own weights and measures were originally founded upon a uniformity of proportion, and not upon a uniformity of identity. In the system which allows only one unit of weights and one unit of measures of capacity, all the advantages of the uniformity of proportion are lost. The litre of the French system is a weight for nothing but distilled water at a given temperature.

But with this statute of 1266, and with the admirable system of proportional uniformity in weights and measures of which it gives the elements, it has fared still worse than with the twenty-fifth chapter of Magna Charta. The most valuable and important feature of uniformity in the system, the identity of the nummulary weight and of the standard silver coin, that feature which is believed to be of more influence upon the happiness and upon the morals of nations than any other principle of uniformity of which weights and measures are susceptible, was first defaced by Edward I. himself. It was utterly annihilated by his successors. The consequence of which has been that the object and scope of the statute of 1266 have been misunderstood by subsequent Parliaments; that laws have been enacted professedly in conformity to this statute, but entirely subversive of it; and that anomalies have crept into

the weights and measures of England and of this Union which it appears to be impossible to trace to any other source.

The only notice which most of the modern writers upon English weights and measures have taken of this statute has been to censure it for taking kernels of wheat as the natural standard of weights, with the very obvious remark that the wheat of different seasons and of different fields, and often even of the same field and the same season, is different. But the statute is chargeable with no such uncertainty. The statute merely describes how the standard measure of the exchequer, by the consent of the whole realm of England, was made. The article for which of all others the measure was most wanted was wheat; and a measure was wanted which should give it, as far as was practicable, in number, weight, and measure. It took, therefore, thirty-two kernels of *average* wheat from the middle of the ear, and found them equal in weight to the silver penny sterling new from the mint, round and without clipping. It then drops the numeration of wheat, but proceeds to declare that twenty such pence make an ounce, twelve ounces one pound, and eight pounds a gallon of *wine*, and eight *gallons of wine* a London bushel, which is the eighth part of a quarter. It must be observed here that it was not the *measure* but the *weight* of wine which was used to form the standard bushel. It was not eight wine gallons, but eight gallons of wine. The bushel, therefore, filled with wheat, was a measure which in the scales would exactly balance a keg containing eight gallons of wine, deducting the tare of both the vessels. Now, the eighth part of this bushel, or the ale gallon, would be a vessel not of the same cubic contents as the wine gallon, but of the same proportion to it as the weight of wheat bears to the weight of wine; the proportion between the commercial and nummulary weights of the Greeks; the proportion between our avoirdupois and troy pounds.

But neither the present avoirdupois nor troy weights were then the standard weights of England. The keystone to the whole fabric of the system of 1266 was the *weight* of the silver penny *sterling*. This penny was the two hundred and fortieth part of the tower pound, the sterling or easterling pound which had been used at the mint for centuries before the Conquest, and which continued to be used for the coinage of money till the eighteenth year of Henry VIII., (1527,) when the troy pound was substituted in its stead. The tower or easterling pound weighed three quarters of an ounce troy less than the troy pound, and was consequently in the proportion to it of 15 to 16. Its penny, or two hundred and fortieth part, weighed, therefore, twenty-two and a half grains troy; and that was the weight of the thirty-two kernels of wheat from the middle of the ear, which, according to the statute of 1266, had been taken to form the standard measure of wheat for the whole realm of England. It is also to be remembered that the eight twelve-ounce pounds of wheat, which made the gallon of wine, produced a measure which contained nearly ten of the same pounds of wine. The commercial pound, by which wine and most other articles were weighed, was then of fifteen ounces. This is apparent from the treatise of weights and measures of 1304, which repeats the composition of measures declared in the statute of 1266, with a variation of expressions entirely decisive of its meaning. It says that, "by the ordinance of the whole realm of England, the measure of the King was made; that is to say, that the penny called sterling, round and without clipping, shall weigh thirty-two grains of wheat in the middle of the ear. And the ounce shall weigh twenty pence, and twelve ounces make the *London* pound, and eight pounds of *wheat* make a gallon, and eight gallons make the London bushel." It then proceeds to enumerate a multitude of other articles, sold by weight or by numbers, such as lead, wool, cheese, spices, hides, and various kinds of fish; and, after mentioning nominal hundreds, consisting of 108 and 120, finally adds, "It is to be known that every pound of money and of medicines consists only of twenty shillings weight, but the pound of *all* other things consists of twenty-five shillings. The ounce of medicines consists of twenty pence, and the pound contains twelve ounces; but in other things the pound contains fifteen ounces, and in both cases the ounce is of the weight of twenty pence."

Wine and wheat, therefore, were both among the articles of which the pound consisted of fifteen ounces. By the statute of 1266, the gallon of wine contained eight such pounds of wine. By the statute of 1304, the gallon (for ale) contained eight such pounds of wheat; and the weight of wine contained in eight such wine gallons, and the weight of wheat contained in eight such corn or ale gallons, were equally the measure of the bushel.

The wine, to which the statute of 1266 and many subsequent English statutes exclusively refer, was the wine of Gascoigne, a province at that and for a long period under the dominion of the English Kings; the same sort of wine which now goes under the denomination of Claret or Bordeaux. Its specific gravity is to that of distilled water as 9,935 to 10,000, and its weight is of 250 grains troy weight to the cubic inch.

With these data, we are enabled accurately to ascertain the dimensions and contents of the bushel, the ale gallon, and wine gallon of 1266. The silver penny, called the sterling, to which thirty-two kernels of wheat were equiponderant, was equal to twenty-two and a half grains troy. Its pound of twelve ounces was equivalent to fifty-four hundred grains troy. The pound of fifteen ounces, by which wheat and wine were weighed, was equal to six thousand seven hundred and fifty grains troy. Eight such pounds were equal to 54,000 grains troy, which, divided by 250, the number of grains troy weighed by a cubic inch of Bordeaux wine, gives a wine gallon of 216 cubic inches.

There is no standard wine gallon of that age extant in England; but the weights and measures of England were established by law in Ireland as early as the year 1351; and, by the act called Poyning's law, of 10 Henry VII., (1493,) all the then existing statutes of England relating to weights and measures were made applicable to Ireland. The changes since effected in England have not extended to Ireland, at least in relation to the measure of wine. The standard Irish wine gallon at this day is of 217.6 cubic inches—a difference almost imperceptible in the quantity of the gallon from the legal standard of 1266, and the cause of which must have been this: there was another law, probably of date more ancient than the year 1266, in which the measure of the wine gallon was fixed by a different process.

A statute of the year 1423, the second of Henry VI., chap. ii, declares that "*in old time* it was ordained and lawfully used that tuns, pipes, tertians, hogsheads of Gascoigne wine, barrels of herring and of eels, and butts of salmon, coming by way of merchandise into the land, out of strange countries, and also made in the same land, should be of certain measure; that is to say, the tun of wine, 252 gallons; the pipe, 126 gallons; the tertian, 84 gallons; the hogshead, 63 gallons; the barrel of herring and of eels, 30 gallons, fully packed; the butt of salmon, 84 gallons, fully packed, &c.; but that, of late, by device and subtlety, such vessels have been of much less measure, to the great deceit and loss of the King and his people, whereof special remedy was prayed in the Parliament." It then proceeds to re-enact that no man shall make in England vessels for those purposes, or bring wine, &c. into England in vessels of other dimensions than those thus prescribed, upon penalty of forfeiture.

The ordinance of *old time*, referred to in this act, is not now among the Statutes at Large, and is, therefore, probably of more ancient date than the Magna Charta of 1225. As it regulated the size of casks, which, in the nature of the thing, were to be made in the country whence the wine was imported, it seems likely to have originated when Gascoigne was under English dominion, and when the law of Bordeaux could be accommodated to the assize of the English tun. This assize of the tun is, in its nature, connected with the trade of the cooper, with the assize of hoops and staves, with the art of the shipbuilder, and with the whole science of hydraulics and of navigation. The measure and form of the tun must be accommodated to the character of the substance which it is to contain,

and to the convenience and safety of its conveyance by sea. It must be adapted for stowage to the necessary form of the ship, to the volatile property of fluids, to the concussions of tempestuous elements. It is in the composition of the tun that the natural connexion between the weight of water and cubic linear measure first presents itself. The burden of the ship is the weight of tonnage which it can bear afloat upon the waves; that weight is equal to the weight of water which it displaces. The measure of the ship must be taken by the builder in linear measure. Now, 80 of the old easterling tower pounds make 432,000 grains troy weight, which, divided again by 250, the number of troy grains to a cubic inch of Bordeaux wine, give 1,728 cubic inches, precisely the dimensions of an English cubic foot; one-eighth part of which makes, again, the gallon of 216 cubic inches; and here we discover again the quadrantal or amphora of the Romans, the cubic foot containing 80 pounds of wine.

That the assize of the tun, which in 1423 was *of old time*, was equally well known and established in 1353, appears from a statute of that date, (27 Edward III., chap. viii,) directing that all wines, red and white, should be gauged by the King's gaugers, and that, in case less should be found in the tun or pipe than ought to be of right *after the assize of the tun*, the value of as much as lacked should be allowed and deducted in payment.

The casks of Bordeaux wine were then, and still are, made for stowage in such manner that four hogsheads occupy one ton of shipping. The ton was of thirty-two cubic feet by measure, and of 2,016 English pounds, of fifteen ounces to the pound, in weight—equal to 2,560 of the easterling tower pound.

In comparing together the wine gallon as prescribed by the statute of 1266 and that derived from the assize of the tun, we find the former in the ascending ratio, beginning with the kernel of wheat and multiplying; the latter is found in the descending ratio, beginning at the tun and dividing. In one process, the gallon is formed by weight; in the other, by measure. The hogshead of wine was the measure corresponding to the quarter of wheat, but there was a difference of eight pounds in their weight. The hogshead of wine weighed 504, and the quarter of wheat 512 pounds of fifteen ounces. The wine gallon of 216 cubic inches, prescribed by the statute of 1266, was thus an exact eighth part of the English cubic foot of 1,728 inches. The wine gallon, therefore, is the *congius* of the Romans, weighing ten nummulary and eight commercial pounds, and measuring exactly the eighth part of a cubic foot.

But the gallon of 216 cubic inches, the eighth part of the cubic foot, was derived originally from a measure of *water*, and was an aliquot part of the ton of shipping. The wine gallon of 1266 was made of eight easterling pounds of wheat, and therefore contained of water eight corresponding commercial pounds. But if the gallon of water, weighing eight pounds, was of 216 solid inches, the gallon of Gascoigne wine, to be of the same weight, would be of 217.6 solid inches, the precise contents of the standard Irish gallon to this day; and the specific gravity of that wine being to that of wheat as 143 to 175, the corn gallon, balanced by this Irish gallon of 217.6 inches, must be of 266.17 cubic inches. The Romford corn gallon of the year 1228, examined by the committee of the House of Commons in 1758, was found to be of 266.25 cubic inches. The Irish wine gallon and the Romford corn gallon of 1228 were both made, with an accuracy which all the refinements of art of the present age could scarcely surpass, from the standard measure made, as the statute of 1266 declares, by the consent of the whole realm, and precisely in the manner therein described.

But as the hogshead, measuring eight cubic feet, was required by the assize of the tun to contain only sixty-three gallons of wine, it followed, of course, that the gallon thus composed was of 219.43 cubic inches; and as the weight of eight such gallons of wine was to form the bushel, the proportion of the weight of wine being to that of wheat as 143 to 175, the bushel would be of 2148.25 cubic inches, which is within two inches of the Winchester bushel.

This system of weights and measures has been by many of the modern English writers on the subject supposed to have been *established* by the statute of 1266. But, upon the face of the statute itself, it is a mere exemplification of ancient ordinances. The coincidences in its composition with those of the ancient Romans, proved by the letter of the Silian law, and by the still existing congius of Vespasian; with those of the Greeks, as described by Galen, and as shown by the proportions between their scale weight and their metrical weight; and with that of the Hebrews, as described in the prophecy of Ezekiel, show that its origin is traceable to Egypt and Babylon, and there vanishes in the darkness of antiquity. As founded upon the identity of nummulary weights and silver coins, and upon the relative proportion between the gravity and extension of the first articles of human traffic, corn and wine, it is supposed to have originated in the nature and relations of social man and of things.

It has been said that the first inroad upon this system in England was made by Edward I, himself, by destroying the identity between the money weight and the silver coin. From the time of the Norman Conquest, and long before, (that is, for a space of more than three centuries,) the tower easterling or sterling pound had been coined into twenty shillings, or two hundred and forty of those silver *pennies*, each of which weighed thirty-two kernels of wheat from the middle of the ear. Edward I., in the year 1328, coined the same pound into two hundred and forty-three pennies of the same standard alloy. From the moment of that coinage, the penny called a sterling, however round, however unclipped, had lost the *sterling* weight, though it still retained the name. This debasement of the coin, once commenced, was repeated by successive sovereigns, till, in the reign of Edward III., the pound was coined into twenty-five shillings, or three hundred pennies. The silver penny then weighed only $25\frac{3}{5}$ kernels of that wheat of which the penny of 1266 weighed 32. It is probable that, in reducing the weight of their coins, none of those sovereigns were aware that they were taking away the standard of all the weights and of all the vessels of measure, liquid and dry, throughout the kingdom; but so it was. It destroyed all the symmetry of the system. It has been further affected by the introduction of the troy and avoirdupois weights.

The standard measures of the exchequer had been made by the rules set forth in the statutes of 1266 and 1304. These standards were kept in the royal exchequer. In process of time, the standards themselves fell into decay and called for renovation. In the year 1494, shortly after the termination of the long and sanguinary wars between the houses of York and Lancaster, Henry VII., in the tenth year of his reign, undertook to furnish forty-three of the principal cities of the kingdom with new copies of all the standard weights and measures then in the exchequer. They were accordingly made and delivered to the representatives in Parliament of the respective counties; but it was soon discovered that they were all defective, and not made according to the laws of the land. From what cause this had arisen does not appear; but that the laws of the land to which they referred, namely, the statutes of 1266 and 1304, were and continued to be entirely misunderstood, is abundantly apparent from the statute which was made the very next session of Parliament (1496) to remedy the evil.

This act, after reciting the extraordinary attention of the King in having made at his great charge and cost, and having distributed, all those county standards of weights and measures, according to the old standards in the treasury; and after stating the disappointment which had ensued upon the discovery of more diligent examination that they were all defective, and not made according to the old laws and statutes, proceeds to ordain that the measure of a bushel contain eight gallons of wheat, that every gallon contain eight pounds of wheat, troy weight, and every pound contain twelve ounces of troy weight, and every ounce contain twenty *sterlings*, and every sterling be of the weight of thirty-two corns of wheat that grew in the midst of the ear of wheat, *according to the old laws of the land:* and the new standard gallon, after the said assize, was to be made to remain in the King's trea-

sury forever. All the weights and measures, which had been sent by the act of the former year throughout England, were directed to be returned; others, conformable to the new standard, were to be made from them and sent back; after which, all weights and measures were to be made conformably to them.

It is from the terms of this statute that many of the English writers have concluded that the kernel of wheat was the original standard of English weights. It is by this statute made the standard of troy weight; but it was not so according to the *old laws of the land*. It was not so in the measure declared in 1266 and 1304 to have been made by the consent of the whole realm of England. To prove this, it is only necessary to compare the statutes together.

The first two declare that an English *penny, called a sterling*, round, and without any clipping, will weigh thirty-two corns of wheat from the midst of the ear. That penny was the two hundred and fortieth part of the old tower pound, and was one-sixteenth lighter than troy weight. The weight of that penny in 1266 is therefore now known, but appears not to have been known to the Parliament of 1496; for the tower pound was then coined into thirty-seven shillings and six pence sterling, and, consequently, the penny called a sterling, instead of *then* weighing thirty-two grains of the wheat, which it weighed in 1304, would have weighed only seventeen of the same grains.

The term *penny*, therefore, is dropped in the act of 1496, but the term *sterling* is retained, and improperly applied to the penny*weight* troy. The penny of 1266 was both weight and coin. In 1496, the penny had ceased to be a coin, and the penny sterling, which was yet money, weighed little more than half what it had weighed till after 1304. The pennyweight troy was never called *a sterling* anywhere, or at any time, but in this act of 1496. It was neither the weight of the old tower standard, nor was it the penny sterling of Henry VII.'s own coinage.

The statute of 1496 inverts the order of the old statutes; it is not a *composition*, but an *analysis* of measures. It begins with the bushel, and descends to the kernel. The act of 1266, to make the weight, number, and measure of corn, money, and wine, begins with the kernel, and ascends by steps to the weight of coin; thence to the measure of wine, by the weight of corn; thence to the measure of corn, by the weight of wine. The mere process of the composition establishes the proportional measures. The statute of 1496 destroys the proportion altogether. It says that every gallon shall contain eight pounds of wheat, *troy weight*, and every pound twelve ounces of troy weight. It substitutes, therefore, instead of the *weight* of the gallon of wine, prescribed by the statute of 1266, the *measure* of the wine gallon, for the eighth part of the bushel. The gallon established by this act of 1496 is the gallon of two hundred and twenty-four cubic inches—the Guildhall gallon, which, in 1688, was found by the commissioners of the excise to be of that capacity. It contains eight pounds troy weight of wheat, and, consequently, eight pounds avoirdupois of Bordeaux wine, of 250 grains troy to the cubic inch. Its bushel would contain seventeen hundred and ninety-two cubic inches; but if such a bushel ever was made, as the act required, it never was used as a standard. It must have been found to fall too far short of the old standards still existing; and the real standard bushels of Henry VII., in the exchequer, instead of being made according to the process prescribed in his law of 1496, must have been copied from the older standard bushels then existing.

The gallon of two hundred and thirty-one inches was also a gallon made under the statute of 1496. But the wheat is of that kind thirty-two grains of which equipoise the penny of the old tower pound; while the wheat that forms the gallon of two hundred and twenty-four inches is that of which thirty-two kernels weigh a pennyweight troy. The weight of the corn in both gallons would be the same; but that, of which each kernel upon the average would be one-sixteenth heavier than those of the other, would, by the combined proportion of gravity and numbers, occupy one thirty-second less of space. This is precisely the difference between the gallons of two hundred and twenty-four and two hundred and thirty-one solid inches.

The debasement of the coin had destroyed its original identity with the money weight. The substitution of *troy* weight, instead of the old easterling pound, for the composition of the gallon, destroyed the coincidence between the water gallon derived from the tun, the eighth part of the cubic foot, and the wine gallon containing eight money pounds of wheat. The wine gallon of two hundred and twenty-four, or two hundred and thirty-one cubic inches, no longer bore the same proportion to the cubic foot of water; one consequence of which was, that the hogshead of Bordeaux wine, which the law required to contain sixty-three gallons, no longer contained that number of English gallons; but, from that day to this, has contained from fifty-nine to sixty-one. It still contains at least sixty-three Irish gallons.

The act of 12 Henry VII., (1496,) intended, upon the face of it, to be a mere repetition of the statutes of 1266 and 1304, was thus a total subversion of them. It was founded upon two mistakes: the first, a supposition that the penny sterling, described in those statutes, was the pennyweight troy; and the second, a belief that it was the *measure* and not the *weight* of eight gallons of wine which constituted the bushel. The causes of these mistakes were, first, that, in the lapse of two centuries, a great portion of which had been a period of calamity and civil war, the successive debasements of the coin had reduced the penny sterling to about half its weight as it was when made the standard of comparison with thirty-two kernels of wheat; and finding that the penny sterling of their own time, if used to make the new standard bushel, would reduce its size by nearly one-half, which had perhaps been the mistake upon which the act of 1494 had been made, they must hastily have concluded that it was the pennyweight troy which was intended by the old statutes. The second was a misapplication of the term *gallon*, which, in its original meaning, and in its popular signification to this day, is exclusively a measure of liquids, and not of dry substances. In the statute of 1266, it is expressly called the gallon of *wine*. In the act of 1304, it was called the gallon, without addition, but meaning the same wine gallon. The measure for corn was the bushel; and its subdivisions were the peck, pottle, and pint. The eighth part of the *measure* of a bushel was first called a *gallon*, because it was used as the measure of the ordinary liquids brewed from grain, beer and ale. There never was properly any corn gallon; and the term was misapplied even to denote the measure of beer. Being a vessel of different dimensions, it ought to have had a different name; and that alone would have prevented them from ever being mistaken the one for the other.

The Parliament of 1496 were seduced by those expressions, so often re-echoed from year to year, and from century to century, that there should be but one weight and one measure throughout the land. They mistook the uniformity of proportion for the uniformity of identity. They construed the threefold "one measure of wine, and one measure of ale, and one measure of corn," ordained in Magna Charta, as if it meant that those three one measures should be the same. That these mistakes should be made, is not surprising when we consider that, in 1496, the art of printing was but in the cradle; that no collection of the statutes had ever been printed; that the languages in which the statutes of 1266 and 1304 had been enacted (the Norman French, and the barbarous Latin of the thirteenth century) were no longer in use, at least in Parliament; that the very records, by which the weight of the penny sterling in 1266 might have been ascertained, were perhaps not known to exist. But it is not so easy to explain how they could mistake the penny of the old easterling pound, which was still, and continued for forty years after to be used at the mint for coining money, for the penny troy weight.

We have seen that, in 1304, the easterling pound of 12 ounces was the money pound, and that the corresponding commercial weight was a pound of 15 of the same ounces. These were the result of a rough and inaccurately settled proportion between the specific gravity of wheat and wine, or wheat and water. Mr. Jefferson has justly remarked that the difference between the specific gravity of wine and of water is so small that it may safely, as between buyer and seller, be disregarded. And it was disregarded by those two acts of Parliament, one of which made the wine gallon an eighth part of the cubic foot of water, while the other made it equiponderant to eight easterling pounds of wheat. So the proportion of the two pounds of twelve and fifteen of the same ounces was, upon a rough estimate, that the proportional weight of wheat and wine was as 4 to 5, or as 14 to 17½; and it was afterwards assumed as of 14 to 17. But if trade, and even legislation, may safely neglect small quantities, nature is no such accountant of more or less. It has been shown that the water gallon, of eight easterling twelve-ounce pounds of wheat, corresponds with the gallon of two hundred and sixteen cubic inches, the eighth part of the cubic foot; but that, when a Bordeaux *wine* gallon is to be made, containing the same eight pounds of wheat, it produces a gallon, not of 216, but of 217.6 cubic inches. In the mode of forming the gallon and bushel, described in the act of 1266, it is not the loose calculations of man, but the unerring hand of nature, that establishes the proportions. The vessel that would hold eight money pounds of wheat was the wine gallon. The vessel that would balance, filled with wheat, eight gallons of that wine, was the bushel. Then, if a half-peck of this bushel was taken for a beer gallon, its proportion to the wine gallon would not be of 15 to 12, nor of 17 to 14, but of 175 to 143.

When the avoirdupois or the troy weights were first introduced into England, has been a subject of controversy among the English writers, and is not ascertained. The names of both indicate a French origin; but that no new weight or measure was brought in by the Norman conqueror is certain, and the statute of weights and measures of 1304 proves that neither of them was *then* recognised by law. One of the most learned writers upon the coins [Clarke] says that troy weights were first established by this statute of Henry VII. of 1496; that it was owing to the *intercursus magnus*, or great treaty of commerce concluded between England and Flanders the year before; that the Flemish pound was adopted as a compliment to the Duchess of Burgundy, and for the mutual convenience of all their payments, which would then be adjusted by the same pound.

This conjecture is ingenious, but not well founded. The statute of 1496 did, in fact, legitimate troy weight for the composition of the gallon and the bushel, but it professed and intended to introduce no new weight or measure. Its purpose was to re-enact the composition of weights and measures of 1266. It was a legislative error, intended to correct another error committed at the last preceding session of Parliament, in 1494, before the *intercursus magnus* was concluded. Instead of correcting the error, it rendered it irreparable. It was so far from correcting the error, that, although a standard wine gallon was made under this statute, which was the Guildhall wine gallon of two hundred and twenty-four inches, there never was a standard bushel made by the rule prescribed in this statute; and if there had been, its cubic contents would have been not one inch more or less than 1,792.

The troy weight was never used by Henry VII. at the mint at all. He made a wine gallon by it, because the difference between a gallon of 217.6 inches, which was the old standard, and one of 224, which was made by his troy weights, was not large enough to make its incorrectness apparent. It was scarcely the difference of a small wine glass upon a gallon; and, as it was a difference of excess over the contents of the old standard, it might naturally be attributed to the decays or inaccuracy of that. He ordained that a bushel should be made by it; but a bushel made from the *measure* of his wine gallon, a bushel of 1,792 inches, would have contained at least 330 inches, nearly 12 pounds in weight less than any of the old standards. This would have been found a difference utterly intolerable. It would have been necessary to recall and break up the new standards a second time, and to acknowledge a second error greater than the first. So the statute, so far as related to the composition of the bushel, was suffered to slumber upon the rolls; the old standard bushels were still retained; and new ones were also made, not by the troy, but by the avoirdupois pound of wheat: and hence it is that standard bushels of Henry VII. exist at the exchequer, one of 2,124 inches, which is the old standard, and one of 2,146 inches, which is the Winchester bushel, and, at the same time, corn gallons of 272 inches.

That the troy weight was not introduced into England by Henry VII. is further proved by two statutes—one of 1414, 2 Henry V. ch. iv, and one of 1423, 2 Henry VI. st. 2, ch. iv: in the first of which it is ordained that the goldsmiths should give no silver worse than of the allay of the English sterling, and that they take for a pound of *troy* gilt but 46*s.* 8*d.* at the most; and, in the second, that silver not coined, in plate, piece, or in mass, being of as good allay as the sterling, should not be sold for more than 30*s.* the pound troy, besides the fashion, because the same was of no more value at the coin than 32*s.* The tower easterling pound was at that time coined into 30*s.*, and the value of the troy pound of the same allay was, of course, 32.

From these two statutes it is apparent that, nearly a century before Henry VII., the troy pound was used by the goldsmiths, who were the bankers of that age, and were foreigners, for weighing bullion and plate; and that the proportion of the troy pound to the tower money pound was as 16 to 15.

That the troy pound, though adopted by Henry VII. for the composition of the bushel and gallon, was not introduced by him at the mint, appears equally clear. About the middle of the last century, Martin Folkes published his tables of English coins, in which he cited a verdict remaining in the exchequer, dated 30th October, 1527, 18 Henry VIII., in which are the following words: "And whereas, heretofore, the merchant paid for coynage of every *pound towre* of fyne gold, weighing xi. oz. quarter troye, 2*s.* 6*d*: Nowe it is determined by the King's highness, and his said councelle, that the aforesaid pounde towre shall be no more used and occupied; but all manner of golde and sylver shall be wayed by the pounde troye, which maketh xii. oz. troye, which excedith the pounde towre in weight three quarters of the ounce."—(*Clarke*, p. 15.)

A French record of much earlier date, from the register of the Chamber of Accounts at Paris, cited also by Folkes, shows that, early in the fourteenth century, there were among the weights in common use in France two marks, of different gravity—one of troy, and the other of *Rochelle*, in the same proportion to each other, and that the last was called the mark *of England*.

The Rochelle and easterling pound was therefore the same; and that was the pound, eight of which in spring water were contained in the eighth part of the cubic foot, and formed the gallon of 216 cubic inches.

This proportion, as has been observed, was totally destroyed by the substitution of the troy pound by Henry VII., in 1496, instead of the Rochelle pound, for the composition of the bushel and gallon.

As, by the treatise of weights and measures of 1304, only two weights are mentioned, by which it asserts that all things were weighed, this tower pound of 12 ounces, and the corresponding commercial pound of 15 of the same ounces, it is clear that the troy weight was then unknown, or at least not used in England. But this reign of Edward I. was also the period when the foreign commerce of England began to flourish. In 1296, the famous mercantile society called the Merchant Adventurers had its first origin; and another society of natives of Lombardy, the great merchants of that age, about the same time established themselves in England, under the protection of a special charter of privileges from Edward. These Lombards soon became the goldsmiths and bankers in England.

(*Hume*, vol. ii, p. 330, ch. 13.) In the year 1354, the balance of exports above the imports was of more than 250,000 pounds; and as the balances of that age could be paid for only in specie, whenever the balance was in favor of England it must have brought much foreign money into the kingdom. The pound of the goldsmiths and bankers was the troy weight, and by them, there can be little doubt, it was first introduced. The pound of 15 ounces troy must have been introduced at the same time, by an accommodation of that weight to the old English rule—that when bullion and drugs were weighed by a pound of 12 ounces, all other things were weighed by a pound of 15 of the same ounces. This pound of 15 ounces, or 7,200 grains troy, has never been recognised in England by law; but, in many parts of England, it has been used under the name of the merchant's weight; and 8 such pounds of wheat form precisely the gallon of 280 cubic inches, of which the standard quart in the exchequer is the fourth part.

The time and occasion of the introduction of the avoirdupois pound into England is no better known than that of the troy weight. But it may be inferred, from the ancient statutes, that it was brought in by the same foreign merchants with the troy, and as the corresponding weight to that as the weight for bullion and pharmacy. The first time that the term *avoirdupois* is used in the English statute book is in the 9th of Edward III. stat. 1, ch. i, (1335,) the very statute which authorizes merchant *strangers* to buy or sell corn, wine, *avoirdupois*, flesh, fish, and all other provisions and victuals, wool, cloths, wares, merchandises, and all other vendible articles, in any part of England.

Eighteen years afterwards, in the celebrated statute staple of 1353, (27 Edward III. ch. x,) is the following provision: "Forasmuch as we have heard that some merchants purchase *avoirdupois*, woollens, and other merchandises, by one weight, and sell by another, and also make deceivable diminutions upon the weight, and also use false measures and yards, to the great deceit of us and of all the commonalty and of honest merchants: we therefore will and establish that one weight, one measure, and one yard, be throughout the land, as well without the staple as within; and that woollens, and all manner of *avoirdupois*, shall be weighed by balances," &c.

In these two statutes, the term *avoirdupois* manifestly refers not to the weight, but to the article weighed. It means all *weighable* articles, in contradistinction to articles sold by measure or by tale; and the *one weight* meant by the statute staple is the easterling pound of fifteen ounces mentioned in the statute of weights and measures of 1304. Money and bullion were not included among these *weighable* articles, because they had a special weight of their own, and because money was current by *tale*. Grain and liquids were not weighable articles, because they were bought and sold by measure. Hence arose naturally the practice of calling all articles bought and sold by weight in the traffic of these merchant strangers, articles *having weight*, or weighable.

That this is the meaning of the term *avoirdupois* is also demonstrated by an act of 1429, (8 Henry VI. ch. v,) which, reciting these regulations of Edward III., expressly says that they require woollens, and all manner of *weighable* things, [*toutz manerz des choses poisablez*,] bought or sold, to be weighed by even balance, with weights sealed according to the standard of the exchequer.

The terms *avoirdupois* and *choses poisablez* were therefore synonymous. But the merchant strangers had a weight of their own—the corresponding commercial weight proportional to their pound troy. This was the weight now called the avoirdupois pound of sixteen ounces, but the ounce of which was not the same as that of the troy weight. The standard easterling pound of fifteen ounces at the exchequer weighed 6,750 grains troy. The avoirdupois pound of the merchant strangers weighed 7,000. The difference between them was but of about half an ounce; and one sees instantly what temptations and opportunities this slight difference furnished to those unprincipled merchants, of whom the statute staple complains, of buying by their own foreign larger weight, and selling by the weight of the exchequer.

The statute staple of 1353, and the act of 2 Henry VI., (1423,) are both evidences of the conflict between the mint and exchequer easterling pounds on one side, and the troy and avoirdupois weights of the merchant strangers on the other. In this struggle the latter ultimately prevailed, and completely rooted out the old English weights. The troy weight being adopted by Henry VII. in 1496, for the composition of the bushel and gallon, and by Henry VIII. in 1527, for making money at the mint, the avoirdupois pound came in at the corresponding commercial pound; and a statute of 24 Henry VIII., ch. iii, (1532,) directs that beef, pork, mutton, and veal shall be sold by weight *called* haverdupois; the very use of which expression, *called* haverdupois, indicates that it was a denomination, as applied to the weight, of recent origin, and that the weight itself had not been long in general use for any purpose.

A statute of the preceding year (23 Henry VIII., ch. iv, 1531, s. 13,) had directed that every cooper should make every barrel for ale "*according to the assize specified in the treatise called Compositio Mensurarum;* [the statute of 1304;] that is to say, every barrel for ale shall contain thirty-two gallons of the said assize, or above, of the which eight gallons make the common bushel, to be used in this realm of England," &c.

By this statute, the ale gallon was expressly declared to be the eighth part of the *measure* of the bushel. Now, it has been proved that, by the *Compositio Mensurarum*, the bushel was a measure containing of wheat the *weight* of eight gallons of wine. The eighth part of this *measure*, therefore, being the ale gallon, *must* bear the same proportion to the wine gallon as the specific gravity of wheat bears to that of wine; and the wine gallon of 231 inches having been made by the rule of the *Compositio Mensurarum*, but by the troy weight of the statute of 1496, that is to say, weighing eight troy pounds of the wheat thirty-two kernels of which were equiponderant to the penny sterling of 1266, the bushel, to balance eight such gallons of wine, must, of necessity, contain sixty-four avoirdupois pounds of wheat, and measure 2,256 cubic inches. The eighth part of this measure is the gallon of 282 inches, which is to this day the standard ale and beer gallon of the British exchequer and of these United States.

And thus we have seen that all the varieties of standard gallons and bushels which have been found, from the Irish gallon of 217.6 cubic inches, to the ale gallon of 282, and from the ordained, but never made, bushel of 1,792 inches prescribed by Henry VII.'s act of 1496, to the bushel of 2,256 inches, of which the ale gallon is the eighth part, are distinctly traceable to the inconsistency of human laws, and the consistency of the laws of nature.

The statute of 1496 changed the contents of both the gallons and of the bushel without intending it. For, although the bushel of 1,792 inches was never made, or at least never deposited as a standard at the exchequer, yet new standard bushels were made from the new wine gallon, by the rule of the Compositio Mensurarum, and they produced the bushel of 2,224 of Henry VII. still extant at the exchequer.

The *Winchester* bushel of the exchequer, however, was not thus made. It was found in the year 1696 to contain 2145.6 cubic inches of spring water. Its ale gallon, therefore, by the statute of 1531, and the Compositio Mensurarum, would have been of 268.2, and its wine gallon of 219.2 cubic inches. Its difference from the proportions of the Irish wine gallon and the Romford corn gallon is so slight that there can be no doubt it was copied from a model made by the statute of 1266.

That the capacity of the wine gallon, although it was very essentially changed, was not intended or understood to be changed by the statute of 1496, is proved by the statute of 28 Henry VIII., ch. xiv, (1536,) which re-enacts the old statutes requiring that the tun of wine should contain 252 gallons, and all other casks of the same proportion, including the hogshead of sixty-three gallons. Now, the hogshead which contained sixty-three gallons of 217.6 cubic inches could contain no more than sixty-one and a quarter gallons of 224 inches, nor more than fifty-

nine and one-third gallons of 231 inches. The ordinary Bordeaux hogshead contains from fifty-nine to sixty gallons; and the size of this cask, being formed of a certain number of staves of settled dimensions, and made by the coopers in particular forms, has passed down from age to age without alteration; while the laws of England and those of several of the United States have required that it should contain sixty-three gallons of 231 cubic inches, because five hundred years ago the laws required it to contain sixty-three gallons of 219.5 inches.

In the reign of Elizabeth, the change which had been effected in the wine gallon by the act of 1496 was discovered in its effects upon another branch of trade; but the cause of the change appears not to have been perceived. The statute of 13 Elizabeth, ch. xi, (1570,) recites that the people employed in the herring fishery "had, time out of mind, used to pack their herring in barrels containing *about* thirty-two gallons of usual *wine* measure, which assize had always been gauged and allowed in the city of London; yet the measure had lately been quarrelled at by certain informers for not containing thirty-two gallons by the old measure of standard, *which they never did*, though peradventure *the extremity of old statutes in words, by some men's construction*, might be stretched to require so much." It then enacts "that thirty-two gallons wine measure, which is *about* twenty-eight gallons by old standard, shall be the lawful assize of herring barrels, any old statute to the contrary notwithstanding." This was cutting the Gordian knot. The wine gallon here referred to was the gallon of 231 inches made by the troy weight of wheat of Henry VII. The *old standard* is the corn gallon of 1266, which, according to the Romford quart, examined by the committee of the House of Commons in 1758, was of 264.8, or, according to the Romford gallon, was of 266.25 cubic inches. Now, twenty-eight gallons of 264 inches are of precisely the same capacity as thirty-two gallons of 231. But, as the wine gallon at Guildhall, though it showed 231 inches by the gauge, did, in fact, contain seven inches less, and as the herring barrels were gauged according to the Guildhall gallon, they would have fallen short nearly one gallon in the barrel of twenty-eight gallons by the *old standard;* and the act, the object of which was to rescue the herring fishers from the fangs of informers, is cautious not to tie them down to too close a measure. The old statutes, the construction of which the act professes to consider as doubtful, are not named; but the act of 23 Henry VIII. (1531) *must* have been that upon which the informers had quarrelled at the assize of the barrels used by the herring fishers.

That act requires that the coopers should make barrels of thirty-two gallons for ale, according to the assize of the Compositio Mensurarum—gallons, eight of which make the common bushel. Now, the act of 1496 had expressly directed that *every* gallon should contain eight pounds of wheat *troy* weight, and that the bushel should contain eight such gallons of wheat. But this law, so far as it prescribed a new bushel, had never been executed: the old standard bushels remained. So that the statute for the coopers of 1531 was on the side of the informers, and the statute of weights and measures of 1496 was on the side of the herring fishers. Parliament found no expedient for the difficulty but to declare the usual existing size of the herring barrels lawful, and to set all the old statutes aside with a *non obstante*.

If the Parliament of 1496, contrary to their avowed intention, did actually change the capacity of the wine and corn gallons, and did ordain a much greater change of the capacity of the bushel, these varieties effected by the law, while they were unknown to the legislators, were still less likely to come to the general knowledge of the people. The eagle eyes of informers would occasionally discover that the measures of the people fell short of the standards of the law; but the people took the standards as they came, and used the measures which they and their forefathers, time out of mind, had employed.

The Restoration of 1660, after the convulsions of a civil war, formed a new era, not only in the political history of England, but in that of their vessels of capacity. It was then that a new system of taxation commenced by the excise upon liquors. About the same time also commenced a new era in the philosophical and scientific pursuits of the English nation, by the establishment of the Royal Society. Both these events were destined to have an important influence upon the history of English weights and measures.

The excise was a duty levied by the gallon upon malt liquors and upon wines. The malt liquors were measured by the standard gallon at the Treasury, made according to the cooperage act of 1531, by the rule of the *Compositio Mensurarum*, applied to the troy weight wine gallon of the statute of 1496. This gallon, therefore, was neither the wine gallon of 1496, nor the eighth part of the old standard bushel, nor of the Winchester bushel, but the gallon which, if filled with wheat of the troy weight specified in the statute of 1496, would balance the wine gallon of 231 inches; it was, therefore, a gallon of 282 cubic inches. The wine was measured by the gauge of the wine gallon at Guildhall.

Taxation and philosophy now began to speculate at the same time upon the weights and measures of England. In 1685, the weight of a cubic foot of spring water was found, by an experiment made at Oxford, to be precisely 1,000 ounces avoirdupois; and, in 1696, the Winchester bushel was found to be of 2145.6 cubic inches, and to contain also 1,000 ounces avoirdupois weight of wheat. Yet so totally lost were all the traces of the old easterling pounds of 12 and 15 ounces, that this coincidence between the cubic foot of water and the 1,000 ounces avoirdupois gave an erroneous direction to further inquiry; for the real original connexion between the cubic foot and the English bushel was not formed by avoirdupois weights and water, but by the easterling pound of 12 and 15 ounces and Gascoigne wine. It was the principle of the quadrantal and congius of the Romans, applied to the foot and the nummulary pound of the Greeks; the measure which, by containing eight pounds of wheat, was intended to contain, at the same time, ten of the same pounds of wine.

In the year 1688, the commissioners of the excise instituted an inquiry why beer and ale were always gauged at 282 cubical inches for the gallon, and other excisable liquors by the wine gallon of 231 inches. They addressed a memorial to the Lords of the Treasury stating these facts, and that, being informed the true standard wine gallon ought to contain only 224 cubical inches, they had applied to the auditor and chamberlains of the *exchequer*, who, upon examination of the standard measures in their custody, had found three standard gallons, one of Henry VII., and two of 1601, which an able artist employed by them had found to contain each 272 cubical inches; that, finding no wine gallon at the exchequer, they had applied to the Guildhall of the city of London, where they were informed the true standard of the wine gallon was, and they had found, by the said artist, that the same contained 224 cubical inches only; and they added, that the gallons of other parts of the kingdom used for wine had been made and taken from the Guildhall gallon.

In consequence of this memorial, the Lords of the Treasury, the 21st of May, 1688, directed an authority to be drawn for gauging according to the Guildhall gallon, which was accordingly done; but the authority does not appear to have been signed. The ale gallon at the Treasury was of 282 inches; but the order of the Lords of the Treasury, for the benefit of the revenue, would have reduced the gallon, both for malt liquors and wine, to the Guildhall gallon of 224. The merchants immediately took the alarm, and petitioned that they might be allowed to *sell* by the same gauge (of 224 inches to the gallon) by which they were to be required to pay the customs and excise. The commissioners of the customs not agreeing with those of the excise on the proposal for a new gauge, the opinion of Sir Thomas Powis, the attorney general, was taken upon it, who advised against any departure from the usage of gauging, because the Guildhall gallon was not recognised as a legal standard, and because, by any of those at the exchequer, the King would *be vastly a loser*.

Sir Thomas Powis then refers to the old statutes prescribing that eight pounds should make a gallon, and particularly to that of 1496, requiring that the eight pounds should be of wheat; *and as* there was to be *one measure throughout the kingdom*, which could not be unless it was adjusted by some one thing, and that seemed to be intended wheat, therefore *he did not know* how 231 cubical inches came to be taken up, but did not think it safe to depart from *the usage;* and therefore the proposal was dropped.

Sir Thomas Powis's *reasoning* upon the statute of 1496 was perfectly correct. That statute, as well as many others, does ordain one measure throughout the kingdom; it does ordain that *every gallon* shall contain 8 pounds, troy weight, of wheat, of thirty-two kernels to the pennyweight troy, which it strangely calls a sterling. Sir Thomas did not know how 231 inches came to be taken up, because he did not know that the statute of 1496 had substituted the troy for the old easterling weight in the composition of the gallon. It was that change that brought up the 231 inches; for, if eight easterling twelve-ounce pounds of wheat filled a gallon of 217.6 inches, eight troy pounds of the same wheat must of necessity fill a gallon of 231.

The Guildhall wine gallon contained also eight troy pounds of wheat; but it was wheat thirty-two kernels of which weighed a pennyweight troy. Every kernel, on the average, was $\frac{1}{15}$ heavier than that which had been used for the composition of the gallon and bushel of 1266. The average kernel being specifically heavier, a pound weight of it occupied less space; on the other hand, the corn of lighter kernel would require a greater number of kernels to make up the same weight. The gallon of 1496 was to contain 61,440 kernels, weighing, in the aggregate, eight pounds troy; and they would fill a space of 224 cubic inches. To make the same weight, 8 pounds troy would take 65,280 kernels of the wheat of 1266; but these 65,280 kernels would fill a space of 231 cubic inches. The difference between the two was a compound of the increase of numbers and the diminution of weight.

The advice of Sir Thomas Powis was, however, followed without further inquiry, and the use of the gauging rods was continued. But, in 1700, the same inconsistency of the statutes which, in the reign of Elizabeth, had bred the quarrel between the informers and the herring barrels, generated a lawsuit between commerce and revenue. It has been seen that, by a statute of 2 Henry VI., ch. xi, confirmed by subsequent acts of 1483 (1 Richard III., ch. xiii) and of 1536, (28 Henry VIII., ch. xiv,) it had been ordained that every *butt* or pipe of wine imported should contain 126 gallons. The original statutes had reference to the Gascoigne or Bordeaux wines, the casks of which were proportioned to the ton of 32 cubic feet. When, afterwards, the importation of Spanish wines became frequent, they were brought in casks of different dimensions from the assize; and the statute of Richard III., reciting that their butts had theretofore often been of 140 or 132 gallons, and complaining that they had been of late fraudulently reduced to 120 gallons or less, prescribed that they should thenceforth be of at least 126 gallons. The old fashion of 140 gallons or more to the *butt* of Malmsey and other Spanish wines was then restored; and, as the law was satisfied if the butts were of 126 gallons or more, their size beyond the usual dimensions of the Gascoigne standard remained unnoticed till the fiscal officer became interested in their contents. When customs and excise came to call for their share of the Malmsey, the merchants for some years paid upon the butt as if it had contained only the 126 gallons required by the law. But this calculation could not long suit the revenue. An action was brought by the officers of the customs against Mr. Thomas Barker, an importing merchant, for the duties upon sixty butts of Alicante wine, for which he had paid as if containing 126 gallons, but which, in fact, contained 150 gallons each. The Crown officers showed that the butt was to contain, by law, 126 gallons; and Mr. Leader, the city gauger, Mr. Flamstead, and other skilful gaugers, all agreed that a wine gallon ought to contain 231 cubical inches, and no more; that there was such a gallon, kept from time out of mind, at Guildhall; (they were in this mistaken, for it contained only 224 inches;) and that the wine gallon was less than the corn gallon, which was of 272, and the ale gallon, which was of 282 cubical inches.

The defendant insisted that the laws had directed that a standard should be kept at the Treasury; that there was one there containing 282 cubic inches; that by that measure he had paid the duty; that the Guildhall gallon was no legal standard; and merchants, masters of ships, and vintners, of twenty, thirty, forty years' experience, all testified that Spanish wine always came in butts of 140 or 150 gallons or more. Whether Mr. Thomas Barker, when he came to *sell* his wine, retained his contempt for the Guildhall gallon, is not upon the record.

After a trial of five hours, the Attorney General made it a drawn battle; agreed to withdraw a juror; and advised to leave the remedy to Parliament: and this was the immediate occasion of the statute of 5 Anne, ch. xxvii, sec. 17, by which the capacity of the wine gallon is fixed, and has ever since remained, at 231 cubical inches. This act declares that any round vessel, commonly called a cylinder, having an even bottom, and being seven inches diameter throughout, and six inches deep from the top of the inside to the bottom, or any vessel containing 231 cubical inches and no more, shall be deemed and taken to be a lawful wine gallon; and it is thereby declared that 252 gallons, consisting each of 231 cubical inches, shall be deemed a tun of wine, and that 126 such gallons shall be deemed a butt or pipe of wine, and that 63 such gallons shall be deemed a hogshead of wine.

By an act of 13 William III., ch. v, in 1701, the Winchester bushel had been declared the standard for the measure of grain; and any cylindrical vessel of $18\frac{1}{2}$ inches diameter and 8 inches deep was made a legal bushel. By a subsequent statute of 12 Anne, ch. xvii, sec. 11, the bushel for measuring coal was to be of $19\frac{1}{2}$ inches diameter from outside to outside, and was to contain a quart of water more than the Winchester bushel, which made it of 2217.62 cubical inches.

There are several late acts of Parliament (1805, 45 George III.) which mention $272\frac{1}{4}$ cubic inches as the contents of the Winchester gallon, making a bushel of 2,178 inches; and others which recognise the existence of measures different from any of the legal standards of the exchequer. By an act of 31 George III., ch. iii, inspectors of corn returns are to make a comparison between the Winchester bushel and the measure commonly used in the city or town of their inspection, and to cause a statement in writing of such comparison to be hung up in some conspicuous place.

By these successive statutes, determining in cubic inches the capacity of the vessels by which certain specific articles shall be measured, the measures bearing the same denomination, but of different contents, are multiplied; and every remnant of the original uniformity of proportion has disappeared, with the exception of that between the wine and ale gallons, and that between the troy and avoirdupois weights.

By the English system of weights and measures, before the statute of 1496, the London quarter of a ton was the one measure to which the bushel for corn, the gallon, deduced by measure, for ale, and the gallon, deduced by weight, for wine, were all referred. The hogshead was a vessel deduced from the cubing of linear measure, containing sixty-three gallons, and measuring eight cubic feet; the gallon thus formed contained 219.43 cubic inches. This wine gallon, by another law, was to contain eight twelve-ounce pounds of wheat. One such pound of wheat, therefore, occupied 27.45 cubic inches. The vessel of eight times 27.45 cubic inches filled with wine, the liquor would weigh 54857.1 grains of troy weight; and the weight of eight such gallons of wine would be 438856.8 grains troy. The specific gravity of wine being to that of wheat as 175 to 143, the bushel thus formed would be of 2148.5 cubic inches, and its eighth part or ale gallon would be 268.5 inches. This is only two inches more than the standard Winchester bushel of the exchequer was found to contain, and two inches less than the bushel as prescribed

by the act of 13 William III.—a difference which a variation in the temperature of the atmosphere is of itself adequate to produce. It proves that the Winchester bushel has not without reason been preserved as the favorite of all standards, in spite of all the changes, errors, and inconsistencies of legislation. But it also proves that the ale and corn gallon ought to have continued, as they originally were, of 268½ inches, and the wine gallon of 219½.

The troy and avoirdupois weights are in the proportions to each other of the specific gravity of wheat and of spring water. The twelve and fifteen ounce easterling pounds were intended to be proportional between the gravity of wheat and wine; but they were roughly settled proportions, estimating the weight of wheat to be to that of wine as 4 to 5, and the gravity of wine and of water to be the same. Under the statute of 1496, the wine gallon was of 224 inches. If troy weight was to be introduced, a gallon of this capacity had the great advantage upon which the proportion of uniformity had originally been established. The gallon contained exactly eight pounds avoirdupois of wine; the pint of wine was a pound of wine. The corn gallon of 272 inches, corresponding with it, had the same advantage; it was filled with eight pounds of corn; a pint of wheat was a pound of wheat; and the bushel of 2,176 inches contained 64 pounds avoirdupois of that wheat, 32 kernels of which weighed one pennyweight troy. But the hogshead, being of eight cubic feet, could have contained only 61¾ gallons, and the tun would have been of 247.

The wine and ale gallons now established by law, of 231 and 282 inches, are still in the same proportion to each other as the troy and avoirdupois weights; but neither of them is in any useful proportion to the bushel. The corn gallon only is in proportion to the bushel. Neither the wine nor the corn gallon is in any useful proportion either to the weights or the coins. But the troy and avoirdupois weights are, with all the exactness that can be desired, standards for each other; and the cubic foot of spring water weighs exactly 1,000 ounces avoirdupois, by which means the ton of thirty-two cubic feet measure is in weight exactly 2,000 pounds avoirdupois.

Such was originally the system of English weights and measures, and such is it now in its ruins. The substitution of cubic inches to settle the dimensions of the gallons and bushels, which began with the last century, was a change of the *test* of their contents from gravity to extension. They had before been measured by number, weight, and measure; they are now measured by measure alone. This change has been of little use in promoting the principle of uniformity. As it respects the natural standard, it has only been a change from the weight of a kernel of wheat to the length of a kernel of barley; and although it has specified the particular standard bushels and gallons selected among the variety which the inconsistencies of former legislation had produced, it has very unnecessarily brought in a third gallon measure, quite incompatible with the primitive system; and it has legalized two bushels of different capacity so slightly different as to afford every facility to the fraudulent substitution of the one for the other, yet, in the measurement of quantities, resulting in a difference of between three and four per cent.

No further change in this portion of English legislation has yet been made. But the philosophers and legislators of Britain have never ceased to be occupied upon weights and measures, nor to be stimulated by the passion for uniformity. In speculating upon the theory, and in making experiments upon the existing standards of their weights and measures, they seem to have considered the principle of *uniformity* as exclusively applicable to identity, and to have overlooked or disregarded the uniformity of proportion. They found a great variety of standards differing from each other; and, instead of searching for the causes of these varieties in the errors and mutability of the law, they ascribed them to the want of an immutable standard from *nature*. They felt the convenience and the facility of decimal arithmetic for *calculation;* and they thought it susceptible of equal application to the divisions and multiplications of *time*, *space*, and *matter*. They despised the primitive standards assumed from the stature and proportions of the human body. They rejected the secondary standards taken from the productions of nature most essential to the subsistence of man; the articles for ascertaining the quantities of which weights and measures were first found necessary. They tasked their ingenuity and their learning to find, in matter or in motion, some *immutable* standard of linear measure which might be assumed as the single universal standard from which all measures and all weights might be derived. In the review of the proceedings in France relative to this subject, we shall trace the progress and note the results hitherto of these opinions, which have there been embodied into a great and beautiful system. In England they have been indulged with more caution, and more regard to the preservation of existing things.

From the year 1757 to 1764, in the years 1789 and 1790, and from the year 1814 to the present time, the British Parliament have, at three successive periods, instituted inquiries into the condition of their own weights and measures, with a view to the reformation of the system, and to the introduction and establishment of greater uniformity. These inquiries have been pursued with ardor and perseverance, assisted by the skill of their most eminent artists, by the learning of their most distinguished philosophers, and by the contemporaneous admirable exertions in the same cause of uniformity of their neighboring and rival nation.

Nor have the people or the Congress of the United States been regardless of the subject since our separation from the British empire. In their first confederation, these associated States, and in their present national constitution, the people—that is, on the only two occasions upon which the collective voice of this whole Union, in its constituent character, has spoken—the power of *fixing* the standard of weights and measures throughout the United States has been committed to Congress. A report, worthy of the illustrious citizen by whom it was prepared, and embracing the principles most essential to uniformity, was presented in obedience to a call from the House of Representatives of the first Congress of the United States. The eminent person who last presided over the Union, in the parting message by which he announced his intention of retiring from public life, recalled the subject to the attention of Congress with a renewed recommendation of the principle of decimal divisions. Elaborate reports, one from a committee of the Senate in 1793, and another from a committee of the House of Representatives at a recent period, have since contributed to shed further light upon the subject; and the call of both Houses, to which this report is the tardy and yet too early answer, has manifested a solicitude for the improvement of the existing system, equally earnest and persevering with that of the British Parliament, though not marked with the bold and magnificent characters of the concurrent labors of France.

After a succession of more than sixty years of inquiries and experiments, the British Parliament have not yet acted in the form of law. After nearly forty of the same years of separate pursuit of the same object, *uniformity*, the Congress of the United States have shown the same cautious deliberation: they have yet authorized no change of the existing law. That neither country has yet changed its law is perhaps a fortunate circumstance, in reference to the principle of uniformity, for both. If this report were authorized to speak to both nations, as it is required to speak to the Legislature of one of them, on a subject in which the object of pursuit is the same for both, and the interest in it common to both, it would say, is your object *uniformity?* Then, before you change any part of your system, such as it is, compare the uniformity that you must lose with the uniformity that you may gain by the alteration. At this hour, fifteen millions of Britons, who, in the next generation may be twenty, and ten millions of Americans, who in less time will be as many, have the same legal system of weights and measures. Their mile, acre, yard, foot, and inch, their bushel of wheat, their gallon of beer, and their gallon of wine, their pound avoirdupois, and their pound troy, their cord of wood, and their ton of shipping, are the same. They are, of the nations of the earth, the two who have with each other the most of that intercourse which requires the constant use of

weights and measures. Any change whatever in the system of the one, which would not be adopted by the other, would destroy all this existing uniformity. Precious, indeed, must be that uniformity, the mere promise of which, obtained by an alteration of the law, would more than compensate for the abandonment of this.

If these ideas should be deemed too cold and cheerless for the spirit of theoretical improvement; if Congress should deem their powers competent, and their duties imperative, to establish uniformity as respects weights and measures in its most universal and comprehensive sense, another system is already made to their hands. If that universal uniformity, so desirable to human contemplation, be an obtainable perfection, it is now attainable *only* by the adoption of the new French system of metrology in all its important parts. Were it even possible to construct another system, on different principles, but embracing in equal degree all the great elements of uniformity, it would still be a system of diversity with regard to France and all the followers of her system. And as she could not be expected to abandon that which she has established at so much expense, and with so much difficulty, for another possessing, if equal, not greater advantages, there would still be two rival systems, with more desperate chances for the triumph of uniformity by the recurrence to the same standard of all mankind.

The system of modern France originated with her Revolution. It is one of those attempts to improve the condition of human kind which, should it even be destined ultimately to fail, would, in its failure, deserve little less admiration than in its success. It is founded upon the following principles:

1. That all weights and measures should be reduced to one *uniform* standard of linear measure.
2. That this standard should be an aliquot part of the circumference of the globe.
3. That the unit of linear measure, applied to matter in its three modes of extension, length, breadth, and thickness, should be the standard of all measures of length, surface, and solidity.
4. That the cubic contents of the linear measure, in distilled water, at the temperature of its greatest contraction, should furnish at once the standard weight and measure of capacity.
5. That, for every thing susceptible of being measured or weighed, there should be only one measure of length, one weight, one measure of contents, with their multiples and subdivisions exclusively in decimal proportions.
6. That the principle of decimal division, and a proportion to the linear standard, should be annexed to the coins of gold, silver, and copper, to the moneys of account, to the division of *time*, to the barometer and thermometer, to the plummet and log lines of the sea, to the geography of the earth, and the astronomy of the skies; and, finally, to every thing in human existence susceptible of comparative estimation by weight or measure.
7. That the whole system should be equally suitable to the use of all mankind.
8. That every weight and every measure should be designated by an appropriate, significant, characteristic, name, applied exclusively to itself.

This system approaches to the ideal perfection of *uniformity* applied to weights and measures; and, whether destined to succeed, or doomed to fail, will shed unfading glory upon the age in which it was conceived, and upon the nation by which its execution was attempted, and has been in part achieved. In the progress of its establishment there, it has been often brought in conflict with the laws of physical and of moral nature, with the impenetrability of matter, and with the habits, passions, prejudices, and necessities of man. It has undergone various important modifications. It must undoubtedly still submit to others, before it can look for universal adoption. But, if man upon earth be an improvable being; if that universal peace, which was the object of a Saviour's mission, which is the desire of the philosopher, the longing of the philanthropist, the trembling hope of the Christian, is a blessing to which the futurity of mortal man has a claim of more than mortal promise; if the Spirit of Evil is, before the final consummation of things, to be cast down from his dominion over men, and bound in the chains of a thousand years, the foretaste here of man's eternal felicity, then this system of common instruments to accomplish all the changes of social and friendly commerce will furnish the links of sympathy between the inhabitants of the most distant regions; the metre will surround the globe in use as well as in multiplied extension; and one language of weights and measures will be spoken from the equator to the poles.

The establishment of this system of metrology forms an era, not only in the history of weights and measures, but in that of human science. Every step of its progress is interesting; and as a statement of all the regulations in France concerning it is strictly within the scope of the requisitions of both Houses, a rapid review of its origin, progress, and present state, with due notice of the obstacles which it has encountered, the changes through which it has passed, and its present condition, is deemed necessary to the performance of the duty required by the call.

In the year 1790, the present Prince de Talleyrand, then Bishop of Autun, distributed among the members of the Constituent Assembly of France a proposal, founded upon the excessive diversity and confusion of the weights and measures then prevailing all over that country, for the reformation of the system, or rather for the foundation of a new one upon the principle of a single and universal standard. After referring to the two objects which had previously been suggested by Huyghens and Picard, the pendulum and the proportional part of the circumference of the earth, he concluded by giving the preference to the former, and presented the projet of a decree. First, that exact copies of all the different weights and elementary measures *used* in every town of France should be obtained and sent to Paris. Secondly, that the National Assembly should write a letter to the British Parliament, requesting their concurrence with France in the adoption of a natural standard for weights and measures; for which purpose commissioners, in equal numbers from the French Academy of Sciences and the British Royal Society, chosen by those learned bodies, respectively, should meet at the most suitable place, and ascertain the length of the pendulum at the forty-fifth degree of latitude, and from it an invariable standard for all measures and weights. Thirdly, that, after the accomplishment, with all due solemnity, of this operation, the French Academy of Sciences should fix with precision the tables of proportion between the new standards and the weights and measures previously used in the various parts of France; and that every town should be supplied with exact copies of the new standards, and with tables of comparison between them and those of which they were to supply the place. This decree, somewhat modified, was adopted by the Assembly, and, on the 22d of August, 1790, sanctioned by Louis XVI. Instead of writing to the British Parliament themselves, the Assembly requested the King to write to the King of Great Britain, inviting him to propose to the Parliament the formation of a joint commission of members of the Royal Society and of the Academy of Sciences, to ascertain the natural standard in the length of the pendulum. Whether the forms of the British constitution, the temper of political animosity then subsisting between the two countries, or the convulsions and wars which soon afterwards ensued, prevented the acceptance and execution of this proposal, it is deeply to be lamented that it was not carried into effect. Had the example once been set of a *concerted* pursuit of the great common object of *uniformity* of weights and measures, by two of the mightiest and most enlightened nations upon earth, the prospects of ultimate success would have been greatly multiplied. By no other means can the uniformity, with reference to the persons using the same system, be expected to prevail beyond the limits of each separate nation. Perhaps when the spirit which urges to the improvement of the social condition of man shall have made further progress against the passions with which it is bound, and by which it is trammelled, then may be the time for reviving and extending that generous and truly benevolent proposal of the Constituent National Assembly of France, and to call for a *concert* of civilized nations to establish one uniform system of weights and measures for them all.

The idea of associating the interests and the learning of other nations in this great effort for common improvement was not confined to the proposal for obtaining the concurrent agency of Great Britain. Spain, Italy, the Netherlands, Denmark, and Switzerland were actually represented in the proceedings of the Academy of Sciences to accomplish the purposes of the National Assembly. But, in the first instance, a committee of the Academy of Sciences, consisting of five of the ablest members of the Academy and most eminent mathematicians of Europe, Borda, Lagrange, Laplace, Monge, and Condorcet, were chosen, under the decree of the Assembly, to report to that body upon the selection of the natural standard, and other principles proper for the accomplishment of the object. Their report to the Academy was made on the 19th of March, 1791, and immediately transmitted to the National Assembly, by whose orders it was printed. The committee, after examining three projects of a natural standard—the pendulum beating seconds, a quarter of the equator, and a quarter of the meridian, had, on full deliberation, and with great accuracy of judgment, preferred the last, and proposed that its ten millionth part should be taken as the standard unit of linear measure; that, as a second standard of comparison with it, the pendulum vibrating seconds at the forty-fifth degree of latitude should be assumed; and that the weight of distilled water at the point of freezing, measured by a cubical vessel in decimal proportion to the linear standard, should determine the standard of weights and of vessels of capacity.

For the execution of this plan, they proposed six distinct scientific operations, to be performed by as many separate committees of the Academy:

1. To measure an arc of the meridian from Dunkirk to Barcelona, being between nine and ten degrees of latitude, including the forty-fifth, with about six to the north and three to the south of it, and to make upon this line all suitable astronomical observations.

2. To measure anew the basis which had served before for the admeasurement of a degree in the construction of the map of France.

3. To verify, by new observations, the series of triangles which had been used on the former occasion, and to continue them to Barcelona.

4. To make, at the forty-fifth degree of latitude, at the level of the sea, *in vacuo*, at the temperature of melting ice, observations to ascertain the number of vibrations in a day of a pendulum equal to the ten millionth part of the arc of the meridian.

5. To ascertain, by new experiments, carefully made, the weight *in vacuo* of a given mass of distilled water at the freezing point.

6. To form a scale and tables of equalization between the new measures and weights proposed, and those which had been in common use before.

This report was sanctioned by a decree of the Assembly; and four committees of the Academy were appointed; the first three of those enumerated objects having been intrusted to one committee, consisting of Mechain and Delambre. The experiments upon the pendulum were committed to Borda, Mechain, and Cassini; those on the weight of water to Lefevre Gineau and Fabbroni; and the scale and tables to a large committee on weights and measures.

The performance of all these operations was the work of more than seven years. Two of them, the measurement of the arc of the meridian, and the ascertainment of the specific gravity of water *in vacuo*, were works requiring that combination of profound learning which is possessed of the facts in the recondite history of nature already ascertained, with that keenness of observation which detects facts still deeper hidden, that fertility of genius which suggests new expedients of invention, and that accuracy of judgment, which turns to the account, not only of the object immediately sought, but of the general interests of science, every new fact observed. The actual admeasurement of an arc of the meridian of that extent had never before been attempted. The weighing of distilled water *in vacuo* had never before been effected with equal accuracy. And, in the execution of each of these works, nature, as if grateful to those exalted spirits who were devoting the labors of their lives to the knowledge of her laws, not only yielded to them the object which they sought, but disclosed to each of them another of her secrets. She had already communicated by her own inspiration to the mind of Newton that the earth was not a perfect sphere, but an oblate spheroid, flattened at the poles; and she had authenticated this discovery by the result of previous admeasurements of degrees of the meridian in different parts of the two hemispheres. But the proportions of this flattening, or, in other words, the difference between the circles of the meridian and the equator, and between their respective diameters, had been variously conjectured, from facts previously known. To ascertain it with greater accuracy was one of the tasks assigned to Delambre and Mechain; for, as it affected the definite extension of the meridian circle, the length of the metre, or aliquot part of that circle which was to be the standard unit of weights and measures, was also proportionably affected by it. The result of the new admeasurement was to show that the flattening was of $\frac{1}{334}$, or that the axis of the earth was to the diameter of the equator as 333 to 334. Is this proportion to the decimal number of 1,000 accidental? It is confirmed as matter of fact by the existing theories of astronomical nutation and precession, as well as by experimental results of the length of the pendulum in various latitudes. It is also an index to another combination of extension, specific gravity, and numbers, hitherto undiscovered. However this may be, the fact of the proportion was, on this occasion, the only object sought. This fact was attested by the diminution of each degree of latitude in the movement from the north to the equator; but the same testimony revealed the new and unexpected fact that the diminution was not regular and gradual, but very considerably different at different stages of the progress in the same direction; from which the inference seems conclusive that the earth is no more in its breadth than in it length perfectly spherical, and that the northern and southern hemispheres are not of dimensions precisely equal.

The other discovery was not less remarkable. The object to be ascertained was the specific gravity of a given mass of water *in vacuo*, and at its *maximum* of density; that is, at the temperature where it weighs most in the smallest space. That fluids are subject to the general laws of expansion and contraction from heat and cold, was the principle upon which the experiments were commenced. It was also known that, in the transition of fluids to a solid state, the reverse of this phenomenon occurs; and that water, in turning to ice, instead of contracting, expands. It had been supposed that the freezing point was that at which this polarity of heat and cold, if it may be so called, was inverted; and that water, contracting as it cooled until then, began at once to freeze and to expand. The discovery made by Lefevre Gineau and Fabbroni was, that the change took place at an earlier period; that water contracts as it cools, till at five degrees above 0 of the centigrade, answering to forty-one of Fahrenheit's thermometer, and, from that term, gradually expands as it grows cold, till fixed in ice at 0 of the former, or thirty-two degrees of the latter.

In the admeasurement of the arc of the meridian, and in the weighing of the given volume of water, the standard measure and weights previously established by the laws of France were necessarily used. The identical measure was a toise or fathom belonging to the Academy of Sciences, which had been used for the admeasurement of several degrees of the meridian between the years 1737 and 1741, in Peru, and had thence acquired the denomination of the *toise du Pérou*. In 1766 it had served as the standard from which eighty others had been

copied, and sent to the principal bailiwicks in France, and to the chatelet at Paris. The instruments used by Delambre and Mechain for their mensurations were two platina rods, each of double the length of this fathom of Peru. A repeating circle, a levelling instrument, and a metallic thermometer, consisting of two blades, one of brass and the other of platina, and calculated to show the difference of expansion produced upon the two metals by the ordinary alternations of heat and cold in the atmosphere, all invented by the ingenious and skilful artist Borda, were also among the instruments used by the commissioners.

The weights with which the new standard was compared were a pile of fifty marks, or twenty-five Paris pounds, called the weights of Charlemagne, and which, though not of the antiquity of that prince's age, had been used as standards for a period of more than five hundred years.

The fathom of Peru was divided into 6 standard royal feet of France, each foot into 12 thumbs, each thumb into 12 lines. The toise, therefore, was of 72 thumbs, or 864 lines. The standard metre of platina, the ten millionth part of the quarter of the meridian, measured by the brass fathom of Peru, was found to be equal to 443 lines, and 295,936 decimal parts of a line; and as it was found impossible to fix in the concrete form a division smaller than the thousandth part of a line, the definitive length of the metre was fixed at 443,296 lines, equivalent, by subsequent experiments of the Academy, to 39.3827 English inches; by the latest experiments of Captain Kater, to 39.37079; and by those of Mr. Hassler in this country, to 39.3802.

The Paris pound, mark weight as it was called, (*poids de marc*,) of the pile of Charlemagne, consisted of two marks, each mark of 8 ounces, each ounce of 8 gros or drams, each gros of 3 deniers or pennyweights, and each denier of 24 grains. The pound, therefore, consisted of 9,216 grains, and was equal to 15 ounces and 15 pennyweights, or 7,560 grains troy. The grain was rather more than four-fifths of the troy grain, and had probably in the origin been equivalent to the kernel of wheat, which the troy grain could scarcely have been. The cubic decimetre, or tenth part of the metre of distilled water, at the temperature of its greatest density, weighed *in vacuo*, was found of equal weight with $18.827\frac{15}{100}$ grains, or 2 pounds 5 gros $35\frac{15}{100}$ grains of the mark weight; and this, by the name of the kilogramme, was made the standard weight, its thousandth part being the gramme, or unit, equivalent to 15.44572 grains troy, or about $2\frac{1}{5}$ pounds avoirdupois.

The capacity of the vessel containing this water was, at the same time, made the standard of all measures, liquid or dry; it was called a *litre*, and is of the contents of 61.0271 cubic inches, about one-twentieth more than our wine quart. The metre was applied to superficial and solid measures, according to their proportions; the chain of 10 metres being applied to land measure, and its square denominated an *arc;* the cubic metre was called a *stere*.

The principle of decimal arithmetic was applied exclusively to all these weights and measures; their multiples were all tenfold, and their subdivisions were all tenth parts.

To complete the system, a vocabulary of new denominations was annexed to every weight and measure belonging to it. As a circumstance of great importance to the final success of the system, it may be remarked that these two incidents, the exclusive adoption of decimal divisions, and the new nomenclature, have proved the greatest obstacles to the general introduction of the new weights and measures among the people.

It has, indeed, from its origin, like all great undertakings, been obliged to contend with the intemperate zeal and precipitation of its friends, not less than with prejudice, ignorance, and jealousy of every description. The admeasurement of the meridian was commenced at the very moment of the fanatical paroxysm of the French Revolution. At every station of their progress in the field survey, the commissioners were arrested by the suspicions and alarms of the people, who took them for spies or engineers of the invading enemies of France. The Government was soon overthrown; the Academy of Sciences abolished; and the National Assembly of the first constitutional monarchy, just at the eve of their dissolution, instead of waiting calmly for the completion of the great work which was to lay the foundation for a system to be as lasting as the globe, in a fit of impatience passed on the 1st of August, 1793, a law declaring that the system should go immediately into operation, and assuming for the length of the standard metre the ten millionth part of the quadrant of the meridian, according to the result of the old admeasurement of a degree in 1740, and arranging an entire system of weights and measures, in decimal divisions, with new denominations, all of which were to be merely temporary, and to cease when the definitive length of the metre should be ascertained. This extraordinary act was probably intended, as it directly tended, to prevent the further prosecution of the original plan; and though soon after it was followed by a decree of 11th September, 1793, authorizing the temporary continuance of the general committee of weights and measures which had been appointed by the Academy, yet, on the 23d December of the same year, a decree of Robespierre's Committee of Public Safety dismissed from the commission Borda, Lavoisier, Laplace, Coulomb, Brisson, and Delambre, on the pretence that they were not republicans sufficiently pure. Mechain escaped the same proscription only because he was detained as a prisoner in Spain.

Yet even Robespierre and his committee were ambitious not only of establishing the system of new weights and measures in France, but of offering them to the adoption of other nations. By a decree of that committee of 11th December, 1793, the board or commission of weights and measures were directed to send to the United States of America a metre in copper, and a weight, being copies of the standards then just adopted. They were accordingly transmitted; and on the 2d of August, 1794, the two standards were, by the then French minister plenipotentiary (Fauchet) sent to the Secretary of State with a letter recommending, with some urgency, the adoption of the system by the United States. This letter was communicated to Congress by a message from the President of the United States of the 8th of January, 1795.

In the mean time the mensuration of the arc of the meridian was entirely suspended by the dismissal of Delambre and the detention of Mechain. Its progress was renewed by a decree of the National Convention of 7th April, 1795, (18 Germinal, an 3,) which abolished almost entirely the nomenclature of the temporary standards adopted in August, 1793, and substituted a new one, being that still recognised by the law, and the units of which have been already mentioned—the metre, the gramme, the arè, the litre, and the stere. To express the multiples of these units, the Greek words denominating ten, a hundred, a thousand, and ten thousand, were prefixed as additional syllables, while their tenth, hundredth, and thousandth parts were denoted by similar prefixed syllables from the Latin language. Thus, the myrio-metre is 10,000, the kilo-metre 1,000, the hecto-metre 100, and the deca-metre 10 metres; each of those prefixed syllables being the Greek word expressive of those respective numbers; while the deci-metre, the centi-metre, and the milli-metre, are tenth, hundredth, and thousandth parts, signified by the Latin syllables respectively prefixed to them. The theory of this nomenclature is perfectly simple and beautiful. Twelve new words, five of which denote the things and seven the numbers, include the whole system of metrology; give distinct and significant names to every weight, measure, multiple, and subdivision of the whole system; discard the worst of all the sources of error and confusion in weights and measures, the application of the same name to different things; and keep constantly present to the mind the principle of decimal arithmetic, which combines all the weights and measures, the proportion of each weight or measure with all its multiples and divisions, and the chain of uniformity which connects together the profoundest researches of science with the most accomplished labors of art, and the daily occupations and wants of domestic life in all classes and conditions of society. Yet this is the part of the system which has encountered the most insuperable obstacles in France. The French nation have refused to learn

or to repeat these twelve words. They have been willing to take a total and radical change of things; but they insist upon calling them by old names. They take the metre, but they must call one-third part of it a foot. They accept the kilogramme; but, instead of pronouncing its name, they choose to call one-half of it a pound. Not that the third of a metre is a foot, or the half of a kilogramme is a pound; but because they are not very different from them, and because, in expressions of popular origin, distinctness of idea in the use of language is more closely connected with habitual usage than with precision of expression.

This observation may be illustrated by our own experience in a change effected by ourselves in the denominations of our coins—a revolution by all experience known to be infinitely more easy to accomplish than that of weights and measures. At the close of our war for independence we found ourselves with four English words, pound, shilling, penny, and farthing, to signify all our moneys of account. But though English words, they were not English things. They were nowhere sterling, and scarcely in any two States of the Union were they representatives of the same sums. It was a Babel of confusion by the use of four words. In our new system of coinage we set them aside. We took the Spanish piece of eight, which had always been the coin most current among us, and to which we had given a name of our own—a dollar. Introducing the principle of decimal divisions, we said a tenth part of our dollar should be called a *dime*, a hundredth part a *cent*, and a thousandth part a *mille*. Like the French, we took all these new denominations from the Latin language; but, instead of prefixing them as syllables to the generic term *dollar*, we reduced them to monosyllables, and made each of them significant by itself, without reference to the unit of which they were fractional parts. The French themselves, in the application of their system to their coins, have followed our example; and, assuming the franc for their unit, called its tenth part a *decime*, and its hundredth a *centime*. It is now nearly thirty years since our new moneys of account, our coins, and our mint, have been established. The dollar, under its new stamp, has preserved its name and circulation. The cent has become tolerably familiarized to the tongue wherever it has been made by circulation familiar to the hand. But the dime having been seldom, and the mille never, presented in their material images to the people, have remained so utterly unknown, that now, when the recent coinage of dimes is alluded to in our public journals, if their name is mentioned, it is always with an explanatory definition to inform the reader that they are ten cent pieces; and some of them, which have found their way over the mountains, by the generous hospitality of the country have been received for more than they were worth, and have passed for an eighth instead of a tenth part of a dollar. Even now, at the end of thirty years, ask a tradesman or shopkeeper in any of our cities what is a dime or a mille, and the chances are four in five that he will not understand your question. But go to New York, and offer in payment the Spanish coin, the unit of a Spanish piece of eight, and the shop or marketman will take it for a *shilling*. Carry it to Boston or Richmond, and you shall be told it is not a shilling, but nine pence. Bring it to Philadelphia, Baltimore, or the city of Washington, and you shall find it recognised for an elevenpenny bit; and if you ask how that can be, you shall learn that the dollar being of ninety pence, the eighth part of it is nearer to eleven than to any other number; and, pursuing still further the arithmetic of popular denominations, you will find that half eleven is five, or at least that half the elevenpenny bit is the fipenny bit, which fipenny bit at Richmond shrinks to four pence halfpenny, and at New York swells to six pence. And thus we have English denominations most absurdly and diversely applied to Spanish coins, while our own lawfully established dime and mille remain to the great mass of the people among the hidden mysteries of political economy—state secrets.

Human nature, in its broadest features, is everywhere the same. This result of our own experience upon a small scale and upon a single object will easily account for the repugnance of the French people to adopt the new nomenclature of their weights and measures. It is not the length of the words that constitutes the objection against them, nor the difficulty of pronunciation; for fipenny bit is as hard to speak and as long a word as kilogramme, and elevenpenny bit has certainly more letters and syllables, and less euphony, than myriometre. But it is because, in the ordinary operations of the mind, distinctness of idea is by the laws of nature linked with the chain of association between sensible images and their habitual denominations more closely than with the exactness of logical analysis.

The nomenclature of the French metrology was established by the law of 7th April, 1795, although the metre and the kilogramme were only provisional and not definitive. It was known that the difference between the provisional and definitive metre and kilogramme would be very small, scarcely perceptible; and by that inverted logic which presides over all precipitate legislation, it was concluded that because it was small it would be unimportant; instead of which, sound reason would have inferred that, to the purpose of uniformity, the smaller the difference was, the greater was the danger of its producing confusion between the temporary and the perpetual things which were to bear the same name.

But with the hasty call for a provisional metre and kilogramme, the law of 7th April, 1795, gave the definitive nomenclature, and directed the renewal of all the operations commenced under the direction of the Academy of Sciences; and the persons employed upon them were reinstated in their functions by the Committee of Public Instruction of the National Convention. A commission of twelve persons, Berthollet, Borda, Brisson, Coulomb, Delambre, Hauy, Lagrange, Laplace, Mechain, Monge, Prony, and Vandermonde, was appointed on the 17th of April, 1795, for the final accomplishment of the original plan; the most important and laborious part of which, the admeasurement of the arc of the meridian, was immediately resumed by Delambre and Mechain. By them the whole distance from Dunkirk to Mont Jouy, near Barcelona, a distance of nine degrees and two-thirds, more than a tenth part of the quadrant of the meridian, was measured by trigonometrical survey. The angles formed by every station with those next before and after it, rectified by the angles of elevation and depression formed by the inequalities on the surface of the ground, to reduce the whole to the level of the horizon, were measured and referred to the measure of two bases, one between Melun and Lieusaint, the other between Vernet and Salces, near Perpignan, each serving as a corrective upon the other. Observations of azimuth ascertained the direction of the sides of the triangles with reference to the meridian; and astronomical observations ascertained the celestial arc corresponding with that which was measured upon the earth. The distance from Dunkirk to Rhodez, about 450 miles, was performed by Delambre; and that from Barcelona to Rhodez, upwards of 200 miles, by Mechain. The base of Melun was of 6075.90 and that of Perpignan 6006.25 toises, each nearly seven miles: and though at the distance of near 400 miles from each other, the base of Perpignan, calculated by inference from the chain of triangles between them, differed from its actual admeasurement less than one foot. The portion of the distance allotted to Mechain was less than one-third of the whole; but, traversing the Pyrenees, and being chiefly upon the Spanish territories, was attended with more difficulties than those encountered by his associate. Mechain, in the execution of his task, had formed the project of extending the survey to the Balearic islands, which would have made the portion of the arc south of the forty-fifth degree equal to that northward of it. With a firmness and perseverance of pursuit, amidst innumerable obstacles, he had proceeded far in the execution of this supplementary plan. His triangles were already extended from Barcelona to Tortosa. His stations had been selected to Cullora. Six or seven triangles more would have carried his work to its termination in the island of Ivica. Arrested by a fever in his first progress, and compelled then to abandon the attempt, he had resumed it after the result of the original plan had been ascertained, and the new system had been finally established by law. The hand which sets bounds to all

human pursuits again and definitively met and closed his career. He died on the 20th of September, 1805, at Castellon de la Plana, in the Spanish province of Valencia. His more fortunate associate, Delambre, has published in three quarto volumes, under the title of the "Basis of the Metrical Decimal System, or measure of the arc of the meridian between Dunkirk and Barcelona," all the details and results of this admirable operation. A fourth volume yet remains to be published, which will contain the account of the actual execution since the death of Mechain of the idea which he had conceived of extending the admeasurement to the island of Formentara, and of the additional extension of it northward, to the Shetland islands, by connecting it with the trigonometrical survey of Great Britain. This work, in passing to future ages a monument of the philosophy, science, public spirit, and active benevolence of our own, will redeem, by the martyrdom of genius and learning in the cause of human happiness, the blood-polluted glories of contemporaneous war.

The reports of the proceedings of Delambre and Mechain, as well of their field surveys as of their astronomical observations, and all their calculations, were submitted to the inspection, scrutiny, and revision of a committee of the mathematical and physical class of the National Institute, that phœnix of science which had arisen from the ashes of the Academy of Sciences. The observations to ascertain the length of the pendulum, and the experiments for determining the specific gravity of distilled water at its maximum of density, were submitted to the same ordeal. Two reports upon the whole result were made to the class, one by Trallés of the Helvetic Confederation, the other by Van Swinden of the Netherlands, two of the foreign associates who had been invited to co-operate in the labor, and to participate in the honor of the undertaking. These two reports, combined by Van Swinden into one, were then reported from the class to the general meeting of the Institute, and by that body, with all suitable solemnity, to the two branches of the National Assembly of France, on the 22d of June, 1799, together with a definitive metre of platina made by Lenoir, and a kilogramme of the same metal made by Fortin. They were introduced by an appropriate address at the bar of the two Houses by the presiding member of the National Institute, Laplace; to which answers were returned by the respective presidents of the two legislative chambers. On the same day the standard-metre and kilogramme were deposited in the hands of the keeper of the public archives; and a record of the fact was made and signed by him and by all the members of the Institute, foreign associates, and artists, whose joint labors had contributed to the consummation of this more than national undertaking.

No apology will be deemed necessary by Congress for dwelling upon these details which signalized the establishment of the new French metrical system. The spectacle is at once so rare and so sublime, in which the genius, the science, the skill, and the power of great confederated nations are seen joining hand and hand in the true spirit of fraternal equality, arriving in concert at one destined stage of improvement in the condition of human kind, that, not to pause for a moment, were it even from occupations not essentially connected with it, to enjoy the contemplation of a scene so honorable to the character and capacities of our species, would argue a want of sensibility to appreciate its worth. This scene formed an epocha in the history of man. It was an example and an admonition to the legislators of every nation and of all aftertimes.

On the 10th of December, 1799, (19 Frimaire, 8,) the temporary metre and kilogramme, which had been ordained by the laws of 1st August, 1793, and 7th April, 1795, (18 Germinal, 3,) were abolished. That metre had been of 443 lines and $\frac{44}{100}$ of a line of the ancient foot, standarded by the fathom of Peru. The new and definitive metre was fixed at 443 lines $\frac{296}{1000}$. The difference between them was about one-seventh of a line, or $\frac{1}{100}$ of our inch, a difference imperceptible for all ordinary uses, but very important as a standard variety, and immediately apparent when multiplied to the cube for the measure of capacity and the weight. Thus the temporary kilogramme had been of 18,841 grains, mark weight, while the new and definitive kilogramme was reduced to 18827.15 grains.

During the violent ebullitions of the most inflammatory period of the French Revolution, it had been imagined that in the reformation of the system of weights and measures, upon the principle of uniformity, the mensuration of time ought to be included. But this was a different project from that of the reformed metrology, originating in motives less pure and ingenuous, connected with purposes interfering with religious impressions, and quite inconsistent with one of the principal expedients of perpetuating the identity of the new weights and measures. The length of the pendulum beating seconds, it has been seen, is, in the new metrical system, the test of verification for that of the metre, in case the original platina standard should be lost. The pendulum beating seconds vibrates 86,400 times in the solar day of 24 hours. But the fiery spirits of the Revolution called for a reformation of the calendar, for a new constitution of the seasons, and, above all, for decimal divisions. The establishment of the French republic was a new era to the world. It had taken place on the 22d of September, 1792, the day of the autumnal equinox, when the sun entered the sign of the Balance, the symbol of equality. Before it the Christian era was to disappear. The new year was to commence with that day. The division of twelve months was to be retained; but they were all to be of three times ten, or thirty days. The division of weeks of seven days, beginning with one specially devoted to the worship of the Creator and repose, was to be abolished; but every tenth day was to be dedicated to some moral abstraction or virtue, such as liberty, equality, fraternity, patriotism, conjugal affection, filial piety, old age, and once a year to the Supreme Creator, whose existence was formally authenticated by a decree of the National Convention. After their thirty-six decades, there remained five (and in leap-year six) complementary days, to which they gave a name which can scarcely be repeated with decency; but which were to be all holidays, and in which were to be revived the Olympic games of ancient Greece. The names of the months were to be significant. The three successive months, composing each of the four seasons, were to have the same terminating syllable, which in its sound should convey to the ear its distinctive character. The first of the four was *aire*, which was supposed to indicate the solemn and majestic tranquillity of autumn; the second *ose*, a dull and heavy sound, marking the torpor and frigidity of winter; the third *al*, which had all the reviving influence and liquid harmony of spring; and the fourth *dor*, burning to the fancy with the vivid ardor of summer. To these terminating syllables each month had an appropriate prefix. Thus, in autumn, Vendemi-aire was the month of vintage; Brum-aire the month of fogs; and Frim-aire, the month of incipient cold. From the winter solstice to the vernal equinox, there were Niv-ose, the month of snow; Pluvi-ose, the month of rain; and Vent-ose, the month of wind. These were succeeded by the darlings of the year: Germin-al, the month of buds; Flore-al, the month of blossoms; and Prairi-al, the month of blooming meads. The procession closed with the bounties and fervors of summer: Messi-dor, the month of harvests; Thermi-dor, the month of heat; and Fructi-dor, the month of fruit. The days of their decade were to be denominated by their numbers from one to ten; as Primedi, first day, Duodi, second day, and so on to Decadi, the tenth day; which was to be the day of relaxation from labor, and of meditations upon virtue. But the clashing of the new calendar with the new metrology was the division of the solar day, not into 24 hours of 60 minutes, with 60 seconds to the minute, but into 10 hours, each of 100 minutes, and each minute of 100 seconds. The pendulum of that day, therefore, would vibrate 100,000 times, and would be of quite a different length from that which was to be the test of verification to the metre.

This system has passed away, and is forgotten. This incongruous composition of profound learning and superficial frivolity, of irreligion and morality, of delicate imagination and coarse vulgarity, is dissolved. This statue,

with the form of Apollo, and the face of Silenus, has crumbled into dust; but it was established by a law of the 5th of October, 1792, and for the space of twelve years it was the calendar of the French nation. Henceforth it will only be remembered as preparing future problems in chronology.

The division of the day into a hundred thousand parts had some reasons to recommend it, but was the first part of the system that was abandoned. It had been decreed as compulsory, with the new nomenclature of the calendar, on the 24th of November, 1793, (4 Frimaire, 2,) but this regulation was indefinitely suspended by the law of 7th April, 1795, (18 Germinal, 3.)

On the 8th of April, 1802, when a First Consul, soon to be for life, had produced some perturbation of that balance, the symbol of equality in which the sun had first shone upon the French republic, there passed a law, retaining the *equinoctial* or republican calendar for all civil purposes, but resuming the *solstitial* or Gregorian calendar so far as to restore its week of seven days with their names, and its Sabbath of the first of them. The terms *equinoctial* and *solstitial*, in this law, applied to the new and old calendars, seem studiously selected to veil the balance of equality on one side, and the Sabbath of religion on the other.

But on the 9th of September, 1805, (22 Fructidor, 13,) in the month of *fruits*, and when the sun of the French republic had got, if not into the sign, at least deep into the constellation of the Lion; when the legend of her coins bore on one side the name and head of Napoleon Emperor, and on the other the name of the French republic, a senatus consultum ordained that, from the 11th of that dull and heavy month of snows of the fourteenth year, the 1st of January, 1806, should reappear, and the Gregorian calendar should be restored to use throughout the republican empire.

The decimal divisions and the fanciful contexture of the equinoctial calendar were a sort of episode to the new system of metrology. The attempt to decimate the year in its number of days was equally useless and absurd. The five successive holidays at the close of the year, just at the season of the vintage, with the institution of athletic sports, were a waste of time, and a provocation to mischievous idleness, ill compensated by the retrenchment of sixteen Sundays in the year, at the distance of a week from each other, and devoted to the exercises of piety.

The application of the metrical system to geography and astronomy was a much more rational part of the project, but has been attended with difficulties in execution hitherto insuperable. In adopting an aliquot decimal part of the quadrant of the meridian for the unit of long measures, it formed a natural division of the quadrant itself into ten parts, each of ten degrees. The degree would then have been of 100,000 metres, and the number of degrees to encircle the earth would have been 400. The degree, which is now of about 69 English miles, would have been of about 62, and the facility of all astronomical, geographical, and nautical calculations would have been much increased. But it would have rendered useless the all tables indispensable to the navigator, astronomer, and geographer; and, if it had not produced the same effect upon all the maps and charts now in use, it would have tended to produce confusion between those of the old and those of the new system. The ancient division of the sphere, and consequently of the circle, into 360, and therefore into quadrants of 90 degrees, originated in the coincidence of the daily rotations of the earth in its orbit round the sun, or the apparent motion of the sun in the ecliptic, which, as near as the approximation of numbers can bring it, is of one degree every day. The division of the day into 24 hours, each of 60 minutes, is founded on a similar coincidence of time in the rotation of the earth round its axis, and the apparent daily revolution of the firmament round the earth resulting from it, giving for the rising or setting of each sign of the zodiac a term of two hours, and for each degree of the circle described by the earth in its rotation a term of four minutes, or fifteen degrees to the hour. The adoption of the decimal divisions for the quadrant of the meridian, and for the circle, would have disturbed all these harmonies, as well as that of the sexagesimal division of the circle by the radius—a division not perfectly exact, since the radius is not exactly the sixth part of the circumference, but which, having been found the most convenient for practice, has been established from the remotest antiquity, and, being already used by all the civilized nations of the earth, could not, by being set aside, tend to uniformity, unless the method to supply its place could be alike secure of universal adoption.

The divisions of the barometer had always been marked in inches and lines. The application to it of the decimetre, its multiples and divisions, had for observation and calculation the usual conveniences of the decimal arithmetic. The graduation of the thermometer had always been arbitrary and various in different countries. The principle of the instrument was everywhere the same—that of marking the changes of heat and cold in the atmosphere, by the expansion and contraction which they produced upon mercury or alcohol. The range of temperature between boiling and freezing water was usually taken for the term of graduation, but by some it was graduated downwards from heat to cold, and by others upwards from cold to heat. By some the range between the two terminating points was divided into 80, 100, 150, or 212 degrees. One put the freezing, and another the boiling point at 0. Reaumur's thermometer, used in France, began with 0 for the freezing point, and placed the boiling point at 80. Fahrenheit's, commonly used in England and in this country, has the freezing point at 32, and the boiling point at 212. The centigrade thermometer, adopted by the new system, begins at the freezing point at 0, and places the boiling point at 100; its graduation, therefore, is decimal, and its degrees are to those of Reaumur as 5 to 4, and to those of Fahrenheit as 5 to 9.

The application of the new metrology to the moneys and coins of France has been made with considerable success; not, however, with so much of the principle of uniformity as might have been expected, had it originally formed a part of the same project; but the reformation of the coins was separately pursued, as it has been with us; and, as the subject is of great complication, it naturally followed that, from the separate construction of two intricate systems, the adaptation of each to the other was less correct than it would have been had all the combinations of both been included in the formation of one great masterpiece of machinery. It is to be regretted that, in the formation of a system of weights and measures, while such extreme importance was attached to the discovery and assumption of a national standard of long measure as the link of connexion between them all, so little consideration was given to that primitive link of connexion between them which had existed in the identity of weights and of silver coins, and of which France as well as every other nation in Europe could still perceive the ruins in her monetary system then existing. Her livre tournois, like the pound sterling, was a degeneracy, and a much greater one, from a pound weight of silver, but it had scarcely a seventieth part of its original value. It was divided into twenty sols or shillings, and the sol was of twelve deniers or pence. It had become a mere money of account; but the écu, or crown, was a silver coin of six livres, nearly equivalent to an ounce in weight, and there were half-crowns, and other subdivisions of it, being coins of one-fourth, one-fifth, one-eighth, and one-tenth of the crown. There were also coins of gold, of copper, and of mixed metal, called *billon*, in the ordinary circulations of exchange. Shortly after the adoption of the provisional or temporary metre and kilogramme, a law of 16 Vendemiaire, 2, (7th October, 1793,) prescribed that the principal unit, both of gold and of silver coins, should be of the weight of ten *grammes*. The proportional value of gold to silver was retained as it had long before been established in France, at 15½ for 1; the alloy of both coins was fixed at one-tenth, and the silver franc of that coinage would have been worth about thirty-eight cents, and the gold franc a little short of six dollars. This law was never carried into execution; it was superseded by one of 15th August, 1794, (28 Thermidor, 3,) which reduced the silver franc to five grammes; and it was

not until after a law of 7 Germinal, 11, (28th March, 1803,) that gold pieces of twenty and forty francs were coined at 155 of the former to the kilogramme.

In the new system, the name of *livre*, or pound, as applied to money or coins, was discarded; but the *franc* was made the unit both of coins and moneys of account. The franc was a name which had before been in common use as a synonymous denomination of the *livre*. The new franc was of intrinsic value $\frac{1}{80}$ more than the livre. The franc is decimally divided into *decimes* of $\frac{1}{10}$, centimes of $\frac{1}{100}$, and millimes of $\frac{1}{1000}$ of the unit; but the smallest copper coin in common use is of 5 centimes, equivalent to about one of our cents. The silver coins are of $\frac{1}{4}$, $\frac{1}{2}$, 1, and 2 francs, and of 5 francs; the gold pieces, of 20 and 40 francs. The proportional value of copper to silver is of 1 to 40, and that of billon to silver of 1 to 4; so that the kilogramme should weigh 5 francs of copper coin, 50 of the billon, 200 of the silver, and 3,100 of the gold coins; and the decime of billon should weigh precisely two grammes. The allowances, known by the name of remedy for errors in the weight and purity of the coins, are of $\frac{2}{100}$ upon copper, which is only for excess: those upon the weight of billon are of $\frac{14}{1000}$; upon silver $\frac{20}{1000}$ for $\frac{1}{4}$ francs, $\frac{14}{1000}$ for $\frac{1}{2}$ francs, and of $\frac{10}{1000}$ or 1 per cent. on 1 and 2 franc pieces, and of $\frac{6}{1000}$ for 5 franc pieces. That of the gold coins is of $\frac{4}{1000}$; all, excepting the copper, allowances either for excess or deficiency. But the practice of the mint never transgresses in excess; and the deficiency is always nearly the whole allowed by law. The remedy of alloy is of $\frac{7}{1000}$, either of excess or defect, for billon; of $\frac{3}{1000}$ for silver; and of $\frac{2}{1000}$ for gold. It is said that the actual purity of the coins, both of gold and of silver, is within $\frac{1}{1000}$ less than the standard.

The conveniences of this system are:

First. The establishment of the same proportion of alloy to both gold and silver coins, and that proportion decimal.

Secondly. The established proportions of value between gold, silver, mixed metal, and copper coins.

Thirdly. The adaptation of all the coins to the weights in such manner as to be checks upon and tests of each other. Thus the decime of billon should weigh 2 grammes, the franc of silver 5, the 2 franc piece of silver and the 5 centime piece of copper each 10, and the 5 franc piece 50. The allowances of remedy disturb partially these proportions. These are practices continued in all the European mints, after the reasons upon which they were originally founded have in a great measure ceased. In the imperfection of the art, the mixture of the metals used in coining, and the striking of the coins, could not be effected with entire accuracy. There would be some variety in the mixture of metals made at different times, though in the same intended proportions; and in different pieces of coin, though struck by the same process and from the same die. But the art of coining metals has now attained a perfection, that such allowances have become, if not altogether, in a great measure unnecessary. Our laws make none for the deficiencies of weight; and they consider every deficiency of purity as an error, for which the officers of the mint shall be *excused* only in case of its being within $\frac{1}{144}$ part, or about $\frac{7}{1000}$; for if it should exceed that, they are disqualified from holding their offices. Where the penalty is so severe, it is proper that the allowance should be large; but, as obligatory duty upon the officers of the mint, an allowance of $\frac{1}{1000}$ would be amply sufficient for each single piece, and no allowance should be made upon the average.

Among the difficulties attending all innovations upon established usages relative to weights and measures are their application to the tonnage of ships and boats, and to the form and size of casks. We have seen, in the review of the history of English weights and measures, how Henry VII.'s change of the Rochelle for the troy pound affected the barrels of herring fishers, the hogsheads of claret, and the butts of Alicante wine. The tonnage of ships, on the old established metrologies, was founded, like their weights and measures of capacity, upon a principle of combining specific gravity and occupied space. The ton of shipping was adapted both for a weight and a measure. The capacity of a ship as a measure is ascertained by its internal cubical dimensions, which, before the change of system in France, gave 42 royal cubic feet to a ton. The mode of admeasurement was, like ours, a complicated multiplication and division of length, breadth, and thickness, with given deductions and estimates, all finally divided by the standing number 94, as ours is by 95, and the quotient of which gives the number of what may be called custom-house *tons*. But the French ordinances, like our law, did not indicate by what specific measure this length, breadth, and thickness were to be taken. It was always perfectly understood here, that it is in feet and tenths of feet; and in France, that it was in royal feet and their tenths. Nothing can afford a more striking illustration of the construction which long-established usage can give to law than this admeasurement in feet and tenth parts of a foot; differing from that used in all other cases of feet and inches or twelfth parts; not expressly directed by law, and yet practised for these thirty years, probably without a question upon the meaning of the law. The attempt in France to apply it to the admeasurement by the metre, without changing the final common divisor 95, signally shows how cautiously complications of weights, measures, numbers, and coins must be dealt with. The law of the 12 Nivose, 2, (1st January, 1794,) directed those measures to be taken in the new metre and divisions, without changing the final divisor 95 to produce a number of *tons*. The consequence would have been that the cubic numbers divided by 95 would have been metres and their decimal parts, instead of feet and their decimal parts; and the quotient would have reduced the tonnage to about one-third of its proper dimensions. To have produced a quotient of a number of tons, their final divisor should have been 30 instead of 95. This mistake was precisely the same as that of the British Parliament of 1496, when, thinking to re-enact the law of 1266, they prescribed a bushel to be made from 64 gallons *troy* weight of wheat of 32 kernels to the troy pennyweight, instead of a bushel of 64 pounds sterling at 15 ounces to the pound of wheat, 32 kernels of which weighed the penny sterling of Henry III. It was the same mistake which the Greek church yearly repeats in celebrating Easter by the Julian calendar of 365 days 6 hours to the year, and the lunar cycle of 19 years. And, to come nearer home to ourselves, it was the same mistake which our own statute book discloses in estimating the British pound sterling $4 44, because 110 years ago Sir Isaac Newton found the Spanish Mexican piece of eight to be of the intrinsic value of 4 shillings and 6 pence sterling.

The burden of a ship, as a weight, is ascertained by the depth of the water that she draws. On the principles of hydrostatics, the weight of any floating object is equal to that of the mass of water displaced by it, and the weight of a ship's burden is the difference between the column of water drawn by her when in ballast and when laden. The draught of water, therefore, measured by the metre and its divisions, gives, of itself, the result in tons of 1,000 kilogrammes, by the mere multiplication of the dimensions of the vessels; the result giving cubic metres of water, each of which, saving the difference between the specific gravity of river or sea and distilled water, will of course be of 1,000 kilogrammes.

The size of casks was among the objects intended to be included in the reformed system; and regulations were adopted prescribing, first, that their dimensions should be of uniform proportions, the diameter of the two ends, that of the centre, and the length of the barrels being as eight, nine, and ten and a half to each other; and, secondly, that their contents should be in decimal or subdecimal divisions of *litres*. Tables were published prescribing the dimension in millimetres of the length and diameters of each cask, from the contents of 50 to those of 1,000 litres. But the forms and proportions of casks are different in different countries, and in different places of the same country. These differences may arise from the nature of the substance, liquid or dry, which they are to contain;

from the materials of which they are made or with which they are bound; from laws or usages long established, to which the cooper, the vintner, or brewer, the merchant, the miller, and other numerous professions dealing in articles which are packed in barrels, have accommodated themselves from time immemorial. With regard to articles of exportation, the laws of other countries also interpose by prohibiting their admission in casks of other dimensions than those which have been used; and the instruction of 2 Frimaire, 11, (23d of November, 1802,) revoked the regulation of Pluviose, 7, (January, 1799,) requiring only thenceforth, according to the proclamation of 11 Thermidor, 7, (29th of July, 1799,) that no wines or other liquors should be exposed to sale unless branded with the mark of their contents in litres; with a recommendation, however, that casks should be made as much as possible in the dimensions and proportions which had been ordained in January, 1799.

The intentions of reformation, upon the principles of uniformity and of decimal divisions, were, in the novelty of the system, extended to the mariner's compass, which it was proposed to divide into forty rhumbs of wind instead of thirty-two; to the log-line, the usual divisions of which are proportioned to the marine mile of sixty to a degree; to the sounding line, which had usually been divided by French mariners, not into their fathoms of six, but into *brasses* of five royal feet; and to the cable's length, which was of one hundred toises. Some of these were consequences of the project for dividing decimally time and the quadrant of the circle, and the others followed from the substitution of the metre for the foot and toise.

The lapidaries and dealers in precious stones throughout Europe have a weight peculiar to themselves, under the denomination of the carat, which is nearly of the weight of three grains troy, and which they divide into halves, quarters, eighths, and sixteenths. As this trade is of extremely limited extent even in Europe, it was to be considered only in the organization of a system for universal application.

It has been observed that, among the difficulties, hitherto insuperable, which have opposed the establishment in fact of this system, thus apparently established by law, the most unmanageable of all has been found to be the adoption of the nomenclature. It is curious to observe the various expedients of legislation to accommodate itself to the popular humors in this respect.

The law of the 1st of August, 1793, established all the principles of the new system, but under denominations different from those which had ever been used before, and not less different from those which have been adopted since. It directed the Academy of Sciences to compose an elementary book, containing a clear explanation of the new weights and measures, with tables of equalization, and instructions for adapting them to those which had been in use until then. A few days afterwards the Academy itself was abolished, but the duty of composing the book was assigned to a temporary commission or board of weights and measures, consisting of the same persons who had been employed as members of the Academy on the work. The book was composed and published in the year 1794; but, on the 19th of January of that year, (30 Nivose, 2,) the nomenclature had already been changed; and, on the 7th of April, 1795, (18 Germinal, 3,) a nomenclature entirely new, with the exception of three or four words, was enacted. The names ordained by this law of 7th April, 1795, are still the proper technical appellations, and have already been mentioned with their Greek and Latin prefixes of decimal multiples and subdivisions. The same law directed that weights or measures might be made of double or of half the units and their tenth part, or tenfold amounts; but that no other subdivision or multiple, such as thirds or quarters, or sixth or eighth parts, should be allowed. The law of 19 Frimaire, 8, (10th December, 1799,) declared the platina metre of 443,296 lines, and the kilogramme of 18827.15 grains, mark weight, to be the definitive standard weight and measure. On the 13 Brumaire, 9, (4th November, 1800,) the Executive Directory issued an arrête or order, authorizing, either in public writings or in habitual usage, what they called a translation into French words of the authentic nomenclature; so that the myriometre might be called a league, the kilometre a mile, the litre a pint, the kilogramme a pound, the hectogramme an ounce, the gramme a denier, and so of all the rest, excepting the *metre*, which was to have no synonymous or translated name, and the *stere* for firewood and measures of solidity. This ordinance was never executed; and the Minister of the Interior, by an order of 30 Frimaire, 14, (21st December, 1805,) directed all the subordinate administrations to use exclusively the denominations prescribed by the law of 7th April, 1795.

An imperial decree of 12th February, 1812, presents the subject under a new aspect, by ordaining:

1. That the *units* of weights and measures should remain unchanged, as established by the law of 10th December, 1799.

2. That the Minister of the Interior should cause to be made *instruments* for weight and mensuration, presenting the fractions or multiples of the said units the most commonly used in commerce, and accommodated to the wants of the people.

3. That these instruments should bear on their respective faces the comparison of the divisions and denominations established by law with those which had been formerly used.

4. That, after a term of ten years, a report should be made to the Emperor of the result of experience upon the improvements of which the system of weights and measures might be susceptible.

5. That, in the mean time, the legal system should continue to be taught in all the schools, and be exclusively used in all the public offices, and in all markets, halls, and commercial transactions.

For the execution and explanation of this decree, an ordinance was, on the 28th of March, 1812, issued by the Minister of the Interior, of the following purport:

Art. 1. Permission was granted to employ for the purpose of commerce—

1. A long measure, equal to two metres, to be called a toise, and to be divided into six feet.

2. A measure, equal to one-third of the metre, to be called a foot, to be divided into twelve thumbs, and the thumb into twelve lines.

Each of these measures shall bear on one side the corresponding divisions of the metre, that is to say: the toise, two metres, divided into decimetres, and the first decimetre into millimetres; and the foot, three decimetres and one-third, divided into centimetres and millimetres; in all, $333\frac{1}{3}$ millimetres.

Art. 2. All cloths may be measured by a stick equal in length to twelve decimetres, to be called an *ell* (aune,) which shall be divided into halves, quarters, eighths, and sixteenths, as well as into thirds, sixths, and twelfths. It shall bear on one of its sides the corresponding divisions of the metre, in centimetres only; that is to say, one hundred and twenty centimetres, numbered from 10 to 10.

Art. 4. Corn and other dry measure articles may be measured, *in sales at retail*, by a vessel equal to one-eighth of the hectolitre, which shall be called a boisseau, and shall have its double, its half, and its quarter.

Art. 5. For *retail* sales of corn, seeds, meal, and roots, green or dry, the litre may be divided into halves, quarters, and eighths.

Art. 7. For *retail* sales of wine, brandy, and other liquors, measures of one-quarter, one-eighth, and one-sixteenth of the litre may be used; each of which measures shall be called by a name signifying its proportion to the litre.

Art. 8. For retail sales of all articles which are sold by weight, the shopmen may employ the following *usual* weights:

The pound, (livre,) equal to half a kilogramme, or 500 grammes, which shall be divided into sixteen ounces.
The ounce, (once,) or sixteenth part of the pound, which shall be divided into eight gros.
The gros, or eighth part of the ounce, which shall be divided into halves, quarters, and eighths.
They shall bear, with their appropriate names, the indication of their weight in grammes, namely:

The pound, - - - - - -	500 grammes.
Half pound, - - - - - -	250
Quarteron, - - - - - -	125
Eighth or half quarter, - - - - -	62.5
Ounce, - - - - - - -	31.3
Half ounce, - - - - - -	15.6
Quarter ounce, two gros, - - - - -	7.8
Gros, - - - - - - -	3.9

And such is at this day the system of weights and measures, or rather such are the systems, existing in France in their present condition; for it cannot escape observation that this decree and explanatory ordinance engraft upon the legal system an entirely new system, founded upon different, and, in many important respects, opposite principles. So that the result hitherto of the most stupendous and systematic effort ever made by a nation to introduce uniformity in their weights and measures has been a conflict between four distinct systems:

1. That which existed before the Revolution.
2. The temporary system established by the law of 1st August, 1793.
3. The definitive system established by the law of 10th December, 1799.
4. The *usual* system, *permitted* by the decree of 12th February, 1812.

This last decree is a compromise between philosophical theory and inveterate popular habits. Retaining the principle of decimal multiplication and division for the legal system, it abandons them entirely in the weights and measures which it allows the people to use. Instead of the metre and its decimals, it gives the people a toise of six feet, an aune of three feet and one-fifth, a foot of twelve thumbs, and a thumb of twelve lines. And these measures, instead of divisions exclusively decimal, are divisible in halves, thirds, quarters, sixths, eighths, twelfths, and sixteenths. Instead of a decimated kilogramme, it gives them a pound of sixteen ounces, an ounce of eight gros, and a gros of seventy-two grains. The measures of capacity, wet and dry, have the same indulgence; and while the standard weight and measure are deposited in the national archives, the people have restored to them for use all the names and divisions of their ancient weights and measures, though not the same things; for the toise, which is twice the length of the metre, is not the old toise; the foot, which is the third part of the metre, is not the *pied de roi;* but both are longer measures. The half-kilogramme, which is a pound, is not the ancient mark weight pound; nor are the boisseau and litre those of ancient times; they are all, respectively, near approximations to them.

If the existing system and practice terminated here, it would be far from having attained the ideal perfection of uniformity; but it is believed that, for a multitude of purposes, with this double and complicated system, there is yet a very extensive remnant in use of that which prevailed before the Revolution. It appears from questions at this time in discussion between the Governments of the United States and of France, that the tonnage of the French shipping is calculated by admeasurements in cubic royal feet; and it appears hence probable that, in all the business of shipbuilding, and in practical navigation, those measures are still used. Without positive knowledge of the fact, the analogy of all experience warrants the conjecture that, in every part of France remote from the capital, not only the use of the old legal system, but of the local weights and measures which prevailed in the various cities and districts of the country, is far from being eradicated.

The changes which have forced themselves upon the new system, under the attempt to reduce it to practice, should serve as admonitions to correct the errors of theory, but not operate as discouragement to the pursuit of the principal object—*uniformity.* The French metrology, in the ardent and exclusive search for a universal standard from nature, seems to have viewed the subject too much with reference to the nature of things, and not enough to the nature of man. Its authors do not appear to have considered, in all the bearings of the system, the proportions dictated by nature between the physical organization of man and the *unit* of his weights and measures. The standard taken from the admeasurement of the earth had no reference to the admeasurement and powers of the human body. The metre is a rod of forty inches; and, by applying to it exclusively the principle of decimal divisions, no measure corresponding to the ancient *foot* was provided. A unit of that denomination, though of slightly varied differences of length, was in universal use among all civilized nations; and the want of it is founded in the dimensions of the human body. Perhaps for half the occasions which arise in the life of every individual for the use of a linear measure, the instrument, to suit his purposes, must be portable, and fit to be carried in his pocket. Neither the metre, the half-metre, nor the decimetre, is suited to that purpose. The half-metre corresponds, indeed, with the ancient cubit; but perhaps one of the causes which have everywhere, since the time of the Greeks, substituted the foot in the place of the cubit, has been the superior convenience of the shorter measure. Besides which, the cubit being the unit, the half-cubit might serve the purposes of the foot; but the metre, divisible only by 2 and by 10, gave no measure practically corresponding with the foot whatever. It appears also not to have been considered that decimal arithmetic, although affording great facilities for the computation of numbers, is not equally well suited for the divisions of material substances. A glance of the eye is sufficient to divide material substances into successive halves, fourths, eighths, and sixteenths. A slight attention will give thirds, sixths, and twelfths; but divisions of fifth and tenth parts are among the most difficult that can be performed without the aid of calculation. Among all its conveniences, the decimal division has the great disadvantage of being itself divisible only by the numbers 2 and 5. The duodecimal division, divisible by 2, 3, 4, and 6, would offer so many advantages over it, that, while the French theory was in contemplation, the question was discussed whether the reformation of weights and measures should not be extended to the system of arithmetic itself, and whether the number 12 should not be substituted for 10, as the term of the periodical return to the unit. Since the establishment of the French system, this idea has been reproduced by philosophical critics as an objection against it; and Delambre, in the third volume of the Base du Système Métrique, p. 302, has considered it, and assigned the reasons for which it had been rejected. He admits to the full extent the advantages of a duodecimal over a decimal arithmetic, but alleges the difficulty of effecting the reformation as the decisive reason against attempting it.

The review of the proceedings in Great Britain and France, relating to the uniformity of weights and measures, presents the general subject under two very different aspects, from the combination of which, it is believed, useful practical results may be derived. Considered as a whole, the established weights and measures of England are but the ruins of a system, the decays of which have been often repaired with materials adapted neither to the proportions nor to the principles of the original construction. The metrology of France is a new and complicated machine, formed upon principles of mathematical precision, the adaptation of which to the uses for which it was devised is yet problematical, and abiding, with questionable success, the test of experiment.

The standard of nature of the English system is the length of the human foot divided by the barleycorn. That of the French system is an aliquot part of the circumference of the earth decimally divided.

The material positive standard of the English system is an iron three foot rod in the British exchequer. That of France is a platina metre in the national archives.

To the English system belong two different units of weight, and two corresponding measures of capacity, the natural standard of which is the difference between the specific gravities of wheat and wine. To the French system there is only one unit of weight and one measure of capacity, the natural standard of which is the specific gravity of water.

The French system has the advantage of unity in the weight and the measure, but has no common test of both. Its measure gives the weight only of water. The English system has the inconvenience of two weights and two measures; but each measure is at the same time a weight. Thus, the gallon of wheat and the gallon of wine, though of different dimensions, balance each other as weights. A gallon of wheat and a gallon of wine, each, weigh eight pounds avoirdupois. This observation applies, however, only to the original principle of the English system, and not altogether to its present condition. The difference between the specific gravity of wheat and wine is still the difference between the troy and avoirdupois weights, but not between the wine and corn gallons. A third vessel of capacity, for which neither the necessity nor the use is perceived, has usurped the place of the corn gallon; and it has been shown how it was introduced. The acts of Parliament prescribing the dimensions of the bushel and of the wine gallon in cubic inches have assumed them from existing standards or erroneous calculations; and the proportions between the measures of corn and of wine, which belonged originally to the system, are now transferred to those of wine and beer, for which if the reason was that beer being a home made liquor and wine a foreign production, beer a comfort of the poor, and wine a luxury of the rich, the former ought to be dealt out in larger portions, and more lightly touched with taxation; it proceeded from the best motives of political morality, but which might have been as well accomplished by reducing the tax as by enlarging the measure. As vessels of capacity for fluids, there can be no useful reason for different measure, except the proportion of specific gravities.

In the English system, the smaller of the two weights was originally also identical with the coin; a pound of weight was a pound sterling in silver money. But this property it has irrecoverably lost.

In the French system, the weight is not a coin, but the metallic coins are weights. Gold, silver, mixed metal, and copper are all coined in proportions of weight and relative value prescribed by law.

In our monetary system, we have discarded the last trace of identity between weights and coins, by ceasing to apply to money the name of pound or penny. Our coins are of prescribed weight and purity, but in no convenient or uniform proportions to each other.

In the English system, the two weights are standards of verification to each other; the two pounds being in the proportion to each other of 144 to 175, and the pound avoirdupois being of 7,000 grains troy. For quantities amounting to one-fourth of a hundred pounds, or more, the English avoirdupois weight requires an accession of 12 per cent.; 28 pounds pass for 25, 56 for 50, and 112 for 100. The original motive for this must have been the convenience of dividing the hundred into halves, quarters, eighths, and sixteenths, without making fractions of a pound. The true hundred can thus be divided into no whole number less than a quarter, or 25.

In the English system, the standard linear measure is connected with the weights by the specific gravity of spring water, of which a measure of one cubic foot contains 1,000 ounces avoirdupois.

In the French system, the standard linear measure is connected with the weight and the measure of capacity, by the specific gravity of distilled water at its greatest density; one cubic decimetre of such water being the weight of the kilogramme, and filling the measure of the litre.

In the English system, every weight and every measure is divided by different and seemingly arbitrary numbers; the foot into twelve inches; the inch, by law, into three barleycorns; in practice, sometimes into halves, quarters, and eighths, sometimes into decimal parts, and sometimes into twelve lines; the pound avoirdupois into sixteen ounces, and the pound troy into twelve: so that while the pound avoirdupois is heavier, its ounce is lighter than those of the troy weight. The ton, in the English system, is both a weight and a measure. As a measure, it is divided into four quarters, the quarter into eight bushels, the bushel into four pecks, &c. As a weight, it is divided into twenty hundreds, of 112 pounds, or 2,240 pounds avoirdupois. The gallon is divided into four quarts, the quart into two pints, and the pint into four gills.

In the French system, decimal divisions were prescribed by law exclusively. The binary division was allowed, as being compatible with it: but all others were rigorously excluded; no thirds, no fourths, no sixths, no eighths, or twelfths. But this part of the system has been abandoned, and the people are now allowed all the ancient varieties of multiplication and division, which are still further complicated by the decimal proportions of the law.

The nomenclature of the English system is full of confusion and absurdity, chiefly arising from the use of the same names to signify different things: the term *pound* to signify two different weights, a money of account, and a coin; the gallon and quart to signify three different measures; and other improper denominations constantly opening avenues to fraud.

The French nomenclature possesses uniformity in perfection, every word expressing the unit weight or measure which it represents, or the particular multiple or division of it. No two words express the same thing; no two things are signified by the same word.

If, with a view to fixing the standard of weights and measures for the United States, upon the principles of the most extensive uniformity, the question before Congress should be upon the alternative either to adhere to the system which we possess, or to adopt that of France in its stead, the first position which occurs as unquestionable is—that change, being itself diversity, and therefore the opposite of uniformity, cannot be a means of obtaining it, unless some great and transcendent superiority should demonstrably belong to the new system to be adopted over the old one to be relinquished.

In what, then, does the superiority of the French system, in all its novelty and freshness, over that of England, in all its decays, theoretically consist?

1. In an invariable standard of linear measure, taken from nature, and being an aliquot decimal portion of the quarter of the meridian.

2. In having a single unit of all weights, and a single unit of measures of capacity for all substances, liquid or dry.

3. In the universal application of the decimal arithmetic to the multiples and divisions of all weights and measures.

4. In the convenient proportions by which the coins and moneys of account are adjusted to each other and to the weights.

5. In the uniformity, precision, and significancy of the nomenclature.

1. If the project of reforming weights and measures had extended, as was proposed by the French system, to the operations of astronomy, geography, and navigation; if the quadrant of the circle and of the sphere had been

divided into one hundred degrees, each of one hundred thousand metres, the assumption of that measure would have been an advantage much more important than it is, or can be, in the present condition of the system. Whether it would have compensated for disturbing that uniformity which exists, and which has invariably existed, of the division into ninety degrees, with sexagesimal subdivisions of minutes and seconds, is merely matter of speculation; at least, it has been found impracticable, even in France, to carry it into effect; and, without it, the metre, as the natural standard of the system, has no sensible advantage over the foot. To a perfect system of uniformity for all weights and measures, an aliquot part of the circumference of the earth is not only a better natural standard unit than the pendulum or the foot, but it is the only one that could be assumed. Every voyage round the earth is an actual mensuration of its circumference. All navigation is admeasurement: and no perfect theory of weights and measures could be devised, combining in it the principle of decimal computation, of which any other natural standard whatever could accomplish the purpose. Its advantages over the pendulum are palpable. The pendulum bears no proportion to the circumference of the earth, and cannot serve as a standard unit for measuring it. Yet a system of weights and measures, which excludes all geography, astronomy, and navigation from its consideration, must be essentially defective in the principle of uniformity.

But if the metre and its decimal divisions are not to be applied to those operations of man for which it is most especially adapted; if those who circumnavigate the globe, in fact, are to make no use of it, and to have no concern in its proportions; if their measures are still to be the nonagesimal degree, the marine league, the toise, and the foot, it is surely of little consequence to the farmer who needs a measure for his corn, to the mechanic who builds a house, or to the townsman who buys a pound of meat or a bottle of wine, to know that the weight or the measure which he employs was standarded by the circumference of the globe. For all the uses of weights and measures, in their ordinary application to agriculture, traffic, and the mechanic arts, it is perfectly immaterial what the natural standard to which they are referrible was. The foot of Hercules, the arm of Henry I., and the barleycorn, are as sufficient for the purpose as the pendulum, or the quadrant of the meridian. The important question to them is, the correspondence of their weight or measure with the positive standard. With the standard of nature, from which it is taken, they have no concern, unless they can recur to it as a test of verification. However imperfect for this end the human foot, or the kernel of wheat or barley, may be, they are at least easily accessible. It is a great and important defect of the systems which assume the meridian or the pendulum for their natural standard, that they never can be recurred to without scientific operations.

This is one great advantage which a natural standard, taken from the dimensions and proportions of the human body, has over all others. We are, perhaps, not aware how often every individual, whose concerns in life require the constant use of long measures, makes his own person his natural standard, nor how habitually he recurs to it. But the habits of every individual inure him to the comparison of the definite portion of his person, with the existing standard measures to which he is accustomed. There are few English men or women but could give a yard, foot, or inch measure, from their own arms, hands, or fingers, with great accuracy; but they could not give the metre or decimetre, although they should know their dimensions as well as those of the yard and foot. When the Russian general Suwarrow, in his Discourses under the Trigger, said to his troops "a soldier's step is an arsheen," he gave every man in the Russian army the natural standard of the long measure of his country. No Russian soldier could ever afterwards be at a loss for an arsheen. But, although it is precisely twenty-eight English inches, being otherwise divided, a Russian soldier would not, without calculation, be able to tell the length of an English yard or inch.

Should the metre be substituted as the standard of our weights and measures, instead of the foot and inch, the natural standard which every man carries with him in his own person would be taken away; and the inconvenience of the want of it would be so sensibly felt, that it would be as soon as possible adapted to the new measures: every man would find the proportions in his own body corresponding to the metre, decimetre, and centimetre, and habituate himself to them as well as he could. If this conjecture be correct, is it not a reason for adhering to that system which was founded upon those proportions, rather than resort to another, which, after all, will bring us back to the standard of nature in ourselves?

2. The advantage of having a single unit of all weights and a single unit of measures of capacity is so fascinating to a superficial view, that it would almost seem presumption to raise a question whether it be so great as at first sight it appears. The relative value of all the articles which are bought and sold by measures of capacity is a complicated estimate of their specific gravity and of the space which they occupy. If both these properties are ascertained by one instrument for any one article, it cannot be applied with the same effect to another. Thus the litre, in the French system, is a measure for all grains and all liquids; but its capacity gives a weight only for distilled water. As a measure of corn, of wine, or of oil, it gives the space which they occupy, but not their weight. Now, as the weight of those articles is quite as important in the estimate of their quantities as the space which they fill, a system which has two standard units for measures of capacity, but of which each measure gives the same weight of the respective articles, is quite as uniform as that which of any given article requires two instruments to show its quantity—one to measure the space it fills, and another for its weight. It has been observed that nature, in the relations which she has established between man and the earth upon which he dwells, and in providing for the wants resulting to him from these relations, offers him in his own person two natural standards even of linear measure—one for the range of his own movements upon the earth, and the other for articles loosened from the earth, and which are adapted to the immediate wants of his person. He finds by experience that these may with increased convenience be reduced to one. It is not exactly so with weights or measures of capacity. From the moment when man becomes a tiller of the ground, and civil society is organized; from the moment when the mutual exchange between the wants of one and the superfluities of another commences, measures of capacity and weights are necessary to the operation. The use of metals, as common standards of value, is of later origin, and, when first applied to that purpose, they are always delivered by weight. The first and most important article of traffic is corn, the first necessary of life; wine and oil successively come next; milk and honey follow. For all these, weights and measures of capacity are indispensable. When the metals are first used as common instruments of exchange, the proportions of their qualities are estimated by their weight. But that weight could not be ascertained by itself. The metal being in one scale, there must be something else to balance it in the other; and that other substance, first of all, would, whenever it should have come into use for food, be corn. It might next be wine. But thus compared, it would immediately be seen that the vessel containing of wine a counterpoise to the given metallic weight, would not contain a counterpoise of wheat to the same weight: and what could more naturally suggest itself than the device to bring to the scales the wheat in a measure to balance the weight, and the wine in a measure to produce the same effect? The metallic weight would then become the common standard for both, but would neither be the same weight by which its own gravity had been ascertained, nor a substitute for it. Thus, the operation of weighing implies in its nature the use of two articles, each of which is the standard testing the gravity of the other. And in the difference between the specific gravities of corn and wine, nature has also dictated two standard measures of capacity, each of them equiponderant to the same weight.

This diversity existing in nature, the troy and avoirdupois weights, and the corn and wine measures of the English system, are founded upon it. In England it has existed as long as any recorded existence of man upon the island. But the system did not originate there; neither was Charlemagne the author of it. The weights and measures of Rome and of Greece were founded upon it. The Romans had the *mina* and the *libra*, the nummulary pound of 12 ounces, and the commercial pound of 16. And the Greeks, as well as the Romans, had a weight for small and precious, and a weight for bulky and cheap commodities. The Greeks denominated them by significant terms—*the weight for measure*, and *the weight for money*. Whether the ounce, of which these pounds were composed, was the same, is a subject of much controversy, but of little importance to decide. At the period of the lower empire, these two weights were known by the name of the *eastern* and *western* pound. And the denomination of the former was the same in England: it was the *easterling* pound, and the origin of the term *sterling* in the English language: it was the pound of the eastern nations, by which Europe was overrun in the decline of the Roman empire. The avoirdupois pound had the same origin; for it came through the Romans from the Greeks, and through them, in all probability, from Egypt. Of this there is internal evidence in the weights themselves, and in the remarkable coincidence between the cubic foot and the thousand ounces avoirdupois, and between the ounce avoirdupois and the Jewish silver shekel. The Greek foot was, within a fraction of less than the hundredth part of an inch, the same with that of England. The ounce avoirdupois is the same with the Roman and Attic ounce, and the exact double of the Jewish shekel. The Silian plebiscitum, or ordinance of the Roman people of the year 509, two hundred and fifty years before the Christian era, declares that a quadrantal of wine shall be 80 pounds, a congius of wine 10 pounds; that 6 sextarii make a congius of wine, 48 sextarii a quadrantal of wine; that the sextarius of liquid and dry measures should be the same; and that 16 pounds make the modius. The congius was the Roman gallon, and the modius the Roman peck. The quadrantal was the same as the amphora, and was formed from the cubic foot of water, so that eighty pounds of wine were equal to a cubic foot of water.

The same combinations are traced with equal certainty to the Greeks and Egyptians; and, if the shekel of Abraham was the same as that of his descendants, the avoirdupois ounce may, like the cubit, have originated before the flood.

This diversity is therefore founded in the nature of things, and may be stated by the following rule: that, whatever is sold *by* weight, in *measure*, must have a measure for itself which will serve for no other article of different specific gravity; and as wheat and wine are both articles of that description, as their specific gravities are very materially different, although they are very suituable to be weighed by the same weight, they yet require different measures to place them in equipoise with that weight. The difference of specific gravity between the vinous and watery fluids is so slight, that neither in the Greek, the Roman, nor the English system was there any account taken of it. But, with regard to oil, it appears that the Greeks had a separate measure adapted to its specific gravity, which they considered as being in proportion to that of wine or water as 9 to 10.

Notwithstanding, therefore, the first appearance of superior uniformity and simplicity presented by the single unit of weights and single measures of capacity in the new system of France, it appears to be more conformable to the order of nature, and more subservient to the purposes of man, that there should be two scales of weight and two measures of capacity, graduated upon the respective specific gravities of wheat and wine, than with a single weight and a single measure, to be destitute of any indication of weight in the measure.

This conclusion has been confirmed by a very striking fact which has occurred in France under the new system. By an ordinance of police, approved on the 6th of December, 1808, by the Minister of the Interior, it is prescribed that the sale of oil in Paris by retail shall be *by* weight, in measures containing five hectogrammes, one double hectogramme, one hectogramme, &c. And these measures, being cylinders of tin, are stamped with initial letters, indicating that one is for sweet oil and the other for lamp oil. So that here are two new measures of capacity altogether incongruous to the new system, each differing in cubic dimensions from the other, though to measure the single article of oil, and both differing from the litre. They attach themselves, indeed, to the new system by *weight*, but abandon entirely its pretensions to unity of measure, and fall at once into the principle of the old system of adapting the measure to the weight.

By the usages of modern times, the weight of wine is of little or no consideration. Its first admeasurement is in casks of different dimensions in different places, and which cannot be made uniform unless by a system of metrology common to many nations. It is sold wholesale by the cask or hogshead, the contents of which are ascertained by mechanical gauging instruments adapted to the smaller measures of capacity of the country where it is to be consumed. These instruments give the solid contents of the vessel, and the number of the standard measures of the country which it contains. The gauging rods used in England and the United States give the contents in cubic inches and wine gallons. As a test of the quantity of wine contained in the cask, this mode of admeasurement is less certain and effectual than weight, especially if the cask is not full; but being more convenient and easy of application, and specially adapted to the legal measure of the gallon in cubic inches, it has superseded altogether the use of weights as proofs of the quantity of wine. By retail, the article is sold either in the gallon measures fixed by law at 231 cubic inches, or in bottles of no definite measure, but containing an approximation to a quart or pint.

Our system of weights and measures, by the substitution of the wine gallon of 231 for that of 224 cubic inches, has lost the advantage which it originally possessed of testing the accuracy of a wine measure by its weight. The average specific gravity of wine is of 250 grains troy weight to a cubic inch; four inches, therefore, make 1,000 grains, and twenty-eight inches a pint, weighing one pound avoirdupois. These coincidences would be of great utility and convenience, and would be rendered still more so by another, which is, that this number of 224 inches is the exact decimal part of 2,240, the number of pounds avoirdupois that go to a ton. As it now exists, therefore, the measure of the gallon of wine does not show its weight; and the unity of the measure of capacity in the French system is an advantage not compensated by any benefit derived from the different dimensions of our corn and wine gallons.

Our country is not as yet a land of vineyards. We have no "flowery dales of Sibma, clad with vines." Wine is an article of importation; an article of luxury, in a great measure confined to the consumption of the rich. Its distribution in measure, and the exactness of the measure by which it is distributed, is not an incident which every day comes home to the interests and necessities of every individual. We have less reason for regretting, therefore, the loss of a measure which would prove its integrity by its weight; and more reason for preferring the uniformity of singleness in the French system of capacious measures to the uniformity of proportion which belonged originally to the English. That proportion itself we have lost by the establishment of a wine gallon of 231, and a corn bushel of 2,150 cubic inches; and although it exists in the troy and avoirdupois weights, and in the wine and beer gallons, it exists to none of the useful purposes for which it was originally intended, and to which in former days it was turned.

The consumption of wine in modern times is exceedingly diminished, not only by the substitution of beer and of spirits distilled from grain in the countries where the vine is not cultivated, but by the use, now become univer-

sal, of decoctions from aromatic herbs and berries. Tea and coffee were potations unknown to the European world until within these two centuries; and they have probably diminished by one-half the consumption of wine throughout the world.

The measures by which solid and liquid substances are sold, are not, and cannot conveniently be, the same. The form and the substance of the vessels in which they are kept are altogether different. Grain is usually kept in bags, until ground into meal. Liquids, in large quantities, are kept in wooden vessels of peculiar construction, founded upon the properties of fluids and the laws of hydrostatics; in small quantities they are kept in vessels of glass, adapted by their form to the facility of pouring them off without loss. Such vessels are utterly unsuitable for containing grain, or any other solid substance. The forms, both of casks and of bottles, are among the most difficult forms into which cubical extension can be moulded for ascertaining quantity by linear measure. They not only contain the problem, hitherto unsolvible to man, of squaring the circle, but some of the most recondite mysteries of the conic sections. They are neither cylinders, nor ellipses, nor cones, nor spheres, but a combination of all these forms. Grain may be measured by a cylindrical or a cubical vessel, at pleasure. The cylindrical form is best adapted to convenience; and, by the known proportion of the diameter to the circle, its solid contents in linear measure may be ascertained with sufficient accuracy and little difficulty. Grain cannot be kept in vessels with large bodies, long necks, and narrow mouths. Liquids can be well kept for preservation in no other. Grain is a swiftly perishable substance, which must generally be consumed within a year from its growth; wines and spirituous liquors, in general, may be kept many years, and the vessels in which they are kept must be of forms and substances calculated to guard against loss by evaporation, fermentation, or transudation. So different, indeed, are all the properties of grain and of all liquids, that, instead of requiring the same measure to indicate their qualities, the call of nature is for different vessels, of different substances, and in different forms. The most certain and convenient test for the accuracy of dry measures is linear measure; that of liquids is *weight*. The sextarius of the Roman system, and the litre of the French, were measures common both to wet and dry substances; but, in applying it, the Romans formed a liquid measure of ten pounds *weight*, and a dry measure of sixteen. The French litre combines both the tests of linear measure and of weight for the single article of distilled water, at a certain temperature of the atmosphere; but it is not the test of weight for any thing else. The hectolitre of wine or of corn is no indication of the weight of either. The sale of wheat, from the nature of the article, must usually be in large quantity, seldom less than a bushel. The unit of the measure declared in Magna Charta is the quarter of a ton, or eight bushels. Wine is an article the sale of which is as frequent in retail as by wholesale. The accuracy of its admeasurement in small quantities is important. In this respect it has an analogy to the precious metals. In fine, the purchase and sale of liquid and dry substances is, by the constitution of human society, not at the same times or places, nor by the same persons. Their difference in the origin is that of the vineyard and the cornfield. They pass thence, respectively, to the wine press and the flour mill; thence to the vintner and the flour merchant, in vessels already adapted to their respective conditions; the corn having undergone a transformation requiring a different measure from that of wheat. Trace them through all their meanderings in the circulation of civil society, till they come to their common ultimate use for the subsistence of man: it will never be found that the same measures are necessary for, or suitable to them. The wheat comes in the shape of meal or of bread, to be measured by weight; and the liquors in casks or bottles, and still in the form given to them by distillation. The distiller and the brewer, who manufacture the liquid from the grain, have occasion for both measures; but the articles come to them in one form, and go from them in the other; nor is there any apparent necessity that they should receive and issue them by the same measure.

There are conveniences in the intercourse of society connected with the use of smaller and more minutely perfect weights and measures of capacity for sales of articles by retail than by wholesale, and for articles of great price, though of small bulk. Thus, drugs, as articles of commerce, and in gross, are sold by the avoirdupois or commercial pound; used as medicines, in minute quantities, and compounded by the apothecary, they are sold by the smaller or nummulary weight. The laws of Pennsylvania authorize innkeepers to sell beer, *within the house*, by the wine measure; but, for that which they send out of the house, require them to use the beer gallon or quart. In both these cases the difference of the measure forms part of the compensation for the labor and skill of the apothecary, and part of the profits necessary to support the establishment of the publican. There is, finally, an important advantage in the establishment of two units of weights and of measures of capacity, by the possession in each of a standard for the verification of the other. It serves as a guard against the loss or destruction of the positive standard of either. The troy and avoirdupois pounds are to each other as 5,760 to 7,000. Should either of these standard pounds be lost, the other would supply the means of restoring it. The same thing might be effected by the measures of beer and of wine. The French system has designated the pendulum as such a standard for the verification of the metre. The English system gives, in each weight and measure, a standard for the other.

The result of these reflections is, that the uniformity of nature for ascertaining the quantities of all substances, both by gravity and by occupied space, is a uniformity of proportion, and not of identity; that, instead of one weight and one measure, it requires two units of each, *proportioned* to each other; and that the original English system of metrology, possessing two such weights and two such measures, is better adapted to the only uniformity applicable to the subject recognised by nature than the new French system, which, possessing only one weight and one measure of capacity, identifies weight and measure only for the single article of distilled water; the English uniformity being relative to the *things* weighed and measured, and the French only to the instruments used for weight and mensuration.

3. The advantages of the English system might, however, be with ease adapted to that of France, but for the exclusive application in the latter of the decimal arithmetic to all its multiples and subdivisions. The decimal numbers applied to the French weights and measures form one of its highest theoretic excellencies. It has, however, been proved, by the most decisive experience in France, that they are not adequate to the wants of man in society; and, for all the purposes of retail trade, they have been formally abandoned. The convenience of decimal arithmetic is, in its nature, merely a convenience of calculation. It belongs essentially to the keeping of accounts, but is merely an incident to the transactions of trade. It is applied, therefore, with unquestionable advantage to moneys of account, as we have done; yet, even in our application of it to the *coins*, we have not only found it inadequate, but, in some respects, inconvenient. The divisions of the Spanish dollar, as a coin, are not only into tenths, but into halves, quarters, fifths, eighths, sixteenths, and twentieths. We have the halves, quarters, and twentieths, and might have the fifths; but the eighth makes a fraction of the cent, and the sixteenth even a fraction of a mill. These eighths and sixteenths form a very considerable proportion of our metallic currency; and, although the eighth, dividing the cent only into halves, adapts itself without inconvenience to the system, the fraction of the sixteenth is not so tractable; and, in its circulation as small change, it passes for six cents, though its value is six and a quarter, and there is a loss by its circulation of four per cent. between the buyer and the seller. For all the transactions of retail trade, the eighth and sixteenth of a dollar are among the most useful and convenient of our coins; and, although we have never coined them ourselves, we should have felt the want of them if they had not been supplied to us from the coinage of Spain.

This illustration, from our own experience of the modification with which decimal arithmetic is adaptable even to money, its most intimate and congenial natural relative, will disclose to our view the causes which limit the exclusive application of decimal arithmetic to *numbers*, and admit only a partial and qualified application of them to weight or measure.

It has already been remarked that the only apparent advantage of substituting an aliquot part of the circumference of the earth, instead of a definite portion of the human body, for the natural unit of linear measure, is, that it forms a basis for a system embracing *all* the objects of human mensuration; and that its usefulness depends upon its application to geography and astronomy, and particularly to the division of the quadrant of the meridian into centesimal degrees. In the novelty of the system, this was attempted in France, as well as the decimal divisions of time, and of the rhumbs of the wind. A French navigator, suffering practically under the attempt thus to navigate decimally the ocean, recommended to the National Assembly to decree that the earth should perform four hundred revolutions in a year. The application of decimal divisions to time, the circle, and the sphere, is abandoned even in France; and, for all the ordinary purposes of mensuration excepting itinerary measure, the metre is too long for a standard unit of nature. It was a unit most especially inconvenient as a substitute for the foot—a measure to which, with trifling variations of length, all the European nations and their descendants were accustomed. The foot rule has a property very important to all the mechanical professions which have constant occasion for its use—it is light, and easily portable about the person. The metre, very suitable for a staff, or for measuring any portion of the earth, has not the property of being portable about the person; and for all the professions concerned in ship or house building, and for all who have occasion to use mathematical instruments, it is quite unsuitable. It serves perfectly well as a substitute for the yard or ell, the fathom or perch, but not for the *foot*. This inconvenience, great in itself, is made irreparable when combined with the exclusive principle of decimal divisions. The union of the metre and of decimal arithmetic rejected all compromise with the foot. There was no legitimate extension of matter intermediate between the ell and the palm, between forty inches and four. This decimal despotism was found too arbitrary for endurance. Not only the foot, but its duodecimal divisions, were found to be no arbitrary or capricious institutions, but founded in the nature of the relations between man and things. The duodecimal division gives equal aliquot parts of the unit of two, three, four, and six. By giving the third and the fourth, it indirectly gives the eighth and sixteenth, and gives facility for ascertaining the ninth, or third of the third. Decimal division, in giving the half, does not even give the quarter but by multiplication of the subdivisions. It is incommensurable with the *third*, which unfortunately happened to be the foot, the universal standard unit of the old metrology. The choice of the kilogramme, or cubical decimetre, of distilled water as the single standard unit of weights, with the application to it of the decimal divisions, was followed by similar inconveniences. The pound weight should be a specific gravity, easily portable about the person, not only for the convenience of using it as an instrument, but as the measure of quantities to be carried. To the common mass of people, the use of weights is in the market or the shop. The article weighed is to be carried home. It is an article of food for the daily subsistence of the individual or his family. As he has not the means of purchasing it in large quantities, it must often be sold in quantities represented by the pound weight, which, like the foot rule, with various modifications, is universally used throughout the European world. Subdivisions of that weight, the half and the quarter of a pound, are often necessary to conciliate the wants and the means of the neediest portion of the people—that portion to whom the *justice* of weight and measure is a necessary of life, and to whom it is one of the most sacred duties of the legislator to secure that justice, so far as it can be secured by the operation of human institutions. The half of the kilogramme was nearly equivalent to the ancient Paris pound; but there was in the new system no half or quarter of a pound, because there was no quarter or eighth of a kilogramme. There was no intermediate weight between the pound or half-kilogramme and the hectogramme, which was a fifth part of a pound.

The *litre*, or unit of measures of capacity in the new system, had one great advantage over the linear and weight units, by its near equivalence to the old Paris pint, of which it was to take the place; but, on the other hand, decimal divisions are still more inapplicable to measures of capacity for liquids than to linear measures or weights. The substance in nature best suited for a retail measure of liquids is tin, and the best form in which the measure can be moulded is a slight approach from the cylinder to the cone. Our quart and gallon wine and beer measures are accordingly of that form, as are all the most ordinary vessels used for drinking. In the new French system, the form of all the measures of capacity is cylindrical, and the litre is a measure the diameter of which is half its depth; it is, therefore, easily divisible into halves, quarters, and eighths; for it needs only thus to divide the depth, retaining the same diameter; but all conveniences of proportion are lost by taking one-tenth of the depth and retaining the same diameter; and if the diameter be reduced, there is no means other than complicated calculation, squarings of the circle, and extractions of cube roots, that will give one liquid measure which shall be the tenth part of another.

In the promiscuous use of the old weights and measures and the new, which was unavoidable in the transition from the one to the other, the approximation to each other of the quarter and the fifth parts of the unit became a frequent source of the most pernicious frauds—frauds upon the scanty pittance of the poor. The small dealers in groceries and liquors, and marketmen, gave the people the fifth of a kilogramme for a half-pound, and the fifth of the litre for a half-setier. The most easy and natural divisions of liquids are in continual halvings; and the Paris pint was thus divided into halves, quarters, eighths, sixteenths, and thirty-second parts, by the names of chopines, half-setiers, possons, half-possons, and roquilles. The half-setier (just equivalent to our half-pint) was the measure in most common use for supplying the daily necessities of the poor, and thus the decimal divisions of the law became snares to the honesty of the seller, and cheats upon the wants of the buyer.

Thus, then, it has been proved, by the test of experience, that the principle of decimal divisions can be applied only with many qualifications to any general system of metrology; that its natural application is only to numbers; and that time, space, gravity, and extension inflexibly reject its sway. The new metrology of France, after trying it, in its most universal theoretical application, has been compelled to renounce it for all the measures of astronomy, geography, navigation, time, the circle, and the sphere; to modify it even for superficial and cubical linear measure; and to compound with vulgar fractions in the most ordinary and daily uses of all its weights and all its measures. It has restored the foot, the pound, and the pint, with all their old subdivisions, though not exactly with their old dimensions. The foot, with its duodecimal divisions into thumbs and lines, returns in the form the most irreconcilable possible with the decimals of the metre; for it comes in the proportion of 3 to 10, and consists of $333\frac{1}{3}$ millimetres. This indulgence to linear measure is without qualification, and may be used in all commerce, whether of wholesale or retail. The restoration of the pound, the boisseau,* and the pint, is limited to

* One of the most abundant sources of error and confusion in relation to weights and measures arises from mistranslation of those of one country into the language of another. Thus, to call the *pinte* of Paris a pint, is to give an incorrect idea of its contents. The Paris pinte corresponded with our wine quart, containing 46.95 French, or 58.08 English cubic inches. To call the boisseau a *bushel*, is a still greater incongruity between the word and the idea connected with it. The *boisseau* contained 655 French cubic inches, and was less than $1\frac{1}{2}$ peck English. The minot, or three boisseaus, was the measure corresponding with the English bushel.

retail trade. The fractions of the pound are as averse to decimal combinations as those of the foot. The eighth of a pound, for instance, is 625 decigrammes, each of about $1\frac{1}{2}$ grain troy weight. The half of this eighth is an *ounce*, to form which, decimally, requires a recourse to another fractional stage, and to say 31.25 milligrammes. But the milligramme, being equivalent to less than $\frac{1}{6}$ of a grain troy weight, is too minute for accurate application; so that it is called and marked upon the weight itself as 31.3 decigrammes. The half ounce, instead of 15.625 decimilligrammes, is marked for 15.6 decigrammes. The quarter of an ounce, instead of 7.8125, passes for 7.8 decigrammes; and the gros, or groat, instead of 3.90625, is abridged to 3.9. The ounce and all the smaller weights, therefore, reject the coalition of subdivision by decimal and vulgar fractions; and the weights for account are different from the weights for trade.

From the verdict of experience, therefore, it is doubtful whether the advantage to be obtained by any attempt to apply decimal arithmetic to weights and measures would ever compensate for the increase of diversity which is the unavoidable consequence of change. Decimal arithmetic is a contrivance of man for computing numbers, and not a property of time, space, or matter. Nature has no partialities for the number 10; and the attempt to shackle her freedom with them will forever prove abortive.

The imperial decree of March, 1812, by the reservation of a purpose to revise the whole system of the new metrology, after a further interval of ten years of experience, seems to indicate a doubt whether the system itself can be maintained. Ten years from 1812 was a period far beyond that which Providence had allotted to the continuance of the Imperial Government itself. The Royal Government of France which has since succeeded has hitherto made no change in the system. Whether, at the expiration of the ten years limited in the decree, the proposed revisal of it will be accomplished by the present Government, is not ascertained. In the mean time, the whole system must be considered as an experiment upon trial even in France; and should it ultimately prove by its fruits worthy of the adoption of other nations, it will at least be expedient to postpone engrafting the scion until the character of the tree shall have been tested in its native soil by its fruits.

4. The fourth advantage of the French metrology over that which we possess consists in the convenient proportions by which the coins and moneys of account are adjusted to each other and to the weights.

This is believed to be a great and solid advantage, not possessed exclusively by the French system; for it was, in high perfection, a part of the original English system of weights and measures, as has already been shown. It was more perfect in that system, because the silver coins and weights were not merely proportioned to each other, but the *same*. This is not the case with the French coins: and even their *proportions* to the weights are disturbed and unhinged by the mint allowance, or what they call toleration of inaccuracy, both of weight and alloy. This toleration, which is also technically called the *remedy*, ought everywhere to be exploded. It is in no case necessary. The toleration is injustice; the remedy is disease. If it were the duty of this report to present a system of weights, measures, and coins, all referrible to a single standard, combining with it as far as possible the decimal arithmetic, and of which uniformity should be the pervading principle, without regard to existing usages, it would propose a silver coin of nine parts pure and one of alloy, of thickness equal to one-tenth part of its diameter; the diameter to be one-tenth part of a foot, and the foot one-fourth part of the French metre. This dollar should be the unit of weights as well as of coins and of accounts; and all its divisions and multiples should be decimal. The unit of measures of capacity should be a vessel containing the weight of ten dollars of distilled water at the temperature of ten degrees of the centigrade thermometer; and the cubical dimensions of this vessel should be ascertained by the weight of its contents; the decimal arithmetic should apply to its weight, and convenient vulgar fractions to its cubical measure. This system once established, the standard weight and purity of the coin should be made an article of the constitution, and declared unalterable by the Legislature. The advantage of such a system would be to embrace and establish a principle of uniformity with reference to time, which the French metrology does not possess. The weight would be a perpetual guard upon the purity and value of the coin. No second weight would be necessary or desirable. The coin and the weight would be mutual standards for each other; accessible at all times to every individual. Should the effect of such a system only be, as its tendency certainly would be, to deprive the legislative authority of the power to debase the coins, it would cut up by the roots one of the most pernicious practices that ever afflicted man in civil society. By its connexion of the linear standard with the French metre, it would possess all the advantages of having that for a unit of its measures of length, and a link of the most useful uniformity with the whole French metrology.

But the consideration of the coins is beyond the scope of the resolutions of the two Houses; nor is their relation to the weights and measures of the country viewed by the constitution and laws of the United States as that of parts of one entire system. Excepting the application of decimal divisions to our money of account, and the establishment of the dollar as the unit both of the money of account and of the silver coins, our moneys have no uniform or convenient adjustment to our weights. The proportion of alloy is not the same in our coins of silver as in those of gold; and the only connexion between our monetary system and our weights and measures is, that the gravity and proportional purity of the coins are prescribed in troy weight grains. To obtain, therefore, the advantage existing in the French metrology, of easy proportions between the weights and coins, or the still greater advantage of identity between them which belonged to the old English system, an entire change would be necessary in the fabrication of our coins and in our moneys of account. It is at least extremely doubtful whether the benefits to be derived from such a change would be equivalent to the difficulties of achieving it, and the hazard of failing in the attempt.

5. The last superior advantage of the French metrology is, the *uniformity*, precision, and significancy of its nomenclature.

In mere speculative theory, so great and unequivocal is this advantage, that it would furnish one of the most powerful arguments for adopting the whole system to which it belongs. In every system of weights and measures, ancient or modern, with which we are acquainted, until the new system of France, the poverty and imperfection of language has entangled the subject in a snarl of inextricable confusion. The original *names* of all the units of weights and measures have been improper applications of the substances from which they were derived. Thus, the foot, the palm, the span, the digit, the thumb, and the nail, have been, as measures, improperly so called, for the several parts of the human body with the length of which they corresponded. Instead of a specific name, the measure usurped that of the standard from which it was taken. Had the foot rule been unalterable, the inconvenience of its improper appellation might have been slight. But, in the lapse of ages, and the revolutions of empires, the foot measure has been everywhere retained, but infinitely varied in its extent. Every nation of modern Europe has a foot measure, no two of which are the same. The English foot, indeed, was adopted and established in Russia by Peter the Great; but the original Russian foot was not the same. The Hebrew shekel and maneh, the Greek mina, and the Roman pondo, were *weights*. The general name *weight* improperly applied to the specific unit of weight. The Latin word *libra*, still more improperly, was borrowed from the balance in which it was employed; libra was the balance, and at the same time the pound weight. The terms *weight* and *balance* were thus generic terms, without specific meaning. They signified any weight in the balance, and varied according to the varying gravities of the specific standard unit at different times and in different countries. When,

by the debasement of the coins, they ceased to be identical with the weights, they still retained their names. The *pound* sterling retains its name three centuries after it has ceased to exist as a weight, and after having, as money, lost more than two-thirds of its substance. We have discarded it, indeed, from our vocabulary; but it is still the unit of moneys of account in England. The *livre* tournois of France, after still greater degeneracy, continued until the late Revolution, and has only been laid aside for the new system. The ounce, the drachm, and the grain are specific names, indefinitely applied as indefinite parts of an indefinite whole. The English pound avoirdupois is heavier than the pound troy; but the ounce avoirdupois is lighter than the ounce troy. The weights and measures of all the old systems present the perpetual paradox of a whole not equal to all its parts. Even numbers lose the definite character which is essential to their nature. A dozen become sixteen, twenty-eight signify twenty-five, one hundred and twelve mean a hundred. The indiscriminate application of the same generic term to different specific things, and the misapplication of one specific term to another specific thing, universally pervade all the old systems, and are the inexhaustible fountains of diversity, confusion, and fraud. In the vocabulary of the French system, there is one specific, definite, significant word, to denote the unit of lineal measure; one for superficial, and one for solid measure; one for the unit of measures of capacity, and one for the unit of weights. The word is exclusively appropriated to the thing, and the thing to the word. The metre is a definite measure of length; it is nothing else. It cannot be a measure of one length in one country, and of another length in another. The gramme is a specific weight, and the litre a vessel of specific cubic contents, containing a specific weight of water. The multiples of these units are denoted by prefixing to them syllables derived from the Greek language, significant of their increase in decimal proportions. Thus, ten metres form a deca-metre; ten grammes, a deca-gramme; ten litres, a deca-litre. The subdivisions or decimal fractions of the unit are equally significant in their denominations, the prefixed syllables being derived from the Latin language. The deci-metre is a tenth part of a metre; the deci-gramme, the tenth part of a gramme; the deci-litre, the tenth part of a litre. Thus, in continued multiplication, the hecto-metre is a hundred, the kilo-metre a thousand, and the myrio-metre ten thousand metres; while, in continued division, the centi-metre is the hundredth, and the milli-metre the thousandth part of the metre. The same prefixed syllables apply equally to the multiples and divisions of the weight, and of all the other measures. Four of the prefixes for multiplication, and three for division, are all that the system requires. These twelve words, with the *franc*, the *decime*, and the *centime* of the coins, contain the whole system of French metrology, and a complete language of weights, measures, and money.

But where is the steam engine of moral power to stem the stubborn tide of prejudice, and the headlong current of inveterate usage? The cheerful, ready, and immediate adoption, by the mass of the nation, of these twelve words, would have secured the triumph of the new system of France. The unutterable confusion of signifying the same thing by different words, and different things by the same word, would have ceased. The *setier* would no longer have been a common representative for twelve boisseaus of corn, for fourteen of oats, for sixteen of salt, and for thirty-two of coal, and for eight pints of wine. The pound would no longer have been of ten, of twelve, of fourteen, of sixteen, and of eighteen ounces in different parts of the same country. The weights and the measures would have been both perfect and just; and the blessing of uniformity enjoyed by France would have been the most effective recommendation of her system to all the rest of mankind. It is mortifying to the philanthropy which yearns for the improvement of the condition of man to know that this is precisely the part of the system which it has been found impracticable to carry through.

The modern language of all the mathematical and physical sciences is derived from the Greek and Latin, with a partial exception of some terms which are of Arabic origin. Geography, chemistry, the pure mathematics, botany, mineralogy, zoology, in all of which great discoveries have been made within the last three centuries, have borrowed from those primitive languages almost invariably the words by which those discoveries have been expressed. They are the languages in which all that was heretofore known of art or science was contained: nor are the moral and political sciences less indebted to them for numerous additions to their vocabularies which the progress of modern improvements has required. But there is a natural aversion in the mass of mankind to the adoption of words to which their lips and ears are not from their infancy accustomed. Hence it is that the use of all technical language is excluded from social conversation, and from all literary composition suited to general reading; from poetry, from oratory, from all the regions of imagination and taste in the world of the human mind. The student of science, in his cabinet, easily familiarizes to his memory, and adopts without repugnance, words indicative of new discoveries or inventions, analogous to the words in the same science already stored in his memory. The artist, at his work, finds no difficulty to receive or use the words appropriate to his own profession. But the general mass of mankind, of every condition, reluct at the use of unaccustomed sounds, and shrink especially from new words of many syllables. But weights and measures are instruments indispensable, not only to the philosophical student and the professional artist; they are the want of every individual and of every day; they are the want of food, of raiment, of shelter, of all the labors and all the pleasures of social existence. Weights and measures, like all the common necessaries of life, have, in all the countries of modern Europe, customary names of one, or at most of two syllables. The units of the new French system have no more; but their multiples and subdivisions have four or five; and, although compounded of syllables familiar to those who had any acquaintance with the classical languages of Greece and Rome, they had a strange and outlandish sound to the ears of the people in general, who would never be taught to pronounce them. Hence, after an experience of several years, it was found necessary, not only to give back to the people the vulgar fractions of their measures which had been taken from them, but all their indefinite and many-meaning words of pound and ounce, foot, aune, and thumb, boisseau and pint. Since which time there have been, besides all the relics of the old metrology, two concurrent systems of weights and measures in France: one, the proper legal system, with decimal divisions and multiplications, and the new, precise, and significant nomenclature; and the other, a system of sufferance, with the same instruments, but divided in all the old varieties of vulgar fractions, and with the old improper vocabulary, made still more so by its adaptation to new and different things.

Perhaps it may be found, by more protracted and multiplied experience, that this is the only uniformity attainable by a system of weights and measures for universal use; that the same material instruments shall be divisible decimally for calculations and accounts, but in any other manner suited to convenience in the shops and markets; that their appropriate legal denominations shall be used for computation, and the trivial names for actual weight or mensuration.

It results, however, from this review of the present condition of the French system in its native country, and from the comparison of its theoretical advantages over that which we already possess, that the time has not arrived at which so great and hazardous an experiment can be recommended as that of discarding all our established existing weights and measures, to adopt and legalize those of France in their stead. The single standard, proportional to the circumference of the earth; the singleness of the units for all the various modes of mensuration; the universal application to them of decimal arithmetic; the unbroken chain of connexion between all weights, measures, moneys, and coins; and the precise, significant, short, and complete vocabulary of their denominations, altogether forming a system adapted equally to the use of all mankind, afford such a combination of the principle

of uniformity for all the most important operations of the intercourse of human society. The establishment of such a system so obviously tends to that great result, the improvement of the physical, moral, and intellectual condition of man upon earth, that there can be neither doubt nor hesitation in the opinion that the ultimate adoption and universal though modified application of that system is a consummation devoutly to be wished.

To despair of human improvement is not more congenial to the judgment of sound philosophy than to the temper of brotherly kindness. Uniformity of weights and measures is, and has been for ages, the common, earnest, and anxious pursuit of France, of Great Britain, and, since their independent existence, of the United States. To the attainment of one object common to them all, they have been proceeding by different means, and with different ultimate ends. France alone has proposed a plan suitable to the ends of all; and has invited co-operation for its construction and establishment. The associated pursuit of great objects of common interest is among the most powerful modern expedients for the improvement of man. The principle is at this time in full operation for the abolition of the African slave trade. What reason can be assigned why other objects, of common interest to the whole species, should not be in like manner made the subject of common deliberation and concerted effort? To promote the intercourse of nations with each other, the uniformity of their weights and measures is among the most efficacious agencies; and this uniformity can be effected only by mutual understanding and united energy. A single and universal system can be finally established only by a general convention, to which the principal nations of the world shall be parties, and to which they shall all give their assent. To effect this, would seem to be no difficult achievement. It has one advantage over every plan of moral or political improvement, not excepting the abolition of the slave trade itself: there neither is, nor can be, any great counteracting *interest* to overcome. The conquest to be obtained is merely over prejudices, usages, and perhaps national jealousies. The whole evil to be subdued is diversity of opinion with regard to the means of attaining the same end. To the formation of the French system, the learning and the genius of other nations did co-operate with those of her native sons. The co-operation of Great Britain was invited; and there is no doubt that of the United States would have been accepted had it been offered. The French system embraces all the great and important principles of uniformity which can be applied to weights and measures; but that system is not yet complete. It is susceptible of many modifications and improvements. Considered merely as a labor-saving machine, it is a new power offered to man, incomparably greater than that which he has acquired by the new agency which he has given to steam. It is in design the greatest *invention* of human ingenuity since that of printing. But, like that, and every other useful and complicated invention, it could not be struck out perfect at a heat. Time and experience have already dictated many improvements of its mechanism; and others may, and undoubtedly will, be found necessary for it hereafter. But all the radical principles of uniformity are in the machine; and the more universally it shall be adopted, the more certain will it be of attaining all the perfection which is within the reach of human power.

Another motive, which would seem to facilitate this concert of nations, is, that it conceals no lurking danger to the independence of any of them. It needs no convocation of sovereigns armed with military power. It opens no avenue to partial combinations and intrigues. It can mask, under the vizor of virtue, no project of avarice or ambition. It can disguise no private or perverted ends, under the varnish of generous and benevolent aims. It has no final appeal to physical force—no *ultima ratio* of cannon balls. Its objects are not only pacific in their nature, but can be pursued by no other than peaceable means. Would it not be strange if, while mankind find it so easy to attain uniformity in the use of every engine adapted to their mutual destruction, they should find it impracticable to agree upon the few and simple but indispensable instruments of all their intercourse of peace and friendship and beneficence?—that they should use the same artillery and musketry, and bayonets, and swords, and lances, for the wholesale trade of human slaughter; and that they should refuse to weigh by the same pound, to measure by the same rule, to drink from the same cup; to use, in fine, the same materials for ministering to the wants and contributing to the enjoyments of one another?

These views are presented as leading to the conclusion that, as final and universal uniformity of weights and measures is the common desideratum for all civilized nations; as France has formed, and for her own use has established, a system adapted, by the highest efforts of human science, ingenuity, and skill, to the common purposes of all; as this system is yet new, imperfect, susceptible of great improvements, and struggling for existence even in the country which gave it birth; as its universal establishment would be a universal blessing; and as, if ever effected, it can only be by consent, and not by force, in which the energies of opinion must precede those of legislation; it would be worthy of the dignity of the Congress of the United States to consult the opinions of all the civilized nations with whom they have a friendly intercourse; to ascertain, with the utmost attainable accuracy, the existing state of their respective weights and measures; to take up and pursue, with steady, persevering, but always temperate and discreet exertions, the idea conceived, and thus far executed, by France, and to co-operate with her to the final and universal establishment of her system.

But although it is respectfully proposed that Congress should immediately sanction this consultation, and that it should commence, in the first instance, with Great Britain and France, it is not expected that it will be attended with immediate success. Ardent as the pursuit of uniformity has been for ages in England, the idea of extending it beyond the British dominions has hitherto received but little countenance there. The operation of changes of opinion there is slow; the aversion to all innovations, deep. More than 200 years had elapsed from the Gregorian reformation of the calendar before it was adopted in England. It is to this day still rejected throughout the Russian empire. It is not even intended to propose the adoption by ourselves of the French metrology for the present. The reasons have been given for believing that the time is not yet matured for this reformation. Much less is it supposed advisable to propose its adoption to any other nation. But, in consulting them, it will be proper to let them understand that the design and motive of opening the communication is to promote the final establishment of a system of weights and measures to be common to all civilized nations.

In contemplating so great but so beneficial a change as the ultimate object of the proposal now submitted to the consideration of Congress, it is supposed to be most congenial to the end to attempt no present change whatever in our existing weights and measures; to let the standards remain precisely as they are; and to confine the proceedings of Congress at this time to authorizing the Executive to open these communications with the European nations where we have accredited ministers and agents; and to such declaratory enactments and regulations as may secure a more perfect uniformity in the weights and measures now in use throughout the Union.

The motives for entertaining the opinion that any change in our system at the present time would be inexpedient, are four:

First. That no change whatever of the system could be adopted, without losing the greatest of all the elements of uniformity—that referring to the persons using the same system. This uniformity we now possess, in common with the whole British nation; the nation with which, of all the nations of the earth, we have the most of that intercourse which requires the constant use of weights and measures. No change is believed possible, other than that of the whole system, the benefit of which would compensate for the loss of this uniformity.

Secondly. That the system, as it exists, has a uniformity of proportion very convenient and useful, which any alteration of it would disturb, and perhaps destroy—the proportion between the avoirdupois and troy weights, and that between the avoirdupois weight and the foot measure; one cubic foot containing of spring water exactly one thousand ounces avoirdupois, and one pound avoirdupois consisting of exactly seven thousand grains troy.

Thirdly. That the experience of France has proved that binary, ternary, duodecimal, and sexagesimal divisions are as necessary to the practical use of weights and measures as the decimal divisions are convenient for calculations resulting from them; and that no plan for introducing the latter can dispense with the continued use of the former.

Fourthly. That the only *material* improvement of which the present system is believed to be susceptible would be the restoration of identity between weights and silver coins—a change the advantages of which would be very great, but which could not be effected without a corresponding and almost total change in our coinage and moneys of account; a change the more exceptionable, as our monetary system is itself a new, and has hitherto been a successful institution.

Of all the nations of European origin, ours is that which least requires any change in the system of their weights and measures. With the exception of Louisiana, the established system is, and always has been, throughout the Union, the same. Under the feudal system of Europe, combined with the hierarchy of the church of Rome, the people were in servitude, and every chieftain of a village or owner of a castle possessed or asserted the attributes of sovereign power. Among the rest, the feudal lords were in the practice of coining money, and fixing their own weights and measures. This is the great source of numberless diversities existing in every part of Europe, proceeding not from the varieties which in a course of ages befell the same system, but from those of diversity of origin. The nations of Europe are, in their origin, all compositions of victorious and vanquished people. Their institutions are compositions of military power and religious opinions. Their doctrines are, that freedom is the grant of the sovereign to the people, and that the sovereign is amenable only to God. These doctrines are not congenial to nations originating in colonial establishments. Colonies carry with them the general laws, opinions, and usages of the nation from which they emanate, and the prejudices and passions of the age of their emigration. The North American colonies had nothing military in their origin. The first English colonies on this continent were speculations of commerce: they commenced precisely at the period of that struggle in England between liberty and power which, after long and bloody civil wars, terminated in a compromise between the two conflicting principles. The colonies were founded by that portion of the people who were arrayed on the side of liberty. They brought with them all the rights, but none of the servitudes, of the parent country. Their constitutions were indeed, conformably to the spirit of the feudal policy, charters granted by the Crown; but they were all adherents to the doctrine that charters were not donations, but compacts. They brought with them the weights and measures of the law, and not those of any particular district or franchise. The only change which has taken place in England with regard to the legal standards of weights and measures since the first settlement of the North American colonies has been the specification of the contents of measures of capacity, by prescribing their dimensions in cubical inches. All the standards at the exchequer are the same that they were at the first settlement of Jamestown, with the exception of the wine gallon, which is of the time of Queen Anne; and the standards of the exchequer are the prototypes from which all the weights and measures of the Union are derived.

A particular statement of the regulations of the several States relative to weights and measures is subjoined to this report, in the appendix.

The first settlement of the English colonies on the continent of North America was undertaken towards the close of the reign of Queen Elizabeth, in honor of whom it received the name of Virginia.

During the same reign of Elizabeth, and contemporaneous with the adventures which preceded the settlement of Jamestown, the act of Parliament of 1592 passed, defining in feet the statute mile. This mile, together with its elementary units, the foot and inch, were the measures by which all the territories granted by the successors of Elizabeth, in this hemisphere, were defined. The foot and inch, from usage immemorial in England, and by a statute then of more than three centuries' antiquity, had been the elements of superficial as well as of itinerary land measure. These, therefore, were not only the most natural measures for the use of the English colonies; they were inwoven in their primitive constitutions, and were brought with their charters, an essential part of their possessions.

Among the earliest traces of colonial legislation in Virginia and in New England, we find acts declaring the assize of London and the standards of the exchequer to be the only lawful prototypes of the weights and measures of the colonies. The foot and inch were of dimensions perfectly well ascertained; and in the year 1601, only seven years before the settlement at Jamestown, and less than twenty before that of Plymouth, new standards, not only of the yard and ell, but of the avoirdupois and troy weights, and of the bushel, corn gallon, quart, and pint, had been deposited at the exchequer. There was neither uncertainty nor perceptible diversity with regard to the long measures or the weights; but the standard vessels of capacity were of various dimensions. The bushel of 1601 contained 2,124 cubic inches; it was therefore a copy from an older standard, made in exact conformity to the rule prescribed in the statute of 1266, and very probably the identical standard therein described. It contained 8 corn gallons of wheat, equiponderant to 8 Irish gallons of Gascoigne wine; of wheat, 32 kernels of which were of equal weight with the round unclipped penny sterling of 1266. Its corresponding wine gallon, therefore, would have been the Irish gallon of 217.6 cubic inches; and its corresponding corn gallon of 265.5 inches, an intermediate between the Romford quart and gallon of 1228, and differing less than one inch from either of them. There were two other standard bushels at the exchequer, of the same dimensions: one of the age of Henry VII., and one dated 1091. This has been supposed to be a mistake for 1591 or 1601. But as it is not probable that two standard bushels should have been deposited in the exchequer at the same time, or even at dates so near to each other, a conjecture may be indulged that the 1091 marks the date when the standard measure described in the statute of 1226 was made. Of that standard these three bushels were unquestionably copies.

The corn and the ale gallons of 1601 were of 272 cubic inches; and there was one of Henry VII. there, of the same size, as reported by the artist who measured them for the commissioners of the excise in 1688. When measured again by order of the committee of the House of Commons, in 1758, they were reported to contain each about one inch less. The true size intended for all of them was 272; and they were made by an application of the rule of 1266 to the troy weight wheat of the act of 1496. They were the eighth parts of a bushel of 2,176 inches; and their corresponding wine gallon was the Guildhall gallon of 224 inches.

There were, in 1601, a standard quart of 70 inches, and a pint of 34.8, which were evidently intended to be in exact proportions to each other; and the gallon to which they referred was the gallon of 282 inches. This would have made a bushel of 2,256 inches; and its corresponding wine gallon is of 231 inches. The standards, thus made, were, by an application both of the wheat and of the rule described in the statute of 1266 to the troy weight gallon of 1496; that is, the wheat was of the kind 32 kernels of which weighed the same as the old penny sterling, and of which the wine gallon contained eight pounds troy weight. There was a standard bushel of Henry VII. at the exchequer, of 2,224 inches, probably the bushel from which this quart and these pints were deduced.

There was also the *Winchester* bushel of 2145.6 cubic inches, made in the reign of Henry VII., but from its name evidently copied from a standard which had been kept at Winchester when that place was the capital of the kingdom. This bushel had been made by combining the rule of 1266 with the assize of casks, which, in the statute of 1423, is declared to be of *old time*, by which the hogshead or eight cubic feet of Gascoigne wine consisted of 63 gallons. That hogshead was a quarter of a tun of wine, as eight Winchester bushels contained a quarter of a ton of wheat. The gallon was of 219½ cubic inches; and the corresponding ale gallon was of 268.2 inches. There was at the exchequer no wine or ale gallon of those dimensions; because the wine gallon of 224 inches, and the corn gallon of 272, made under the statutes of 1496 and 1531, had been substituted in their stead. At the exchequer, there was, indeed, no wine gallon at all. Those of older date than the act of 1496 had disappeared, and the gallon of 224 inches, made according to that act, had been delivered out of the exchequer to the city of London, and was at Guildhall.

Such was the state of the standards in London at the time of the first colonial emigrations to this continent.

MASSACHUSETTS.

Among the colony laws of Massachusetts there is an act of the year 1647, directing the country treasurer *to provide*, at the country's charge, weights and measures *of all sorts* for continual standards. In the specification which ensues in the act, all the measures, of which there were standards at the exchequer, are mentioned, with special discrimination of *wine* and *ale measures;* but the weights only *after sixteen ounces* to the pound are named. They then had no occasion for the troy weights.

At a still earlier date, in 1641, it had been prescribed that all casks for any liquor, fish, beef, pork, or other commodities to be put to sale, should be *of London assize;* and in 1646 a corresponding assize of *staves* had been ordained.

The law of 1647 did not expressly direct where the treasurer was to procure the standards; but the exchequer and Guildhall were the only places where they were to be obtained; and, from subsequent acts, the fact appears that they were obtained there.

At the first session of the general court under the charter of William and Mary, in 1692, two laws were enacted: one, re-ordaining the London assize of casks, and specifying that the butt should contain 126 gallons, the puncheon 84, the hogshead 63, the tierce 42, and the barrel 31½ gallons; the other, for due regulation of weights and measures, declaring that the brass and copper measures *formerly sent* out of England, with certificate out of the exchequer to be approved *Winchester* measure, according to the standard in the exchequer, should be the public allowed standard throughout the province for the proving and sealing all weights and measures thereby, and re-enacting, with an additional clause, the colonial law of 1647.

An act of the year 1700 prescribes that the bushel used for the sale of meal, fruits, and other things usually sold by heap, shall be not less than 18½ inches wide within side; the half-bushel not less than 13¾ inches; the peck not less than 10¾, and the half-peck not less than 9 inches.

It is very remarkable that this law was enacted one year *before* the act of Parliament of 13 William III., which gives and prescribes in cubical inches the dimensions of the Winchester bushel. The object of the provincial law was to prohibit the use of bushels which, though of the same cubical capacity, should be of shorter diameter and greater depth. It was for the benefit of the heap. It prescribed, therefore, only the diameter, without mentioning the depth; but that diameter, for the bushel, is identically the same, 18½ inches, as the act of Parliament of the ensuing year declares to be the width of the Winchester bushel in the exchequer. As the provincial standard must have been the model from which the law of the province took its measure of a diameter, its perfect coincidence with the subsequent definition of the act of Parliament is a proof of the correctness of the copy from the Winchester bushel of the exchequer.

In 1705, the treasurer of the province was required by law to procure a beam, scale, and a nest of *troy weights*, from 128 ounces down, marked with a mark or stamp used at the exchequer, for a public standard. Every town was to be provided with a nest of troy weights of different form from the avoirdupois; and a penalty was annexed to the use of any other than sealed troy weights for weighing silver, bullion, or other specie whatsoever, proper and *used* to be weighed by troy weights.

In the year 1707, there was an act of Parliament, (6 Anne, ch. xxx,) "for ascertaining the rates of foreign coins in Her Majesty's plantations in America." It had been preceded, in 1704, by a proclamation of the Queen, declaring the value of many foreign silver coins, and particularly of the Spanish piece of eight, or dollar. At that period, as in a certain degree at the present, the Spanish dollar and its parts formed the principal circulating coins of this country. The act declares the value of the Seville, Pillar, and Mexican pieces of eight to be four shillings and sixpence sterling, and their weight to be seventeen pennyweights and a half, or 420 grains. It forbids their being taken in the colonies at more than six shillings each: and this act constituted what, from that time till the period of the Revolution, in Virginia and New England, was denominated "lawful money." The act itself was published in the province of Massachusetts Bay with the statutes of the Provincial Legislature, as was practised with regard to all the acts of Parliament the authority of which was recognised. It may be here incidentally remarked that the laws of Congress, which estimate the value of the English pound sterling at four dollars and forty-four cents, are all founded upon the proportions established by this act, although the weight and value, both of the dollar and of the shilling and pound sterling, have, since that time, been changed. Some further observations on this subject are submitted in the appendix; from which it will appear that the real value of our silver dollar, in the silver English half-crowns or shillings of this time, is four shillings seven pence and nearly one farthing; and that the pound sterling of such actual English silver coins is, in the silver money of the United States, not 4 dollars 44 cents, but only 4 dollars 34 cents and 9 mills.

In the year 1715 a light-house was built at the entrance of Boston harbor; and a tonnage duty being levied upon vessels entering the harbor to defray the expense of building and supporting it, the rule of measurement for ascertaining the tonnage prescribed by the act was, that a vessel of two decks should be measured upon the main deck, from the stem to the stern post; then, subducting the breadth, from outside to outside, athwart the main beam; the remainder to be accounted her length by the keel, which, being multiplied by the breadth, and the product by one-half the breadth for the depth, and the whole product divided by 100, the quotient was to be accounted the tonnage of the ship. Vessels of a single deck, or 1½ deck, were to be measured in the same manner, except the depth in hold, which was to be from the under side of the main beam to the ceiling.

In 1730 a new set of brass and copper avoirdupois weights and of measures was imported from the exchequer, with certificate of their being approved Winchester measure, according to the standard in the exchequer. These were, by a new statute, declared to be the public standards of the province; and they continue to be those of the commonwealth at this day. It does not appear that the troy weights were renewed at the same time. The standards of them had been imported only twenty-five years before, and could not need renewing.

In 1751 the act of Parliament introducing the Gregorian calendar was adopted in the usual manner, by inserting it among the laws of the Provincial Legislature.

Since the Revolution all the laws of the province have been revised; and, by an act of the Legislature of 26th February, 1800, all the principal regulations concerning weights and measures were renewed and confirmed.

This law declares that the brass and copper measures, *formerly* (1730) sent out of England with a certificate from the exchequer, shall be and remain the public standards throughout the commonwealth; and it requires the treasurer of the commonwealth to cause to be had and preserved a complete set of new beams, weights, (avoirdupois and troy,) and measures of length and of capacity, wet and dry, to be used only as public standards. This act is to continue until Congress shall have fixed by law the standard of weights and measures.

A statute of 9th March, 1804, recites that the troy weights used by the treasurer of the commonwealth as State standards had, by long use, diminished and undergone an alteration in their proportions. (They had then been just one century in use.) It directs him therefore to add, or cause to be added, a specified number of grains to each of the weights, from that of 128 ounces to the half-ounce, or to procure new weights of the same denomination, and conformable to the State standards, with such additions; which weights, so corrected, are declared to be the standards of troy weight for the commonwealth. By information from various sources, it is known that the standards of the State of Massachusetts are, at this time, perfectly conformable to those of the exchequer.

There are a multitude of laws regulating the assize of casks, assigning different dimensions for containing different articles. They generally prescribe the length of the staves within the chime, and sometimes the diameter of the heads. They also specify the weight of the article which the cask is to contain. Staves are an article of exportation; and their length, breadth, and thickness are regulated by law.

NEW HAMPSHIRE AND VERMONT.

The laws of New Hampshire and of Vermont relating to weights and measures appear to have been modelled upon those of Massachusetts. In both these States, the standards are required to be according to the approved Winchester measures allowed in England in the exchequer. The first act of New Hampshire to that effect was of 13th May, 1718, and the last, of 15th December, 1797. The statute of Vermont is of the 8th of March, 1797. Neither New Hampshire nor Vermont has established the authority of the troy weights by law.

RHODE ISLAND.

Rhode Island has no statute upon the subject. Her weights and measures are, however, the same, and her standards are taken from those of Massachusetts.

CONNECTICUT.

In the laws and standards of Connecticut, there are peculiarities deserving of remark.

A statute of October, 1800, contains the following provisions: "That the brass measures, the property of this State, kept at the Treasury, that is to say, a half-bushel measure, containing *one thousand and ninety-nine* cubic inches, very near a peck measure, and a half-peck measure, when reduced to a just proportion, be the standard of the corn measures in this State, which are called by those names respectively; that the brass vessels, ordered to be provided by this Assembly, [one of the capacity of two hundred and twenty-four cubic inches,]* and the other of the capacity of two hundred and eighty-two cubic inches, shall be, when procured, the first of them the standard of a wine gallon, and the other the standard of an ale or beer gallon in this State; that the iron or brass rod or plate, ordered by this Assembly to be provided of one yard in length, to be divided into three equal parts for feet in length, and one of those parts to be subdivided into twelve equal parts for inches, shall be the standard of those measures, respectively; and that the brass weights, the property of the State, kept at the Treasury, of one, two, four, seven, fourteen, twenty-eight, and fifty-six pounds, shall be the standard of avoirdupois weight in this State."

A subsequent section (5th) requires of the selectmen of each town to provide town standards, of good and sufficient materials, which, for the standards of liquid measure, shall be copper, brass, or pewter; also, vessels for corn measure of forms and dimensions thus described: "A two-quart measure, the bottom of which, on the inside, is four inches wide on two opposite sides, and four inches and a half on the two other sides, and its height from thence seven inches and sixty-three hundredths of an inch," [137.34 cubic inches.] A quart measure of "three inches square from bottom to top throughout, and its height seven inches and sixty-three hundredths of an inch," [68.67 cubic inches.] A pint measure of three inches square from bottom to top throughout, and its height three inches and eighty-two hundredths of an inch, [34.38 cubic inches.]

The assumption of the old Guildhall wine gallon of 224 inches, in this act, is the more surprising, inasmuch as a colonial statute of the year 1752 had already established the gallon of 231 inches. What the occasion of it was, has not been ascertained; but it was probably taken from an existing standard which had been originally taken from the Guildhall gallon. Whatever the cause of it may have been, this part of the act was repealed the next year, (October, 1801,) and the treasurer was directed, without delay, to provide a vessel of brass, of five inches square from bottom to top throughout, and nine inches and twenty-four hundredths of an inch in height, containing 231 cubic inches, which was declared the standard wine gallon of the State.

The half-bushel measure, which, in 1800, was the property of the State, kept at the Treasury, containing 1,099 cubic inches very near, was, of course, not originally derived from the Winchester bushel. By the colonial laws of Connecticut, it appears that, as early as the year 1670, there were *colony standards* kept at Hartford; and the half-bushel, which, in the year 1800, was there at the Treasury, the property of the State, was either one of those same standards of 1670, or a copy from it. That it was not borrowed from the Massachusetts standards is also manifest, because the Massachusetts bushel was copied from the Winchester bushel. It may be concluded, with great probability, that the Connecticut half-bushel was first taken from the bushel in the exchequer of Henry VII., with a copper rim, though it contains thirteen cubic inches less than in proportion to that standard. This difference in so large a measure may have been the effect of very slight inaccuracy in the first copy, increased by the decay or the change of the vessel. The bushel with the copper rim was deposited at the exchequer after the act of 1496, and was made from the wine gallon of that act, with the rule of the act of 1266, and the pound of fifteen ounces troy weight. The quart and pint at the exchequer of 1601 were formed from this bushel. The pint differs less than half an inch from that prescribed by this act of Connecticut of 1800.

In the laws of Connecticut, as in those of New Hampshire and Vermont, there is no formal establishment or recognition of troy weights, nor does there appear to be any standard of them existing in the State; but, in the lists of ratable estate, prescribed by the laws of Connecticut, silver plate is estimated at one dollar and eleven cents per ounce, by which must obviously be intended the ounce troy.

* These brackets in the printed volume of the Laws of Connecticut indicate that the part enclosed has been repealed.

The assize of casks is regulated by various laws; and the dimensions of the barrel for packing salted provisions for exportation are the same as those established in Massachusetts and New York. The London assize of *tight* casks, from the puncheon of 126 to the barrel of 31½ gallons, was coeval with the first legislation of the colony, and was re-enacted by a statute of 1795. It expressly declares that these gallons shall be of 231 cubic inches; and directs that they shall be computed by taking, in inches and decimal parts of an inch, the bulge or bung diameter, each head diameter, and the length within the cask, with Gunter's rule of gauging.

The assize of staves is the same as in Massachusetts.

By an act of October, 1796, the standard weight of wheat is declared to be 60 pounds nett to the bushel.

NEW YORK.

New York was originally the seat of a colony from the Netherlands, the settlers of which doubtless brought with them the weights and measures of their own country. Towards the close of the seventeenth century it fell into the possession of the English; and, on the 19th of June, 1703, an act of the Colonial Legislature established all the English weights and measures, *according to the standards in the exchequer.* This act was drawn with great care, and evidently with the purpose of embracing all the provisions of the then existing English statutes regulating weights, measures, and casks, particularly those of 1266, 1304, 1439, and 1496, without being aware of the utter incompatibility of those statutes with one another.

Instead, however, of adopting in terms the London assize of casks, from the tun of 252 gallons downwards, this act prescribes in inches the length and head diameters of the various casks; and, by a very remarkable peculiarity, changes the names of all the dry casks. It directs that

The hogshead shall be	40	inches long,	33	inches in the bulge,	27	inches in the head.
The tierce,	36	do.	27	do.	23	do.
The barrel,	30	do.	26	do.	22	do.
The half-barrel,	25	do.	20	do.	16	do.
The quarter-barrel,	20	do.	16	do.	13	do.

But it adds that "*tite*" barrels shall contain 31½ gallons wine measure, or within half a gallon more or less, and all other casks in proportion. This last provision adopted the whole London assize for tight casks. But the dimensions prescribed for the *hogshead* give a cask of about 126 gallons, which, in the London assize, made the butt or pipe; and thus the New York tierce was of 80 gallons, which constituted the *real* contents of the London puncheon; the New York barrel was of 60 gallons, answering to the London hogshead; and the New York half-barrel of 30 gallons to the London barrel.

On the 10th of April, 1784, the Legislature of New York passed an act to *ascertain* weights and measures within the State. It declares the standard weights and measures which were in the custody of William Hardenbrook, public sealer and marker in the city and county of New York, at the time of the declaration of independence, which were according to the standard of the exchequer, to be the standards throughout the State. William Hardenbrook was directed to deliver them to the clerk of the city and county of New York, and to make oath that they were the same which he had received from the court of exchequer.

By an act of 7th March, 1788, the standard weight of wheat brought to the city of New York for sale was fixed at 60 pounds nett to the bushel.

On the 24th of March, 1809, passed an act relative to a standard of long measure, and for other purposes. It declares a brass yard measure, engraved and sealed at the exchequer of Great Britain, procured in 1803 by the corporation of New York, presented to the State, and deposited with authenticating documents in the Secretary's office, to be the standard yard measure of the State.

The last statute upon this subject, of New York, is an act to regulate weights and measures, and passed on the 19th of March, 1813, which declares that there shall be one just beam; one certain weight and measure for distance and capacity, that is to say, avoirdupois and troy weights, bushels, half-bushels, pecks, half-pecks, and quarts; and gallons, half-gallons, quarts, pints, and gills; and one certain rod for long measure, according to "the standard in use in the State on the day of the declaration of the independence thereof; and that the standard of weights and measures in the office of the Secretary of the State, which is according to the standard in the court of exchequer in that part of Great Britain called England, shall be and remain the standard for ascertaining all beams, weights, and measures throughout the State, until the Congress of the United States shall establish the standard of weights and measures for the United States."

The assize of casks continues as it was regulated by the act of 1703; but a variety of special statutes assign dimensions different from it for barrels in which beef, pork, fish, flour, pot and pearl ashes, &c. are packed for exportation. These, as in the New England States, are adapted to contain a certain specified weight of each article. The assize of *staves*, regulated by an act of 26th March, 1813, is substantially the same as that of Massachusetts; and as the capacity of the barrel must always depend in a great degree upon the size of the staves and heading of which it is made, the contents of all these barrels vary little from 30 gallons wine measure of 231 cubic inches, equal to 6,930 inches.

NEW JERSEY.

In New Jersey, which was originally a part of the Dutch settlement, the English weights and measures were established at a later period than in New York. An act of the Colonial Legislature of 13th August, 1725, recites, in its preamble, that nothing is more agreeable to common justice and equity than that throughout the province there should be *one* just weight and balance, one true and perfect standard for measures, for *want* whereof experience had shown that many frauds and deceits had happened; for remedy of which it establishes, in the first section, an assize of casks for packing of beef and pork, since altered; and in the second declares that there shall be one just beam and balance; one certain standard for "weights, that is to say, for avoirdupois and troy weights; one standard for measures, bushels, half-bushels, pecks, and half-pecks; one just standard for liquid measures, that is to say, wine and beer measure; and one yard; all which shall be according to the standard of the exchequer in Great Britain."

The phraseology of this statute has some resemblance to that of the 25th chapter of Magna Charta, and may serve as a lucid commentary upon it; for, although its avowed object is uniformity, and even *unity* of standard, it expressly sanctions two weights, avoirdupois and troy, and two liquid measures, for wine and beer. This statute also, as well as that of New York of 1813, shows that the term *gallon* is improperly used when applied to dry measure, its real denomination being that of half-peck.

The laws of New Jersey relating to the assize of barrels have been various. By an act of 1774, revived in 1783, the barrel is required to contain 31½ wine gallons, and not ½ a gallon more or less; half-barrels 16 gallons, and not 1 quart more or less. The assize of staves (26th September, 1772,) is materially the same as in all the eastern States.

PENNSYLVANIA.

In the year 1700, two laws relating to weights and measures were enacted by the Colonial Legislature. The first [Laws of Pennsylvania, Bioren's edition, vol. 1, page 18] ordains that brass standards of weights and measures, according to the standards for the exchequer, should be *obtained*, and kept in each county. Sec. 2. That a brass half-bushel, then in Philadelphia, and a bushel and peck proportionable, and all lesser measures and weights coming from England, being duly sealed in London, or other measures agreeable therewith, should be accounted good till the standard should be obtained. Sec. 3. That no person should sell beer or ale by retail *but by beer measure*, according to the standard of England.

The second not only adopted the London assize of casks, but required that *all* tight casks for beer, ale, cider, pork, beef, and oil, and all such commodities, should be made of good, sound, well-seasoned white oak timber, and contain

The puncheon,	- - - - - -	84 gallons.
The hogshead,	- - - - - -	63 "
The tierce,	- - - - - -	42 "
The barrel,	- - - - - -	31½ "
The half-barrel,	- - - - - -	16 "

wine measure, according to the practice of the neighboring colonies.

This act regulated the assize of staves for hogsheads and barrels, and prescribed that tobacco hogsheads should be 4 feet long, or within an inch more or less, 32 inches in the head, equal to the gauge of Maryland, and be four hogsheads to a ton; that the flour cask should be not above *double* the gauge of wine measure; the half-barrel to be of 31½ gallons, and the barrel of 63 gallons, wine measure.

As the gauge of Maryland was adopted for tobacco, so that of New York was assumed for flour, by constituting the barrel and half-barrel at double the gauge of wine measure. The origin of this must have been in the measures of the Dutch colonies, which had reference to the *last*, or double *ton* of shipping, the customary measure of the Netherlands, instead of the ton.

But the most remarkable peculiarity of these two laws of Pennsylvania, enacted at the same session of the Legislature, was, that while one of them applied the London assize of wine measure to the casks which were to contain *beer*, ale, and cider, the other expressly prohibited the retailers of beer and ale from selling those liquors otherwise than by beer measure; so that the retailers were obliged to buy by the small, and to sell by the large measure. This inconsistency between the two statutes will not surprise us when we recollect that it occurred precisely at the time when the trial in the court of exchequer of England was litigated concerning the duties to be paid on Mr. Thomas Barker's importation of Alicante wine. For while he, upon a claim to pay duties upon wine only by beer measure, was reducing the Attorney General, after a trial of five hours, to withdraw a juror, and cast the remedy upon Parliament, the Legislature of Pennsylvania, by the same erroneous application of the same name to different things, were (certainly without intention, but in effect) enjoining upon all the publicans of the province to pay for beer by wine measure. It was a whimsical operation of the same incongruity happening in the two hemispheres at the same time, that, while Barker was struggling successfully against the supreme authority of the mother country to pay for wine by beer measure, the Pennsylvania publicans, by the acts of their Provincial Legislature, were compelled to pay for beer by wine measure, and yet to be paid for it by its own.

The remedy to these disorders was applied in England and in Pennsylvania also about the same time. In both cases, however, it was partial; applied only to the special inconvenience, without reaching the source of the evil. Parliament only defined the capacity of the wine gallon, fixing it at 231 cubic inches. The Pennsylvania Legislature, by an act of 1705, [Penn. Laws, Bioren's ed., vol. 1, ch. 138, p. 43,] reciting the inconsistent provisions of their two acts of 1700, and ingenuously remarking that, in consequence of them, *retailers are obliged to sell by far greater measure than they buy*, released them from this burdensome obligation by authorizing innkeepers to sell beer by wine measure in their houses, and by beer measure to persons to carry it out of the house. The real evil, in both cases, had proceeded from calling the two different measures of liquids by the same name. If the beer gallon had been called a *half-peck*, no such questions and no such clashing legislation would ever have arisen. The statute of 1700, which had prescribed the London assize of casks, was repealed only in March, 1810.

The assize of staves and heading was fixed, in Pennsylvania, by a statute of 1759, (chap. 439, vol. 1, p. 222.) It was, with slight variations, the same as in all the States eastward of it. The necessary width of all staves for exportation was, by this act, fixed at three and a half inches. By a subsequent act, (30th March, 1803, ch. 2362, vol. 4, p. 83,) staves of three inches wide are allowed as merchantable. Uninspected staves or heading may, by an act of 1790, (ch. 1501, vol. 2, p. 529,) be used within the State. A great multitude of statutes in Pennsylvania, as in all the other navigating States, have regulated the assize of casks, adapting them to contain the weight of the respective articles to be exported in them, and to the convenience of stowage in ships. This, as has been shown, was the original foundation of the London assize of the ton, and of the whole English system of weights and measures; and this, in the act of Pennsylvania of 12th September, 1789, (ch. 1422, vol. 2, p. 490,) is expressly assigned as one of the reasons for requiring casks of given dimensions.

DELAWARE.

In 1705, " An act for regulating weights and measures" directs that each county should obtain standard brass weights and measures according *to the Queen's standards* for the exchequer; that a standard brass half-bushel should be taken from that in Philadelphia, to which the bushel and peck should be proportionable. It authorizes the use of measures and weights coming from England, duly stamped in London, or others agreeable therewith, till the standards should be procured; and it prescribes that beer or ale should be sold in retail only by beer measure.

Subsequent acts of the Legislature of Delaware define the cord of fire-wood, rate gold and silver coins by their weight in troy pennyweights and grains, and regulate the assize of casks for flour, corn, and Indian meal in exact conformity to that of Pennsylvania.

MARYLAND.

The first act concerning weights and measures to be found in the printed editions of the statutes of this State is of the year 1715, ch. 10—" An act relating to the standard of English weights and measures," the preamble of which recites that the standards are very much impaired in several of the counties of the province, and in some wholly lost or unfit for use. It therefore directs the justices of the several county courts to cause the standards they already had to be made complete, and to purchase new standards where they had none; and requires them to take security from the standard-keepers for the due execution of their office, and the safe-keeping of the standards in future.

What these standards were, is ascertained by recurrence to the records of the State for the laws, the titles only of which are given in the printed compilations of the statutes.

In 1637, at the first General Assembly of which any record is extant, *a bill for corn measures* is one of forty-two which were prepared and propounded to the lord proprietary for his assent, but which were not enacted into laws, nor is there any copy of them to be found upon the record.

The next year, (1638,) an act for measures and weights was one of thirty-six bills twice read and engrossed, but never read a third time, nor passed the House. There were in this bill several remarkable peculiarities. It provided that there should be one standard measure throughout the province, to be appointed by the lieutenant general, and a sealer of measures; that all contracts made for the payment of corn should be understood of corn shelled; that a barrel of new corn, tendered in payment at or afore the 15th of October in any year, should be twice shaked in the barrel, and afterwards heaped as long as it will lie on; and at or before the feast of the Nativity, should be twice shaked and filled to the edge of the barrel, or else not shaked, and heaped as before; and after the said feast it should not be shaken at all, but delivered by strike. No steelyards or other weights not sealed by the lieutenant general, or by the sealer appointed by him, were to be used, except it be small weights *sealed in England.* The act was to continue till the end of the next General Assembly.

In 1641 there passed *an act for measures*, which, after reciting the inconveniences from the want of a set and appointed measure whereby corn and other grain might be bought and sold within the province, provides that from thenceforth *the measure used in England called the Winchester bushel* should be only used as the rule to measure all things sold by the bushel or barrel; and the barrel was to contain five such bushels; the sheriff of each county was to procure and keep such a standard bushel, whereby others should be sized and sealed; and penalties were affixed to the use of any others.

This act was to continue only two years, and then expired; but *the Winchester bushel* has, from the time of its enactment, remained the standard dry measure of Maryland.

In 1671 passed an act for providing a standard, with English weights and measures, in the several and respective counties within this province. And this statute, though omitted in all the late printed editions of the laws of Maryland, established the standard recognised by the existing act of 1715, and by all the subsequent laws of Maryland relating to the subject.

The preamble complains that much fraud and deceit is practised in the province by false weights and measures; for prevention of which it enacts:

That no inhabitant, or *trader hither*, shall use in trading any other *weights* or measures than are used and made *according to the statute of Henry VII. King of England* in that case made and provided, [the statute of 1496.]

That, for the discovery of abuses, nine persons, who are indicated by name, one for each county then in the province, should set up a standard at their own houses, and provide by the next shipping, or the shipping then next following at farthest, twelve half-hundredweights, a quartern, half-quartern, seven pounds, four pounds, two pounds, and one pound; also, each person six stamps for making steelyards and weights, to be lettered from A to I, one letter for each county; also, each person to have nine irons, numbered from 1 to 9, and another with 0, for the numbering of steelyards and pea, that they might not be changed; and to procure brass measures of ell and yard, to be sealed in England; also, a sealed bushel, half-bushel, peck, and gallon, of Winchester measure, and gallon, pottle, quart, pint, and half-pint of wine measure, with three burnt stamps for the wooden measures, and three other stamps for the pewter measures, to be all of the same letter with their other stamps; and that these weights, measures, and stamps should be kept by those nine persons at their respective houses, to which all persons were to bring their steelyards to be tried, stamped, and numbered once a year, and also their barrels, which were to contain five bushels, and other measures, to be sealed.

The act further provides penalties for using other weights and measures, and, in case of the death of any of the nine persons named as standard-keepers, directs that other persons should be appointed by the commissioners of the respective county courts in their stead.

The limitation of the act was to three years, or the end of the next General Assembly. It was revived and continued by several successive acts till 1692, when there passed "An act for the *settling of a standard* with English weights and measures within the several and respective counties in this province."

This is, in substance, a re-enactment and confirmation of the statute of 1671, providing that the justices of the county courts should, from time to time, appoint a person in each county to keep the standards, and to provide all such weights and measures as were wanting, according to the directions of the act of 1671, and an additional set for Cecil county, with stamps to be marked K.

September 21, 1704, chap. 71, an act *relating* to the standard of English weights and measures has the following preamble:

"Whereas *there is now* a standard of weights and measures *agreeable to the standard of weights and measures in Her Majesty's exchequer* in England, settled within the several counties of this province."

After this preamble the act directs that all persons, whether inhabitants or foreigners, shall bring their steelyards, with which they weigh and receive their tobacco, every year to be tried, stamped, and numbered; and every person trading with bushels, half-bushels, &c., shall have them tried and stamped at the standard, except such as come out of England and are there stamped; and penalties are prescribed for buying or selling by steelyards or dry measures not thus tried and stamped, but they are not extended either to the weights or the liquid measures.

The titles only of all these statutes are given in the printed editions of the statutes of Maryland. But the parts of them which prescribe the standard are yet in full force. The law is the memorable act of Parliament of 1496; and the fact, in Maryland as in England, is, that the standards have been copied from those in the exchequer.

In 1765, (1st November, ch. 1,) was passed a supplementary act to the act of 1715 already noticed, entitled "An act relating to the standard of English weights and measures."

The preamble recites that, in the act of 1715, there is no penalty upon *buyers* by unstamped dry measures as there is upon sellers; whence persons refuse to *buy* grain, flaxseed, and other commodities, unless by measures larger than the standard.

It therefore prohibits, upon five pounds penalty, buying by such measures.

Neither of these two acts takes any notice either of long or liquid measures, or of weights. But the standards had been established by the statute of 1671, and have continued to this time. Beer measure appears never to have been formally established by the statute law of Maryland; but troy weight is explicitly recognised in the act of November, 1781, (ch. 16,) to declare what foreign gold and silver coin shall be deemed the current money of the State. It fixes the value of several of those coins proportionably to their weight in ounces, pennyweights, and grains, intending (though not naming) troy weight; but rating Spanish milled pieces of eight at seven shillings and six pence, and French and English crowns at eight shillings and four pence.

In 1796, by an act to erect Baltimore, in Baltimore county, into a city, and to incorporate the inhabitants thereof, the corporation (section 9) are empowered to regulate and fix the assize of bread; to provide for the safe-keeping and preservation of the standard of weights and measures used within the city and precincts; also to regulate the assize of bricks, &c. And, in 1805, by an act supplementary to the act incorporating Baltimore as a

city, it is ordained (Congress not having yet fixed any standard of weights and measures) that the mayor and city council shall have and exercise the right of regulating all weights and measures within the city and precincts by the present standard, until one shall be determined on by Congress.

The assize of casks has been in Maryland, as in the other parts of the Union, both before and since our Revolution, a subject of frequent and voluminous legislation. As early as the year 1658, there had passed an act concerning the gauge of tobacco hogsheads, which had prescribed the length and diameter at the head of those casks, the dimensions of which were then the same as those used in Virginia. In 1676, this law was re-enacted with some additional sections, and was from time to time continued until 1732.

In November, 1763, by an act for amending the staple of tobacco, &c., the hogsheads containing that article were required to be 48 inches in the length of the stave, and 70 inches in the whole diameter within the staves, at the croze and bulge; a regulation repeated in the act of November, 1801, to regulate the inspection of tobacco, which is now in force.

In 1745, there passed an act for the gauge of barrels for pork, beef, pitch, tar, turpentine, and tare of barrels for flour or bread. It did not prescribe the dimensions of flour and bread casks, but directed that all barrels made or used for either of those articles should be of the size and gauge to contain at least the quantity of 31½ gallons, wine measure; and that the contents of every pork or beef barrel for exportation or sale should be at least 220 pounds nett of meat.

This act, though originally limited in duration to three years, and the end of the next session of the Assembly, has, by successive re-enactments, always limited, been continued in force to this day.

Another act of 1786, for the inspection of salted provisions, exported and imported from and to the town of Baltimore, required that the staves of beef and pork barrels should be 29 inches long, and 18 inches diameter at the head. And these regulations, though superseded at Baltimore by the exercise of the powers vested in the corporation of that city, have been extended to other parts of the State, and are yet in force.

The size of fish barrels had been prescribed by the same act. But in February, 1818, by an act to regulate the inspection of salted fish, it was directed that the barrel staves should be 28 inches in length, the heads 17 inches between the chimes, and to contain not less than 29 nor more than 31 gallons; tierces to hold not less than 45, and half-barrels not less than 15 gallons.

VIRGINIA.

Among the earliest records of the General Assembly of the colony of Virginia is an order of the 5th of March, 1623–'4, that there be no weights nor measures used but such as should be sealed by officers appointed for that purpose.

By an act of 23d February, 1631–'2, it was ordained that a barrel of corn should be accounted five bushels of *Winchester measure*, 40 gallons to the barrel. The commissioners of the monthly courts were to keep sealed barrels, and to seal such as should be brought to them. Whoever used unsealed barrels or bushels was to forfeit thirteen shillings and four pence, and sit on the pillory; and the measure and barrel deficient was to be broken and burnt. And for defective *weights*, it was ordained that the offender should be punished according to the statute in that case provided.

An act of 5th October, 1646, declares that merchants and others, as well *Dutch* as English, practise deceit by *diversity* of weights and measures used by them; and enacts that no merchant or trader, whether English or Dutch, shall trade with other weights and measures than according to the statute of Parliament in such cases provided. What this statute of Parliament was, is explained by an act of 23d March, 1661–'2, which declares that, "Whereas dayly experience showeth that much fraud and deceit is practised in this colony by false weights and measures;" "for prevention thereof, no inhabitant or trader hither shall trade with any other weights or measures than are used and made according to the statute of 12 Henry VII., ch. v., [the statute of 1496,] in that case provided; and that for the discovery of abuses, county commissioners shall provide sealed *weights* of half-hundreds, quarternes, half-quarternes, seaven pounds, fower pounds, two pounds, one pound, measures of ell and yard, of bushel, half-bushel, peck, and gallon of Winchester measure; gallon, pottle, quart, pint, half-pint, of wine measure out of England; to be kept by the first of every commission at the house, and a burnt mark of (cv.;) and a stamp for leaden weights and pewter potts, whither all persons, not using weights and measures brought out of England and sealed there, shall bring all their barrels (which are to contain five bushels) and other measures to be sealed, and their stillyards to be tried." Then follow penalties (in tobacco) for selling by other than sealed weights and measures, and upon commissioners for not providing standards.

Thus in Virginia, as in Maryland, the English statute of Henry VII., of 1496, has for near a century and a half been nominally the law of the land concerning weights and measures; while, at the same time, the actual weights and measures of capacity have been copies from the standards in the exchequer, not one of which has ever been conformable to the statute of 1496. And this very act of Virginia, of 1661, while establishing by law the exclusive *troy* weight, *wine* gallons, and never-made bushel, of the English act of 1496, requires of the county commissioners to provide the *avoirdupois* weights and the *Winchester* measures of the English exchequer.

In the year 1734, a new and amendatory act "for more effectual obliging persons to buy and sell by weights and measures according to the English standard" repeated all the principal provisions of the act of 1661, omitting, however, all reference to the English act of Parliament of 1496. And since the Revolution, by an act of the Legislature of Virginia of the 26th December, 1792, this act of 1734 is continued, to remain in full force until the Congress of the United States shall have otherwise provided.

Among the numerous wise and honorable examples which the Commonwealth of Virginia has given to her sister States of this Union, has been that of an undertaking to compile and publish a complete collection of her *statutes at large;* that is, of all the acts of her legislative assemblies, from the first settlement of the colony to the present time. This work is at this time in the process of publication; and, besides exhibiting the series of all the direct proceedings for the regulation of weights and measures, contains a mass of information shedding light on every portion of our national history. The connexion of weights and measures with the successive progress of this legislation is more intimate and remarkable from the fact that the original staple commodity of the colony, *tobacco*, was, for more than a century, not only merchandise, but *money*. It was the circulating medium of exchange, and to a great degree so continued until supplanted by the modern and less valuable article of bank paper. To trace the varieties of value affixed to this article of tobacco, in its character of a circulating medium, as rated by legislative enactments, in comparative estimation with other articles of traffic with the sterling currency of the mother country, with foreign coins of gold, silver, and copper, with the assessment of taxes, the levies of imposts, the wages of labor, and the compensations for public service, would be an inquiry into facts of high and interesting curiosity, but too far transcending the immediate objects of Congress to be properly comprised in this report. It must suffice to say, that the inspection laws relating to this article have been so numerous and so variant, that the collection of them would alone fill several volumes. The latest of these laws, and that which is now in force, is of March 6,

1819, and provides that the tobacco hogshead shall not be more than 54 inches long of the stave, nor more than 34 inches at the head within the crow, making reasonable allowance for prizing, not exceeding two inches above the gauge in the prizing head; and that it shall contain 1,250 pounds nett of tobacco, with certain allowances for shrinkage.

The assize of casks for other articles, as in most of the other States in the Union, is regulated by different laws, adapted to the different articles. The barrel for tar, pitch, and turpentine, by an act of 26th December, 1792, must contain 31½ wine gallons, the precise nominal dimensions of the old English wine barrel or half-hogshead, as prescribed by acts of Parliament time out of mind. But, by the same act of 1792, barrels for beef and pork are to contain 204 pounds nett of meat, with an allowance of 2½ per cent. for shrinkage, and are to be of capacity from 29 to 31 gallons. By another act of 28th December, 1795, barrels for fish are to be of not less than 30, nor more than 32 gallons. By an act of 8th January, 1814, the barrel of *salt* is to contain five bushels; agreeing thereby with the primitive Virginian corn barrel of 1631. But an act of 18th February, 1819, now requires that the barrels for bread, flour, or Indian meal, should be made of staves 27 inches long, and be of 17½ inches diameter at the head, and contain 196 pounds of flour or meal.

The size of staves and heading is regulated by an act of 21st February, 1818, as follows:

Staves, long butt, from 5 feet 6 inches to 5 feet 9 inches long; from 5 to 6 inches broad; from 2 to 2½ inches thick.

Do. short butt and pipe, from 4 feet 6 to 4 feet 9 inches long; from 3 to 4 inches broad; from ⅝ of an inch to 1¼ inch thick.

Do. hogshead, from 3 feet 6 to 3 feet 9 inches long; from 3 to 4 inches wide; from ¾ to 1¼ inch thick.

Do. barrel, from 2 feet 8 to 2 feet 10 inches long; not less than 3 inches wide; not less than ¾ of an inch thick in any place.

Do. heading, of 28, 30, 32, in due proportion, and not more than 34 inches long; from 5 to 7 inches broad, dressed, and clean of sap; and from ¾ to 1¼ inch thick.

NORTH CAROLINA.

The only law of this State relating to weights and measures, a knowledge of which has been obtained, was enacted prior to the American Revolution, during the administration of Governor Gabriel Johnston, and is yet in force. It prohibits the use, in trade, by all the inhabitants or traders within the province, of any weights and measures other than are made and used *according to the standard in the English exchequer*, and the statutes of England in that case provided. It charges the justices of the county courts to provide, at the charge of each county, sealed weights of half-hundred, quarter of hundred, seven pounds, four pounds, two pounds, one pound, and half-pound; measures of ell and yard, of brass or copper; measures of half-bushel, peck, and gallon of dry measure, and a gallon, pottle, quart, and pint, of wine measure. It prescribes the appointment of standard-keepers in each county, to whom all weights and measures of the inhabitants are to be brought to be sealed, and who are to be sworn to the faithful discharge of their duties; and it subjects to suitable penalties the various offences of falsifying weights and measures, or of trading with such as have not been duly tried by the standard, and sealed. It also repeals all former laws of the province upon the subject.

SOUTH CAROLINA.

By an act of 12th April, 1768, the public treasurer was required to procure, of brass or other proper metal, one weight of 50 pounds, one of 25 pounds, one of 14 pounds, two of 6 pounds, two of 4 pounds, two of 2 pounds, and two of 1 pound, avoirdupois weight, according *to the standard of London;* and one bushel, one half-bushel, one peck, and one-half peck measures, according *to the standard of London.* The weights were to be stamped or marked in figures denominating their weight, and to be kept by the public treasurer; and, by these weights and measures, declared to be the standards, all others in the province were to be regulated. By another act, of 17th March, 1785, subsequent to the Revolution, the justices of the county courts were authorized to regulate weights and measures within their respective jurisdictions, and to enforce the observance of their regulations by adequate penalties.

GEORGIA.

An act of the State Legislature of 10th December, 1803, declares the standard of weights and measures established by the corporations of the cities of Savannah and Augusta to be the fixed standard of weights and measures within the State; and that all persons buying and selling shall use that standard until the Congress of the United States shall have made provision on that subject. It directs the justices of the inferior courts in the respective counties to obtain standards conformable to those of the corporation of one of those cities; and prescribes regulations for keeping the standards, and for trying, marking, and sealing by them the weights and measures of individuals, with penalties for using in traffic any others not corresponding with them.

An ordinance of the city council of Augusta directs that all weights for weighing any articles of produce or merchandise shall be of the *avoirdupois* standard weights; and all measures for liquor, whether of wine or ardent spirits, of the *wine* measure standard; and all measures for grain, salt, or other articles usually sold by the bushel, of the dry or *Winchester* measure standard. And it prohibits the use of any other than brass or iron weights thus regulated, or weights of any other description than those of 50, 25, 14, 7, 4, 2, 1, ½, ¼ pound, 2 ounces, 1 ounce, and downwards.

KENTUCKY.

An act of the Legislature of the 11th December, 1798, reciting, in its preamble, that Congress are empowered by the federal constitution to fix the standard of weights and measures, and that they had not passed any law for that purpose, recognises, as thereby remaining in force within that commonwealth, the act of the General Assembly of Virginia of the year 1734.

It therefore authorizes and directs the Governor to procure one set of the weights and measures specified by the Virginian act of 1734, with measures of the length of one foot and one yard; and declares that the bushel dry measure shall contain 2150⅖ solid inches, and the gallon of wine measure 231 inches. It provides that these standards shall be kept by the Secretary of State of the commonwealth; that the Governor shall cause to be made, and transmitted to each county, scales and standards conformable to those of the State, which are to be kept by persons to be appointed by the county courts, and with which all the weights and measures used in trade by individuals are to be made to correspond.

TENNESSEE.

From a communication received from the Governor of the State of Tennessee, it appears that there is in that State no standard of weights and measures fixed by the Legislature.

OHIO.

The only act of the Legislature of the State of Ohio on this subject is of 22d January, 1811. It directs the county commissioners of each county in the State to cause to be made one half-bushel measure, to contain $1075\frac{2}{10}$ solid inches, which is to be kept in the county seat, and to be called the standard.

LOUISIANA.

Before the accession of Louisiana to the Union of these States, the weights and measures used in the province were those of France, of the old standard of Paris. An account of these, and of the present state of the weights and measures in the State of Louisiana, is submitted in the appendix to this report.

By an act of the Legislature of 21st December, 1814, the Governor of the State was required to procure, at the expense of the State, weights and measures corresponding with those used by the revenue officers of the United States, together with scales and a seal, to be deposited in the custody of the Secretary of the State, to serve as the general standard for the State.

Provision was also made by the same act for the appointment of an inspector at New Orleans, and for furnishing standards to the several parishes throughout the State.

By the last section of this act, a special dry measure is ordained, by the name of a barrel, to contain three and a quarter bushels, according to the American standard, and to be divided into half and quarters-barrel. The capacity of this measure, containing, according to the law, 6988.86 cubic inches, is referrible to none of the usual dry measures of the ancient Paris standard, but corresponds with tolerable exactness with the ancient Bordeaux half-hogshead, and with the assize of barrels prescribed by almost all the States of the Union, for packing beef, pork, and flour for exportation.

INDIANA.

An act of the Territorial Legislature of 17th September, 1807, authorized the courts of common pleas of the respective counties in the Territory, whenever they might think it necessary, to procure a set of measures and weights for the use of the county; namely, one measure of one foot, or twelve inches English measure, so called; one measure of three feet, or thirty-six inches English measure; one half-bushel for dry measure, to contain $1075\frac{1}{5}$ solid inches; one gallon measure, to contain 231 solid inches; the measures to be of wood, or any metal, as the court may think proper; also, one set of avoirdupois weights, to be sealed with the name or initial letters of the county. These weights and measures were to be kept by the clerks of the county courts for the purpose of trying and sealing those used in their counties. After due notice given by the courts that these standards had been procured, all persons were prohibited from buying or selling by weights or measures not corresponding with them; and the clerk was to try and seal all weights or measures brought to him therefor corresponding with the standard. This act was to continue in force till Congress should otherwise provide.

The provisions of this act are, in substance, and nearly to the letter, repeated in an act of the State Legislature of 21st January, 1818.

There is also an act of 24th December, 1816, regulating the inspection of tobacco, and one of 2d January, 1819, regulating the inspection of flour, beef, and pork. The assize of hogsheads and of casks prescribed in them is the same as that of the Virginia laws.

MISSISSIPPI.

An act of the Territorial Legislature of 4th February, 1807, directed the treasurer to procure a set of the large avoirdupois weights, according to the standard of the United States, if one were established, but if there were none such, according to the standard of London, with proper scales for weights, together with measures of foot and yard, dry measures of capacity, and liquid *wine* measures. He was also required to furnish each county in the Territory with a set of weights, scales, and measures, conformable to the above standards, to be kept by a person appointed by the county courts, under oath, and accessible to all persons desirous of having their weights and measures tried and sealed. Penalties were also annexed to the use of weights and measures not corresponding with these standards.

A subsequent act of 23d December, 1815, further required of the treasurer to procure six sets of the weights and measures as above described, and to distribute them at suitable places in the several counties of the Territory; and additional penalties were prescribed for the use of weights and measures not corresponding with the standard.

An act of the Legislature of the State of Mississippi of 6th February, 1818, "to provide for inspections and for other purposes," contains many other regulations for the keeping of the standard weights and measures, and for securing conformity to them. It makes no alteration of the standard, but confirms, "until Congress shall fix a standard for the United States," that which had already been established. It also requires that barrels of flour should contain 196 pounds nett, and barrels of pork and beef 200 pounds nett of meat.

ILLINOIS.

The Territorial act of 17th September, 1807, passed while the State of Illinois formed a part of the Indiana Territory.

But by an act of the Legislature of this State "regulating weights and measures," of 22d March, 1819, the county commissioners of each county in the State were required to procure, at the expense of the county, one foot and one yard English measure; a gallon liquid or wine measure to contain 231 cubic inches; corresponding quart, pint, and gill measures, of some proper and durable metal; a half-bushel dry measure to contain eighteen quarts, one pint, and one gill, wine measure, or 1075.2 cubic inches, and a gallon dry measure to contain one-fourth part of the half-bushel; these two measures to be of copper or brass: also a set of weights, of one pound, one-half pound, one-eighth pound, and one-sixteenth pound, made of brass or iron, the integer of which to be denominated one pound avoirdupois, and to be equal in weight to 7,020 grains troy or gold weight. These weights and measures are to be kept by the clerk of the county commissioners for trying and sealing the measures and weights in common use.

All persons are authorized to have their weights and measures tried by the standards and sealed; and are forbidden, upon suitable penalties, to buy or sell by others not corresponding with them.

The most remarkable peculiarity of this act is, its departure from the English standard weights, by fixing the avoirdupois pound at 7,020 instead of 7,000 grains troy.

ALABAMA.

This State having formed a part of the Mississippi Territory previously to the admission of the State of Mississippi into the Union in 1817, the acts of that Territory of 4th February, 1807, and 23d December, 1815, embraced this section of territory. No act of the State Legislature of Alabama on this subject is known to have been passed.

MISSOURI.

The Territorial Legislature, by an act of 28th July, 1813, directed the several courts of common pleas within the Territory to provide, for and at the expense of the respective counties, one foot and one yard English measures; one half-bushel to contain 1075$\frac{1}{5}$ solid inches for dry measure; one gallon to contain 231 solid inches, and smaller liquid measures in proportion, to be of wood or any metal the court should think proper; also, one set of avoirdupois weights, and one seal, with the initial of the county inscribed thereon: all to be kept by the clerks of the courts of common pleas or circuit courts, for the purposes of trying and sealing the measures and weights used in their counties.

The use, or keeping to buy or sell, of weights or measures not corresponding with these standards, after due notice, was prohibited under penalties by the same acts, but with a proviso that all contracts or obligations made previous to the taking effect of the act should be settled, paid, and executed agreeably to the weights and measures in common use when the contracts or obligations were made or entered into.

DISTRICT OF COLUMBIA.

By the act of Congress of 27th February, 1801, concerning the District of Columbia, the laws of the State of Virginia, as they then existed, were continued in force in the part of the District which had been ceded by that State, and the laws of Maryland in the part of the District ceded by Maryland.

The act to incorporate the inhabitants of the city of Washington, of 3d May, 1802, authorizes the corporation to provide for the safe-keeping of the standard of weights and measures fixed by Congress, and for the regulation of all weights and measures used in the city.

The supplementary act of 24th February, 1804, gives the city council power to establish and regulate the inspection of flour, tobacco, and salted provisions, and the gauging of casks and liquors.

And by the act of 4th May, 1812, further to amend the charter of the city of Washington, further power is given to the corporation to regulate the measurement of, and the weight by which all articles brought into the city for sale shall be disposed of.

The weights and measures of the city have accordingly been regulated by various acts of the corporation, conformably to the standard used in the State of Maryland. The inspection laws, the assize of tobacco hogsheads and flour casks, the dimensions of bricks and of cord wood, are all formed upon the same model. The weight of bread is adapted once a month to the price of flour; but, by a special ordinance, all coal for sale within the city is sold by a measure containing five struck-standard half-bushels, stamped and marked by the sealer of weights and measures, and the stricken measure of which is considered as two bushels.

As preliminary remarks in reference to that part of the resolutions of both Houses which requires the opinion of the Secretary of State with regard to the measures which it may be proper for Congress to adopt in relation to weights and measures, it may be proper to state the extent of what can be done by Congress. Their authority to act is comprised in one line of the constitution, being the fifth paragraph of the eighth section and first article, in the following words: "*to fix the standard of weights and measures.*"

It may admit of a doubt whether, under this grant of power, is included an authority so totally to subvert the whole system of weights and measures as it existed at the time of the adoption of the constitution as would be necessary for the introduction of a system similar to that of the French nation. To *fix* the standard appears to be an operation entirely distinct from changing the denominations and proportions already existing, and established by the laws or immemorial usage. And this doubt acquires a further claim to consideration, if it be true, as the experience of other nations seems to warrant us in the conclusion, that there is no object of regulation by human power in which the prescriptions of a Government are so difficult to be carried into execution. Throughout Europe, in the most absolute as well as in the freest Governments, every historical research presents a fruitless struggle on the part of authority to introduce order and uniformity, and an unconquerable adherence of custom to the diversities of usage among the people. There is, perhaps, less of this diversity in the United States than in any country in Europe. At the adoption of the constitution, all the weights and measures in common use throughout the United States were derived, either by the statutes of the States, or by an invariable usage, which had supplied the place of law, from the standards in the English exchequer. Hence, the English foot, divided into twelve inches, was the unit of all measures of matter in length, breadth, or thickness. Its various multiples of the yard, ell, perch, pole, furlong, acre, and mile, were all recognised by the laws, and in the familiar use of the people. The avoirdupois and troy weights, with the difference of modification of the latter as used for weighing the precious metals or apothecaries' drugs in retail, the wine gallon of 231, and the beer gallon of 282 solid inches, were equally well known, and in general use, and the Winchester bushel of 2150.42 solid inches formed the general standard of all the dry measures of capacity.

In many of the States the standards established by statute had been procured from the court of exchequer; and the only variety discernible in the legislation of the States on this subject arises from a difference existing in the several standards of the same measures at the exchequer and at Guildhall, in London.

In the exercise of the authority of Congress, with a view to the general principle of uniformity, there are four different courses of proceeding which appear to be practicable:

1. To adopt, in all its essential parts, the new French system of weights and measures, founded upon the uniformity of identity.

2. To restore and perfect the old English system of weights, measures, moneys, and silver coins, founded upon the uniformity of proportion.

3. To devise and establish a system in which the uniformities of identity and of proportion shall be combined together by adaptations of parts of each system to the principles of the other.

4. To adhere, without any innovation whatever, to our existing weights and measures, merely fixing the standard.

1. In the review which has been taken, and the comparison which has been submitted to Congress between the old English and the new French, or, as they may with more propriety be called, the ancient and the modern systems of metrology, it has been the endeavor of this report to show that, while each of these systems embraces principles of the highest importance, neither of them includes all the elements resulting from the nature of the relations between man and things as created beings, and between man and man in society, mingling in the purposes to which weights and measures are applicable. The opinion has been expressed that the uniformity of proportion in the ancient system, uniting weight and measure by the relative gravity, extension, and numbers incident to dry and liquid substances, possessed advantages of which the uniformity of identity in the modern system was entirely deprived; that the property of the ancient system, by which the money weight and the silver coin were the same,

the most useful of all uniformities of which weights, measures, money, and coins are susceptible, was very imperfectly adapted to the modern system of France; that the French system, admirable as it is, looked, in its composition, to weights and measures more as exclusively matters of account than as tests of quantity; that, in its eagerness for extreme accuracy in the relations between things, it lost sight a little of the relations of weights and measures with the physical organization, the wants, comforts, and occupations of man; that, in its exclusive partialities for decimal arithmetic, it forgot the inflexible independence and the innumerable varieties of the forms of nature, and that she would not submit to be trammelled for the convenience of the counting-house. The experience of the French nation under the new system has already proved that neither the immutable standard from the circumference of the globe, nor the isochronous vibration of the pendulum, nor the gravity of distilled water at its maximum of density, nor the decimation of weights, measures, moneys, and coins, nor the unity of weight and measure of capacity, nor yet all these together, are the only ingredients of practical uniformity for a system of weights and measures. It has proved that gravity and extension will not walk together with the same staff; that neither the square, nor the cube, nor the circle, nor the sphere, nor the revolutions of the earth, nor the harmonies of the heavens, will, to gratify the pleasure or to indulge the indolence of man, be restricted to computation by decimal numbers alone.

The substitution of an entire new system of weights and measures, instead of one long established and in general use, is one of the most arduous exercises of legislative authority. There is, indeed, no difficulty in enacting and promulgating the law; but the difficulties of carrying it into execution are always great, and have often proved insuperable. Weights and measures may be ranked among the necessaries of life to every individual of human society. They enter into the economical arrangements and daily concerns of every family. They are necessary to every occupation of human industry; to the distribution and security of every species of property; to every transaction of trade and commerce; to the labors of the husbandman; to the ingenuity of the artificer; to the studies of the philosopher; to the researches of the antiquarian; to the navigation of the mariner, and the marches of the soldier; to all the exchanges of peace, and all the operations of war. The knowledge of them, as in established use, is among the first elements of education, and is often learned by those who learn nothing else, not even to read and write. This knowledge is riveted in the memory by the habitual application of it to the employments of men throughout life. Every individual, or at least every family, has the weights and measures used in the vicinity, and recognised by the custom of the place. To change all this at once, is to affect the well-being of every man, woman, and child in the community. It enters every house, it cripples every hand. No legislator can attempt it with any prospect of success, or any regard to justice, but upon two indispensal le conditions: one, that he shall furnish every individual citizen easy access to the new standards which take the place of the old ones; and the other, that he shall enable him to *know* the exact proportion between the old and the new. A multiplication of standard copies to a great extent is indispensable; and the distribution of them throughout the country, so that they may be within the means of acquisition to every citizen, is among the duties of the Government undertaking so great a change. Tables of equalization must be circulated in such a manner as to find their way into every house; and a revolution must be effected in the use of books for elementary education, and in all the schools where the first principles of arithmetic may be taught. All this has been done in France, and all this might be done, perhaps, with more ease in the United States. But were the authority of Congress unquestionable to set aside the whole existing system of metrology, and introduce a new one, it is believed that the French system has not yet attained that perfection which would justify so extraordinary an effort of legislative power at this time.

The doubts entertained whether an authority so extensive as this operation would require has been delegated to Congress are strengthened by the consideration of the character of the executive power, corresponding with the legislative authority. The means of execution for exacting and obtaining the conformity of individuals to the ordinances of the law in the case of weights and measures belong to that class of powers which, in our complicated potitical organization, are reserved to the separate States. The jurisdictions to which resort must be had for transgressions of this description of laws are those of municipal police. In England they were originally of the resort of views of frank-pledge in every separate manor, and have since been transferred to the clerks of the market and to the justices of the peace. The sealers of weights and measures, officers who have the custody of the standards, and the authority to compare with them, from time to time, the weights and measures used by individuals, and to prosecute for all offences by variations from the standards, and the courts before whom all such offences are triable, are institutions not only existing in almost every State in the Union, but essentially belonging to that portion of public authority suited to the State administration rather than to that of the Union. It is a general principle of our constitutions, that, with every delegation of legislative authority, a co-extensive power of execution has been granted. Affairs of municipal and domestic concern have, for obvious reasons, been reserved to the State authorities; and of this character are most of the regulations and penal sanctions for securing conformity to the standards of weights and measures. In *fixing the standard*, it is believed that Congress must rely almost entirely, if not altogether, upon State executive authorities for carrying their law into execution. And, although this reliance may be safely indulged in relation to a law which should merely fix the uniformity of existing standards, its efficacy would be very questionable in the case of a law of great and universal innovation upon the habits and usages of the people. Of such a law the transgressions could not fail to be numerous; any doubt of the authority of the legislator would stimulate to systematic resistance against it, and the power of enforcing its execution being in other hands, naturally disposed to sympathize with the offender, the whole system would fall into ruin, and afford a new demonstration of the impotence of human legislation against the laws of nature in the habits of man.

2. The restoration of the old English, which was also the Greek and Roman system of weights, measures, and silver coins, founded upon the uniformity of proportion, would require an exercise of authority no less transcendent than the introduction of the French system. Its advantages were, the identity of the money weight and silver coin, the wine gallon at once a multiple of the money weight, and an aliquot part of the cubic foot, and its proportions of the money and commercial pounds, and of the wine and corn gallons, to the relative specific gravity of wine and wheat. But, as all these combinations were founded upon the assumption that the relative gravity of wheat to wine was as 4 to 5, and that the gravity of wine and of spring water was the same; and as it allowed of the making of the wine gallon by two processes—by the weight of wheat multiplied, and by the weight of the cubic foot of water divided, the result of the two processes was not exactly the same. The Irish gallon, of 217.6 inches, was made by one process; and the Romford gallon, of 266.25, was its corresponding corn and ale measure. A wine gallon of 219.5 cubic inches was made by assuming 252 gallons as the measure of the tun, or 32 cubic feet; and its corresponding corn measure was the Winchester bushel, with an ale gallon of 268. The Winchester bushel is the only existing relic of the old English system, which has outlived all the changes of the laws, and all the revolutions of ages. Should that be retained, and its contents fixed at 2148.5, to restore and perfect the whole system by an exact combination of the two modes of forming the water gallon, without regard to the weight of wine, would require a liquid gallon of 219.5 inches, a dry gallon of 268.5, a money pound of 5714.28, and a commercial pound of 6944.44 grains troy. This money pound should then be made the weight of the unit of silver coins, of a settled

standard purity, and might be decimally divided, like our present silver coins, and decimally or duodecimally divided as a weight. Or, the tun might be declared to contain 256 gallons of 216 cubic inches; in which case the money pound would be of 5,625, and the commercial pound of 6,836 grains troy; the corn and ale gallon of 262.5, and the bushel of 2,100 cubic inches. If the old easterling twelve and fifteen ounce pounds should be restored, and the gallon, according to its primitive composition, be made to contain 10 twelve-ounce pounds of wine, it would then be, considering the gravity of wine as of 250 grains troy to a cubic inch, of the same capacity of 216 cubic inches. It would also contain 8 fifteen-ounce pounds of 6,750 grains troy; but the proportion between the two pounds would not be exactly that between the gravity of wheat and wine. The wine gallon, filled with 8 twelve-ounce pounds of wheat, would contain in wine 8 pounds, not of 6,750, but of 6,608 grains; and, if divided into 15 ounces, the ounce would not be the easterling, but the avoirdupois ounce.

3. The proportions between the existing troy and avoirdupois weights, and between the wine gallon of 231, and the beer gallon of 282 cubic inches, are more exactly those between the specific gravity of wheat and of spring water than were the easterling pounds of 12 and 15 ounces, or those of the primitive gallon of 216 inches, with the ale gallon deduced from the Winchester bushel. They are exact, to the utmost degree of precision; but these proportions are without use. Neither does the wine gallon contain an exact number of pounds of wine, nor is the beer gallon an aliquot part of the bushel. These were proportions, in their origin, of great usefulness, but imperfectly settled. The whimsical operation of time and human laws upon them has been to make the proportions perfect, but to render them useless. There are, nevertheless, very useful proportions in our existing weights and measures, one of which is between the tun measure of water and the pound avoirdupois. As 1,000 ounces avoirdupois weigh exactly one cubic foot of water, it follows that the ton of 2,000 pounds weight is the ton of 32 cubic feet measure. The other is between the pound avoirdupois and the pound troy; the former consisting of precisely 7,000 grains troy. The pound avoirdupois is therefore the connecting link between weight and linear measure. It is at once a test and standard of the cubic foot, of the ton measure, and of the troy weight; while the foot, the ton, and the troy weight are each, by this connecting link, tests and standards of each other, and of the avoirdupois pound. But the 32 cubic feet, which are at once the ton weight of 2,000 pounds, and the tun measure of water, are not sufficient as measure, to contain the same weight of wheat. The bushel is the measure containing the same weight of wheat which the cubic foot contains of water. Thirty-two bushels, therefore, contain the ton weight of 2,000 pounds avoirdupois; but they would make a tun measure, within a small fraction, of 39 cubic feet.

The avoirdupois pound of 16 ounces, and of 7,000 grains troy, is used, however, only for quantities of less than a quarter of a hundred pounds. It then receives an accession of 12 per cent. on its quantity: the quarter of a hundred contains 28 pounds, the hundred 112, and the ton of 2,000 actually contains 2,240. If the hundred and twelve pounds should be considered as a nett hundred, each pound would be of 7,840 grains troy weight, and would bring it within one-quarter of an ounce troy to the weight of the French half-kilogramme or usual pound. If the wine gallon were, as under the statute of 1496 it should have been, and as the Guildhall gallon before the statute of Anne 5 actually was, of 224 inches, it would have had two further useful coincidences: it would have contained just eight pounds avoirdupois of wine; eight pounds troy weight of wheat; and a number of cubic inches in decimal subdivision to the number of pounds avoirdupois in the ton of 2,240, or twenty hundred of 112 pounds.

There are two changes, therefore, in our existing weights and measures, which would restore and perfect the system of ancient metrology: one, to make the troy weight the unit of our silver coins, in which case it might be decimally divided as coin, retaining its divisions into ounces, pennyweights, and grains, as a weight; and the other, to restore the wine gallon of 224 inches, with its corresponding ale gallon of 272, and bushel of 2,176 inches.

But it has been already remarked that in the ancient system, founded on the uniformity of proportion between the relative extension and gravity of wheat and wine, there were, in the double sets of weights and measures of capacity, two advantages: one, of a general nature, resulting from it as proportional, without reference to the articles selected for settling the proportions; and the other special, arising from the selection of wheat and wine as the articles. The first belongs to every proportional system of which the proportion between the standards is accurately ascertained, and consists in this: that each weight and each measure is a test and standard for all the others. The second depends on the selection of the articles, and is limited to the conveniences and facilities of trade, commerce, and navigation, as incidental to them. Reasons have been suggested why the two articles of wheat and wine should have been selected in the primitive system, as being, from the nature and physical constitution of man, the first, and, for many ages, the greatest and most important articles of traffic. The necessity for establishing a proportion between the relative weight and measure of those articles was also dictated by the practice of transporting them both by sea in ships.

The space in cubic feet which would be filled by a determinate weight of each of them was an object of essential importance to be known, not as a philosophical theory, but for every mechanical operation of the commerce. The size of the cask must be adapted to the capacity and the burden of the ship: and when the ton weight of wine had been adapted to the tun measure of water, it became of the utmost use to make the measure of corn so correspond with the cask of wine as to contain the same determinate quantities by weight. But in modern times, and especially to these United States, neither wheat nor wine is an article of primary importance in domestic trade or in foreign commerce. Whatever may be the capacities of our country for producing wine, they have hitherto scarcely been discovered. Tea and coffee have taken the place of wine as comforts, or next to necessaries of life, and have degraded that article into the class of luxuries. We import little, and export none of it. We receive it in the casks of the several countries from which it comes; and although the laws of some of our States, as well as those of England, still exhibit the absurdity of requiring that the hogshead should contain 63 wine gallons of 231 cubic inches, because it once contained 63 gallons of 219½ inches, yet no one complains that the real hogshead is just what it was 600 years ago, without either swelling to the dimensions of Queen Anne's cubic inches, or contracting the gravity of its contents to the troy weight of Henry VII. We raise vast quantities of wheat, but export it almost exclusively in its manufactured state of flour. The weight of wine is, between the buyer and seller, never a subject of inquiry. We have universally the Winchester bushel, defined by the 13th William III., of 2150.42 cubic inches, with the single exception of the State of Connecticut, whose standard bushel is *very near* 2,198 inches. And the laws of many of the States require that the bushel should contain 60 pounds avoirdupois of wheat. Should a standard bushel now be made in the manner described in the statute of 1266, it would be a measure of 2148.5 cubic inches, and would contain 60½ avoirdupois pounds of wheat. The relative proportion between the extension and specific gravity of wheat and wine is to us, therefore, of no importance or use in our system of weights and measures. When the wine gallon contained a determinate weight of the liquor, and was at the same time a sixty-third part of 8 cubic feet, there were motives of convenience and utility in using another measure for ale and beer, which, being brewed from grains, had natural proportions to the measures used for them. It was natural, therefore, to employ the eighth part of the measure of the bushel as the beer gallon, though at the same time a vessel of smaller size was used for the measurement of wine. But since the weight of wine, and the proportions of its measuring vessel to the cubic foot, have ceased to be of any account, there is no purpose of utility

answered by the employment of two different measures for different fluids; while there is great tendency to error and fraud in the use of two such measures, of the same materials, and bearing the same name.

4. Our system of weights and measures is, therefore, susceptible of great improvements, by restoring some of the principles which belonged to the system from which it was originally derived. It is perhaps still more improvable by the adoption of some of the principles contained in the new French metrology. There is no doubt that the decimal divisions might be introduced to great advantage both into linear measure, by the adoption of the metre, and into weights, by identifying the money weight with the silver coin. It is believed that a system embracing the essential advantages of all the three might, without much difficulty, be combined; and that it would be better adapted than either of them to the use of all human kind, and thus secure, in its utmost possible extent, the uniformity with reference to persons.

Weights and measures, and the final establishment of a system for them, with a view to the utmost practicable extent of uniformity, are at this moment under the deliberative consideration of four populous and commercial nations—Great Britain, France, Spain, and the United States. The interest is common to them all: the object of *uniformity* is the same to all. Could they agree upon one result, the advantages of that agreement would be great to each of them separately, and still greater in all their intercourse with one another. But this agreement can be obtained only by consultation and concert. It is, therefore, respectfully proposed, as the foundation of proceedings necessary for securing ultimately to the United States a system of weights and measures which shall be common to all civilized nations, that the President of the United States be requested to communicate, through the ministers of the United States in France, Spain, and Great Britain, with the Governments of those nations, upon the subject of weights and measures, with reference to the principle of uniformity as applicable to them. It is not contemplated by this proposal that the communication should lead to any conventional stipulations or treaties; but it is hoped that the comparison of ideas, and the mutual reciprocation of observation and reflection, may terminate in concurrent acts, by which, if even universal uniformity should be found impracticable, that which would be obtained by each nation would at least approximate nearer to perfection.

In the mean time, should Congress deem it expedient to take immediate steps for accomplishing a more perfect uniformity of weights and measures within the United States, it is proposed that they should assume as their principle that no innovation upon the existing weights and measures should be attempted.

To fix the standard of weights and measures of the United States as they now exist, it appears that the act of Congress should embrace the following objects:

1. To *declare* what are the weights and measures to which the laws of the United States refer as the legal weights and measures of the Union.

2. To procure positive standards of brass, copper, or such other materials as may be deemed advisable, of the yard, bushel, wine and beer gallons, troy and avoirdupois weights; to be deposited in such public office at the seat of Government as may be thought most suitable.

3. To furnish the executive authorities of every State and Territory with exact duplicates of the national standards deposited at the seat of Government.

4. To require, under suitable penal sanctions, that the weights and measures used at all the custom-houses, and land surveys, and post offices, and, generally, by all officers under the authority of the United States, in the execution of their laws, should be conformable to the national standards.

5. To declare it penal to make or to use, with intent to defraud, any other weights and measures than such as shall be conformable to the standards.

1. The existing weights and measures of all the States of this Union are derived from the exchequer, or from the laws of Great Britain. The one common standard from which they are all deduced is the English foot, divided into twelve inches, and three of which constitute the yard. The positive standard yard is a brass rod of the year 1601, in the British exchequer. The unit of measure is the foot of 12 equal inches. The inch, by the English laws, is divided into three equal parts, called barleycorns; but this division is not used in practice. The practical divisions of the inch are, at option, binary or decimal; that is, of halves, quarters, and eighths, or of tenths, hundredths, and thousandths. Thirty-two cubic feet of spring water, at the temperature of 56 degrees of the thermometer of Fahrenheit, constitute the ton weight of 2,000 pounds avoirdupois. The pound avoirdupois consists of 16 ounces; the ounce of 16 drachms. The pound avoirdupois is equal in weight to 7,000 grains troy, or to 14 ounces 11 pennyweights 16 grains troy. The troy pound consists of 12 ounces, each ounce of 20 pennyweights, each pennyweight of 24 grains. It is otherwise divided for the use of apothecaries; but the grain and the pound are the same. The troy pound is equal in weight to 13 ounces and $2\frac{2}{3}$ drachms avoirdupois.

The bushel is a cylindrical vessel $18\frac{1}{2}$ inches in diameter, and 8 inches deep; or any vessel of 2150.42 cubic inches. It is divided into 4 pecks, each peck into 4 pottles, each pottle into 2 quarts, each quart into 2 pints.

The ale and beer gallon is a vessel of 282 cubic inches. It is divided into 4 quarts, each quart into 2 pints, each pint into 4 gills.

The wine gallon is a vessel of 231 cubic inches; divided, like the beer gallon, into wine quarts, pints, and gills.

Any cubic vessel of 12.9 inches in length, breadth, and thickness, is of equal contents with the Winchester bushel. Any cubic vessel of 6.55767 is of equal contents with the ale gallon. Any cubic vessel of 6.13579 is a wine gallon.

For the purposes of the law, it will be sufficient to declare that the English foot, being one-third part of the standard yard of 1601 in the exchequer of Great Britain, is the standard unit of the measures and weights of the United States; that an inch is a twelfth part of this foot; that 32 cubic feet of spring water, at the temperature of 56 degrees of Fahrenheit's thermometer, constitute the ton weight of 2,000 pounds avoirdupois; that the gross hundred of avoirdupois weight consists of 112 pounds, the half-hundred of 56, and the quarter-hundred of 28, the eighth of a hundred of 14, and the sixteenth of a hundred of 7 pounds; that the troy pound consists of 5,760 grains, 7,000 of which grains are of equal weight with the avoirdupois pound; that the bushel is a vessel of capacity of 2150.42 cubic inches; the wine gallon a measure of 231, and the ale gallon a measure of 282 cubic inches.

The various modes of division of these measures and weights, the ell measure, and the application of the foot to itinerary, superficial, and solid measure, producing the perch, rood, furlong, mile, acre, and cord of wood, may be left to the established usage, or specifically declared, as may be judged most expedient. The essential parts of the whole system are the foot measure, spring water, the avoirdupois pound, and the troy grain.

2. For the purpose of uniformity, it would be desirable to obtain a copy, as exact as the most accomplished art could make it, of the standard yard of 1601, in the exchequer of Great Britain, made of the same material, (brass,) but divided with all practicable accuracy into three feet and thirty-six inches, and each inch further divided into tenth and hundredth parts. This rod, with the words "standard yard measure of the United States—three feet—thirty-six inches," and the date of the year engraved on one of its sides, should be enclosed in a wooden case, and deposited for safe-keeping in one of the offices at the Capitol. From the foot measure of this yard the standard bushel and two gallons should be made. The avoirdupois pound and the troy weight of 256 ounces should be made

exactly conformable to the standards in the exchequer. The weights of 56, 28, 14, and 7 pounds avoirdupois should be made exact multiples of the pound weight. But no subdivisions of the bushel or gallons, or of the avoirdupois pound, should be placed among the standards. An enactment that no subdivisions of the standards other than in the due proportion to them should be legal, would avoid the inconvenience and the varieties which multiplied material standards always produce. All the standards should, like the yard, have their names, as standards of the United States, the date of the year, and a designation of quantity engraved upon them. On the bushel, for instance, "$2150\frac{42}{100}$ cubic inches;" on the wine and ale gallons, respectively, 231 and 282 inches; on the avoirdupois pound "7,000 grains troy weight, avoirdupois pound;" on the troy weights "256 ounces—12 ounces, or 5,760 grains, to the pound troy weight." These standards, all enclosed in suitable cases, to preserve them from injury and as effectually as possible from decay, should be deposited in the custody of a sworn and responsible officer, with the standard yard.

3. These national standards being thus made and deposited, exact copies of them should be made of the same materials, substituting for the words "standard of the United States," engraved upon the originals, the words "United States standard, State of ——;" and these copies should be transmitted to the Executives of every State in the Union. The standard for the Territories might leave the name of the State to be engraved when the Territory should pass to that condition; and the standards for the District of Columbia might properly be committed to the charge of the clerk of the Supreme Court of the United States.

4. It should be made the duty of the collectors, surveyors, and naval officers of the customs, the registers of the land offices, and receivers of public moneys, of the Postmaster General, and all postmasters, the quartermasters, and commanding officers at military posts of the army, the commanding officer and purser of every vessel of the navy, the commanding officer at the Military Academy, of all Indian agents, and of the marshals of the several judicial districts of the United States, to ascertain and to certify, in writing, upon oath, to the heads of their respective departments, that the weights and measures used by them in the discharge of their official duties are conformable to the standards of the United States. And to secure the future observance of this uniformity, every such officer, civil or military, to be appointed hereafter, should, together with the oath to support the constitution of the United States, have administered to him an oath that he will, in the discharge of his official duties requiring the employment of weights and measures, scales and beams, use such as are conformable to the legal standards of the United States, and not knowingly any others. To the penalties of removal from and disqualification for office might be added a right of action for damages given to any person injured by the wilful neglect or refusal of any such officer to observe the requisitions of the law.

5. The offence of fraudulently or wilfully making or selling any weight, measure, scales, or beam, to be used as conformable to the United States standards, and not conformable, might be made punishable by fine and imprisonment upon presentment and conviction before the circuit courts of the United States.

The existing laws of all the States should be declared, so far as they are conformable to the act of Congress *fixing* the standard, to remain unrepealed and in full force. All sealers of weights and measures, and all persons appointed under the authority of the several States for the custody of standards, should be required to ascertain them to be conformable to the standards of the United States. It is scarcely possible that any law of the United States to establish uniformity of weights and measures throughout the Union should be made effectual without the cordial aid and co-operation of the State legislative and executive authorities. This is one of the most powerful reasons which have led to the conclusion that, in fixing the standard, all present innovation should be avoided. The standards of all the States are now, or by their laws should be, the same as those herein proposed, excepting only the Connecticut bushel—the change in which will be inconsiderable. Several of the States have systems well organized, and in full operation for the uniformity of their weights and measures. The standards of many of them are incorrect; some from careless usage and decay, others from having been copies of copies made without much attention to accuracy, and others from having transferred to this country all the varieties of the original standards in the exchequer. The object of the act, the substance of which is now proposed to Congress, would be to make the uniformity already existing by the laws and usages of every part of the Union more effectual and perfect in point of fact. The table* of a return from the several custom-houses of the United States will show the extent of the existing varieties; and, while they add new demonstration of the justness of the sentiment universally prevailing that the authority delegated to Congress by the constitution of fixing the standard should be exercised without delay, they also show that the best exercise of that authority will be by making it essentially auxiliary to the efficacy of the existing State laws.

In the consultation which it is proposed that the President of the United States should be requested to authorize and conduct with foreign Governments, with a view to future, more extensive, and perfect uniformity, there is one object which, it is presumed, may be accomplished with little difficulty or expense, and by means of which the standard from nature of the new French system, the metre, may be engrafted upon our system without discomposing any of its existing proportions.

In all the proceedings, whether of learned and philosophical institutions or of legislative bodies, relating to weights and measures, within the last century, an immutable and invariable standard from nature of linear measure has been considered as the great desideratum for the basis of any system of metrology. It is one of the greatest merits of the French system to have furnished such a standard for the benefit of all mankind in the metre, the ten millionth part of the quarter of the meridian. Of the labors, and researches, and liberal expense, and art and genius which have been lavished by France upon this operation, and of the success with which it has been accomplished, the notice which it amply merited has already been taken in this report. Since this great and admirable undertaking has been achieved, a disposition to detract from its merit and usefulness has been occasionally manifested. Some philosophical speculators have started doubts whether the metre is really the forty millionth part of the circumference of the earth; and, indeed, whether such a measure can, with perfect accuracy, be ascertained by human art. Other standards from nature have been suggested as preferable to the arc of the meridian; individual passions and antisocial prejudices have insinuated themselves into the inquiry; and the question between the metre and the pendulum has almost festered into a test of party controversy and an engine of national jealousy. In the establishment of the French system, the pendulum, as well as the meridian, has been measured; but the *standard* was, after long deliberation, after a cool and impartial estimate of the comparative advantages and inconveniences of both, definitively assigned to the arc of the meridian, in departure from an original prepossession in favor of the pendulum. Two reasons are deemed decisive for concurring in the principle of this determination: one, that the earth being the greatest object of actual measurement within the physical powers of man, an aliquot part of its circumference is the only measure which, applicable to that object, is also equally applicable to every other purpose of weight or mensuration; and the other, that this standard, once settled, is invariable, while the pendulum, being of different lengths in different latitudes, is essentially defective in one of the most important principles of uniformity—that of *place*, or capacity of application to every part of the earth.

* See appendix.

It is proposed, therefore, to discard all consideration of the pendulum, as the theory of its vibrations, however interesting in itself, is believed to be, since the definitive determination of the metre, useless with reference to any system of weights and measures. Nor is it of more importance to know whether the metre really be, within the ten thousandth part of an inch, an exact aliquot part of the circumference of the earth. An error to that, or even to a greater extent, admitted to be possible, leaves for all practical purposes of human life, even including the operations of geography and astronomy, the metre as perfect a standard for weights and measures as any other that ever was devised, and a much more perfect one than the pendulum.

It is therefore submitted to the consideration of Congress that, in the act for fixing the standard of weights and measures for the United States, together with a definition of the foot, its exact proportion to the standard metre of France should be declared; to effect which purpose with the most attainable accuracy, it would be necessary to compare together the identical measure, to be used hereafter as the standard linear measure of the Union, with the standard metre in platina, deposited in the national archives of France. It is not doubted that the French Government would readily give their assent to this operation, and would agree that it should be performed in such manner as to settle definitively, for the future use of both countries, the exact proportion to the ten-thousandth part of an inch between the foot measure of the United States and the metre. From the perfection which the instruments used for comparing together measures of length have attained, accuracy to that extent may be effected. But the necessity of such an operation for the definitive settlement of this proposition is apparent from the fact that the comparisons hitherto made in France, and in England, and in the United States, though all made with all possible care, have terminated in results so different, that it would scarcely be safe to assume either of them as the proportion to be declared by a legislative act.

In the attempt to determine distances of space less than the two hundredth part of an inch, the experiment is met by obstacles in the temperature and pressure of the atmosphere, and in the different degrees of their influence upon the matter to be measured. Heat and cold, moist and dry, high and low, affect the metals of which measures are composed, with various degrees of dilatation and contraction. Brass, the metal of which the English standards are formed, being a compound metal, is variously dilatable; and, although tables have been formed of the degrees in which the simple metals are expanded by heat, according to the scale of the thermometer, yet, as those tables, made by different men, do not agree, no perfect reliance can be had upon them. As yet, no experiments of admeasurement, made by different persons at different times, but of the same standards, have exhibited results approximating within one two-hundredth part of an inch. Of a contrary result, the examples are numerous, and so remarkable that they deserve to be noticed more particularly.

In the year 1797, Sir George Shuckburg Evelyn measured with Troughton's microscopic beam compass and scale all the standards at the exchequer; the scale made by Sisson for Graham in 1742; the parliamentary standards of 1758 by Bird; the scale used by General Roy for the measurement of the base, and several others. The result of his experiment was published in the Transactions of the Royal Society of that year. He found that the standard yard of Elizabeth at the exchequer marked 36.015 inches; Bird's parliamentary standard of 1758 36.00023, and General Roy's scale 36.00036, on the scale of Troughton.

In the year 1818, Captain Henry Kater, one of the commissioners of the Prince Regent, with the same microscopic beam compass of Troughton, measured the same scale of General Roy, and found 39.4 inches on the latter to be equal to 39.40144 on the scale of Troughton. The difference between these two results is $\frac{105}{10000}$, or rather more than a hundredth part of an inch. Captain Kater, to account for it, supposes that when Sir George Shuckburg made the comparison, the two scales were not at the same temperature: but Sir George Shuckburg, in his own account of his experiments, expressly mentions his leaving together another of the scales with that of Troughton, by which he measured it 24 hours, that they might acquire the same temperature; and marks the state of the thermometer (51.7) when he measured the scale of General Roy. Captain Kater states the thermometer, when he measured it, to have been at 70.

A difference equally striking has happened in the experiments made in France and England to ascertain the relative proportions of the English foot and of the French metre. The result of numerous experiments made in France, under the direction of the National Institute or Academy of Sciences, has been to announce the metre to be precisely equal to 39.3824 English inches. The result of Captain Kater's experiments, after numerous others under the direction of the Royal Society, is the declaration that the French metre is equal to 39.3708 English inches. The difference is $\frac{116}{10000}$ of an inch, more than one hundredth part, and as near as possible the same as that of the experiments of Captain Kater and of Sir George Shuckburg Evelyn upon the scales of Troughton and of General Roy.

A very interesting account of experiments made in this country by Mr. Hassler to ascertain the length of the metre is subjoined to this report, from which the mean length of four standard metres was found to be 39.38024797 English inches upon a scale of Troughton's, of equal perfection with that of Sir George Shuckburg Evelyn.

Again, in the year 1814, the committee of the House of Commons resolved, and, in 1815, the House itself enacted, that the length of a pendulum vibrating seconds, in the latitude of London, had been ascertained to be 39.13047 inches of Bird's parliamentary standard yard.

In the year 1818, Captain Kater reported, as the result of his experiments, that the length of the pendulum vibrating seconds *in vacuo* at the level of the sea, at the temperature of 62° of Fahrenheit, in latitude 51° 31′ 8″ 4‴ north, (London,) was 39.13842 inches of the same Bird's parliamentary standard yard.

The difference is $\frac{795}{10000}$, or a one hundred and twenty-sixth part of an inch.

By assuming a mean average from all these experiments, and the yard of Elizabeth at the exchequer, (the standard from which all the long measures of the United States are derived,) as the measure of comparison, we might be warranted in taking 39.38 English inches as the length of the French platina standard metre, and 39.14 as the length of the pendulum vibrating seconds in the latitude of London. And if the attempt at a minuter decimal fraction than that of the one hundredth part of an inch in the making of metallic measures should terminate again in disappointment, it is nevertheless true that, to obtain accuracy even to that extent, the microscopic beam compasses, and the micrometer marking subdivisions to the twenty-five thousandth part of an inch, are essential auxiliaries: for in this, as in all the energies, moral or physical, of man, the pursuit of absolute perfection is the only means of arriving at the nearest approximation to it attainable by human power.

When the proportion shall be thus ascertained by a concurrent agreement with France, the act might declare that the foot measure of the United States is to the standard platina metre of France in such proportion that 39.3802 inches are equal to the metre, and that 472.5623 millimetres are equal to the foot. The proportion of the troy and avoirdupois pounds to the kilogramme might be ascertained with equal accuracy, and declared in like manner. A platina metre and kilogramme, being exact duplicates of those in the French national archives, should then be deposited and preserved with the national standards of the United States.

It is not proposed that the standard yard measure of the United States should be made of platina; but that it should be of the same metal as the yard of 1601 at the exchequer, from which it will be taken. The very extraordinary

properties of platina, its unequalled specific gravity, its infusibility, its durability, its powers of resistance against all the ordinary agents of destruction and change, give it advantages and claims to employment as a primary standard for weights and measures, and coins, to which no other substance in nature has equal pretensions. The standard metre and kilogramme of France are of that metal. Should the fortunate period arrive when the improvement in the moral and political condition of man will admit of the introduction of one universal standard for the use of all mankind, it is hoped and believed that the platina metre will be that measure. But as the principle respectfully recommended in this report is that of excluding all innovation or change, for the present, of our existing weights and measures, it is with a view to uniformity that the preference is given, for the choice of a new standard, to the same metal of which that measure consists which has been the standard of our forefathers from the first settlement of the English colonies, and is exactly coeval with them. It is not unimportant that the standards to be transmitted to the several States of the Union should be of the same metal as the national standards, of which they shall be copies. The changes of the atmosphere produce different degrees of expansion and contraction upon different metals; and, when a measure of brass or copper is to be taken from a measure of platina, the differences of their expansibility become subjects of calculation, upon data not yet ascertained to entire perfection. The selection of platina for the French kilogramme has been attended with the singular consequence that the standard of the archives is not of the same *weight* as the standard for use. The latter is of brass; and the copies taken from it for the real purposes of life are of the same weight in the air, but not of the same weight as the platina standard, because that is the weight of the cubic decimetre of distilled water *in vacuo*. Whenever calculations of allowances for atmospheric changes in the different metals are introduced into the comparison of measures, estimates take the place of certainty; and different results proceed from different times, places, or persons. The very immutability of platina, therefore, makes it unsuitable for a practical standard of mutable things. Change, and not stability, is the uniform measure of change. Justice consists in estimating every thing by the law of its nature; and to illustrate this idea by applying it to moral relations, it may be observed that, to bring mutable substances to the test of immutable standards, would be like charging disembodied spirits to pass sentence, by the laws of their superior nature, upon the frailties and infirmities of man.

The plan which is thus, in obedience to the injunction of both Houses of Congress, submitted to their consideration, consists of two parts, the principles of which may be stated: 1. To fix the standard, with the partial uniformity of which it is susceptible, for the present, excluding all innovation. 2. To consult with foreign nations for the future and ultimate establishment of universal and permanent uniformity. An apology is due to Congress for the length, as well as for the numerous imperfections, of this report. Embracing views, both theoretic and historical, essentially different from those which have generally prevailed upon the subject to which it relates, they are presented with the diffidence due from all individual dissent encountering the opinions of revered authority. The resolutions of both Houses opened a field of inquiry so comprehensive in its compass, and so abundant in its details, that it has been, notwithstanding the lapse of time since the resolution of the Senate, as yet but very inadequately explored. It was not deemed justifiable to defer longer the answer to the calls of both Houses, even if their conclusion from it should be the propriety rather of further inquiry than of immediate action. In freely avowing the hope that the exalted purpose, first conceived by France, may be improved, perfected, and ultimately adopted by the United States, and by all other nations, equal freedom has been indulged in pointing out the errors and imperfections of that system which have attended its origin, progress, and present condition. The same liberty has been taken with the theory and history of the English system, with the further attempt to show that the latter was, in its origin, a system of beauty, of symmetry, and of usefulness, little inferior to that of modern France.

The two parts of the plan submitted are presented distinctly from each other, to the end that either of them, should it separately obtain the concurrence of Congress, may be separately carried into execution. In relation to weights and measures throughout the Union, we possess already so near an approximation to uniformity of law, that little more is required of Congress for fixing the standard than to provide for the uniformity of fact, by procuring and distributing to the Executives of the States and Territories positive national standards conformable to the law. If there be one conclusion more clear than another deducible from all the history of mankind, it is the danger of hasty and inconsiderate legislation upon weights and measures. From this conviction, the result of all inquiry is, that while all the existing systems of metrology are very imperfect, and susceptible of improvements, involving in no small degree the virtue and happiness of future ages; while the impression of this truth is profoundly and almost universally felt by the wise and the powerful of the most enlightened nations of the globe; while the spirit of improvement is operating with an ardor, perseverance, and zeal, honorable to the human character, it is yet certain that, for the successful termination of all these labors, and the final accomplishment of the glorious object, permanent and universal uniformity, legislation is not alone competent. A concurrence of will is indispensable to give efficacy to the precepts of power. All trifling and partial attempts of change in our existing system, it is hoped, will be steadily discountenanced and rejected by Congress, not only as unworthy of the high and solemn importance of the subject, but as impracticable to the purpose of uniformity, and as inevitably tending to the reverse, to increased diversity—to inextricable confusion. *Uniformity* of weights and measures—permanent, universal uniformity—adapted to the nature of things, to the physical organization, and to the moral improvement of man, would be a blessing of such transcendent magnitude, that, if there existed upon earth a combination of power and will adequate to accomplish the result by the energy of a single act, the being who should exercise it would be among the greatest of benefactors of the human race. But this stage of human perfectibility is yet far remote. The glory of the first attempt belongs to France. France first surveyed the subject of weights and measures in all its extent and all its compass. France first beheld it as involving the interest, the comforts, and the morals of all nations and of all afterages. In forming her system, she acted as the representative of the whole human race, present and to come. She has established it by law within her own territories; and she has offered it as a benefaction to the acceptance of all other nations. That it is worthy of their acceptance, is believed to be beyond a question. But *opinion* is the queen of the world; and the final prevalence of this system beyond the boundaries of France's power must await the time when the example of its benefits, long and practically enjoyed, shall acquire that ascendency over the opinions of other nations which gives motion to the springs and direction to the wheels of power.

Respectfully submitted.

JOHN QUINCY ADAMS.

DEPARTMENT OF STATE, *February* 22, 1821.

APPENDIX.

LIST OF PAPERS.

A. 1. Weights and measures used in the several custom-houses of the United States.
A. 2. Table of do. do. do.
A. 3. Note on the weights and measures used in the District of Columbia.
B. 1. Table of the several English statute measures of capacity at different periods, compared with existing standards.
B. 2. Notes on do. do. do. do.
C. Note on the proportional value of the pound sterling and the dollar.
D. 1. Mr. F. R. Hassler to the Secretary of State, October 16, 1819.
D. 2. Mr. Hassler's comparison of French and English standard measures of length.
E. Weights and measures of the several States, viz:
E. 1. New Hampshire. *a*. Governor Plumer to the Secretary of State, November 21, 1818.
b. Law of May 13, 1718.
c. Law of 6 George III.
d. Law of December 15, 1797.
e. Governor Plumer to the Secretary of State, January 4, 1819.
E. 2. Vermont. - *a*. Governor Galusha to the Secretary of State, January 20, 1818.
b. Law.
E. 3. Massachusetts. - *a*. Governor Brooks to the Secretary of State, October 24, 1817.
b. Secretary Bradford to Governor Brooks, September 5, 1817.
E. 4. Rhode Island. - Governor Knight to the Secretary of State, September 5, 1817.
E. 5. Connecticut. - *a*. Governor Wolcott to the Secretary of State, August 5, 1817.
b. Secretary Day to the Secretary of State, August 12, 1817.
c. Law of October session, 1800.
d. Law of October session, 1801.
e. Law of May session, 1810.
E. 6. New York. - *a*. Governor Clinton to the Secretary of State, September 4, 1817.
b. Law of June 19, 1703.
c. Law of April 10, 1784.
d. Law of March 7, 1788. (Extract.)
e. Law of February 2, 1804.
f. Law of March 24, 1809.
g. Law of March 19, 1813.
E. 7. New Jersey. - Governor Williamson to the Secretary of State, September 20, 1817.
E. 8. Pennsylvania. - *a*. Secretary Boileau to the Secretary of State, August 26, 1817.
b. Mr. J. Meer to Mr. Boileau, August 20, 1817.
E. 9. Delaware. - *a*. Secretary Ridgely to the Secretary of State, November 7, 1818.
b. Law of 1704.
c. Mr. I. Booth to Mr. Ridgely, October 24, 1818.
E. 10. Maryland. - *a*. Mr. Pinkney to the Secretary of State, August 9, 1817.
b. Governor Goldsborough to the Secretary of State, December 1, 1819.
c. Law of April, 1715.
d. Law of December 20, 1765.
E. 11. Virginia. - *a*. Governor Preston to the Secretary of State, August 15, 1818.
b. Law of August, 1734.
c. Law of December 26, 1792.
E. 12. North Carolina. - *a*. Governor Miller to the Secretary of State, August 19, 1817.
b. Law.
E. 13. South Carolina. - *a*. Governor Pickens to the Secretary of State, September 10, 1818.
b. Law of April 12, 1768.
c. Law of March 17, 1785.
E. 14. Georgia. - *a*. Governor Clark to the Secretary of State, December 5, 1819.
b. Law of December 10, 1803.
c. Ordinance of the City Council of Augusta. (Extract.)
E. 15. Kentucky. - *a*. Lieutenant Governor Slaughter to the Secretary of State, November 26, 1817.
b. Law of December 11, 1798.
E. 16. Tennessee. - Governor McMinn to the Secretary of State, November 24, 1819.
E. 17. Ohio. - - *a*. Governor Worthington to the Secretary of State, August 18, 1817.
b. Secretary McLean to the Secretary of State, September 13, 1817.
c. Law of January 22, 1811. (Extract.)
E. 18. Louisiana. - *a*. Governor Villeré to the Secretary of State, September 15, 1817.
b. Law of December 21, 1814.
c. M. Bouchon's statement of weights and measures in Louisiana before its cession. (Translation.)
E. 19. Indiana. - - *a*. Governor Jennings to the Secretary of State, September 9, 1817.
b. Secretary New's report.
E. 20. Mississippi. - *a*. Governor Holmes to the Secretary of State, September 17, 1818.
b. Law of February 4, 1807.
c. Law of December 23, 1815.
E. 21. Illinois. - - Law of March 22, 1819.
E. 22. Missouri. - Law of July, 1813.
F. Mr. A. Gallatin to the Secretary of State, July, 16, 1817, on the weights and measures of France.
G. Mr. Jonathan Russell to the Secretary of State, July 31, 1818, on the weights and measures of Sweden.

A 1.

With a view to ascertain the existing varieties of fact in the weights and measures used at the several custom-houses of the United States, and thereby the state of the standards in the several States, the following circular letter was, at the request of the Secretary of State, addressed by the Register of the Treasury to the collectors of the customs throughout the Union.

[CIRCULAR.]

SIR: TREASURY DEPARTMENT, REGISTER'S OFFICE, *November* 15, 1819.

I am requested by the Secretary of State to ask the favor of your early information to that Department, relative to the standard of weights and measures used at the custom-house in the collection of the duties of the United States; and to observe, that it will be particularly acceptable to be informed whether, in dry measure, any other than the Winchester bushel and its parts is used, and the capacity thereof, that is, its diameter at the top and bottom, and its depth in inches and tenths of inches. In liquid measure, whether wine or beer measures are, respectively, used for wines and beer; or whether confined to wine measure, both for beer and wine. In respect to weights, whether the troy weight is at all used, and whether Dearborn's patent balance is altogether adhered to, in collecting the duties on articles paying duty by the pound or hundredweight.

I am, &c.

P. S. Be so good as to state the number of grains by your troy weight which your avoirdupois pound weighs.

The following table is the result of the answers received from the collectors: As the cubic foot, or 1,728 cubical inches of spring water, at the temperature of 56 degrees of the thermometer, weighs 1,000 ounces avoirdupois, the Winchester bushel of 2150.42 inches contains 77 lbs. 12 oz. $7\frac{1}{4}$ drachms of the same water, and the half-bushel 38 lbs. 14 oz. $3\frac{5}{8}$ drachms. The returns will show how nearly the actual weights and measures correspond with those proportions. It will not be expected that experiments made at the custom-house with scales adapted to heavy weights in constant use, and with such water as was nearest at hand, should be marked with philosophical precision or very minute accuracy. But it is evident that they were generally made with great care, and, in several instances, repeated with various kinds of water. From the experiments of Sir George Shuckburg Evelyn, it appears that the specific gravity of *distilled* water, at the temperature of 62°, is $252\frac{1}{2}$ grains troy to a cubical inch; and of that water the bushel should contain 77 lbs. 9 oz. $1\frac{1}{2}$ drachm, and the half-bushel 38 lbs. 12 oz. $8\frac{3}{4}$ drachms. Mr. Pollock found the specific gravity of the pump water at Boston to be 253.6042 grains troy to the cubic inch, and of that water the statute Winchester bushel should contain 77 lbs. 14 oz. $8\frac{1}{2}$ drachms, and the half-bushel 38 lbs. 15 oz. $4\frac{1}{4}$ drachms. From 38 lbs. 12 oz. to 39 lbs. may be, therefore, considered as the range within which the different kinds of fresh water should fill the correct standard copper or brass half-bushel.

In several of the returns it is apparent that the weight certified includes that of the wooden vessel which held the water. By the experiment of the late venerable William Ellery, collector at Newport, it appears that of two half-bushels of the same dimensions, one of copper and the other of wood, the former contained $1\frac{1}{2}$ ounce more than the latter, and both of them half an ounce more of spring-water than of rain water; and by experiments of G. Davis, inspector at New Orleans, from whom a very interesting report was received, it appears that, by weighing the wooden half-bushel before it had been filled, and after it was emptied of Mississippi river water, there was a difference of nearly 15 ounces, to be accounted for partly by the absorption of the water into the wood, and partly by the adhesion of it to the sides and bottom of the vessel.

By the testimony of Mr. John Warner, a brass founder in London, much employed in making for country corporations brass standard weights and measures, duplicates of those in the exchequer, given before the committee of the House of Commons in the year 1814, it was shown that, from the extreme difficulty and expense of turning a bushel measure truly cylindrical, the practice of the trade is, notwithstanding the act of Parliament, to pay no attention to the dimensions of the measures which they make, but to rely entirely upon the trials by the weight of water which they contain. From all the admeasurements which have been made of the English standards, it is apparent that neither the weight of water which a bushel or half-bushel may be found to hold, nor the direct measurement by the depth and diameters of the vessel, can be relied upon by itself to ascertain its exact capacity; and even when one of these tests is applied as a check upon the other, the result may differ to the extent of four or five inches upon a half-bushel. The corn gallons at the exchequer, which in 1688 were found by a skilful artist to be of 272 cubic inches, in 1758 were, when remeasured by order of the committee of the House of Commons, returned as of 271, or less; and one of them, tried in April, 1819, by Sir George Clerk and Dr. Wollaston, appeared by the weight of water which it held to be only of 270.4 inches.

If this apparent diminution should be attributed to the decay of the vessel in the lapse of time, that will not account for the opposite result of the two experiments upon the bushel, which, by direct measurement in 1758, was found to be of 2,124 cubical inches, and in 1819, by the weight of water it contained, was of 2128.9 inches. The statute Winchester bushel is a cylinder $18\frac{1}{2}$ inches in diameter and 8 inches deep; a difference of $\frac{1}{100}$ of an inch, either in the depth or diameter, increases or diminishes the contents of the vessel nearly three cubical inches. Mathematical instruments are now constructed by which the division of $\frac{1}{10000}$ part of an inch may be discerned; but such refinement of art cannot be applied to the making of vessels of the size of a bushel or its half. In all such vessels inequalities in the depth, diameter, or circumference, are unavoidable, producing differences in their capacity of more than five cubical inches; the test, therefore, by the weight of water they will hold, is more effectual for accuracy than that of measurement; its results, however, depend upon the correctness of the scales and weights as well as upon the care and attention with which the experiment is made.

As the patent scales of Dearborn are used in most of the custom-houses throughout the Union, few of them possess the avoirdupois heavy weights. The correctness and convenience of the patent scales are generally attested by the collectors who have them in use, and may be relied upon with all the confidence of which any steelyard can be susceptible.

The beer measure and the troy weight are seldom used except in the principal and most populous ports. Of forty single avoirdupois pounds, the average weight in troy grains was 6,998. In all the principal ports they were exact, within one grain, with the exception of New York, where the custom-house pound was five or six grains over weight, but where that of the city was exact.

A 2.

Table of the measures of capacity and weights used at the several custom-houses of the United States.

Number.	Date.	Name of the collector from whom the return was received.	State and port.	Dimensions and capacity of the bushel or half-bushel.					Thermometer.	Wine gallon.	Beer gallon.	Grains troy in the pound avoirdupois.	Remarks.
				Diameter.		Depth.	Capacity.	Weight of water it contains, avoirdupois.					
				Top.	Bottom.								
	1819.		MAINE.	Inc. dec.	Inc. dec.	Inc. dec.	Cub in. dec.	lbs. oz. dr.	Farenh't.				
1	Dec. 22,	Wingate, I. jun.,	Bath,	14	14	6.25	962.5	37 1 spring,	–	Wine,	Beer,	Dearborn's,	Winchester measure.
2	" 3,	Lane, D.,	Belfast,	13.7	13.7	7	1,081.88	38 spring,	–	do.	do.	do. no troy weights,	Ditto.
3	" 17,	Jarvis, Edw. S.,	Frenchman's Bay,	14	14	7.2	1,108.35	42 3 12* river,	near 32	do.	Not used,	do. no troy weights,	Winchester intended. *This must include the weight of the half-bushel measure.
4	Nov. 26,	Storer, Joseph,	Kennebunk,	14.7	13.1	7.25	1,101.66	39 rain,	–	do.	No beer,	7,039 Dearborn at Kennebunk.	Scales and weights at Wells. Standard from the town of Arundel.
5	Dec. 13,	Smith, Geo. S.,	Machias,	13.75	13.75	7.582	–	37 10 rain,	–	do.	do.	6,996 Dearborn. Troy not used.	Winchester.
	1820.												
6	Jan. 12,	Thacher, Stephen,	Lubeck,	14	12.2	7.8	1,051.3	38 8 spring,	–	do.	Beer,	7,000 / 6,998 / 7,004 / 7,008 Dearborn's scales used before the late war.	Winchester. The standards are kept at Eastport.
			peck,	–	–	–	539.5	- - - -	–	–	Also for cider.		
			½ peck,	–	–	–	276.8	- - - -	–	–			
	1819.												
7	Dec. 4,	Hook, Josiah,	- - -	13.7	14.2	7	–	39 7 spring,	–	do.	No beer,	Dearborn. No troy,	Winchester.
8	" 3,	Ilsley, Isaac,	Portl'd & Falmouth,	–	–	–	–	38 3 spring, / 38 7 8 rain,	41	do.	Beer,	Dearborn principally used. No troy.	Winchester.
9	" 18,	Granger, D.,	Saco,	14.4	14.4	6.8	1,107.9	40 rain,	–	Wine for	do.	7,032 Dearborn,	Winchester. The pound was weighed at the bank.
10	" 13,	Cook, Francis,	Wiscasset,	13.9	13.9	6.9	–	39 spring,	–	Wine only,	–	7,013 or thereabouts, D.	
			NEW HAMPSHIRE.										
11	" 7,	Upham, Timothy,	Portsmouth, bushel,	19.3	19	7.5	2,160.4	78 spring,	43	Wine for	do.	7,004 Troy not used.	Winchester. These, except the pound of 7,004 grains, are the standard.
			½ bushel,	13.5	13.5	7.5	1,073.54	38 12 spring,	43	–	–	4 lb. 27,996,	Hardened copper measures and weights of the State of New Hampshire, imported from England before the Revolution, and deposited, by Mr. Upham's request, at the custom-house.
12	" 9,	Dearborn, Henry,	Boston, copper,	13.7	13	7.9	1,105.8	39 2 rain,	–	Wine,	do.	Dearborn used,	Winchester, four bushel tubs used.
13	" 6,	Marquand, Jos.,	Newburyport,	13.75	13.75	7.24	1,075.26	- -	–	do.	do.	7,000 Dearborn used,	Winchester.
14	" 8,	Kittredge, John,	Gloucester,	13.7	13.7	7.3	1,075.2	39 4 rain,	–	Wine only,	–	6,938 do. Troy not used,	Winchester.
15	" 6,	Williams, Nath'l,	Dighton, copper,	13.6	13.6	7.1	1,031.39	38 spring, / 37 6 rain.	–	Wine,	do.	6,992 by an ounce of 437,	Winchester. Dearborn's patent not used.
16	" 7,	Haws, John,	New Bedford,	14	14	7	1,077.56	38 14 12 rain,	–	do.	do.	7,000 Dearborn,	Winchester. The four bushel tub is for salt and coal.
			4 bushel tub,	28.5	26	14.8							
17	" 6,	Green, Isaiah L.,	Barnstable,	13.8	13.8	7.2	1,076.91	38 8 spring,	–	do.	No beer,	Dearborn. No troy,	Winchester.
18	" 9,	Cook, Thom. jun.,	Edgartown,	14.25	14.25	7	1,116.39	38 4 spring,	–	do.	Beer,	6,999½ Dearborn,	Winchester. Troy used only for gold and silver.
19	Nov. 26,	Morton, M. tin T.,	Nantucket,	13.6	13.6	7.3	–	38 rain,	–	Wine for	do.	6,978 do.	Winchester. ditto.

TABLE A 2—Continued.

Number.	Date.	Name of the collector from whom the return was received.	State and port.	Dimensions and capacity of the bushel or half-bushel.					Thermometer.	Wine gallon.	Beer gallon.	Grains troy in the pound avoirdupois.	Remarks.
				Diameter.		Depth.	Capacity.	Weight of water it contains, avoirdupois.					
				Top.	Bottom.								
	1819.		RHODE ISLAND.	Inc. dec.	Inc. dec.	Inc. dec.	Cub.in.dec.	lbs. oz. dr.	Farenh't.				
20	Dec. 4,	Coles, Thomas, -	Providence, copper,	13.7	13.7	7.5	1,097.25	39 4 spring, -	–	Wine, -	No beer,	6,977 Dearborn. No troy,	Winchester. Dearborn's patent not used for hemp and iron.
21	" 13,	Collins, Charles, -	Bristol, bushel,	14	14	14	2,155.13	78 rain, -	–	Wine for	Beer, -	6,984 do. do.	
22	" 6,	Ellery, William, -	Newport, copper,	13.8	14.2	7	1,080.09	38 14 12 rain, -	–	Wine, -	do. -	6,999 - - -	Winchester. Dearborn's patent not used.
								38 15 4 spring, -	–	–	–	- - -	A State law, of the revision of January, 1798, prescribes gauging by Gunter's scale, and a rule to find the mean diameter of casks.
			wooden,	–	–	–	1,080.09	38 13 4 rain, }	–	Both by Gunter, -		- - -	
								38 13 12 spring, }					
	1820.		CONNECTICUT.										
23	Jan. 20,	Cushing, T. H., -	New London, -	13.5	13.6	7.7	1,111.03	39 5 rain, -	–	Wine for	Beer, -	6,995 - - -	The laws of Connecticut make no mention of the Winchester bushel.
	1819.			14.1	13.75	7.25							
24	Dec. 10,	Bradley, Walter, -	Fairfield, -	13.5	13.6	7.8	1,124.93	39 8 spring, -	–	Wine only,	–	6,969 Dearborn.	
			NEW YORK.										
25	" 14,	Gelston, David, -	New York, copper,	14.35	14.35	13.45	2,175.13	78 13 4 rain, -	47	231	282	7,007 by N.Y.bank scales,	The New York city yard is too short, being, upon a copy from Bird's scale of 1758, only 35.97 inches.
		Swift, J. G., -	2 bushel tub for salt and coal,	–	–	–	4,210.2	- - - -	–	By Gunter's	rod, -	7,005½ by U. S. Bk. do.	
			Sealer's standard bushel, -	–	–	–	2,104.3	- - - -	–	–	–	7,000 by city pound	
			do. half-gallon,	–	–	–	136.30	- - - -	–	–	–	6,999 by sealer's pound,	Dearborn's balan. used for small weights.
			do. quart, -	–	–	–	68.64						
26	" 20,	Hawley, I., -	Rochester, a ½ bush.	13.5	14	7.75	1,150.79	- - - -	–	Gaug'g rod,	from N. Y.	Sealer's ounce 438, of which the pound is 7,008.	Dearborn's balance used. The three half-bushels belonged to different merchants; they and the sealer's weights and measures were from Albany.
			another,	13.5	14	7	1,039.42						
			another,	13⅝	13⅞	7.5	1,113.67						
	1820.		NEW JERSEY.										
27	Jan. 7,	Brewster, John, -	Perth Amboy, -	Winches	terbushel	sealed in	New York,	- - - -	–	Wine, -	Beer, -	6,999½ - - -	Beam and scale, with avoirdupois weight, only used.
	1819.		PENNSYLVANIA.										
28	Nov. 25,	Steele, John, -	Philada. copper,	13.8	12	8.35	1,093.1	39 6 Schuylkill,	52	231	282	7,000 - - -	Dearborn's balance not used.
			DELAWARE.										
29	" 27,	McLane, -	Wilmington, -	12.5	11.5	9.7	1,096.1	38 10 6 spring, -	56	Wine only,	–	7,000 - - -	Dearborn's troy weight not used.
			MARYLAND.										
30	Dec. 3,	McCulloch, Jas. H.	Baltimore, brass,	18.5	18.5	8	2,150.42	77 8 rain, -	35	231	No standard, -	7,000 - - -	Dearborn. The wine gallon contains 8lbs. 2oz. avoirdupois, rain water.
31	Nov. 24,	Willis, John, -	Oxford, 2½ bushels,	12.7	12	8.6	1,030.47	40* spring, -	–	–	–	No troy but for money, -	*Weight of the vessels must be included. Good wheat weighs by them from 58 to 62 pounds per bushel.
			DIST. OF COLUMBIA.										
			Washington,† -	13	13	7.9	1,058.6	38 3 13 mixed, -	42	231	None, -	7,010 No troy, - -	†See the note on the standards of the District of Columbia.
			Georgetown, peck,	10.5	9.5	6.85	538.4	19 7 6⅜ -	47	–	–	6,970.	
32	Dec. 2,	Mason, Thomson,	Alexandria, -	14.47	14.47	6.44	1,059.4	38 13 8 river, -	–	Wine for	both, -	6,959 - - -	Dearborn's balance used, except for iron.
			VIRGINIA.										
33	" 14,	Holland, Nathaniel,	Cherrystone, -	14.2	13.1	7.6	1,112.74	41 10‡ - -	–	Wine for	both, -	- - - -	‡Must include the weight of the vessel.

TABLE A 2—Continued.

Number.	Date.	Name of the collector from whom the return was received.	State and port.	Dimensions and capacity of the bushel or half-bushel.					Thermometer.	Wine gallon.	Beer gallon.	Grains troy in the pound avoirdupois.	Remarks.
				Diameter.		Depth.	Capacity.	Weight of water it contains, avoirdupois.					
				Top.	Bottom.								
	1819.		VIRGINIA.	Inc. dec.	Inc. dec.	Inc. dec.	Cub.in.dec.	lbs. oz. dr.	Farenh't.				
34	Nov. 30,	Mallory, Chs. K.,	Norfolk, copper,	18.4	18.4	8	2,127.24	78 river salt,	–	Wine, -	Beer, -	- - - -	Dearborn, except for salt.
35	" 30,	Jones, Joseph, -	Petersburg, -	13.5	13.5	7.5	1,073.54	39 river, -	–	do. -	do. -	6,999½ - - -	Dinwiddie county standards.
36	" 29,	Gibbon, I., -	Richmond, copper,	18⅜	18⅜	7.75	2,112.60	77 8 well, -	–	Calipper &	Gunter, -	6,984 - - -	Henrico county standards.
			NORTH CAROLINA.										
37	Dec. 15, 1820.	Sawyer, Enoch, -	Camden, - -	13.7	13.7	7.3	1,076.10	39 12 spring, -	–	Wine for	both, -	Troy not used, - -	Dearborn's balance used altogether.
38	Jan. 24, 1819.	Tredwell, Sam'l, -	Edenton, - -	14	12.9	7.6	1,080.39	38 11 rain, -	–	Gaug'g rod,	–	7,014 do. - -	The weights were procured from New York.
39	Dec. 20,	Hawks, Francis, -	Newbern, - -	13.9	13.4	7.2	1,057.80	43 12* spring, -	–	Only, -	–	7,032 do. - -	Standards imported from England. *Must include the weight of the half-bushel.
40	" 9,	Singleton, Th. S.,	Ocracoke, - -	13.75	13.75	7.25	1,076.55	38 well or spring,	–	do. -	–	Troy not used, - -	Dry measure standard from New York.
41	" 10,	Fagan, L., -	Plymouth, - -	13.7	13.7	8†	1,179.29	38 8 river, -	–	do. gaug	–	No troy weights, -	†There must be an error in this measure.
42	Nov. 30,	Blount, Thos. H.,	Washington, -	13⅜	14 1-16	6 15-16	1,064.01	36 6 spring, -	–	Wine, -	Beer, -	6,999 - - -	Dearborn's balance used and preferred.
			SOUTH CAROLINA.										
43	" 30,	Pringle, James R.,	Charleston, -	16.8	16.1	9.8	2,172.03	78 saltish well,	–	231	282	6,999½ Troy not used, -	Dearborn's balance used altogether.
								77 9 8 cistern, not	clear.				
			GEORGIA.										
44	Dec. 1,	Bullock, A. S., -	Savannah, -	14	12.7	7.9	1,006.66	38 river, -	–	Wine for	both, -	6,999½ do. -	Ditto.
45	" 10,	Clark, Frederick,	St. Mary's, -	13.25	13.25	7.25	1,009.67	38 12 spring, -	–	Wine only,	–	- - - -	Ditto.
								39 8 rain.					
	1820.		LOUISIANA.										
46	Jan. 4,	Chew, Beverly, -	New Orleans, -	14.13	13.79	7.095	1,086.812	39 6 2.13 dry, -	52	Wine, -	Beer, -	6,984 - - -	Dearborn's balance is used. A dozen bottles of wine or of beer are found to contain 2½ gallons of each, according to their respective standards.
								38 7 5 wet, river,	–	–	–	6,992 - - -	
		Davis, G. inspector,	2 bushel tub,	17.8966	13.75	21.74666	4,300.84	- - - -	–	–	–	7,004 by 2 lbs. of 14.008.	
			ALABAMA.										
47	" 1,	Lewis, Addin, -	Mobile, - -	The measures were obtained from New				York, - -	–	Wine, -	Beer, -	Dearborn's balance, -	The Mississippi county standards were obtained from Philadelphia.

A 3.

Note on the weights and measures of capacity in the District of Columbia.

By the constitutional law of the District, the standard weights and measures of Alexandria are derived from Virginia, while those of Washington City and Georgetown are from the standard of Maryland. The law in both States, as has been shown, is, and for more than one hundred and fifty years has been, the same, namely: the act of Parliament of 1496 for the statute book; the Winchester measure, avoirdupois weights, and the exchequer standards for practice. The avoirdupois pound of Alexandria is one of the most defective in the Union, being 50 grains troy, or more than two pennyweights, short of 7,000 grains. The half-bushel is also too small; its primitive standard having been, not the Winchester bushel, but one of the oldest exchequer standards, made under the statute of 1266. It is 16 cubical inches less than the parliamentary Winchester half-bushel.

The Georgetown peck is in exact proportion to the Winchester bushel. Its pound avoirdupois is too light by 30 troy grains.

The new measures at Washington lately obtained at Baltimore are, a half-bushel, peck, and half-peck, of copper, lined with tin, cylindrical in form; the half-bushel and peck with a hole and cock in the centre of the bottom, to let off the water.

The half-bushel appears to have been intended to be of 13 inches diameter and 8 inches depth, which would have given 1,064 inches of cubical contents. This would correspond almost exactly with *one* standard bushel at the English exchequer, which was tried in April, 1819, by weight of water, and found to hold 2128.9 inches; but, of the new Washington half-bushel, neither the depth nor the diameter is uniform. They vary to the extent of a quarter of an inch in different parts of the vessel. The bottom is not perfectly flat, but bulges a little inward at the centre; nor is the edge of the top circumference perfectly level; so that, while on one side it overflows, it is left not entirely full on the other. Its mean diameter is, with sufficient exactness, 13 inches, and its depth 7.9, which gives 1058.6 inches for its cubical contents. This is 16.61 inches less than it ought to be.

It was found to contain 46lbs. 5oz. 13dwt., or 267,672 grains, troy weight, of mixed rain, river, and pump water, with Fahrenheit's thermometer at 42°, and then overflowed at one side of the border, while on the opposite side there was about one-tenth of an inch yet to fill. This also gives 1058.6 inches as its capacity. It contained of wheat, in stricken measure, 31lbs. 4oz. 5½dr. avoirdupois, of which the old half-bushel had contained 32lbs.

The peck has in its dimensions the same irregularities, though in a less degree than the half-bushel. Its diameter is 10 inches; its depth from 6.7 to 7, with a bottom bulging inward. The mean depth is about 6.9, and its contents, by that measure, are 541 inches. It holds 23lbs. 8oz. 15dwt., or 136,680 grains troy of water; giving also 541 inches, being 3.4 inches more than the standard measure.

The half-peck is 7.5 diameter, and 6.25 inches deep, which gives 276.25 inches for its contents. It holds 12lbs. 1oz. 4dwt., or 69,696 grains troy of water, or 276.5 inches, being 8 inches more than the standard measure.

Although each of these measures, separately taken, is incorrect, they are so far just in the aggregate, that the half-bushel and the peck, with the half-peck twice filled, would yield, with perfect exactness, a bushel of the legal standard of 2,150.42 cubic inches.

The half-bushel, peck, and half-peck, which had been used as standards at Washington until the last autumn, were much more exact, both in their proportions to one another, and in their conformity to the Winchester bushel, than those now substituted in their stead. The one pound avoirdupois had been of 6,962 grains, or 38 grains too light. The weights now are

1 pound	7,010	grains troy	10	grains too much.
2	14,024	-	24	
4	28,062	-	62	

The wine gallon is of 231 solid inches, and the smaller measures proportional to it. There are no standards either of troy weight or beer measure.

B 1.

*Table showing the proportions of the several measures of capacity prescribed by the English statutes, at different periods, compared with existing ancient standards of the exchequer, and elsewhere.**

	WINE GALLON.		CORN AND BEER GALLON.		BUSHEL.	
	Statute. *Cub.inch.*	Existing standard. *Cubic inches.*	Statute. *Cub.inch.*	Existing standard. *Cubic inches.*	Statute. *Cub.inch.*	Existing standard. *Cubic inches.*
1225. By Magna Charta, ch. 25, explained by						
1266. Statute 51 Henry III.; and by the treatise of 1304 weights and measures of 31 Edward I., - - - - -	217.6	217.6 Irish gallon, -	266.3	266.25 Romford gallon of 1228, -	2130.4	2124 Exchequer bushel of 1091. Old Rufus. 2124 Exchequer bushel of Henry VII. without rim.
† With pound sterling of 12 ounces=5,400 grains troy; and pound for other things of 15 ounces=6,750 grains troy.						2128.9 Exchequer bushel of Elizabeth, 1601.
1353. By assize of the tun. Stat. of provisors, 27 Edward III. stat. 1 ch. 8,	219.45	217.6 Irish gallon, -	268.53	266.25 Romford gallon of 1228, -	2148.24	2145.6 Winchester bushel at the Exchequer.
1439.‡ And by statute 18 Henry VI. ch. 17, - - -	–	– –	–	– – –	–	2150.42 Winchester bushel by act of 13 William III.
1496.§ Statute of 12 Henry VII. ch. 5; according to its letter, with troy pound of 12 ounces, - - - - -	224	224 Guildhall gal. in 1688,	224	None, - - - -	1792	None.
1496. Same statute, with application of the rule *compositio mensurarum* of 1266 to the pound troy of 12 and of 15 ounces, - -	224	224 Guildhall gal. in 1688,	280	280 Exchequer quart of 1601, - 278.4 Exchequer pint of 1601 and 1602,	2240 –	2224 Exchequer bushel of Henry VII. with rim. 2217.62 Coal bushel by act 12 Anne, stat. 2, ch. 17.
1496. Same statute, with application of the rule of 1266, to the pound of 12, and pound avoirdupois of 16 ounces, - -	224	224 Guildhall gal. in 1688,	272	272 Exchequer gallon of Henry VII. -	2176	None.
1532. Statute 24 Henry VIII. ch. 3, - - - - -	–	– –	–	271 Gallon of 1601, marked E. E. 270.4 Gallon of 1601, marked E.		
1496. Statute 12 Henry VII. ch. 5, with application of the rule of 1266, and wheat of 32 kernels to 22½ grains troy; and -	231	None before 5 Anne, -	282	282 Treasury ale gallon, - -	2256	None.
1531.‖ Statute 23 Henry VIII. ch. 4, sec. 13.						
1705. Statute 5 Anne, ch. 27, sec. 17.						

B 2.

* *The object of this table is to show:*

1st. That the varieties of the ancient standard measures of capacity in England correspond very exactly with the variations of the laws.

2d. That, by the statute of 1266, the bushel was of capacity to contain wheat equal not to the *measure*, but to the *weight* of eight gallons of *wine*.

3d. That the statute of 1496, contrary to its professed intention, not only changed the pound sterling for the pound troy, but, by its letter, changed the capacity of the bushel from the *weight* of eight gallons of wine to the *measure* of eight gallons troy weight of wheat, which was a gallon of 224 cubic inches.

4th. That, so far as concerns the corn or ale gallon, and the bushel, this act of 1496 was never executed; that no such standard bushel as it prescribes was ever made.

5th. That by the statute of 23 Henry VIII. chapter 4, section 13, the ale gallon is defined equal to one-eighth of the *measure* of the bushel, with express reference to the *compositio mensurarum* of 1266.

† 1266. *Statute 51st Henry III., compositio mensurarum, and treatise of* 1304.

1 penny sterling, round and unclipped, shall weigh 32 wheat corns.
1 ounce, - - - - 20 pence.
1 pound, - - - - 12 ounces.
8 pounds, - - - - 1 gallon of wine.
8 gallons of wine, - - - 1 bushel.
8 bushels, - - - - 1 quarter of London.

‡ *Statute 18th Henry VI. chapter* 17. *Ancient assize of the tun.*

1 tun, =252 gallons; 1 gallon 1-63 of 8 cubic feet,=219.43 cubic inches.
1 pipe, 126
1 tertian, 84
1 hogshead, 63

§ *Statute 12th Henry VII. chapter 5.* 1496.

Measure of one bushel, 8 gallons of wheat.
Every gallon, 8 pounds troy weight of wheat.
Every pound, 12 ounces troy weight.
Every ounce, 20 sterlings, [meaning pennyweights troy.]
Every sterling, 32 corns of wheat.

‖ *Statute 23d Henry VIII. chapter 4, section 13.* 1531.

Every ale barrel shall be made according to the assize specified in the *compositio mensurarum:* that is to say, to contain 32 gallons of the said assize, of which 8 gallons make the common bushel.

C.

Note on the proportional value of the pound sterling and the dollar.

The whole amount of the commercial intercourse between two countries within a given time (say a year) may be considered as the barter of an equivalent portion of their respective productions. The balance of trade is the excess of exportation from the one, and of importation to the other, beyond the equivalent value of specific articles of the trade.

In the practice of commerce, all the articles of the trade are valued in the established currencies of both countries—each article first in the country from which it is exported, and, secondly, in that to which it is imported. The balance of the trade must be discharged by some article of equal agreed value to both parties. There are two precious metals *(gold* and *silver)* which, by the common consent of all commercial nations, are such articles; and there is no other.

These two metals constitute also the principal basis of the money or specie currency of all commercial countries; and, as they are variously modified by weight and purity in the *coins* of different countries, a common standard must be resorted to by which the relative value of the coins of the two countries may be ascertained and settled in their commercial dealings with each other.

Some one specific coin or money of account on each side is assumed, between which a proportional value is established as the conventional par of exchange. Thus, between the United States and Great Britain, the dollar of the former and the pound sterling of the latter, with their respective subdivisions, are assumed as the standards of comparative value; and the conventional proportion of value between them commonly used in their commercial intercourse, and sanctioned by several acts of Congress, has settled the *par of exchange* at one pound sterling for four dollars and forty-four cents in the United States; while, in Great Britain, it is at four shillings and six pence for the dollar.

But observe: First. That here are already two different bases of exchange—the American, which assumes the pound sterling for the unit, and estimates it in the proportional parts of the dollar; and the English, which assumes the dollar for the unit, and values it in the proportional parts of the pound sterling. This would have been immaterial if the calculations upon which the exchange was originally settled had been correct; but the results of the two estimates are not the same. If the dollar is worth four shillings and six pence, the pound sterling is equivalent to four dollars forty-four cents and four mills, and an endless fraction of four decimal parts. If the pound sterling is worth four dollars and forty-four cents, four shillings and six pence, or fifty-four pence, are equal only to ninety-nine cents and nine mills. The difference is one mill in a dollar, or one thousand dollars in a million.

Secondly. That the elements of this exchange (the two objects of comparative estimated value) are not homogeneous. The dollar of the United States is, at once, a money of account and a specific silver coin; while the pound sterling, at the time when the exchange was settled, was only a money of account, having no coined representative, in one piece, of either of the precious metals. Since that time, indeed, the pound sterling has found a spurious representative in paper notes of the Bank of England, and, of late, a more truly sterling representative in the piece of gold which is called a *sovereign:* so that the pound sterling in England is an indefinite term, represented by three different materials; that is, in gold, by the sovereign, or by the guinea with deduction of a shilling; in silver, by twenty shillings, or four crowns; or in paper, by a bank note.

In the United States, their coins, both of gold and silver, are legal tenders for payments to any amount; but in England, silver coin is a legal tender for payments only to an amount not exceeding forty shillings; and by the restrictions of cash payments by the bank, the only actual currency, the only material in which an American merchant having a debt due to him in England can obtain payment is Bank of England paper: so that, at this time, the materials of *exchange* between the United States and England are, on the side of the United States, gold or silver; on the side of Great Britain, bank paper.

Suppose an American merchant has a debt due to him in England which is remitted to him in gold bullion or coins of the English standard, say £10,000: he receives, of pure gold, 196 pounds 2 ounces 3 pennyweights 22 grains, for which, when coined at the mint of the United States, he receives $45,657 20. The pound sterling, therefore, yields him $4 56.572; and such is the value of the pound sterling if the par of exchange be estimated in gold, according to the standard of purity common to both countries.

If the payment should be made in silver bullion, at 66 shillings the pound troy weight, according to the present English standard of silver coinage, he would receive only $43,489 43, and the pound sterling would only nett him $4 34.8943.

The pound sterling, therefore, estimated in gold, is worth - - -	$4 56.5720
In silver, - - - - - - -	4 34.8943
Making a difference of - - - - - -	21.6777
Half of which, - - - - - -	10.8388
Added to - - - - - - -	4 34.8943
And deducted from - - - - - -	4 56.5720
Makes what is called the medium par of exchange, - - -	$4 45.7331

It is contended by some writers upon the commercial branch of political economy that this medium is the only equitable par of exchange; but this is believed to be an error. It is, perhaps, of as little importance what the conventional par of exchange is, as whether a piece of linen or of broadcloth should be measured by a yard or an ell. The actual exchange is never regulated by the medium or any other par, but by the relative value of bullion in the two countries at the time of the transaction; by the relative proportions between the value of gold and silver established in their respective laws; by the prohibitions of exportation of bullion sometimes existing, and the duties upon its exportation levied at others; by the laws which, in some countries, make gold alone, in others silver alone, in others, again, both silver and gold, legal tenders for the payment of debts; by the existing condition of the commerce of the two countries, and of each of them with all the rest of the world; and last, and most of all, by the substitution of paper currency instead of the precious metals in one or both of the countries, and the existing depreciation of the paper.

But the law of the United States, first enacted on the 31st July, 1789, sec. 18, prescribing that, for the payment of duties, the pound sterling of Great Britain shall be estimated at $4 44, (United States Laws, Bioren's edition, vol. 2, p. 22,) is not so indifferent. This provision of the law has been continued in both the collection laws since enacted, and, by that of 2d March, 1799, (3 United States Laws, sec. 61, p. 193,) is still in force.

By section 30 of the act of Congress of 31st July, 1789, the duties were made receivable in gold and silver coin *only;* the gold coins of France, England, Spain, and Portugal, and all other gold of equal fineness, at 89 cents per pennyweight; the Mexican dollar at 100 cents; the crowns of France and England at 111 cents each, and all silver coins of equal fineness at 111 cents per ounce.

As this was one of the first experiments of legislation under the present constitution of the United States, it is unnecessary to make upon it many of the remarks which suggest themselves; but, with regard to those of its provisions which are still in force, let us observe—

That, on the 31st of July, 1789, there had been no suspension of specie payments by the Bank of England. The pound sterling, if paid in gold, yielded 113.0014 grains of pure metal; if paid in silver, 1718.72 grains of pure silver.

That the dollars and cents in which this pound sterling was estimated by the act of 31st July, 1789, were not the dollars and cents of the standard now established, but of the standard established by the resolution of the old Congress of 8th August, 1786, and their ordinance of 16th October of the same year, [1 United States Laws, page 646,] by which the dollar was to contain 375.64 grains of pure silver, and the eagle 246.268 grains of pure gold.

This dollar had been assumed as the money unit of the United States upon a report from the Board of Treasury, dated 8th April, 1786, from which report it appears that the board intended and believed that it would be of equal value with the Spanish dollar, then generally current in the United States at four shillings and six pence sterling, excepting an allowance which they proposed to make for the waste and expense of coinage of silver. They made a similar allowance of a half per cent. upon the coinage of gold.

The ordinance assumed, for the standard of purity, both of gold and silver coins, eleven parts fine, and one part alloy. This standard was, with respect to gold, the same as that of England. But the English standard of silver coins is eleven ounces and two pennyweights of fine, to eighteen pennyweights of alloy; so that, while the English pound troy weight of coined silver contained 5,328 grains of pure metal, that of the United States, by the standard then established, contained only 5,280 grains.

In the elaborate calculations of the report, which were adopted as the basis of the ordinance, no allowance whatever is made for this difference of 48 grains in the pound troy between the English standard and that prescribed for the United States. It expressly states that the English mint price of standard silver is sixty-two shillings sterling, and professes to prepare a dollar of *equal* value, excepting an allowance of two per cent. for waste and coinage. It then draws a proportion without reference to the difference between the two standards, and computes the sixty-two shillings of the English standard pound troy as if they contained only 5,280, while they really contained 5,328 grains. The object of this omission apparently was, together with the two per cent. allowance for waste and coinage, to preserve what the report states to have been the proportional value established by custom in the United States between coined gold and silver of 15.6 for 1, while their proportional value in the English coins was 15.21 for 1.

The ordinance for the establishment of the mint, and for regulating the value and alloy of coin, therefore prescribed that bullion or foreign coin should be received there as follows:

Uncoined gold, or foreign gold coin, 11 parts fine, and 1 part alloy, 1 pound troy weight, -	$209 77
Silver, 11 parts fine, and 1 part alloy, 1 pound troy weight, - - - -	13 77 7

And so in proportion to the fine gold and silver in any other foreign coin or bullion. And the dollar to be issued from the mint of the United States was settled at 375.64 grains of pure silver, because the report of the Board of Treasury had first supposed, contrary to that fact, that there were only 5,280 grains of pure silver in sixty-two shillings of English silver coin; consequently only 383.225 grains, instead of 387, in four shillings and six pence; and then provided an allowance of two per cent. for waste and coinage. By these operations it seems to have been thought that the standard dollar of the United States would be of equal value with the Spanish dollar then current in this country, and with four shillings and six pence of English silver coin. Thus, while, by the eighteenth section of the act of 31st July, 1789, the pound sterling was estimated, for the payment of duties, at $4 44, by the thirtieth section of the same act, every pound sterling paid in guineas or other gold was received for $4 57.143, and, if paid in English crowns, was received for $4 57.5445.

That the calculations upon which the rated value of gold and silver coins was fixed were loose and inaccurate, is apparent. The gold coins of France and Spain were rated as of the same standard of purity with those of England and Portugal; the crown of France as of equal value with the English crown; both without reference to their weight, and both as equivalent to an ounce of silver of the same fineness. It was well known and intended that all these coins should be rated at more than their intrinsic value, compared with the pound sterling, as estimated at $4 44, or with the standards of gold and silver coins of the United States then established. The differences might be considered in the nature of a discount for prompt payment of the duties. And, as the merchants of the United States were deeply indebted in England, inasmuch as the pound sterling was undervalued, the difference was clear profit to them in discharging the balances due to their English creditors.

The act of 31st July, 1789, was, at the succeeding session of Congress, repealed, and that of 4th August, 1790, substituted in its stead, [2 U. S. Laws, page 131.] The 40th and 56th sections of this act correspond with the 18th and 30th sections of that of 1789. The pound sterling is again rated at $4 44, and the coins as before.

But on the 2d April, 1792, passed the act establishing a mint and regulating the coins of the United States, by which the whole system established by the ordinance of 1786 was abandoned, and different principles and different standards were assumed. The standard of gold coins was left at 11 parts fine to 1 of alloy; but, instead of 246.268 grains of pure gold, the eagle was required to contain 247.5 grains. The silver standard was altered from 11 parts in 12 of fine, to 1485 parts in 1664. Instead of 375.64 grains of pure silver, the dollar was required to contain only $371\frac{4}{16}$ grains; and its weight, instead of 409 grains, was fixed at 416. The proportional value between gold and silver was fixed by the same law at 15 for 1; and, instead of the allowance of two per centum for waste and coinage, the principle was adopted of placing gold and silver coined at the same rate as uncoined, and of delivering at the mint, coined, the same weight of pure metal as should be brought to it in bullion or foreign coin.

By this operation, the value of the silver dollar, as compared with British silver coin, was reduced from 52.4539 pence sterling to 51.8409 pence; and the pound sterling, from $4 57.5445, was raised to be worth $4 62.955; and, at the same time, the value of the dollar estimated in the English gold coin was raised from 52.304 to 52.5656 pence, and the pound sterling was reduced in the gold coin of the United States from $4 57.143 to $4 56.572.

The act establishing the mint had, however, no direct reference to the value or the rates of foreign coins. But on the 9th February, 1793, passed the act regulating foreign coins, and for other purposes, [2 U. S. Laws, page 328,] which made the gold coins of Great Britain and Portugal, of their then standard, a legal tender for the payment of all debts and demands, at the rate of 100 cents for every 27 grains of their actual weight; the gold coins of France and Spain, at the rate of 100 cents for every $27\frac{2}{5}$ grains; Spanish dollars, weighing not less than 415 grains, at 100 cents; French crowns, weighing not less than 459 grains, 110 cents each. The 55th [56th] section of the act of August, 1790, was repealed, but the 40th section was left in force, and the pound sterling was still

receivable for $4 44. It was, however, thenceforward, whether paid in the gold coins of England or of the United States, worth $4 56.572.

A new collection law was enacted on the 2d March, 1799, which is still in force. In the 61st section of which [3 U. S. Laws, page 193] the pound sterling of Great Britain is again rated at $4 44; while, in the 74th section, the gold coins of Great Britain of the standard prior to 1792 are receivable at the rate of 100 cents for every 27 grains. But a proviso is added to the 61st section, that the President may establish regulations for estimating duties on goods invoiced in a depreciated currency; and a proviso to the 74th, that no foreign coins but such as are a lawful tender, or made receivable by proclamation of the President, shall be received.

In the act of 9th February, 1793, the English crown was not rated at all, and from that time no English silver coin has been a legal tender, nor consequently receivable in payment of duties.

The act of 10th April, 1806, regulating the currency of foreign coins in the United States, continued the rates established by the 74th section of the act of 2d March, 1799; and it required of the Secretary of the Treasury to cause assays to be made every year, and report them to Congress, of the foreign coins made tenders by law, and circulating in the United States.

20th April, 1816, [6 U. S. Laws, page 117.] Act regulating the currency within the United States of the gold coins of Great Britain, France, Portugal, and Spain, the crowns of France, and five-franc pieces.

Gold coins of Great Britain and Portugal, 27 grains = 100 cents, or $88\frac{8}{9}$ cents per dwt.

France, - -	$27\frac{1}{2}$	do. =	do.	$87\frac{1}{4}$	do.
Spain, - -	$28\frac{1}{2}$	do. =	do.	84	do.

Crowns of France, weighing 449 grains, 110 cents, or $1 17 per ounce.

Five-franc pieces, do. 386 do. 93.3 do. $1 16 do.

3d March, 1819. Act to continue in force the above act.

After 1st Nov. 1819, foreign gold coins ceased to be a tender. Rest of the act to be in force till 29th April, 1821.

The act of 2d April, 1792, establishing the mint, was founded, in its principal features, upon the report of the Secretary of the Treasury, (Hamilton.) It is remarkable that in this report all notice of the ordinance of Congress of 16th October, 1786, is omitted.

It says, "a prerequisite to determining with propriety what ought to be the money unit of the United States, is to endeavor to form as accurate an idea as the nature of the case will admit of what it actually is. The pound, though of various value, is the unit of the money of account of all the States. But it is not equally easy to pronounce what is to be considered as the unit in the coins. *There being no formal regulation on the point*, (the resolutions of Congress of the 6th July, 1785, and 8th August, 1786, having never yet been carried into operation,) it can only be inferred from usage or practice."

Now, the ordinance of 16th October, 1786, was a formal regulation which recognised the principles in regard to the unit of coins of the resolutions of 6th July, 1785, and 8th August, 1786; and the Congress, under the new constitution, had, by the two successive collection laws of 31st July, 1789, and 4th August, 1790, not only rated the foreign moneys of account, but foreign coins, by the standard of dollars and cents established in the resolution of 8th August, 1786. Millions of dollars had been received in revenue under those laws in foreign coins, estimated in those dollars and cents. A pamphlet was published by Mr. Boardley, at Philadelphia, in 1789, in which he shows that the real value of the dollar, in the first collection law, was 52.46 pence sterling, and not 54; and adds: "I do not consider whether this valuation accords with a late declaration that 20 shillings sterling shall be estimated at the value of $4 44 of the present dollar, but I recommend it to the consideration of others."

In the Gazette of the United States of 24th October, 1789, is an essay entitled "A Few Thoughts concerning a proper Money of Account, by a gentleman of Virginia," in which it is fully shown that the valuation of the pound sterling, as it stands rated by Congress, (at four dollars and forty-four cents,) was inconsistent with the pennyweight of gold, rated at 89 cents; that the pound sterling should be rated at $4 $57\frac{8\,9}{6\,23}$, or the pennyweight of foreign gold coin at $86\frac{19}{36}$ cents, instead of 89, which it states to be greatly to the injury of the revenue.

The alterations from the system established by the old Congress, recommended in Mr. Hamilton's report, and adopted by the law for establishing the mint, were, a dollar of $371\frac{1}{4}$ grains pure silver, instead of 375.64 grains; an eagle of $247\frac{1}{2}$ grains pure gold, instead of 246.268; 15 for 1 proportional value of silver and gold, instead of 15.6 for 1; gratuitous coinage, instead of a duty of two per cent. for the bullion sent to the mint to be coined.

Mr. Hamilton proposed to leave the standard of purity of the silver coin at 11 parts in 12 pure, as it had been established by the old Congress; but, in this respect, the law departed from the principles of the Secretary. It took the weight as well as the pure contents of the Spanish dollar then in circulation for a model, not, indeed, its legal weight and purity, which would have been 420 grains, at $10\frac{3}{4}$ parts in 12 pure silver, but its actual weight and purity, with the allowances for remedy, and ascertained by the average from a considerable number of the Spanish dollars of the coinage since 1772 which were then in actual circulation; the result gave us a dollar of 416 grains, and containing $371\frac{1}{4}$ grains of pure silver.

In the coins of the United States there is no allowance for what is called the remedy of weight; but assays of all coins issued from the mint are made, and, if any of them are found inferior to the standard prescribed to the amount of more than $\frac{1}{144}$ part, the officers of the mint, by whose fault the deficiency has arisen, are to be dismissed. This provision was adopted from what was stated in Mr. Hamilton's report to be the practice of the mint in England.

By the acts of incorporation of the Banks of the United States, their bills, *payable on demand*, are made receivable in all payments to the United States, unless otherwise directed by Congress.

By the acts of 31st July, 1789, and 4th August, 1790, the gold coins of Great Britain were rated at 89 cents the pennyweight. By the act of 9th February, 1793, passed after the change of the standard of our domestic coins, British gold coins were rated at 27 grains to the dollar, equivalent to $88\frac{8}{9}$ cents the pennyweight, at which they stand to this day.

In the year 1797 the British Parliament passed an act restricting the Bank of England from paying their own notes in specie—a restriction which has been continued to this day, with certain exceptions, by recent acts of Parliament. The pound sterling, therefore, in all English invoices and accounts, is now neither gold nor silver, but bank paper. This paper has been at times so depreciated that Spanish dollars have been issued by the bank itself, successively, at five shillings and five shillings and sixpence the dollar; and they have passed in common circulation at six shillings.

In the year 1816 there was a coinage of silver at the mint, in which the pound troy weight of standard silver was coined into 66 shillings, instead of 62 shillings, which had been the standard before.

And an act of Parliament of 2d July, 1819, confirms the restrictions upon cash payments by the bank until the 1st day of May, 1823, with the following exceptions:

1. That, between 1st February and 1st October, 1820, any person tendering to the bank its notes payable on demand to an amount not less than the price or value of 60 ounces of gold, at the rate of £4 1*s.* per ounce, shall receive payment in gold, of the lawful standard at that rate of £4 1*s.* per ounce.

2. That, from 1st October, 1820, to 1st May, 1821, such payments shall be made in gold, calculated after the rate of £3 19*s.* 6*d.* per ounce.

3. And that, from the 1st of May, 1821, to the 1st of May, 1823, they shall be made in gold, calculated after the rate of £3 17*s.* 10½*d.* per ounce. All these payments to be made, at the option of the bank, in ingots or bars of the weight of sixty ounces each, and not otherwise.

Throughout this whole canto of mutability, the pound sterling of Great Britain, from the 31st July, 1789, to this day, has been rated by the laws of the United States at $4 44.

There has probably been no time since the establishment of the mint of the United States, nor since the first establishment of the dollar as the unit of account in the moneys of the United States, when this has been the intrinsic value of the pound sterling, whether computed in gold, silver, or bank paper.

A proclamation of Queen Anne, issued in the year 1704, declared that the Spanish, Seville, and Mexican *pieces of eight* (as dollars were then called) had, upon assays made at the mint, been found to weigh seventeen pennyweights and a half, (420 grains,) and to be of the value of four shillings and sixpence sterling; from which the inference is conclusive that they contained of pure silver 387 grains: and the proclamation accordingly prohibited their passing or being received for more than *six* shillings each, in the currency of any of the British colonies or plantations. An act of Parliament in 1707 corroborated by penalties the prohibition contained in the proclamation. Six shillings for the Spanish dollar became thenceforth the standard of lawful money in the colonies, although the currencies of some of them afterwards departed from it. In 1717 Sir Isaac Newton, being master of the mint, again made assays of the Spanish dollars, and found them still to contain 387 grains. From this standard they successively fell off in 1731, in 1761, and in 1772; since which their average weight and purity has been that at which the dollar of the United States is fixed.

The dollar being thus of the intrinsic value of four shillings and six pence sterling, the pound sterling was of course equivalent to $4\frac{4}{9}$ dollars. This was the par of exchange, computed in the *silver coins* of the two countries; for even then, if the computation had been made between their gold coins, the result would have been different.

Thus, while the laws of the United States, in establishing their mint, and the unit of their currency, have assumed for their standard the Spanish dollar of 1772—in the calculations of their revenue, and their estimate of the English pound sterling, they have adopted the Spanish dollar of 1704.

But when, in 1704, the value of the Mexican dollar was fixed at four shillings and sixpence, it was because it contained 387 grains of pure silver, the same quantity which was also contained in four shillings and sixpence of English coined silver. At this time, four shillings and sixpence sterling of English silver coin contain only $363\frac{1}{4}$ grains of pure silver, and the dollar of the United States contains $371\frac{1}{4}$ grains.

The following statements show the relative present value of the dollar and pound sterling in the gold and silver coins of both countries, in gold bullion, as payable by the Bank of England, and in English bank paper at its current value in 1815.

1. *Gold.*

One pound troy weight of standard gold in England contains 5,280 grains of pure gold. It is coined into £46 14*s.* 6*d.*, or 11,214 pence.

Then 11,214: 5,280:: 240: 113.0014 grains of pure gold in a pound sterling.
In the United States 24.75 grains of pure gold is coined into a dollar, or 247.5 grains to an eagle.
Then 24.75: 1:: 113.0014: 4.56572 dollars to £1.
Thus the pound sterling in gold is worth $4 56.572.
And as 5,280: 11,214:: 24.75: 52.5656.
Dollar in English gold 4*s.* 4.5656*d.*
Pound sterling in gold $4 56.572.

2. *Silver.*

One pound troy weight of standard silver in England contains 5,328 grains of pure silver, and is coined into 66 shillings, or 792 pence.

The dollar of the United States contains 371.25 grains of pure silver.
Then, 5,328: 792:: 371.25: 55.1858.
Dollar in English silver 4*s.* 7.1858*d.*
792: 5,328:: 240: 1614.545 grains pure silver in a pound.
371.25: 1614.545:: 1: 4.348943.
Pound sterling in silver $4 34.8943.
Medium par dollar, 4*s.* 5.8757*d.*
Pound sterling in gold $4 56.5720—
in silver 4 34.8943+ 10.8388*d*=$4 45.7331 medium par pound sterling.

3. *Value of the pound sterling and dollar in gold and silver coins, in gold bullion, and in English bank paper.*

	Pence stg.
Value of a United States dollar in English silver coin, at 66 shillings per lb. troy weight,	55.1858
In English gold coin, at £3 17*s.* 10½*d.* per ounce,	52.5656
In English bank notes in 1815,	72.
In gold bullion, at £4 1*s.* per ounce,	54.675

	D. Cents.
English pound sterling, in silver coin, worth in the United States, silver dollars,	4 34.8943
Gold coin, at £3 17*s.* 10½*d.* per ounce, in United States gold,	4 56.5720
In English bank notes, 1815,	3 33.3333
In gold bullion, at £4 1*s.* per ounce,	4 38.9574
In gold bullion, at £4 per ounce,	4 44.4444

D 1.

Mr. Hassler to the Secretary of State.

MOST HONORED SIR: NEWARK, N. J., *October* 16, 1819.

When I had the honor to see you relative to my appointment for the boundary line, the conversation falling upon French and English standards of weights and measures, I mentioned to you that I had brought a complete set of them, with the instruments for the survey of the coast, of which I handed you a catalogue; mentioning at the same time that I had made comparisons of those standards of length measures, and some others which I had besides, (having not had time to extend it to the standards of weights.)

Since then I could not occupy myself with this subject until lately, in the course of the papers upon the scientific part of the survey of the coast, which I prepared for publication.

I have, therefore, now the pleasure to fulfil my promise, and your desire of that time, by forwarding you herewith an extract of this paper, containing the part which may interest you, with the necessary details to convey the conviction of accuracy necessary in such subjects to inspire confidence in the results.

You will observe that these are not so full and extensive as I intended them to be. I am sorry that the circumstances which befel this, in a national point of view, so honorable and useful work, have also in this part frustrated the aim of my exertions.

I believe, however, what has been obtained will be sufficient for your purpose of a report to Congress upon this subject.

If you should wish any thing more that I could be able to do, I will do it with pleasure.

You may probably conclude with me, from the comparisons of Captain Kater and other circumstances, that a platinum *metre copy* will yet remain much inferior in real scientific value to the iron original of the committee which I had in trial, and that the large expansion and reduction necessary in the comparison by the English way of giving the ratio of the standard may introduce some uncertainty by the less accurately known expansion of platinum. I have, besides, repeatedly, and also in these comparisons, had some reasons to suspect that copies are most generally shorter than the original in standards cut to a determined length.

I have the honor to be, with perfect respect and esteem,

Most honored sir, your most obedient, humble servant,

F. R. HASSLER.

The Hon. JOHN QUINCY ADAMS,
Secretary of State to the United States, Washington City.

D 2.

Comparisons of French and English standard length measures made in March, 1817, *by F. R. Hassler.*

The two length measures which have been the most scientifically ascertained and compared are the French and the English.

They are essentially different in their principles, and of different metals; which circumstance has always presented difficulties in their comparison.

The English standard is *a brass scale of undetermined length*, divided into inches and tenths of inches. They are of different ages and accuracy, and successively perfectioned by various artists, by making new scales of any convenient length from the mean of distances taken upon the old scales. Sir George Shuckburg Evelyn's account of comparisons of a number of them may be consulted for the nearer details. (Philosoph. Trans. of London.)

The French standard is *a certain determined unit of length in iron*, given by a bar cut off to the given length, either a toise or a metre. The account of their comparison, ratio, and the determination of the latter from nature, is contained in detail in the "Base du Système Métrique."

Whoever has attempted to copy an absolute length, or to multiply it with accuracy, to form a long standard from a short one, will soon have discovered that great care is needed in the choice of means. Beam-compasses and similar means are fully unsatisfactory for both. This conviction, and the perusal of the different modes of proceeding used in Europe in the works of this nature, decided me to adopt for the unit measure of the bars to be used in the base-measuring apparatus the mechanical combination of four iron bars, of two metres length each, (of which account is given in another part of the papers.) An additional deciding reason for this was, that I had to my disposition, for this use, one of the metres standarded by the committee of weights and measures in Paris in 1799, which is therefore equally authentic with the one in Paris itself, and places the accuracy of my unit measure above all possible doubt, while of any other measure I could only obtain the copy of a copy. The comparison of this with the other copies mentioned in this paper, and my bars, rendering it besides comparable to any standard by mere numerical calculation.

The comparisons to be related here were made in February and March, 1817, and intended to be repeated before the measurement of the first base line of the survey of the coast; which having become impossible, by events which I was too far from supposing possible, I will here only give the result of what was done.

The following are the different standards compared, and their origin, which is the first thing to be related minutely:

1st. An iron metre standarded at Paris in 1799 by the committee of weights and measures, composed of members of the Institute and foreign deputies, *ad hoc:* its breadth is 1.″1 English; its thickness = 0.″37. Like all metres then made, to which it is exactly similar, it bears the stamp of the committee, namely, a section of the elliptic earth, of which one quadrant is clear, with the number 10,000,000 inside of the arc, the other three quadrants being shaded.

My friend, Mr. J. G. Tralles, now member of the Academy of Berlin, was at that time deputy of the Helvetic republic for this purpose, and, as appears by the account of the proceedings, the foreign member who attended the construction and comparison of the length measures. He was so kind as to have this metre made expressly for me, simultaneously with all the others, passing in all respects the same process and comparisons; and, on his return, to make me a present of this, as well as of a kilogramme, also standarded by the committee, under the direction of Mr. Van Swinden, (being No. 2.)

2d. A very well executed iron toise, with its mother, in which it fits, forming with it a bar of three inches broad and half an inch thick. It is made by *Canivet, à la Sphère à Paris.* This is engraved upon it, together with the notice, "*Toise de France étalonnée le* 16*me Octobre*, 1768, *à la température de seize du thermomètre de M. — Réaumur.*" On the back edge of the toise a line is drawn in the middle over the whole length, and, from a per-

pendicular crossing this line near one extremity, a point is laid off near the other extremity; along this line is engraved "*La double longueur du pendule sous l'équateur*," a point being also in the middle at the simple length of the pendulum.

Having been in Paris in 1796, the heirs of M. Dionis du Séjour, who had died shortly before, had given this toise to the celebrated artist Mr. Lenoir, to sell it, from whom I bought it, considering it as the best and most authentic standard of this kind in private hands.

It is well known that, about the time stated for the standarding of this toise, the Academy of Sciences had it in contemplation to establish, as a natural standard, the double length of the pendulum under the equator, marked on this toise, probably to this very purpose; in which M. Dionis du Séjour must, by his situation at the Academy, have taken particular interest. The work denotes its intention to a valuable purpose.

3d. Two copies of the toises of Mr. Lalande, which have been compared in England with Mr. Bird's scale of equal parts in 1768, after the return of Messrs. Mason and Dixon from the measurement of the degree in Maryland. These copies being of the same size and shape as the originals.

When I was in Paris in 1793, Mr. Lalande communicated to me the above toises for the use of the survey of Switzerland, which I had then begun. Mr. Tralles and I made two copies of each of them, those here compared being one set. The toises of Mr. Lalande are known to be marked A and B, but only on the woods in which they are framed, and from which they can easily be changed; ours were marked upon the iron itself, so as we found them at the time on the toises of Mr. Lalande.

N. B. The standards hitherto mentioned I brought with me to this country at my first arrival in 1805, and ceded them some time after to John Vaughan, Esq., of Philadelphia, who has been so good as to lend them to me for the intended comparison.

4th. The brass metre standarded by Lenoir, (No. 16 of the collection of instruments for the survey of the coast,) which was compared at the Observatory of Paris, as per certificate of Messrs. Bouvard and Arrago; its breadth is = 1.″1 English, its thickness = 0.″18. The certificate, dated at the observatory, 16th March, 1813, says of it: "En applicant à nos mesures une correction dépendante de l'inégalité de dilatation des deux métaux, il nous a semblé qu'à zero du thermomètre, (centigrade,) le metre en cuivre de M. Hassler, seroit plus court que l'étalon en fer de nos archives de $\frac{1}{100}$me de millimetre."

Mr. Lenoir, who has been employed by the committee of weights and measures to construct the standards, had taken the precaution, at that time, to make one brass metre, which passed all the comparisons with the others, at the standard temperature of 0° centigrade, at which, therefore, it is equal to the authentic iron metres, and forms the only direct mean of comparison between French and English measure. Of this metre the present is a copy, which I thought so much more interesting to have, as the original is unique in its kind, and the comparison of it with the English standard possible by direct means.

5th. One iron toise of Lenoir, (No. 15 of the collection of instruments for the survey of the coast.) It is near two inches broad, and about a fourth of an inch thick. Its comparison at the observatory at Paris, by the certificate quoted above, says it is to be exactly equal to the toise of Peru, preserved at the said observatory.

6th. One iron metre, standarded by Lenoir, (No. 18 of the catalogue of instruments for the survey of the coast.) It is of the same breadth and thickness as the iron metres of the committee, but was not compared at the Observatory of Paris on account of being received too late.

7th. An iron bar, similar to the metre just mentioned, which I intended to bring to the proper metre length for myself, being yet too long. It was used in the comparison, as well as an operation necessary for its standarding as to vary the means of combination in the comparisons. It has not been worked since this, having been reserved for a future comparison.

8th. A brass standard scale, of English measure, of 82 inches, divided on silver to every tenth of inches, made by Mr. Troughton, (No. 14 of the catalogue of instruments for the survey of the coast.) It has the arms of the United States engraved upon it, and "*Troughton, London*, 1813." It is three inches broad, and half an inch thick.

To it belongs an apparatus for comparing measures by two compound microscopes, sliding on a rule of equal breadth and thickness with the standard; and adjustible, parallel to it, one microscope, having a micrometer reading directly the $\frac{1}{10000}$ of an inch.

A description of this arrangement existing already in Nicholson's Journal, though on a much smaller scale, all details may here be omitted.

The scale was divided by Mr. Troughton with the utmost care and accuracy, so justly praised in this eminent artist. It contains the double length of the principal part of his own scale, of which an account has been given in the paper of Sir George Shuckburg, above quoted. Mr. Troughton compared his scale first again in itself, and made a table of errors for the same, in like manner as he has described in his method of hand dividing, (Philosophical Transactions, 1809,) and then laid off the scale here used, correcting each point according to this table.

To give to a bar of a certain thickness an accurate length, by a cut perpendicular to its length, is an operation which cannot be performed by the free hand, which will always work it uneven, and most likely rounded. To do this with accuracy, I had a tool constructed, &c. &c.

(The description of this tool, the iron bars, and the manner in which they have been worked, may here be passed over, merely mentioning that the four bars were of equal breadth and thickness with the metres, and lettered A, B, C, D.)

For the actual comparison, the unequal thickness of the different standards obliged to support them, so as to bring them exactly to the elevation of the thickest, for which the foci of the microscopes are adjusted, and the value of the micrometer determined. In the comparison of the metres the brass scale was the thickest, and in that of the toises the toise of Canivet. The influence of this necessary supporting, when done only partially, is very great; therefore, I had pine rules, made of sufficient breadth and length to support fully the standards and the butting pieces, which were used in reading off, as will be said immediately, and of the accurate thickness to bring each of the metres exactly to the focus, and free from all parallax. As it is completely inadmissible to take the edge of a bar, if ever so sharp, as object under the microscope for the purpose of comparison, because it never forms a good image, pieces cut off from the end of the above-mentioned bars (which had originally been made purposely about nine inches too long) were placed at the two ends of the metres under comparison, to make the reading from the separation lines, presented by their close contact, which were not thicker than the lines of the scale. These pieces were from two to four inches long, worked to the exact thickness of the metre, or toise, with which they had to serve; and, by rubbing with emery and oil one against the other, turning them in all positions, they were brought to make exact contact on the whole surface, which afterwards joined to the metre did the same with it, and on account of their equal thickness presented a plane crossed by the partition line. Upon this the micrometer wires, which cross each other under an angle of about 30°, were brought, by optical contact, so that the partition line bisected the angle exactly in the crossing point of the wires.

The microscopes were furnished with paper reflectors, by a piece of white paper placed in a forward inclined direction between the microscopes and their supports, by which the light was reflected upon the scale or standard in the direction of the division lines, as required to avoid all shades of the lines, or partitions, which prevent accurate reading.

To prevent the influence of the heat of the observer's body upon the scale and apparatus, a large sheet of paper was nailed to the work bench, near the microscopes, where the observer approaches, and I worked with gloves on, for the same reason.

From seven to twelve thermometers were constantly lying over the scale and the standards, and read off at proper intervals of time.

The work bench itself was near double as long as the scale, to obtain a sufficient length fully accurate plane; it was in this respect accurately adjusted before the work, and so placed in respect to the windows, that each microscope corresponded to the best equal light from a separate window; the bench was made of two three-inch planks at right angles, and upon six legs.

There was no fire made in the room during the comparison, and for a number of days before; the windows were, besides, left open day and night, to bring the room to a steady temperature, being equal to that of the atmosphere.

For the intended comparison of a day all was prepared the day before, and left lying just fit to begin the observations the next day, in order that all parts might be fully at rest, and, after verification in the morning, the actual comparison begun.

All these precautions are necessary to obtain satisfactory results, as I think may be observed by what will follow.

The possible inaccuracy of the readings may be considered in the direct ratio of their number, having four metres; and the scale holding the sum of two, I had the mean to halve this error by comparing always two together alternately, reading their sum at once on the scale, and forming an equation between the results, to obtain the value of each individual metre. This method had yet the advantage of leaving the observer fully unprejudiced upon what he shall read, as the combination of the different measures and the different influence of temperature occasion a variation which precludes previous estimates.

To this effect, the microscopes were placed to the decimal on the scale nearest to the sum of two metres, viz: 78.″7 or 78.″8, which was taken from +1″ to 79.″8, which approximated it nearest to the middle of the scale. When the scale had been removed, and the two metres with their support properly laid under, so as to bring the middle of their breadth under the centre of the microscopes, the middle contact was exactly made, and with a magnifying glass verified; then, the butting pieces being laid on, the coincidence of one end with the crossing wires of the fixed microscope was obtained by longitudinal motion, and the micrometer wires being moved upon the other line of contact, between the metre end and the butting piece, the value of the corresponding subdivisions was read on the micrometer by its revolutions and subdivisions. The longitudinal motion cannot be made by hand; it is obtained by light strokes with a proper piece of wood, and requires dexterity and care, particularly not to separate the different pieces by the counter-stroke.

The value of the micrometer parts was to be previously ascertained by accurate and repeated measurements of a decimal on the scale in different places. By a mean of many, I found under the adjustment for the metres 0.″1 on the scale = 1.″004 of the micrometer.

At last the individual value of the distance used on the scale in relation to the mean value of the same distance resulting from the measurement of it, on as many parts of the scale as was admissible, was to be determined, in order to give the true mean value of the distance of the points of the scale compared. This was done by about fifty measurements, principally after the comparison had been made, and before any alteration had been made in the microscopes. So I found the distance used, or 79.″8 — 1.″0 = 78.″800172 of the mean value of the scale; to this, therefore, all the values obtained by the metre comparison were ultimately referred.

To shorten the manner of registering the results and the combination of the metres and their position, the following mode of notation was adopted:

Mc denotes the iron metre of the committee of weights and measures.
Ml - iron metre of Lenoir.
Mb - brass metre of Lenoir.
Mj - iron bar which I intended to bring to a metre length.
Mc+l - metre of the committee and that of Lenoir together, all marks up.
Mɔ+ɻ - same metres, all marks down.

And, in like manner, in the other combinations, the adding of the special marks at the top denoting always the sum of the metres so indicated, and the inversion of the letters the inversion of these metres.

The 15th March, early in the morning, the eleven thermometers which had been lying over night on the scales, prepared the evening before, were read; after having verified that all was in order, then it was further observed, as by the following table:

Standards under comparison.	Measures of the micrometer.	Mean of the four results.	Correction for the micrometer value.	Final value of the mean.	Mean of thermometers Fahrenheit's temperature.
Mc+b	78.″76040				30.°85
Mɔ+q	.76115				
Changed ends for middle.		78.″760962	—0.″000244	78.″760718	
Mc+b	78.76099				
Mɔ+q	.76131				
Mb+l	78.759030				
Mq+ɻ	—.760575				
Changed ends for middle.		78.759777	—0.000240	78.759537	
Mb+l	78.75920				
Mq+ɻ	—.760303				
Mc+l	78.760415				
Mɔ+ɻ	—.760450				
Changed ends for middle.		78.760472	—0.000242	78.760230	
Mc+l	78.760475				
Mɔ+ɻ	—.760550				34.1

(The four bars intended for the base measurement were now also compared, but the result is omitted as unimportant here.)

The micrometer microscopes having, in the foregoing comparison, read by addition, or from 78."7 onwards, it was, the 17th March, turned for one-half revolution horizontally, so as to read by subtraction, or from 78."8 backwards, in order more effectually to compensate the influences possible from them by the following comparisons. The micrometer values were verified, and found as before. Then all was prepared for the comparison of next day. All other things being otherwise equally disposed.

The 18th March, A. M., all having been verified, the comparisons were made as by the following table:

Standards compared.	Microscope readings.	Mean of the four results.	Correction for microm. value.	Corrected result of reading.	Final value.	Mean temperature.
	78."8	-	-	-	+	46.6
Mc+l=	0.044075					
Mɔ+ɻ=	0.043000					
Changed ends for middle.		0.043900	0.0001756	0.043724	78.756276	
Mc+l=	0.043250					
Mɔ+ɻ=	0.043235					
Mc+j=	0.039175					
Mɔ+ſ=	0.039300					
Changed ends for middle.		0.039702	0.0001588	0.039643	—.760357	
Mc+j=	0.040200					
Mɔ+ſ=	0.040135					48.6
Ml+j=	0.041525					
Mɻ+ſ=	0.040830					
Changed ends for middle.		0.041295	0.0001651	0.041130	—.758870	
Ml+j=	0.041600					
Mɻ+ſ=	0.041225					

The four double metre bars were now successively put under comparison in their four possible positions, and found—

A =	0.044475					
V =	0.044250					
Changed end for end.		0.044369	0.0001775	0.0441915	78.7568085	
A =	0.044325					
V =	0.044425					
B =	0.043375					
ꝑ =	0.043750					
Changed end for end.		0.043362	0.0001734	0.0431886	—.7568114	
B =	0.043150					
ꝑ =	0.043175					
C =	0.043575					
Ↄ =	0.043775					
Changed end for end.		0.043794	0.0001752	0.043619	—.756381	
C =	0.043850					
Ↄ =	0.043975					49.8
D =	0.043300					
ꝙ =	0.043100					
Changed end for end.		0.0433625	0.00017345	0.0431890	78.756811	
D =	0.043550					
ꝙ =	0.043500					50.5

The same day P. M. the comparisons were repeated as follows:

Mc+l=	0.045390					50.3
Mɔ+ɻ=	0.044625					
Changed ends for middle.		0.044829	0.0001793	0.0446497	78.7553503	
Mc+l=	0.044750					
Mɔ+ɻ=	0.044550					
Mc+j=	0.040475					
Mɔ+ſ=	0.040525					
Changed ends for middle.		0.040850	0.0001634	0.0406866	—.7593134	
Mc+j=	0.040850					
Mɔ+ſ=	0.041550					
Ml+j=	0.043175					
Mɻ+ſ=	0.042450					
Changed ends for middle.		0.0426125	0.0001704	0.0424421	—.7575579	
Ml+j=	0.042300					
Mɻ+ſ=	0.042525					51.8

To make these results comparable, it is necessary to reduce them all to one temperature by the difference of expansion between iron and brass. I shall, for this, make use of my own results of the pyrometrical experiments

made immediately after the comparison, and published in the Philosophical Transactions of Philadelphia of the same year, the results of which gave the expansion for one degree of temperature of Fahrenheit's scale—

In iron = 0.000006963535
In brass = 0.00001050903 } Difference, 0.000003545495 decimal parts of the length.

On account of the change of temperature during the comparison, and the considerable influence of this element in the results, it is necessary to take for each comparison the proportional temperature corresponding to it between the readings of the thermometer. The work proceeding regularly, each single comparison will correspond to the proportional time.

The standard temperature to which I find it most natural to reduce the measurements is, 32° Fahrenheit, or 0° centesimal and Reaumur, it being adopted for the metre and toise. I shall reduce the results of the iron to brass, so that the numbers will express the length of the metres in English inches of the brass scale, both at the temperature of 32°, which appears to me most naturally, being possible to obtain by actual experiment; while the giving of the metre at 32° in length, on the scale at 62°, is impossible to produce and verify in nature; therefore, always a result of calculation in which the ratio of expansion used has too much influence. The brass metre is, therefore, considered as needing no reduction.

The constant quantity of 0.″000172 is also to be added to each measure taken on account of the individual value of the part of the scale made use of.

The following table will, therefore, present the results of all the foregoing comparisons, with their reductions:

Date of comparison.	Standards compared.	Temperature of comparison.	Result of comparison.	T. 32°.	Reduction for temperature.	Value at 32° F.
15th March,	$Mc+b$	31°.4	78.760718	0°.6	0.000083773	78.760806226
					+	
	$Mb+l$	32.5	—.759537	+0.5	0.000069811	—.759778811
	$Mc+l$	33.7	—.760230	+1.7	0.0004747134	—.760876713
				+	+	
18th March,	$Mc+l$	47.1	78.756276	15.1	0.0042165	78.7606645
A. M.	$Mc+j$	48.1	—.760357	16.1	0.0044957	—.7650247
	$Ml+j$	48.9	—.758870	16.9	0.0047191	—.7637611
	Bars A	49.2	78.7558085	17.2	0.00480286	78.76078336
	B	49.5	—.7568114	17.5	0.00488162	—.76186502
	C	49.8	—.7563810	17.8	0.00497040	—.76152340
	D	50.2	—.7568110	18.2	0.00508204	—.76206509
18th March,	$Mc+l$	50.5	78.7553503	18.5	0.00516567	78.76068797
P. M.	$Mc+j$	51.0	—.7593134	19.0	0.00530555	—.76479095
	$Ml+j$	51.5	—.7575579	19.5	0.00544510	—.7631750

By the principles of the arrangement, it is evident that the value of any one single metre, compared above, will be obtained by a simple equation of the form $C=\frac{(c+b)+(c+l)-(b+l)}{2}$; and so any of the others, mutating the letters accordingly.

The final results of these comparisons form, therefore, the following table of the values of the different metres compared at the temperature of 32° of both metre and scales, in English inches:

Date of the comparison.	Mc.	Ml.	Mb.	Mj.
15th March, - - -	39.380952064	39.37992415	39.379854162	
18th March, A. M. - - -	—.3809641	—.3797004	- -	39.3840606
18th March, P. M. - - -	—.38115196	—.37953601	- -	—.3836290
Means, - - - -	39.381022708	39.37972015	- -	39.3838448
Correction of the brass metre by the certificate, - - -			+0.00039381	
Which, applied, gives the metre corrected, - - -			39.38024797	

These results might now be compared with those obtained by various comparisons made in England; these being, however, always stated so as taking the metre at 32°, and in value of the English scale at 62°, it is necessary to reduce them all for 30° difference of temperature full expansion of the brass. As I have not now the books in which they are related, and am ignorant, so various are they, which English standard and expansion has been used, (supposing, however, that it has most generally been that of Borda,) I will here only present, in a tabular shape, the different results as I have them, and reduce them to 32°, to compare them with my results; observing, at the same time, that they are yet subject to the differences between the English standards themselves, which are in some instances greater than the differences of these results, as may be seen by the paper of Sir G. Shuckburg, quoted above, and the account of Mr. Pictet, of Geneva, made in London in 1802. Borda's expansion for brass being 0.00000999, (though I have seen it lately stated at 0.0000101; on what ground I do not know, unless I suppose a mistake.)

Authority or observer.	Value given at 62°.	Reduced to 32°.	Difference with my results of committee metre.
The Royal Society accepted, - - -	39.370572	39.38126801	+0.0002453
The Royal Society, in 1800, - - -	—.3702	—.380896	—0.0001267
Mr. Pictet, in 1802, - - - -	—.371	—.381696	+0.0006733
Mr. Kater, on Sir G. Shuckburg's scale, lately, (1818,) -	—.37079	—.381486	+0.0004633
The same on Bird's scale, - - - -	—.37062	—.381316	+0.0002933

(Unknown which of Bird's scales, there being a difference.)

I do not compare by my ratios of expansion, because they were not made or known at the times of the older comparison; of course could never have been employed in them.

The 21st March, I took the different standards of the toise under comparison.

The toise of Canivet being half an inch French in thickness, and the brass scale half an inch English, this difference was compensated by laying four thicknesses of white paper strips under the whole length of the scale; the

microscopes were adjusted to fit this toise, and then the scale adjusted to it; the other toises had rules of proper thickness to bring them to the same focus.

The distance of 76.″8, as nearest to the toise, was taken between the microscopes, from + 2″ to 78.″8 on the scale, as bringing the measure again nearest the middle of the scale.

The value of the micrometer was determined by repeated measurement of the decimal on the scale between 78.7 and 78.8, and found that it measured 0.″10053 by the micrometer; the readings here given will, therefore, be corrected by this value of the micrometer, by which they will represent regular decimals of this individual subdivision.

It was of course also here intended to compare the distance taken on the scale with all the other measures of the same distance which can be measured on the scale, and the value of the micrometer upon a great number of decimal divisions, to obtain a mean value of it. But, it being necessary to begin the pyrometrical experiments before the cold weather should cease, I delayed this comparison until after, or to another opportunity, which did not occur before I delivered the whole of these standards, and the scale, with the other instruments. The values here obtained will, therefore, remain individual, unless some future occasion should present to make this necessary trial of the scale on the indicated length, when the results here given may be corrected accordingly.

The microscopes being screwed fast, and the 0.° of the micrometer not agreeing fully with the division of the scale, which, for small differences, it is not proper to correct by the screw of the sliding piece, I used the better method of reading repeatedly the divisions of 78.7 and 78.8 on the micrometer, taking the point of the micrometer so determined, by a mean, for the zero, from which the readings of the micrometer are to be subtracted, as the micrometer read yet by subtraction from 78.″8; this point being 78.″8001375, all the readings given immediately are to be subtracted from that number, instead of 78.″8 only.

I intended of course also to repeat the comparison with the miscroscope reading directly or onwards, but the same reasons stated prevented the execution of it.

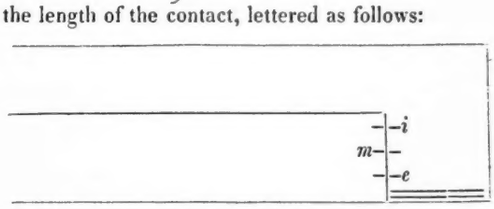
Using again abridged notations for the registering of the results,

I called C = the toise of Canivet, - - -
I called L = the toise of Lenoir, - - -
I called *l*A = the toise of Lalande, marked A, - -
I called *l*B = the toise of Lalande, marked B, - -

} Inverting the letter when the marks lay downwards.

In the toise of Canivet three points were observed on the length of the contact, lettered as follows:

i, at a quarter of the contact from the inner corner.
m, in the middle of the contact.
e, at 0.″05 from the outer end of the contact.



In the toise of Lenoir only the middle was taken, (which is marked by a line,) like in the comparison at Paris. The same was done with the toises of Lalande. The turning end for end of the toise of Canivet, in both cases related, was impossible, on account of its breadth. These comparisons present the following table:

Toise compared.	Temp. mean.	Micrometer readings.		Means of the readings.	Corrections for microscopic er.	Corrected reading.	Final value.
	33.°4	76.8001375		—	(—0.00053)	—	
		—			—		
C*m*		0.05825					
C*i*		0.05950	0.05805				
C*e*		0.05640					
				0.0576958	0.0003058	0.0573900	76.″7427475
*m*C		0.05705					
*i*C		0.058675	0.0573417				
*e*C		0.05630					
	35.°1						
L		0.06153					
*m*L		0.06055					
Changed end for end.			0.06062		0.0003213	0.0592987	76.7408389
L		0.06070					
*m*L		0.05970					
	36.°1						
*l*A		0.06102	0.061835		0.0003277	0.0615073	76.7386302
*m*l		0.06265					
*l*B		0.0536	0.053675		0.0002845	0.0503905	76.7467470
*m*l		0.05375					
	39.°0						

The results of the foregoing table are now to be reduced to the standard temperature of 32° by the difference of expansion between iron and brass, for which I shall again use the result of my own experiments. They present thereby the following table of results of toise comparisons:

Denom. of toise.	Temperature.	Result of the comparison unreduced.	T. 32°.	Reduction for temperature.	Value at 32°.
C	34.2	76.″7427475	+ 2.°2	0.00059722	76.″74334472
L	36.0	—.7408389	+ 4.0	0.00108820	—.74192710
*l*A	37.4	—.7386302	+ 5.4	0.00146921	—.74009941
*l*B	38.5	—.7467470	+ 6.4	0.00174145	—.74848845
$\frac{l\text{A} + l\text{B}}{2}$	as accepted in the comparison of the original of these toises in 1768, in London,				- 76.74429393

Having no books about me in which I could see for the details of comparison of toises with English measures, the comparison just quoted is the only one with which I could compare mine, and the inferiority of the two toises of Mr. Lalande in every respect renders it of very little importance.

In the comparison of 1768 the mean adopted as result was—

$\frac{lA+lB}{2}$ = 76.734 at the temperature of 62°, which is stated to be 0.024 of an inch longer than when determined by Mr. Graham.

I have not before me sufficient data to judge of the propriety of the mean adopted, as it does not follow immediately from the two individual results stated in my notice. In respect to the temperature, it seems that both toises and the scale of Bird of equal parts were supposed both at the temperature of 62°. Reducing this result to 32°, by different ratios of expansion, it presents the following result comparable with mine:

	Ratio of difference of expansion.	Amount of expansion. +	Value at 32°.
By Borda's expansion, - - - -	0.00000352	0.0081031	76.7421031
By Troughton's, - - - -	0.0000039	0.0089779	—.7429779
By my experiments, - - - -	0.000003545495	0.0081618	—.742162

Which are all smaller than mine, and I should suppose deviate more from truth, as they would give a more erroneous proportion between the metre and toise. But I must again observe that my results may yet be subject to a small correction, by the reduction of the distance used on the scale to its mean value, as has been done with the metres.

The ratio between metre and toise, which may be quoted, as well for curiosity's sake, as also as a kind of trial of my comparison, may here be stated in all combinations which the different standards admit; and I have, in doing so, the private interest of giving the ratio of the toise of Canivet to an authentic metre, because this toise has served in 1796 to Mr. Tralles and myself to measure a base line of more than 40,000 feet by an arrangement of toise bars which were standarded in it.

The ratio of the metre to the toise, or the metre expressed in decimals of the toise, is given by Mr. Delambre.

Metre=0.513111185

With my denomination is obtained:

Toise

$\frac{Mc}{C}$ =0.513152

$\frac{Mc}{L}$ =0.513162

$\frac{Ml}{C}$ =0.5131355

$\frac{Ml}{L}$ =0.513145

$\frac{Mb}{C}$ =0.513137

$\frac{Mb}{L}$ =0.513146

$\frac{Mc}{l\frac{A+B}{2}}$ =0.513146

$\frac{Ml}{l\frac{A+B}{2}}$ =0.513130

$\frac{Mb}{l\frac{A+B}{2}}$ =0.513131

Captain Kater's comparison of the metre with Bird's scale would give—

Bird's sc.

$\frac{M}{C}$ =0.513156

Bird's sc.

$\frac{M}{L}$ =0.5131658

With Sir George Shuckburg's scale the deviation would be still greater.

F. R. HASSLER.

Newark, New Jersey, *October*, 1819.

E 1—*a*.

NEW HAMPSHIRE.

Governor of New Hampshire to the Secretary of State.

Sir: Executive Department, Epping, *November* 21, 1818.

By the last mail I received your letter of the 4th instant, requesting a copy of the law of New Hampshire of 1718 upon the subject of weights and measures, and a statement of each scale beam, weight, and measure described in the act of 1797, and where, and in whose custody, they are kept.

I herewith send you a copy of the law of 1718, and of an additional act passed the 6th of George III. upon that subject. I transcribed them from books in my library; and, as I presume you do not wish to use them in a court of law, I did not suppose it necessary to send to the Secretary of this State for official copies, especially as I doubt whether even copies remain of both those laws in that office.

I have taken measures to obtain the requisite information respecting the scale beams, weights, and measures belonging to this State, and, as soon as I obtain it, will write you on the subject.

I have the honor to be, with much respect, sir, your obedient servant,

WILLIAM PLUMER.

Hon. JOHN QUINCY ADAMS, *Secretary of State U. S., Washington.*

E 1—*b.*

Copy of an act passed by the General Court or Assembly of the Province of New Hampshire, in New England, begun and held at Portsmouth, on the 13th day of May, 1718.

AN ACT for regulating weights and measures.

To the end that weights and measures may be one and the same throughout this Province,

1. *Be it enacted by His Excellency the Governor, Council, and Representatives convened in General Assembly, and by the authority of the same*, That the treasurer of this province shall provide one set of weights and measures as are according to the approved Winchester measures allowed in England in the exchequer, which shall be public allowed standards throughout this province, for the proving and sealing of all weights and measures thereby: and the town clerk of every town within this province, not already supplied, shall, within three months next coming, provide, upon the town charge, one bushel, one half-bushel, one peck, one ale quart, one wine quart, one ell, one yard, one set of brass weights to four pounds, after sixteen ounces to the pound, with fit scales and steel beam, tried and proved by the aforesaid standard, and sealed by the treasurer, or his deputy, in his presence, which shall be kept and used only for standards in the several towns, who is hereby authorized to do the same, for which he shall receive from the town clerks of every town two pence for every weight and measure so tried, proved, and sealed. And the town clerk of every town shall commit the weights and measures unto the custody of the selectmen for their town for the time being, who, with the town clerk, are enjoined to choose an able man for a sealer of all weights and measures for their own town, from time to time, and until another be chosen, who shall be presented to the next court, or some justice of the peace, to be sworn to the faithful discharge of his duty, and shall have power to send forth his warrants by the constables to all the inhabitants of each town, to bring in all such weights and measures as they make any use of, in the month of April, from year to year, at such time and place as he shall appoint, and make return to the sealer in writing of all persons so summoned; that then and there all such weights and measures may be proved, and sealed with the town seal; which is likewise to be provided by the town clerk, at each town charge, who shall have for every weight and measure so sealed one penny from the owner thereof at the first sealing. And all such weights and measures as cannot be brought to their just standard he shall deface and destroy: and, after the first sealing, he shall have nothing so long as they continue just with the standard.

2. *And it is further enacted by the authority aforesaid*, That if any constable, selectman, or sealer, do not execute these laws, so far as to each and every of them appertains, [he] shall forfeit, for every neglect the space of one month, the sum of forty shillings; one-half to the informer, the other half to the use of the poor of the town where such default is found; and every person neglecting to bring in their weights and measures at the time and place appointed, being only warned thereof, shall forfeit three shillings and four pence; the one-half thereof to the use of the poor as aforesaid, the other half to the sealer; and the penalties herein mentioned to be levied by distress, by warrant from any justice of the peace within this province.

3. *And it is further enacted by the authority aforesaid*, That, in every seaport town within this province, the town clerk is to provide, likewise, upon the town charge, one hundredweight, made of iron, to be tried, proved, and sealed as aforesaid, and one half-hundred, and one quarter of a hundred, and one fourteen pound weight, made of iron, to be tried, proved, and sealed as aforesaid, and to be kept as standards in the said several towns, to be used as before for other weights and measures as is directed.

4. *And it is further enacted by the authority aforesaid*, That all steelyards that are or shall be approved of by the standards shall be allowed in any of the towns of the said province, and be in the liberty of both buyer and seller to weigh by which they please.

5. *And be it further enacted by the authority aforesaid*, That all measures by which meal, fruits, and other things usually sold by heap, shall be sold, be conformable as to bigness to the following dimensions, viz: the bushel not less withinside than eighteen inches and a half wide, the half-bushel not less than thirteen inches and three-quarters wide, the peck not less than ten inches and three-quarters wide, and the half-peck not less than nine inches wide. And if any person, at any time from and after the first day of October next, after the publication of this act, shall sell, expose to sale, or offer any meal, fruits, or other things usually sold by heap, by any other measure than is aforementioned, as to bigness and breadth, such person, being complained of and convicted before any justice of the peace within this province of so doing, shall forfeit and pay, to the use of the poor of the town where the offence is committed, the full value of the meal, fruits, or other things so sold or offered to sale; and such justice may commit the offender to prison until payment be made of the said forfeiture, or cause the same to be levied by warrant of distress, and paid unto the town treasurer, or overseers of the poor, to the use of the poor aforesaid; and shall also cause such measure to be defaced; any law, usage, or custom, to the contrary in anywise notwithstanding.

6. *And be it further enacted by the authority aforesaid*, That the sealer appointed in each town within this province from time to time shall be, and hereby is, empowered to go to the houses of such of the inhabitants as, upon warning given in manner as is above appointed, shall neglect to bring or send in their beams, weights, and measures, to be proved and sealed at the place assigned for that purpose, and shall there prove and seal the same, and shall demand and receive of the owner of every beam, weight, and measure, proved and sealed, two pence, and no more: and every person that shall refuse to have their beams, weights, and measures viewed, proved, and sealed, shall forfeit the sum of five shillings; one moiety thereof to the use of the poor of the town, and the other moiety to the sealer, to be recovered as is above provided. And if any person shall bring his beam, weights, or measures to be proved and sealed at any other time than on the day or days set by the sealer for that purpose, he shall in like manner pay two pence for each that shall be tried and sealed.

7. *And be it further enacted by the authority aforesaid*, That if any person, from and after the first day of September next, after the publication of this act, shall sell, vend, or utter any goods, wares, merchandises, grain, or other commodities whatsoever, by other beams, weights, or measures than such as shall be proved and sealed as this act requires, the person so offending shall lose or forfeit the sum of five shillings for each offence of that kind; one moiety thereof to the use of the poor of the town where the offence shall be committed, the other moiety to the sealer or informer who shall prosecute the same, to be heard and determined by one or more of His Majesty's justices of the peace.

8. *And be it further enacted by the authority aforesaid*, That all beams, weights, and measures kept for standards in the several towns shall be proved and tried by the public standard at the end of ten years from time to time; and all town standards shall be stamped with this mark, P N H, any law, usage, or custom to the contrary notwithstanding.

E 1—*c*.

Copy of an act passed 6th George III.

AN ACT in addition to an act entitled "An act for regulating weights and measures."

Whereas the said act, by experience, is found ineffectual to answer the good end thereby intended, as the penalties therein imposed are insufficient to enforce a due observance thereof: wherefore,

1. *Be it enacted by his excellency the Governor, Council, and Representatives, convened in General Assembly, and it is hereby enacted and ordained by the authority of the same*, That, from and after the passing of this act, every person who shall neglect to bring in their weights and measures at the time and place appointed (being duly warned thereof) shall forfeit the sum of forty shillings, to be recovered and applied in the same manner as by the said act is directed for recovering the fine therein inflicted for such neglect.

2. *And it is further enacted by the authority aforesaid*, That when and so often as the sealer of weights and measures in any town or parish within this province shall have probable cause of suspicion that any inhabitant has two sets of weights and measures, according to one whereof (being legal) the said inhabitant buyeth, and with the other (being lighter or smaller) he selleth, and secreteth the latter, or produceth not the same to the sealer, it shall and may be lawful for the said sealer verbally to warn the said inhabitant to appear before the next justice of the peace for the said province, who is hereby authorized and required to examine the said inhabitant upon oath (without fee or reward) touching the same weights and measures, that so the fraud (if any there be) may be detected; and if the said inhabitant so verbally warned as aforesaid shall refuse to attend upon the said justice as aforesaid, the said justice, upon satisfactory proof of the said warning, shall issue his warrant to apprehend such delinquent, and bring him or her before him, when, if the said delinquent shall refuse to answer upon oath, he or she shall incur and forfeit the same penalty as in the said act is inflicted on persons who shall sell, vend, or utter any goods, wares, merchandise, grain, or other commodities, by other beams, weights, or measures than such as shall be proved and sealed as the same act requires, and pay the cost of prosecution.

3. *And be it further enacted*, That for the future the selectmen of the said towns and parishes (not already provided) shall, at the charge of the towns and parishes, respectively, procure all those weights and measures which by the law aforesaid are to be provided by the town clerks, and improved and used as standards for the said towns and parishes; and in default thereof, for the term of six months from the passing of this act, those selectmen who shall be delinquent herein shall forfeit and pay the sum of ten pounds, for the use of the poor of the town or parish where the selectmen shall be so negligent, to be levied by distress and sale of their goods and chattels by warrant from any justice of the peace.

E 1—*d*.

AN ACT regulating scale beams, steelyards, weights, and measures.

Sec. 1. *Be it enacted by the Senate and House of Representatives in General Court convened*, That the Governor, by and with the advice of council, be, and hereby is, authorized and empowered to appoint a sealer of weights and measures in each county in this State.

Sec. 2. *And be it further enacted*, That each sealer of weights and measures, appointed as aforesaid, shall provide, at the expense of the State, one complete set of scale beams, weights, and measures, similar to those now owned by this State; which shall be kept by him as standards for the use of said county. And it shall be the duty of said sealer of weights and measures to try and prove by said standards all scale beams, steelyards, weights, and measures which shall be brought to him for that purpose by the sealers of weights and measures chosen in the respective towns in said county; and to seal such as shall be found just, agreeable to said standards, who shall receive six cents for every scale beam, steelyard, weight, and measure so tried, proved, and sealed.

Sec. 3. *And be it further enacted*, That the selectmen of every town in this State shall provide, at the proper expense of their respective towns, one complete set of weights and measures, and a scale beam as aforesaid, for the use of said town, of such materials as the town shall think proper, provided the liquid measures be of some kind of metal.

Sec. 4. *And be it further enacted*, That each town in this State shall, at their annual meeting, choose one suitable person for a sealer of weights and measures in said town, who shall be sworn to the faithful discharge of his duty, who shall notify the inhabitants to bring in all scale beams, steelyards, weights, and measures, as they make use of, in the month of May, from year to year, at such time and place as he shall appoint, by posting up a notification at every meeting-house in said town, (and if there be no meeting-house, then at some public place in said town,) three weeks successively prior to the day appointed; and the said sealer shall try, prove, and seal all such scale beams, steelyards, weights, and measures, as shall be brought to him, and shall be found just, agreeable to said standards; and he shall have for every scale beam, steelyard, weight, and measure so sealed, two cents from the owner thereof at the first sealing, and after the first sealing one cent only, so long as they continue just with the standard.

Sec. 5. *And be it further enacted*, That all measures by which meal, fruit, and other things usually sold by heap, shall be sold, be of the following dimensions, viz: the bushel not less withinside than eighteen inches and a half wide; the half-bushel not less than thirteen inches and three-quarters wide; the peck not less than ten inches and three-quarters wide; and the half-peck not less than nine inches wide. And if any person, at any time from and after the first day of September next, shall sell, expose to sale, or offer any meal, fruit, or other things usually sold by heap, by any other measure than is aforementioned, as to bigness and breadth, such person, being complained of, and convicted before any justice of the peace within the county of so doing, shall forfeit and pay to the use of the poor of the town where the offence is committed the full value of the meal, fruit, or other things so sold or offered to sale, with costs.

Sec. 6. *And be it further enacted*, That the sealer of weights and measures appointed in each town within this State, from time to time, shall be, and hereby is, empowered to go to the houses of such of the inhabitants, having been duly notified as aforesaid, who shall neglect to bring or send in their scale beams, steelyards, weights, and measures, to be proved and sealed at the place assigned for that purpose, and shall there prove and seal the same, and shall receive of the owner, for every scale beam, steelyard, weight, and measure proved and sealed, twenty

cents, and no more; and every person that shall refuse to have their scale beams, steelyards, weights, and measures viewed, proved, and sealed, shall forfeit the sum of ten dollars, one moiety thereof to the use of the poor of the town, and the other moiety to the sealer; and if any person shall bring his scale beams, steelyards, weights, or measures to be proved and sealed at any other time than on the day or days set by the sealer of weights and measures for that purpose, he shall, in like manner, pay three cents for every scale beam, steelyard, weight, or measure that shall be tried and sealed, and one cent and a half for such as do not need sealing.

Sec. 7. *And be it further enacted*, That if any person, from and after the first day of September next, shall sell, vend, or utter any goods, wares, merchandises, grain, or other commodities whatsoever, by other scale beams, steelyards, weights, or measures than such as shall be proved and sealed as this act requires, in any town where provision is made, and notification given agreeably to this act, or shall fraudulently so sell, utter, or vend any goods, wares, merchandises, grain, or other commodities, by any scale beams, steelyards, weights, or measures that may be so sealed, that shall prove unjust, the person so offending shall forfeit a sum not less than one dollar nor more than ten dollars, with costs, for each offence; one moiety thereof to the use of the poor of the town where the offence shall be committed, the other moiety to the informer who shall prosecute the same.

Sec. 8. *And be it further enacted*, That all scale beams, steelyards, weights, and measures kept for standards in the several towns, shall be proved and tried by the public county standards at the end of every five years from time to time.

Sec. 9. *And be it further enacted*, That if the selectmen of any town in this State neglect to comply with their duty in procuring weights and measures, and a scale beam, as by this act is required, they shall forfeit the sum of one hundred dollars, to be recovered, one-half for the use of the county in which the neglect shall happen, and the other half for the use of the person who shall sue for the same.

Sec. 10. *And be it further enacted*, That when any sealer of weights and measures, that may be duly appointed in any town where a scale beam, weights, and measures are provided according to this act, shall neglect to notify the inhabitants as aforesaid, he shall forfeit the sum of fifty dollars; and for neglecting the duties of his office in any other respect, from one to twenty dollars; one-half for the prosecutor, the other half for the use of the town where such neglect shall happen. And all penalties and compensations mentioned in this act may be sued for and recovered by action, bill, plaint, or information, in any court proper to try the same.

Sec. 11. *And be it further enacted*, That the sealer of weights and measures for each county may make use of such seal as he may think proper, provided a description thereof, in writing, be lodged in the Secretary's office before it be made use of, and that the sealer of weights and measures chosen by each town, respectively, shall use such seal as the town may agree on, a record of which being previously made in the town records.

Provided, That this act shall remain in force till superseded by an act of the General Government.*

Approved: December 15, 1797.

E 1—*e*.

The Governor of New Hampshire to the Secretary of State.

New Hampshire, Executive Department,

Sir: Epping, *January* 4, 1819.

I regret that circumstances beyond my control have prevented me, till this time, from returning an answer to that part of your letter of November 4, 1818, requesting a statement of the scale beams, weights, and measures owned by this State, and where, and in whose custody, they are kept.

The State owns, of *dry measures*, a bushel, a half-bushel, and other measures of that kind, down to the smallest denomination. These measures are of copper, the bushel weighing about 100 lbs., and the others in proportion.

Of *liquid measures*, there are a gallon and a half-gallon; these are of block tin.

The weights are a 56 lb., 28 lb., and 14 lb., and two or three of a smaller denomination; these also are of copper.

The measures and weights are at Portsmouth, in the office of Robert Neal, jun., Esq., Commissary General of this State.

As to scale beams and steelyards, I can find none owned by this State.

I have the honor to be, &c.

WILLIAM PLUMER.

Hon. John Quincy Adams,
Secretary of State United States, Washington.

E 2—*a*.

VERMONT.

State of Vermont, Executive Department,

Sir: Shaftsbury, *January* 20, 1818.

In compliance with a request from the Department of State, I have the honor to enclose to you a copy of a law of this State relating to weights and measures, which is the only act now in force in this State relative to a standard of weights and measures.

Mere accident, and not intentional delay, has prevented a more speedy compliance with said request.

I am, sir, with great respect, your most obedient servant,

JONAS GALUSHA.

Hon. John Q. Adams,
Secretary of State of the United States.

E 2—*b*.

AN ACT relating to weights and measures.

Sec. 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That the treasurer of this State shall provide, and keep in good order and repair in his office, one complete set of weights and measures necessary

* The operation of this act was postponed by four several acts till 10th December, 1801.

for the use of this State, according to the approved Winchester measure, allowed in England in the exchequer, namely: one half-bushel, one peck, one half-peck, one ale quart, one wine gallon, one two-quart wine measure, one quart, one pint, one half-pint, one gill, and one half-gill wine measure; one English ell, one yard, one set of iron weights, namely: one fifty-six pound weight, one twenty-eight pound weight, one fourteen, one seven, one four, one two, and one pound weight, and a suitable scale and beam necessary for the use of the same; also, one set of brass weights, from one ounce to four pounds, at the rate of sixteen ounces to the pound, and a suitable scale and steel beam necessary for the use of the same, tried and approved according to said standard of Winchester; which shall be considered and understood to be the public standard throughout this State for the approving and sealing all weights and measures; which standard of weights and measures shall be provided by the treasurer of this State, from time to time, as the same shall become necessary, and kept in his office. And if the said treasurer shall neglect to procure and keep in his office aforesaid all or any of the weights, measures, scales, or beams as aforesaid, he shall forfeit and pay *one hundred dollars* for each and every six months he shall be so deficient, with costs, to be recovered before any court of competent jurisdiction; one moiety of which sum to the prosecutor, and the other moiety to the treasury of the county in which such prosecution shall be had. And each and every county treasurer within this State shall, at the expense of their respective counties, provide within six months, and keep the same in repair in his office, all the aforesaid weights, measures, beams, and scales, according to the standard above mentioned, proved and sealed by the treasurer of this State; and shall, from time to time, keep the same in his office in good order and repair. And the selectmen of every town within this State shall provide, from time to time, as they may be wanted, at the expense of the town, one half-bushel and one peck, of the following dimensions, namely: the half-bushel in diameter, withinside, not less than thirteen inches and three-quarters of an inch; the peck not less than ten inches and three-quarters withinside; one half-peck, one ale quart, one wine gallon, one two-quart, one quart, one pint, one half-pint, one gill, one half-gill, wine measure; one English yard; one set of brass weights from one ounce to four pounds avoirdupois weight, with scales and steel beam. All the above measures, weights, scales, and beams to be tried, proved, and sealed by the county treasurer, according to the aforesaid standard of Winchester provided by the respective counties, which shall be kept only for standards.

Sec. 2. *And it is hereby further enacted*, That all steelyards that are or shall be approved of by the standard, shall be allowed of in any town of this State, and be at the liberty of both buyer and seller to weigh by.

Sec. 3. *And it is hereby further enacted*, That all weights, measures, scales, and beams, provided by the respective towns within this State as aforesaid, shall yearly and every year be delivered to the sealer of weights and measures, who shall be chosen and sworn, as the law directs, in the several towns; and the sealer of weights and measures within every town in this State shall post up a notification, in writing, in the month of January annually, requiring all and every person within their respective towns to bring in to said sealer of weights and measures all such weights and measures by which they respectively buy or sell, giving at least fourteen days' notice of the time appointed for sealing as aforesaid; and the sealers of such weights and measures may demand and receive from the owner of all weights and measures so tried, proved, and sealed by the town seal, two cents for each weight or measure so sealed by him; and if any person shall carry any weights or measures to be sealed at any time after the day notified for sealing as aforesaid, the sealers of weights and measures in such case may demand and take eight cents for each article sealed; which town seals shall be provided by the selectmen of their respective towns, at the expense and charge of the same.

Sec. 4. *And it is hereby further enacted*, That if the treasurers of the respective counties, or the selectmen or sealers of weights and measures of any town in this State, shall neglect or refuse to procure any weights, measures, scales, or beams, or shall neglect or refuse to seal any weight or measure, or to give notice as above directed, they shall severally forfeit and pay, for every month's neglect or refusal, the sum of *three dollars and fifty cents;* one moiety to the prosecutor, and the other moiety for the use of the poor of the town in which such delinquent lives, to be recovered by action of debt before any court proper to try the same.

Sec. 5. *And it is hereby further enacted*, That if any person or persons within this State shall, twenty days after notice given by the sealers of weights and measures as aforesaid, sell or vend any wares, merchandise, or other commodities whatever, by any other beams, weights, and measures but such as shall be tried, proved, and sealed as this act requires, the person so offending shall forfeit, for each offence, a sum not exceeding *seven dollars;* one moiety thereof to the prosecutor, the other moiety for the use of the poor of the town, to be recovered in manner as is hereinbefore provided.

Sec. 6. *And it is hereby further enacted*, That all beams, weights, and measures, kept for standards in the several towns, shall be tried and proved every ten years by the county standard; and the State standard shall be stamped with the letters S. S., the several county standards shall be stamped with the letters C. S., and the several town standards with the letters P. D.

E 3—*a*.

MASSACHUSETTS.

The Governor of Massachusetts to the Secretary of State.

Sir: Medford, *October* 24, 1817.

I have the honor to transmit to you, enclosed herewith, on abstract of the laws of the commonwealth of Massachusetts for regulating weights and measures.

With great respect, I have the honor to be, sir, your most obedient servant,

J. BROOKS.

Hon. John Quincy Adams, *Secretary of State.*

E 3—*b*.

Commonwealth of Massachusetts,

Sir: Secretary's Department, *September* 5, 1817.

In obedience to instructions from your excellency to furnish an abstract of the laws now in force in this commonwealth respecting *weights and measures*, for the purpose of complying with a request of the acting Secretary of State of the United States, made to your excellency by a note of the 29th of July last, in pursuance of a resolution of Congress of March 3d, 1817, I have now the honor to submit the following statement on that subject.

In February, 1800, an act passed the Legislature of this commonwealth, entitled "An act for the due regulation of weights and measures," by which it was required that the brass and copper weights and measures formerly sent

out from England with a certificate from the exchequer to be approved Winchester measures, according to the standard in the said exchequer, and adopted, and used, and allowed in this commonwealth, should be and remain the public allowed standards through the same, by which all weights and measures should be tried, proved, and sealed.

By said act it was made the duty of the treasurer of the commonwealth to have and keep, as public standards, to be used only as such, the *beams*, *weights*, and *measures* following, to wit: one bushel, one half-bushel, one peck, one half-peck, one ale quart, one wine gallon, one wine half-gallon, one wine quart, one wine pint, one wine half-pint, and one wine gill; the said measures to be of copper or pewter, conformable as to contents to said Winchester measures; and as to breadth, that is to say, the diameter of the bushel not less than eighteen inches and a half, containing thirty-two Winchester quarts; of the half-bushel, not less than thirteen inches and three-quarters, consisting of sixteen Winchester quarts; of the peck, not less than ten inches and three-quarters, containing eight Winchester quarts; and of the half-peck, not less than nine inches, containing four Winchester quarts; the admeasurement to be made in each instance withinside the measure. Also, one ell, one yard, one set of brass weights to four pounds, computed at sixteen ounces to the pound, with fit scales and steel beam. Also, a good beam and scales, and a nest of troy weights, from one hundred and twenty-eight ounces down to the least denomination, with the weight of each weight, and the length of each measure, marked or stamped thereon, respectively, and sealed with a seal, to be procured and kept by the said treasurer of the commonwealth; and also one fifty-six pound weight, one twenty-eight pound weight, one fourteen pound weight, and one seven pound weight, made of iron.

By the same act the county treasurers were also required to keep a complete set of beams, and of brass, copper, pewter, and iron weights, and of the aforesaid measures, (the bushel measure excepted,) tried, proved, and sealed by the said State standards, and marked or stamped as aforesaid; the measures to be conformable, as to breadth and contents, to the State standards, to be kept for the sole use of the respective counties, and to be used only as standards, and every ten years to be tried and proved by the treasurer and standards of the commonwealth; and, for neglect of duty in this behalf, the county treasurers are made liable to a fine of two hundred dollars.

The treasurers of towns were also required by the same law to procure and keep for town standards a complete set of *beams*, weights, and copper or pewter measures, under a penalty of one hundred dollars, to be conformable to said State standards, (excepting as to a bushel measure, and with the liberty also to have a wooden, instead of copper, iron, or pewter half-bushel, peck, and half-peck.) The town treasurers also to be excused from procuring a nest of troy weights, other than from the lowest denominations to the size of eight ounces; the same to be tried, proved, and sealed, either by the treasurer of the commonwealth, or of the county within which the town lies, and to be proved and sealed every ten years. Said town treasurer also to procure and keep a town seal for the purpose of sealing weights, &c. And the selectmen of every town are directed by the same law annually to appoint a suitable person as sealer of weights and measures, with power to remove and appoint others. The person appointed to be sealer of weights and measures to be under oath. The selectmen are liable to a fine of ten dollars for neglect of duty in this case; and the sealer of weights and measures to a fine of one hundred dollars for neglect of duty. The sealer to receive the town seals and standards for the purpose of proving, marking, and sealing weights and measures.

The sealer of weights and measures is also required by said law to give public notice of his appointment, and of the time when, and place where, he will try, prove, and seal the measures and weights. And he is authorized to go to the houses, stores, or shops of such as do not come to him to have their measures and weights proved, &c. And those who refuse to have beams, weights, and measures so tried, proved, and sealed, to forfeit ten dollars for every offence. Those who offer to sell, or do sell, without such proved and sealed weights and measures, to forfeit one dollar for every offence.

Fees to be paid State or county treasurer for sealing any weight, measure, scale, or beam, the first time three cents, and two cents for every after-sealing of the same. The sealer of weights and measures, for trying and proving town standards, and sealing them, to receive three cents, if they are found not conformable to the standard, and one cent and five mills for each beam, weight, and measure, if conformable thereto.

In March, 1804, an act passed the Legislature, in addition to the act above referred to, and abridged, requiring the treasurer of the commonwealth to add to the troy weights (by the first act ordered to be kept by him for public use) as follows, viz: To the weight of one hundred and twenty-eight ounces, the further weight of twenty-seven grains; to the weight of sixty-four ounces, the further weight of fifteen grains; to the weight of thirty-two ounces, the further weight of six grains; to the weight of sixteen ounces, the further weight of seven grains; to the weight of eight ounces, the further weight of four and a half grains; to the weight of four ounces, the further weight of two and a half grains; to the weight of two ounces, the further weight of two and a half grains; to the weight of one ounce, the further weight of two grains; to the weight of half an ounce, the further weight of one-quarter of a grain; or to procure new weights of the same denomination, and conformable to the State standards, with the additions aforesaid, respectively; and the same to be the standards of troy weight for the commonwealth.

By the last named act the directors of all banks in the State are required annually to have all the weights used in their respective banks compared, proved, and sealed by the treasurer of the commonwealth, or by some person specially appointed by him for the purpose; and the weights of banks are not, therefore, required to be sealed by town treasurers or sealers. And no tender of gold by any bank is to be legal unless weighed with weights thus compared, proved, and sealed.

The county treasurers are required by this law to have their standards of troy weights compared, proved, and sealed by the treasurer of the commonwealth once in ten years, at the expense of the county. And the treasurers of towns, at the expense of the towns, to have the town standards of troy weight compared, proved, and sealed every ten years, by the treasurer of the commonwealth, or the treasurer of the county.

The above is the substance of the laws of this State now in force through the whole commonwealth on the subject of weights and measures. In June, 1817, a law passed regulating weights and measures in the town of Boston. The provisions of this law vary but little from the former law above abridged, which is obligatory through the State. It provides that the sealer of weights and measures for the town of Boston shall have a house or office, to which all persons in Boston using scale beams, steelyards, weights, or measures, for the purpose of buying or selling any article, shall be obliged, after due notice in the public papers, to send annually their scale-beams, steelyards, weights, and measures, to be tried, proved, and sealed, as required by the act first above referred to. The sealer in Boston by this act is authorized and required to go to the houses or shops of those who do not send their weights, scales, &c. to him, to try, prove, and seal the same; and is to have double fees in such case. For refusing to have scales, weights, &c. proved and sealed, and for using weights, scales, &c. which are not conformable to the State standards, a fine of $10 is provided for each offence; and for altering any scale or weight, &c., a penalty of $50 for each offence.

ALDEN BRADFORD,
Secretary of Commonwealth of Massachusetts.

To His Excellency Gov. Brooks.

E 4.

RHODE ISLAND.

Governor of Rhode Island to the Secretary of State.

SIR: THE STATE OF RHODE ISLAND, PROVIDENCE, *September* 5, 1817.

Agreeably to your request of the 29th July last, relative to the regulations and standards for weights and measures here, I have to observe there is not any statute of this State regulating weights and measures, though the General Assembly have passed some acts regulating the assize of casks for cider and stone lime, but have never declared the cubical contents of a gallon or bushel.

The weights and measures now in use are sealed by the standard weights and measures procured from England many years since, and are said to be in conformity with those called the *lower standards.* However, they are the same as those used in the States of Connecticut and Massachusetts, which are generally known to be the same as the Winchester measure.

I have not been able to find, in the course of my researches, any thing written on the subject of weights and measures by any authority of this State, but I find it the immemorial custom of merchants to buy and sell sugar, rice, hay, iron, hemp, cordage, copperas, and dyewoods by gross hundreds, that is, 112 pounds for the hundred.

Respectfully, sir, your obedient servant,

N. R. KNIGHT.

N. B. Land and distances are measured here by the English rod.

Hon. RICHARD RUSH, *Acting Secretary of State.*

E 5—*a.*

CONNECTICUT.

SIR: STATE OF CONNECTICUT, LITCHFIELD, *August* 5, 1817.

I have received your letter of the 29th of July, and have directed the Secretary of State to transmit to your Department exemplifications of the acts of this State establishing the standards of weights and measures.

I have the honor to be, with perfect respect, sir, your most obedient servant,

OLIVER WOLCOTT.

The Hon. RICHARD RUSH, *Acting Secretary of State, Washington.*

E 5—*b.*

SIR: STATE OF CONNECTICUT, SECRETARY'S OFFICE, *August* 12, 1817.

In compliance with the request of his excellency the Governor of this State, I enclose, herewith, for your use, exemplifications of all the statutes of this State now in force relating to weights and measures.

With great respect, I have the honor to be your obedient servant,

THOMAS DAY.

The Hon. RICHARD RUSH, *Acting Secretary of State, Washington.*

E 5—*c.*

STATE OF CONNECTICUT:

At a General Assembly of the State of Connecticut, in America, holden at New Haven, in said State, on the second Thursday of October, being the ninth day of said month, and continued, by adjournments from day to day, until the first day of November, in the year of our Lord one thousand eight hundred:

AN ACT prescribing and regulating weights and measures.

SEC. 1. *Be it enacted by the Governor and Council and House of Representatives, in General Court assembled,* That the brass measures, the property of this State, kept at the treasury, that is to say: a half-bushel measure, containing one thousand and ninety-nine cubic inches, very near, a peck measure, and a half-peck measure, when reduced to a just proportion, be the standard of the corn measures in this State, which are called by those names, respectively; that the brass vessels ordered to be provided by this Assembly, one of the capacity of two hundred and twenty-four cubic inches, and the other of the capacity of two hundred and eighty-two cubic inches, shall be, when procured, the first of them the standard of a wine gallon, and the other the standard of an ale or beer gallon in this State; that the iron or brass rod, or plate, ordered by this Assembly to be provided, of one yard in length, to be divided into three equal parts for feet in length, and one of those parts to be subdivided into twelve equal parts for inches, shall be the standard of those measures, respectively; and that the brass weights, the property of this State, kept at the treasury, of one, two, four, seven, fourteen, twenty-eight, and fifty-six pounds, shall be the standard of avoirdupois weight in this State.

SEC. 2. *Be it further enacted,* That the treasurer of this State for the time being shall have the custody and safe-keeping of all the aforesaid weights and measures; and it shall be his duty, personally, or by some meet person or persons by him appointed, to try all such weights and measures as shall, pursuant to the provisions of this act, be presented to him to be tried by the proper standard, and to seal such as are found true with the capital letters S. C.

SEC. 3. *Be it further enacted,* That the treasurer of each county shall, on or before the first day of January next, provide, and constantly keep and preserve in good order, weights and measures correspondent to all the aforesaid standards, and of like materials, and shall, within the time aforesaid, cause them to be tried and sealed by those standards; and, in default thereof, shall, on conviction before the county court of the same county, pay a fine of seventeen dollars to the treasury of such county, to be recovered at the suit of the State's attorney for such county; and the county treasurer for the time being, after such conviction, shall incur a like penalty every term of three months he shall neglect his duty herein prescribed, to be recovered as aforesaid, for the use aforesaid: *Always provided,* That the State standards aforesaid may be used and improved, as heretofore, as standards for weights and measures for the county of Hartford.

Sec. 4. *Be it further enacted*, That the treasurer of each county for the time being shall have the custody and safe-keeping of the weights and measures belonging to the county; and it shall be his duty, either personally, or by some meet person or persons by him deputed, to try all such weights and measures as shall, pursuant to the provisions of this act, be presented to him to be tried by the county standard, and to seal such as are found true with the capital letter C, and that which begins the name of the county.

Sec. 5. *Be it further enacted*, That the selectmen of each town shall, on or before the first day of March next, at the cost and charge of the town, provide weights and measures of the various kinds aforesaid, of good and sufficient materials, which, for the standards of liquid measure, shall be copper, brass, or pewter, as standards for such town, and cause the same to be tried and sealed by the county standards; also, the following vessels for corn measure, of the forms and dimensions herein described, to wit: a two-quart measure, the bottom of which on the inside is four inches wide on two opposite sides, and four inches and a half on the two other sides, and its height from thence seven inches and sixty-three hundredths of an inch; a quart measure, the capacity of which is three inches square from bottom to top throughout, and its height seven inches and sixty-three hundredths of an inch; and a pint measure, the capacity of which from bottom to top is three inches square throughout, and its height three inches and eighty-two hundredths of an inch; and, in default thereof, such selectmen shall, on conviction before an assistant or justice of the peace, forfeit and pay a fine of seven dollars; the one-half to him or them who shall prosecute to effect, and the other half to the town treasury. And all informing officers are required to inquire after, and due presentment make of, all breaches of this act; and, after such conviction, the selectmen for the time being shall incur a like penalty for every term of two months they shall neglect their duty herein prescribed, or shall, at any future time, fail to preserve such weights and measures, true and in good order, for the use of the town, to be recovered as aforesaid, for the use aforesaid.

Sec. 6. *Be it further enacted*, That the sealers of weights and measures in each town shall have the custody and safe-keeping of the weights and measures belonging to the town, respectively; and it shall be their duty, once in every year, to try the several weights, steelyards, and measures that are used and improved by any person or persons in such town, by the town standards; to deface and destroy all such as cannot be brought equal with the standard, and to seal with the capital letter initial in the name of the town all such as are found or made true; and such sealer shall, some time in the month of April, yearly, give notice, in writing, to the inhabitants of the town, posted on the sign post and other public places in the town, to bring their steelyards, weights, and measures, at a time and place therein fixed, to be tried and sealed. And if any person or persons shall, after the first day of May next, for the purpose of buying or selling, use any weight or measure until the same shall have been sealed in the manner aforesaid, each person so offending shall, for every such offence, forfeit the sum of two dollars, one-half for the benefit of the town in which such offence shall be committed, and the other half for the benefit of the sealer of weights and measures for said town, whose duty it shall be to prosecute the same to effect.

Sec. 7. *Be it further enacted*, That every sealer who shall neglect his duty required in this act shall forfeit the sum of five dollars for every such neglect to the town treasury.

Sec. 8. *Be it further enacted*, That the statute entitled "An act for the due regulation of weights and measures" be, and the same is hereby, repealed.

E 5—*d*.

State of Connecticut:

At a General Assembly of the State of Connecticut, in America, holden at New Haven, in said State, on the second Thursday of October, being —— day of said month, and continued by adjournments from day to day, until the ——, in the year of our Lord one thousand eight hundred and one:

AN ACT in alteration of the statute, entitled "An act prescribing and regulating weights and measures."

Sec. 1. *Be it enacted by the Governor and Council and House of Representatives in General Court assembled*, That the treasurer of this State do, without delay, provide a vessel of brass, the capacity of which shall be five inches square from bottom to top throughout, and nine inches and twenty-four hundredths of an inch in height, containing two hundred and thirty-one cubic inches, and the same, when provided, shall be the standard of a wine gallon in this State; any thing in said act to the contrary notwithstanding.

Sec. 2. *Be it further enacted*, That the provisions of said act shall relate to the said standard in all respects as they related to that in place of which it is substituted; and the treasurer of each county, by the first day of January next, and the selectmen of each town, by the first day of March next, shall, respectively, on penalty as by said act is in each case provided, to be recovered and applied as therein directed, provide, and cause to be tried and sealed by the proper standard, and constantly kept in good order, a vessel or measure of the same capacity as and for a standard of a wine gallon, for such counties and towns, respectively.

E 5—*e*.

At a General Assembly of the State of Connecticut, holden at Hartford, in said State, on the second Thursday of May, in the year of our Lord one thousand eight hundred and ten:

AN ACT regulating the measure of charcoal.

Be it enacted by the Governor and Council and House of Representatives in General Court assembled, That the standard measure of charcoal shall be the half-bushel measure prescribed by the act entitled "An act prescribing and regulating weights and measures," and that in measuring charcoal such measure shall be well heaped.

General Assembly, *May Session*, 1810.

LYMAN LAW,
Speaker of the House of Representatives.
JOHN TREADWELL, *Governor.*

Attest: Thomas Day, *Secretary.*

E 6—*a*.

NEW YORK.

The Governor of New York to the Secretary of State.

Sir: Albany, *September* 4, 1817.

In compliance with the request contained in your letter of the 29th of July, I now transmit a copy of the law of this State relative to weights and measures, marked No. 6. The papers numbered 1, 2, 3, 4, and 5, exhibit our regulations on this subject, at different periods.

I have the honor to be, very respectfully, your most obedient servant,

The Hon. R. Rush. DE WITT CLINTON.

E 6—*b*.

AN ACT to ascertain the assize of casks, weights, measures, and bricks, within this colony. Passed June 19, 1703.

Whereas nothing is more agreeable to common justice and equity, nor for the good and benefit of any people or Government, who live in community and friendship together, than that they have one equal and just weight and balance, one true and perfect standard and assize of measure among them; for want whereof experience shows that many frauds and deceits happen, which usually fall heavy upon the meanest and most indigent sort of people, who are least able to bear the same, and may be accounted little better than oppression: for remedy of which evil,

Be it enacted, and it is hereby enacted, by his excellency the Governor, by and with the consent of Her Majesty's Council and Representatives of this colony, &c., That, from and after the first day of August next, no cooper, or other person or persons whatsoever, within this city or colony, shall make any dry cask or vessel but of good and well-seasoned timber, and of the respective dimensions following, viz: every hogshead to be forty inches long, thirty-three inches in the bulge, and twenty-seven inches in the head; every tierce to be thirty-six inches long, twenty-seven inches in the bulge, and twenty-three inches in the head; every barrel to be thirty inches long, twenty-six inches in the bulge, and twenty-two inches in the head; every half-barrel to be twenty-five inches long, twenty inches in the bulge, and sixteen inches in the head; every quarter-barrel to be twenty inches long, sixteen inches in the bulge, and thirteen inches in the head. All tight barrels to contain thirty-one gallons and a half of wine measure each, and not to exceed or be half a gallon over or under the same, and all other casks to contain in proportion to a barrel, upon penalty of five shillings for every offence committed to the contrary hereof, to be paid by the maker or user of such casks or vessels, in whose hands the said offence shall first happen to be known or discovered.

And to the preventing other frauds and deceits that may be in casks made as aforesaid,

Be it further enacted, &c., That, from and after the said first day of August, all and every the cask and casks, which shall be employed or used for the stowing or packing of flour or biscuit, within this city or province, for transportation thereof, or otherwise, in any way, of merchandise, before any of the said goods or commodities shall be put or packed therein, shall be truly weighed, and the just weight and tare thereof be set with a marking iron upon the head of each cask so employed as aforesaid, together with the name of each respective person using or employing the same, upon the penalty of nine pence, to be paid for every neglect herein by the person or persons, respectively, on whose account any of the goods or commodities aforesaid shall, to the contrary hereof, be stowed or packed as aforesaid.

And be it further enacted, &c., That, from and after the first day of August aforesaid, there shall be one just beam or balance, one certain weight and measure, and one yard, that is to say, avoirdupois and troy weights, bushels, half-bushels, pecks, and half-pecks, according to the standard of Her Majesty's exchequer, in her realm of England, throughout all this colony, as well in places privileged as without, any usage or custom to the contrary notwithstanding; and that every measure of corn shall be striked without heap. And whosoever shall sell, buy, or keep any other beam, weight, measure, or yard, than as aforesaid, whereby any corn, grain, or other thing is bought or sold, from and after the time limited as aforesaid, shall forfeit for every such offence twenty shillings.

And for the better observance and putting in execution of this act, fit persons be appointed in all counties and cities within this colony, for the sealing and marking all beams, weights, measures, and yards, to be used within the respective counties and cities aforesaid, with the letter A, according to the standard of Her Majesty's exchequer in England, that the same may be known throughout this colony; and that his excellency the Governor aforesaid be desired to nominate and appoint such fit persons in all proper places within this colony aforesaid, the which respective persons, when nominated and appointed, shall take for their pains in sealing and marking all such beams, weights, measures, and yards, as shall from time to time for that purpose be brought in to them, the rate of nine pence, except weights and small liquid measures, which shall pay only one penny each, and no more, on penalty of five shillings for the least exaction therein; saving always, nevertheless, unto the cities of New York, Albany, and borough of Westchester, and the mayors thereof for the time being, all such rights, privileges, and usages as they respectively can justly claim as clerks of the market within the said cities and borough, or otherwise howsoever, any thing herein contained to the contrary hereof in anywise notwithstanding.

And be it further enacted, &c., That, from and after the first day of August, no person or persons, be he master or servant, shall make, or suffer to be made, in any place or places within this colony, any bricks, or kiln of bricks, but such as shall be well and thoroughly burnt, and of the size and dimensions following, that is to say: every brick to be and contain nine inches in length, four inches and one-quarter of an inch in breadth, and two inches and one-half inch in thickness thereof, all well struck off in good and workmanlike order and manner, and made of right and well-tempered mould or clay, on penalty of six shillings for every neglect herein, to be paid by the master or owner of the said brick, or kiln, in whose hands or wheresoever the neglect or offence aforesaid shall be discovered or found out, except well bricks.

And it is hereby also further enacted, &c., That, from and after the time limited as aforesaid, no other casks, beams, weights, measures, yards, or bricks, shall be used within this colony than such as aforesaid, except well bricks and such other bricks as are already made or to be made before the commencement of this act, on the penalty of twenty shillings, to be paid by the person using the same, or any of them: *Provided, always*, That all and every the penalties and forfeitures in and by this act set and appointed as aforesaid, shall be, one-half to the use of the poor of the parish, town, or place where the default or offence happens to be; the other moiety thereof to the use of the person or persons who shall inform and sue for the same forfeitures in any of Her Majesty's courts of record within this colony, or else to be recovered to the uses aforesaid, upon conviction of the offender by the oath of one sufficient witness before any justice of the peace, mayor, or other head officer of the city, county, town, or place, respectively, where the offence against or breach of this act shall be committed, (who, by virtue of this act, shall have power to administer an oath on that behalf,) by way of distress and sale of the offender's goods and chattels; the overplus (if any be, after charges of the distress deducted) to be returned to the owner thereof; and where no distress can be had, that it shall and may be lawful to and for any justice of the peace, mayor, or head officer aforesaid, to commit the said offender or offenders to prison, there to remain without bail or mainprize until he or they shall pay the penalties and forfeitures aforesaid, for which they shall be so committed, to the uses aforesaid: *Provided, also*, That no prosecutions shall be for any of the forfeitures aforesaid but within three months after the respective facts are committed; any thing herein to the contrary hereof notwithstanding.

E 6—*c*.

AN ACT to ascertain weights and measures within this State. Passed 10th April, 1784.

Whereas it is agreeable to equity, and beneficial to commerce, that a people who live in the same community shall have one equal and just weight and balance, according to a true and perfect standard and assize of measures, to be established by law, without which necessary provision frauds and deceits may be practised with impunity:

1. *Be it therefore enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That, from and after the first day of June next, there shall be one just beam, one certain weight and measure, that is to say, avoirdupois and troy weights, bushels, half-bushels, pecks, and half-pecks, according to the standard in use in this State on the day of the declaration of the independence thereof; and that the standard weights and measures in the custody of William Hardenbrook, who, before and at the time of the said declaration, was the public sealer and marker of all beams, and weights, and measures within the city and county of New York, which standard is according to the standard of the court of exchequer in that part of Great Britain called England, shall forever hereafter be deposited with, kept, and preserved by the clerk of the peace, or common clerk of the city and county of New York, for the time being, and shall be, and hereby are, declared and established to be and remain the standard for ascertaining all beams, weights, and measures throughout the State, any usage or custom to the contrary thereof notwithstanding; and the said clerk of the peace, or common clerk, now and for the time being, shall take an oath, to be administered to him in open court before the mayor, recorder, and aldermen of the said city, well and faithfully to preserve the said weights, seals, and measures, and to suffer no other person to make use of the same except a sworn public sealer and marker of weights and measures: *Provided, always*, That the said William Hardenbrook shall deliver the said beam, weights, and measures to the clerk of the peace or common clerk of the said city and county, in the presence of the mayor, recorder, and one or more of the aldermen of the said city, and shall declare, on his solemn oath, that the said beam, weights, or measures are the same which he received from the court of exchequer aforesaid, according to the best of his knowledge and belief.

2. *Provided, always, and be it further enacted*, That, if any of the said standard beams, weights, and measures shall be broken, impaired, or missing, it shall and may be lawful to and for the mayor and aldermen of the city of New York in common council convened to cause to be delivered to the said clerk of the peace, or common clerk, for the time being, any standarded beam, weights, and measures, respectively, to supply such deficiency, taking care that the same is according to the standard established in the late colony (now State) of New York immediately preceding the declaration of independence of this State.

3. *And be it further enacted by the authority aforesaid*, That, for the better observance and execution of this act, it shall and may be lawful to and for his excellency the Governor of this State for the time being, by and with the advice and consent of the council of appointment, to appoint fit persons in all convenient and proper places within this State for sealing and marking all beams, weights, and measures; that the persons so to be appointed shall impress with the letter A all beams, weights, and measures to be sealed and marked by each of them, respectively, and shall respectively take and subscribe an oath, before one of the judges of the court of common pleas of the county in which he or they shall reside, for the faithful execution of the trust to be committed to them by virtue of this act; and the judge before whom such oath shall be taken shall cause a certificate thereof to be filed with the clerk of the county wherein such judge shall reside; and every such sworn public sealer and marker of weights, seals, and measures shall be entitled to receive for his pains in sealing and marking all such beams and measures as shall from time to time for that purpose be brought to him, the rate of nine pence, and for every weight and every small liquid measure one penny, and no more; saving always, nevertheless, unto the cities of New York and Albany, and borough of Westchester, and the mayors thereof for the time being, all such rights, privileges, and usages as they respectively can justly claim as clerks of the markets within the said cities and borough, or otherwise howsoever, any thing herein contained to the contrary hereof notwithstanding.

E 6—*d*.

Extract from an act supplementary to the act entitled "An act to prevent the exportation of unmerchantable flour, and the false taring of bread and flour casks." Passed 7th March, 1788.

7. *And be it further enacted by the authority aforesaid*, That the standard weight of wheat brought to the city of New York for sale shall be sixty pounds nett to the bushel; and in all cases of sales of wheat in the said city by the bushel, if the same shall exceed the standard weight, the buyer shall pay a proportionably greater price; and if the same shall be less than the said standard, the buyer shall pay a proportionably less price: *Provided*, That this regulation shall not extend to any special contracts respecting the sales of wheat, whatever may be the weight thereof.

E 6—*e*.

AN ACT to amend an act entitled "An act to ascertain weights and measures within this State." Passed February 2, 1804.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That the Secretary of this State for the time being shall, *ex officio*, be the State sealer of weights and measures; and that there shall be one assistant State sealer, to be appointed from time to time, as occasion may require, by the person administering the government of this State, by and with the advice and consent of the council of appointment, in the county of Oneida; and that there shall be one sealer of weights and measures in each county of the western district of this State, to be appointed by the board of supervisors that shall think proper to appoint one at their annual meeting in October, and one town sealer of weights and measures in each town that shall think proper to elect one; to be elected as other town officers are directed to be elected.

And be it further enacted, That the several State standard weights and measures shall be made of iron, brass, or copper, as the Secretary shall direct; and the several county standard weights and measures shall be of such materials as the several boards of supervisors shall direct; and the several town standard weights and measures shall be of such materials as the supervisor of each town shall direct.

And be it further enacted, That it shall be the duty of the said Secretary, within nine months after the passing of this act, at the cost of this State, to procure two sets of standard weights and measures, of the same weight and capacity as is mentioned in the act hereby amended, with such beams as he shall think necessary; one set to be kept by himself as a principal State standard, and the other three sets to be delivered to the said assistant State sealers.

And be it further enacted, That the said county sealers of weights and measures shall, at the cost of the respective counties for which they are elected, within six months after being notified of their several appointments by the clerks of the several boards of supervisors, whose duty it shall be to give such notice, procure a complete set of standard weights and measures for the use of each respective county; and that the several town sealers of weights and measures, at the cost of the respective towns, shall, within six months after their respective appointments, procure a set of standard weights and measures for the use of the town or towns for which they shall be respectively appointed.

And be it further enacted, That the letters N. Y. shall be impressed on all the State standard weights, measures, and beams, and on the several county standard weights, measures, and beams, with such other device, in addition, as the said Secretary shall direct for each county; which device shall be recorded in the records of this State, and a copy thereof delivered by the Secretary to the assistant State sealer; and the several town standard weights, measures, and beams shall be impressed, by the county sealer in which such town shall be situate, with such other device, in addition to the county device, as the board of supervisors shall direct for the several towns in their several counties; which several town devices shall be recorded by the clerks of the several boards of supervisors in a book suitable for that purpose, and a copy of such record delivered by said clerk to the county sealer: *Provided, nevertheless*, That if any town shall neglect to appoint a town sealer of weights and measures, then it shall be lawful for the county sealer to seal all the weights, measures, and beams belonging to the inhabitants of such town so neglecting.

And be it further enacted, That it shall be the duty of the assistant State sealers to have their standard weights and measures compared with the principal State standard once in fourteen years; and that the several county sealers shall have their standard weights and measures compared with one of the State standards once in seven years, and oftener if necessary; and the several town sealers shall have their town standards compared with the county standard once in three years; that before either of the sealers of weights and measures, who shall be appointed by virtue of this act, shall enter on the duties of his office, he shall take and subscribe an oath or affirmation before one of the judges of the supreme court, court of common pleas, or justice of the peace of the county wherein such sealer is resident, well and truly, according to the best of his skill and ability, to perform the duties by this act enjoined, and cause a certificate thereof to be filed in the Secretary's office, or the office of county or town clerk, as the case may be.

And be it further enacted, That each of the sealers of weights and measures within this State shall be entitled to receive for his service for sealing and marking beams or measures which shall from time to time be brought to him for that purpose, twelve and a half cents, and for every weight and every small liquid measure two cents, over and above his cost of making them right, if they are not so when brought to him for that purpose.

And be it further enacted, That so much of the act hereby amended as respects the appointment of sealers of weights, measures, fees, and device, shall be, and hereby is, repealed, so far as respects the said western district.

E 6—*f*.

AN ACT relative to a standard of long measure, and for other purposes. Passed March 24, 1809.

Whereas the corporation of the city of New York did, in the year one thousand eight hundred and three, procure a brass yard measure, engraved and sealed at the exchequer in Great Britain, and have presented the same to this State, which has been deposited, together with the documents authenticating it, in the Secretary's office: therefore,

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That the said brass measure is, and shall be, the standard yard measure of this State.

And be it further enacted, That, as soon as may be after the passing of this act, it shall and may be lawful, and it is hereby made the duty of the Secretary of this State, to cause the said standard measure to be engraved with the words *State of New York* thereon; and that he cause to be made and procured two brass yard measures for the city and county of New York, engraved with the words *City and County of New York;* one for the assistant State sealer in the village of Utica, engraved with the words *State of New York;* and one for each of the respective counties of this State, engraved with the name of the proper county, similar to the aforesaid standard; and that he cause the measure so procured and marked for each county [to be] delivered to the clerk thereof, who shall keep the same for the use of the county, as the standard yard measure of this State for such county, and compare therewith all yard measures or rods which may be presented to him for that purpose.

And be it further enacted, That the assistant State sealer and clerk of each county shall be paid twelve and a half cents for comparing each yardstick or rod that shall be presented to him for that purpose, over and above the expense of making such stick or rod exactly compare and agree with the said standard measure of the county, when so presented.

And be it further enacted, That no surveyor, for any survey made for one year from the passing of this act, shall give evidence as a surveyor in any court or elsewhere in this State, in any cause wherein land is in dispute, respecting the survey or measurement thereof, unless such surveyor shall make oath, if required, that the chain or measure used by him, when surveying or measuring such land, was conformable to the standard measure of this State.

And be it further enacted, That the treasurer, on the warrant of the comptroller, shall pay to the Secretary the expenses incurred by virtue of this act.

And be it further enacted, That the act entitled "An act to direct the Secretary to procure a State standard of long measure, and for other purposes," passed the 11th day of April, 1808, be, and the same is hereby, repealed.

And be it further enacted, That it shall and may be lawful for the inhabitants of any town in this State, for their convenience, and by a vote at their annual town meeting, to direct the clerk of such town to procure, and deposite in his office, a standard brass yard, to be sealed by the person authorized to seal and compare such yard, and to be considered as the true yard for all the purposes aforesaid.

E 6—*g*.

AN ACT to regulate weights and measures. Passed March 19, 1813.

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly*, That there shall be one just beam, one certain weight and measure for distance and capacity, that is to say, avoirdupois and troy weights, bushels, half-bushels, pecks, half-pecks, and quarts, and gallons, half-gallons, quarts, pints, and gills, and one certain rod for long measure, according to the standard in use in this State on the day of the declaration of the independence thereof; and that the standard of weights and measures now in the office of the Secretary of this State, which is according to the standard of the court of exchequer in that part of Great Britain called England, shall be, and is hereby, declared to be and remain the standard for ascertaining all beams, weights, and measures throughout this State, until the Congress of the United States shall establish the standard of weights and measures for the United States.

2. *And be it further enacted*, That the Secretary of this State for the time being shall, *ex officio*, be the State sealer of weights and measures; and that there shall be three assistant State sealers, to be appointed from time to time, as occasion may require, by the person administering the government of this State, by and with the advice and consent of the council of appointment, to continue in office during the pleasure of the said council; one of which assistants shall reside in the city of New York, one in the city of Albany, and one in the county of Oneida; and that there shall be one county sealer of weights and measures in each county in this State, to be appointed by the

board of supervisors of the respective counties, at their annual meeting in October, to continue in office during pleasure; and one town sealer of weights and measures in each town in this State, to be elected at the annual town meetings, who shall continue in office for one year, and until another shall be chosen in his stead.

3. *And be it further enacted*, That it shall be the duty of the Secretary of this State, within nine months after the passing of this act, in addition to the weights and measures already provided by law, and now remaining with the said Secretary, and the assistant State sealer in the county of Oneida, to procure, at the expense of this State, so many weights, measures, and beams as shall make out four complete standards of weights and measures, both of liquid and dry measures, and avoirdupois and troy weights, with proper beams and standards, brass rods of long measure; one complete set to be retained in his office as a principal State standard, and one other set of the said standards to be delivered to each of the assistant State sealers, taking their receipts, respectively, therefor; and the comptroller is hereby directed to audit the account of the Secretary for his expenses in procuring the said additional standards of weights, measures, and beams, and draw his warrant for the amount on the treasurer, who is hereby directed to pay the same out of any moneys in the treasury not otherwise appropriated.

4. *And be it further enacted*, That the several State standards of weights, beams, and measures shall be made of iron, brass, or copper, as the Secretary shall direct; and the several county standard weights and measures shall be made of such materials as the several boards of supervisors shall direct; and the several town standard weights and measures shall be made of such materials as the supervisors of each town shall direct.

5. *And be it further enacted*, That the said county sealers of weights and measures shall, at the expense of the respective counties for which they are elected, within six months after being notified of their respective appointments by the clerks of the several boards of supervisors, whose duty it shall be to give such notice, and after receiving from their respective county treasurers, by order of the said board, so much money as may be necessary for the purpose, procure a complete set of the said standard weights and measures for the use of their respective counties; and every such county sealer shall forthwith, after having procured such standard, deliver to the clerk of the board of supervisors a statement, in writing, of the expense thereof, and that such standard is in his possession; and that the several town sealers of weights and measures shall, at the expense of the respective towns, within six months after their appointments, and after having received sufficient money for the purpose, procure a complete set of the said standard weights and measures for the use of the respective towns; and, having procured the same, shall deliver to the clerk of the town, to be filed in his office, such statement, in writing, as is before specified.

6. *And be it further enacted*, That the letters N. Y. shall be impressed on all the State standard weights, measures, and beams; and on the several county standard weights, measures, and beams, such other device, in addition, as the said Secretary shall direct for each county; which device shall be recorded in the Secretary's office, and a copy thereof delivered by the Secretary to each of the assistant State sealers; and the several town standard weights, measures, and beams shall be impressed by the county sealer in which such town shall be situate, with such other device, in addition to the State and county device, as the board of supervisors shall direct for the several towns in their respective counties; which several town devices shall be recorded by the clerks of the several boards of supervisors in a book to be kept for that purpose; and that such clerk shall deliver a copy of such record to every county sealer.

7. *And be it further enacted*, That it shall be the duty of the assistant State sealers to compare their standard weights and measures with the principal State standard once in fourteen years; and that the several county sealers shall compare their standard weights and measures with one of the State standards once at least in seven years; and the several town sealers shall compare their town standards with the county standard once at least in three years; that, before either of the sealers of weights and measures, who shall be appointed by virtue of this act, shall enter on the duties of his office, he shall take and subscribe an oath or affirmation before one of the justices of the supreme court, or one of the judges of the court of common pleas, or justice of the peace of the county wherein such sealer is resident, well and truly, according to the best of his skill and ability, to perform the duties enjoined on him by this act; and that every assistant State sealer shall cause a certificate of the oath by him taken to be filed in the Secretary's office; and every county sealer and town sealer shall, in like manner, cause such certificate as aforesaid to be filed in the clerk's office of their respective counties.

8. *And be it further enacted*, That each of the sealers of weights and measures within this State shall be entitled to receive for his services in sealing and marking measures and beams which shall from time to time be brought to him for that purpose, twelve and a half cents, and for every weight and every small liquid measure three cents, over and above a reasonable compensation for making them conform to the standard established by this act.

9. *And be it further enacted*, That it shall be the duty of the clerks of the several counties to deliver to the respective county sealers of weights and measures heretofore appointed, or hereafter to be appointed, the standard brass yard measure which shall have been received by such clerks from the Secretary of this State for the use of the said counties.

10. *And be it further enacted*, That no surveyor shall give evidence in any cause pending in any of the courts of this State, or before arbitrators, respecting the survey or measurement of lands, unless such surveyor shall make oath (if required) that the chain or measure used by him in surveying or measuring such lands was conformable to the standard measure of this State.

11. *And be it further enacted*, That, whenever either of the assistant State sealers of weights and measures shall resign or remove from the cities of New York or Albany, or the county of Oneida, or whenever any of the county or town sealers shall resign or remove from the counties or towns in which they were respectively appointed, it shall, in that case, be the duty of the person so resigning or removing to deliver to his successor in office all the standard beams, weights, and measures in his possession; and, in case of the death of any sealer of weights and measures, it shall, in like manner, be the duty of his executors or administrators to deliver to the successor to be appointed, all the said standard beams, weights, and measures in the possession of their testator or intestate at the time of his death; and, in case of neglect or refusal to deliver such standard entire and complete, the successor in office may maintain an action on the case against the person so removing or resigning, or against such executors or administrators, and recover double the value of such standard, or such parts thereof as have not been delivered to the said successor in office, with costs of suit; and, in every such action, if judgment shall be rendered for the plaintiff, he shall recover double costs, one moiety of which may be retained by the person so recovering, and the other moiety shall be by him applied to the purchase of such standard beams, weights, and measures as may not be delivered over as aforesaid.

12. *And be it further enacted*, That if any person or persons shall, after one year from the passing of this act, use any weights, measures, or beams, in weighing or measuring, which shall not be conformable to the standard of this State, whereby any purchaser of any commodity or article of trade or traffic shall be injured or defrauded, it shall be lawful for the person so injured or defrauded to maintain an action on the case against the offender in any court having cognizance thereof; and, if judgment shall be rendered for the plaintiff, he shall recover treble damages against the defendant, with costs of suit.

E 7.

NEW JERSEY.

SIR: ELIZABETHTOWN, *September* 20, 1817.

I have the honor to acknowledge the receipt of your letter of the 29th of July last, accompanying a copy of a resolution of the Senate relative to weights and measures. There is not in the State of New Jersey any legislative act establishing or regulating weights or measures, nor can I learn that the subject has, at any time, engaged the attention of the State Legislature; but, by custom, the English standard of weights and measures has been adopted, and is in use throughout this State; and I know of no information that I can furnish for enabling the Department of State to fulfil the views of the Senate.

I have the honor to be, with very great respect, your most obedient servant,

ISAAC H. WILLIAMSON.

The Hon. RICHARD RUSH, *Acting Secretary of State.*

E 8—*a.*

PENNSYLVANIA.

SIR: HARRISBURG, *August* 26, 1817.

Your letter to the Governor, accompanied by a copy of a resolution of the Senate of the United States relative to weights and measures, has been duly received some time since. In this office there are no materials calculated to afford any information on that important subject. There does not appear to have been any legislative act relative to it since A. D. 1700, which directs the standards to be regulated "according to the King's standards for the exchequer." [See Smith's edition of the Laws, page 19.] I addressed a note to Mr. Meer, keeper of weights and measures in the city; I herewith enclose his answer, together with a report of a committee of the Senate in 1814, and Dr. Bollman's letter; none of which, probably, will suggest any new ideas to you on the subject.

Very respectfully, sir, your obedient servant,

N. B. BOILEAU, *Secretary.*

RICHARD RUSH, Esq., *Acting Secretary of State.*

E 8—*b.*

SIR: PHILADELPHIA, *August* 20, 1817.

Your letter of the 16th instant requests me to give information respecting weights and measures for the consideration of the Senate of the United States; a task I cheerfully undertake, as far as I am acquainted with the business, because they are in an incorrect and deranged condition throughout the Union, in consequence of the regulators not having a fixed and correct standard to which they can resort to keep those they use in order. The variant and irregular weights and measures of the different States and towns prove a serious evil both to the wholesale and retail dealer, and often produce difficulties in the trade between the several States, which call for immediate redress. It being the peculiar province of the Legislature of the United States to fix the standard of weights and measures, I am happy to find that the Senate have taken the subject under their serious consideration.

The standards in my keeping were, I believe, brought here by William Penn, more than one hundred years ago, and have been in use ever since; of course, they cannot be very correct.

I would therefore propose that one simple standard weight be adopted and used for all purposes, and that its scantlings and parts be decimally divided, so as to suit the money of the United States, and that the unit be the English avoirdupois pound.

That, for measures of capacity, the wine gallon be the unit, and be used for all purposes where measures of capacity are necessary; and that, for the measure of extension, the English foot be adopted as the unit, and be decimally divided.

I believe that the British standard weights are made of agate, so that they may not be corroded by oxydating principles of the air, as most metals are. But I believe that platina would be fitter for the purpose, being easily formed, and less liable than any other metal to be oxydated. I consider a cylindric form most suitable, both for weights and measures of capacity. No doubt the Legislature will see the propriety of furnishing the capital or principal town of every State with a complete set of standards, so that the regulators may have the necessary standards made of coarser metal for their immediate use, as well as a resort to the means of keeping them in order.

In a trading community it is equally necessary to have correct scale beams as to have just weights. Frauds are daily occurring in consequence of not having a law for the inspection and regulation of them similar to that for the regulation of weights. No person should be permitted to sell beams before they have been inspected and sealed by the proper officer.

I wish to refer you to Dr. Bollman's paper on the subject, in the appendix to the Journals of the Senate of March 18, 1814, No. 3; likewise to the report of March 3, 1808, Journals of the Senate; in which will be found valuable information. I am, sir, with great respect, yours, &c.

JOHN MEER.

P. S. I wish to refer you, likewise, to a small treatise on moneys, coins, weights, and measures, proposed for the United States of America, written by Thomas Jefferson; printed by Daniel Humphries in 1789, Philadelphia.

I enclose Mr. Dorsey's report, as above noticed.

N. B. BOILEAU, Esq.

E 9—*a.*

DELAWARE.

OFFICE OF THE SECRETARY OF STATE,

SIR: DOVER, DELAWARE, *November* 7, 1818.

By direction of the Governor, I have the honor to reply to your letter requesting "such information of the acts of the State of Delaware in relation to weights and measures as he may think proper to communicate."

There is in our statute books but one act in relation to weights and measures; that is to be found in the first volume of our laws, page 57. By this act it is directed that standards of brass for weights and measures, according to the Queen's standards for the exchequer, shall be obtained in each county within two years after the making of the law, and that these standards shall remain with such officer in each county as shall be from time to time appointed by the county court in each county; and that all weights and measures shall be made just, and marked by the keeper of these standards, &c.

This law is not *now* observed in any part of the State, and I am unable to say whether it ever went into operation in the counties of Kent and Sussex; the probability is that it never did, as no evidence can now be had that it ever was carried into effect in either of these counties. In the county of Newcastle the act was carried into execution: the standard weights and measures which it prescribed were obtained for that county, and persons were appointed at different times to be keepers of those standards: but for a great many years the law has ceased to be observed in that county; nor is it known whether the standards that were procured for that county are now in existence.

The Philadelphia weights and measures are generally used, I believe, in this State; but whether they are conformable to the standards designated by the act of Assembly aforesaid or not, I cannot say.

No decision of any of our courts sanctioning any particular weights or measures has, to my knowledge, ever been made.

I herewith transmit you a communication which I lately received from James Booth, Esq., the chief justice of our courts of common pleas and quarter sessions, a gentleman whose age, experience, and different public stations have afforded many opportunities for obtaining information as to the subject of weights and measures as used and regulated in this State.

I have the honor to be, sir, with great respect, your most obedient servant,

H. M. RIDGELY.

The Hon. JOHN Q. ADAMS, *Washington City.*

E 9—*b.*

AN ACT for regulating weights and measures.

SEC. 1. *Be it enacted by the honorable John Evans, Esq., with Her Majesty's royal approbation, Lieutenant Governor of the counties of Newcastle, Kent, and Sussex, upon Delaware, and Province of Pennsylvania, by and with the advice and consent of the freemen of the said counties, in General Assembly met, and by the authority of the same,* That, in each county of this Her Majesty's Government, there shall be had and obtained, within two years after the making of this law, at the charge of each county, to be paid out of the county levies, standards of brass for weights and measures, according to the Queen's standards for the exchequer; which standards shall remain with such officer in the counties aforesaid as shall be from time to time appointed by the county court in each respective county of this Government; and every weight, according to its standard, and every measure, as bushel, half-bushel, pecks, gallons, pottles, quarts, and pints, shall be made just weights and measures, and marked by him that shall keep the standards; and that no person within this Government shall presume to buy or sell by any weights or measures not sealed or marked in form aforesaid, and made just according to the standards aforesaid, by the officer in whose possession the standards remain, on penalty of forfeiting five shillings to the prosecutor, being convicted by one justice of the peace of the unjustness of his weights and measures; and that, once a year at least, the said officer, with the grand jury, or the major part of them, and, for want of a grand jury, with such as shall be appointed and allowed by the respective county courts aforesaid for assistants, shall try the weights and measures in the counties aforesaid; and those weights and measures which are defective shall be seized by the said officer and assistants; which said officer, for his fees for his marking each bushel, half-bushel, and peck, just measure, and marking the same that is large enough, when brought to his hands, shall have ten pence, and for every less measure three pence; for every yard three pence; for every hundred and half-hundredweight, being made just and marked, three pence; for every less weight one penny; and if the weights and measures be made just before they be brought to him, then to have but half the fees aforesaid for marking the same. And if the said officer shall refuse to do any thing that is enjoined by this law for the fees appointed, and be duly convicted thereof, [he] shall forfeit five pounds, to the use of the Governor for the time being. That a true measure or standard be taken from the brass half-bushel in the town of Philadelphia, and bushel and a peck proportionable; and all less measures and weights coming from England, being duly sealed in London, or other measures agreeable therewith, shall be accounted and allowed to be good by the aforesaid officers, until the said standards shall be had and obtained.

SEC. 2. *And be it further enacted by the authority aforesaid,* That no person shall sell beer or ale by retail, but by beer measure, according to the standard of England.

E 9—*c.*

Mr. James Booth to H. M. Ridgely.

SIR: NEWCASTLE, *October* 24, 1818.

The letter on the subject of weights and measures, which you were pleased to address to me, should have been earlier answered had not my engagements demanded my presence and attention to objects out of town.

The act of Assembly passed in the reign of Queen Anne, (vol. 1, 57,) to which you refer, was, I believe, carried into execution in the county of Newcastle. The standard weights and measures which it prescribed were obtained for this county; and I am enabled to state, from recollection, that persons were appointed, at two different times, to be keepers of those standards; other appointments were probably made, of which I have no recollection, and which cannot now be ascertained from the public records, many of which were lost during the revolutionary war. On inspecting those remaining in the office of the clerk of the peace, I found one appointment of keeper of the standards made in the year 1760. These keepers, with a part of the grand jury, traversed the county to examine and to rectify the weights and measures used by *sellers and buyers;* but this was not done once a year, agreeably to the act. I think I can recollect this duty to have been performed but twice in different years; and it is so long since, that I cannot pretend to point out the year when it was last performed; nor can I tell whether these standards are still in existence, or, if they are, in whose possession they remain. I am also unable to state whether the act of Assembly went into operation or not in the counties of Kent and Sussex, or in either of them.

Whether the Philadelphia weights and measures differ from the exchequer standards, I cannot tell; but I believe the Philadelphia measures of capacity, particularly, are generally used in this State. I think it is so in the county of Newcastle; and I remember that, in a controversy in Sussex about corn, it appeared from the testimony that the Philadelphia sealed bushel was deemed by the parties to be the proper measure to ascertain the quantity; but I know of no decision of any of our courts sanctioning any particular weights or measures.

I regret that I can give you no definite information on all the subjects of your inquiry, nor do I know any source from which it can be drawn.

With every sentiment of regard, I am, sir, &c.

JAS. BOOTH.

H. M. RIDGELY, Esq.

E 10—*a*.

MARYLAND.

SIR: COUNCIL CHAMBER, ANNAPOLIS, *August* 9, 1817.

In the absence of his excellency the Governor from the State of Maryland, I do myself the honor to acknowledge the receipt of your letter of the 29th ultimo at this department, and to inform you that the English standard of weights and measures has been adopted by this State. His excellency, however, will do himself the honor, immediately on his return, of replying to your letter.

I have the honor to be, with high respect, your most obedient servant,

NINIAN PINKNEY, *Clerk of the Council.*

The Hon. RICHARD RUSH, *Acting Secretary of State.*

E 10—*b*.

SIR: COUNCIL CHAMBER, ANNAPOLIS, *December* 1, 1819.

In reply to your letter of the 1st of November, enclosing a copy of a resolution of the Senate of the United States, passed the 3d of March, 1817, on the subject of weights and measures, I have the honor to inform you that the only legal regulation upon those subjects in the State of Maryland is comprised in several acts of Assembly, of which copies are herewith transmitted to you. It may be proper to add that, by the act incorporating the city of Baltimore, passed at November session, 1796, chapter 68, the powers before vested by law in the standard-keeper of Baltimore county were transferred, within the limits of their jurisdiction, to that corporation; whose proceedings, from its being the only large commercial town we have, in effect now regulate the weights and measures throughout the whole State. It is believed that the English standard of measures has not in practice been strictly adhered to, as it is recollected that some years ago the half-bushel which was used for measuring grain at Elkton was larger than the one in use at Baltimore, and that the same measure in Baltimore was somewhat larger than the old standard kept in the different counties. It is believed, also, that a similar difference, in a small degree, exists between the fifty-six and other weights regulated in Baltimore and those adjusted by the standard-keepers in the counties. The result has been that the Baltimore standard, both of weights and measures, now governs all the dealings and business of the State.

I am, sir, with much respect, your obedient servant,

C. GOLDSBOROUGH.

Hon. JOHN QUINCY ADAMS, *Secretary of State.*

E 10—*c*.

AN ACT relating to the standard of English weights and measures. Passed April, 1715.

Whereas the standards of English weights and measures are very much impaired in several of the counties of this province, and in some wholly lost or unfit for use:

Be it enacted by the King's most excellent Majesty, by and with the advice and consent of His Majesty's Governor, Council, and Assembly of this Province, and by the authority of the same, That the justices of the several county courts shall, by all convenient speed, at the charge of their respective counties, cause the standards they already have to be made complete, and purchase new standards where they have none; and, for the better preservation of them for the future, that they take good and sufficient security, in His Majesty's name, to the use of the county where taken, from the persons that shall be intrusted by them to keep such standard, in the penal sum of fifty pounds sterling, "for the safe-keeping of such standard, and for the due execution of the office of standard-keeper, and for the delivering the same up in the like good order they receive the same, when they shall be legally discharged from such trust," under the penalty of five hundred pounds of tobacco for each justice of that county court that shall omit to do what is required of them by this act; the one-half to His Majesty, his heirs and successors, for the support of Government, the other half to the informer, or to him or them that shall sue for the same, to be recovered in the provincial court of this province, against such justices, jointly or severally, by action of debt, bill, plaint, or information, wherein no essoine, protection, or wager of law to be allowed.

3. *And be it enacted by the authority aforesaid, by and with the advice and consent aforesaid*, That all persons, whether inhabitants or foreigners, shall repair and bring their steelyards with which they weigh and receive their tobacco, to the standard, yearly and every year, to be tried, stamped, and numbered, for which they are to pay the person keeping the standard one shilling for every time such steelyards shall be tried and stamped as aforesaid; and every person or persons shall have their bushel, half-bushel, peck, gallon, pottle, quart, and pint, if they make use of the same, or any of them, in buying or selling, duly tried and stamped at the standard aforesaid, except such of the measures aforesaid as come out of England, and are there stamped; for which trying and stamping they shall pay six pence apiece.

4. And whosoever shall presume to sell by any dry measures, without first having the said measures tried and stamped at the standard, shall forfeit the sum of five hundred pounds of tobacco.

5. And whosoever, likewise, shall presume to weigh and receive tobacco by steelyards which have not, within one year past from such weighing and receiving, been tried and stamped at the standard, shall forfeit one thousand pounds of tobacco; the one-half of which aforementioned forfeitures to be paid to His Majesty, his heirs and successors, towards the defraying the charge of the county where the offender shall dwell or reside, and the other half to the informer or informers, to be recovered in any county court of this province, by bill, plaint, or information, wherein no essoine, protection, or wager of law to be allowed.

6. And if any person or persons shall refuse to weigh any tobacco by such steelyards, tried and stamped as aforesaid, and shall thereby compel the owner to have them tried over again within the year, if the steelyards are true, such persons so refusing or compelling as aforesaid shall pay for the new stamping, but, if not, the owners of the steelyards to pay for the same.

E 10—*d*.

A supplementary act to the act entitled "An act relating to the standard of English weights and measures." Passed December 20, 1765.

Whereas, by the act entitled "An act relating to the standard of English weights and measures," no penalty is imposed upon persons buying by any dry measure or measures, without first having the said measure or measures

tried and stamped at the standard, as there is upon the seller. And whereas it is represented to this General Assembly that many buyers of grain, flaxseed, and other commodities, when the people have carried them a great distance to market, refuse to buy them unless by measure or measures of their own, which have been found, upon trial, to be larger than the standard aforesaid:

2. *Be it therefore enacted by the right honorable the lord proprietary, by and with the advice and consent of his lordship's Governor, and the Upper and Lower Houses of Assembly, and the authority of the same*, That, if any person or persons shall hereafter buy by any dry measure or measures, being his, her, or their property, or found or provided by him, her, or them, contrary to the true intent and meaning of the above-recited act, he, she, or they shall forfeit and pay the sum of five pounds current money for every offence; one-half thereof to the informer, or him, her, or them that shall sue for the same, and the other half to be paid into the hands of the treasurer of the respective shore where such forfeiture shall happen, and applied as the General Assembly for the time being shall direct and appoint, to be recovered in any court of record within this province, by action on the case, action of debt, bill of indictment, or information, wherein no essoine, protection, or wager of law, or more than one imparlance, shall be allowed.

3. *Provided, always*, That such action shall be commenced within one year from the time of the said offence being committed, and not afterwards.

E 11—*a*.

VIRGINIA.

The Governor of Virginia to the Secretary of State.

SIR: RICHMOND, VIRGINIA, COUNCIL CHAMBER, *August* 15, 1818.

In compliance with the request contained in your letter of the 5th instant, I have the honor herewith of transmitting you the only laws on the statute book of this State on the subject of weights and measures.

I presume this is all the information which you need, or would wish to have communicated.

I have the honor to be, with the greatest respect, your obedient servant,

JAMES P. PRESTON.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

E 11—*b*.

AN ACT for more effectually obliging persons to buy and sell by weights and measures according to the English standard. Passed August, 1734.

1. Forasmuch as the buying and selling by false weights and measures is of late much practised in this colony, to the great injury of the people:

2. *Be it enacted by the Lieutenant Governor, Council, and Burgesses of this present Assembly, and by the authority of the same*, That from henceforth there shall be but one weight, one measure, one yard, and one ell, according to the standard of the exchequer in England; and whosoever shall sell, or lay by, or keep any other weight, measure, yard, or ell, whereby any corn, grain, salt, or other thing is bought or sold after the tenth day of June, one thousand seven hundred and thirty-six, shall forfeit for every offence twenty shillings, being thereof lawfully convicted by the oath of one sufficient witness before any justice of the peace of the county where the offence shall be committed, to be levied by distress and sale of the goods of the offender, for the use of the poor of the parish, rendering the overplus to the party so offending; and, in default of such distress, such justice of the peace shall commit the said party to the common jail or prison, there to remain without bail or mainprize until he shall pay such forfeitures as aforesaid.

3. And to the end all people may be more easily provided with such weights and measures, *Be it further enacted*, That the justices of the peace of every county, where they have not already provided the same, shall, within eighteen months after the end of this session of Assembly, provide, at the charge of their respective counties, brass weights of half-hundreds, quarters, half-quarters, seven pounds, four pounds, two pounds, and one pound weight, according to the said standard; and measures of bushel, half-bushel, peck, and half-peck, dry measure, according to that standard; and gallon, pottle, quart, and pint, of wine measure, according to the said standard; with proper scales for the weights, upon pain of forfeiting, by every justice sworn into the commission of the peace, five shillings for every month such weights and measures shall be wanting, to be recovered, by action of debt or information, in any court of record in this colony; one-half whereof shall go to the King, his heirs and successors, for supporting the contingent charges of this Government, and the other moiety to the informer.

4. And the said weights and measures so to be provided shall be kept, from time to time, by such person as shall be appointed by the county courts, respectively, to which all persons may resort for trying their weights and measures; and when they are tried, and found to agree with the standard, the same shall be sealed by the person keeping such standard, with a seal, to be likewise provided by the justices aforesaid. And that the fees to the persons intrusted with the keeping such standard weights and measures be, for the trying every *stillyard* and certificate thereof, one shilling; for the trying any weights or measures and sealing the same, four pence for every such weight or measure sealed, to be paid by the person for whom the service shall be done; any former law, custom, or usage to the contrary hereof in anywise notwithstanding.

5. *Provided, always*, That this act, or any thing herein contained, shall not be construed to prohibit any person or persons whatsoever from buying and selling by steelyards, which shall be tried by and agree with the standard aforesaid, where the buyer and seller, payer and receiver, shall both consent thereto; any thing in this act contained to the contrary hereof notwithstanding.

A copy. Test: ANTHY. WHITAKER, *Cop'g C. C.*

E 11—*c*.

AN ACT concerning weights and measures. Passed 26th December, 1792.

1. Whereas the General Assembly of Virginia, at their session in the year 1734, did pass an act entitled "An act for more effectually obliging persons to buy and sell by weights and measures according to the English standard:"

2. *Be it therefore enacted by the General Assembly*, That the said act shall continue and remain in force until the Congress of the United States shall have made provision on that subject.

3. *Provided, always*, That all fines, forfeitures, and penalties, in the said act mentioned, shall be and inure one moiety to the commonwealth, and the other to the use of the informer.

4. This act shall commence and be in force after the passing thereof.

A copy. Test: ANTHY. WHITAKER, *Cop'g C. C.*

E 12—*a*.

NORTH CAROLINA.

Governor Miller to Mr. Rush, Acting Secretary of State.

SIR: EXECUTIVE OFFICE, N. C., RALEIGH, *August* 19, 1817.

In compliance with the request contained in your letter of the 29th July, I enclose you a certified copy of an act of the General Assembly of this State regulating weights and measures.

With much respect, your obedient servant,

WILLIAM MILLER.

RICHARD RUSH, Esq., *Acting Secretary of State.*

E 12—*b*.

AN ACT for regulating weights and measures.

1. Whereas many notorious frauds and deceits are daily committed by false weights and measures: for prevention whereof,

2. *We pray that it may be enacted, and be it enacted by his excellency Gabriel Johnson, Esq., Governor, by and with the advice and consent of His Majesty's Council and General Assembly of this Province, and it is hereby enacted by the authority of the same*, That no inhabitant or trader shall buy or sell, or otherwise make use of in trading, any other weights or measures than are made and used according to the standard in His Majesty's exchequer, and the statutes of England in that case provided.

3. *And for the discovery of abuses, be it further enacted by the authority aforesaid*, That the justices of each and every county within this Government shall, within two years next after the ratification of this act, at the charge of each county, respectively, provide sealed weights of half-hundred, quarters of hundred, seven pounds, four pounds, two pounds, one pound, and half-pound; and measures of ell and yard, of brass or copper, and measures of half-bushel, peck, and gallon of dry measure; and a gallon, pottle, quart, and pint, of wine measure; for the payment of which charge the said justices are hereby empowered to levy a tax on their respective counties, to be kept by such person and in such place as the justices of each respective county shall appoint, such person first giving sufficient security to the said justices in the sum of fifty pounds proclamation money; and the said justices shall also find and provide for the said person a stamp for brass, tin, iron, lead, or pewter weights or measures, and also a brand for wooden measures, of the letters N. C., upon pain of forfeiting and paying the sum of ten pounds proclamation money, to be recovered from the said justices by action of debt, bill, plaint, or information, in the general court of this province, and applied to the use of our sovereign lord the King, for and towards the support of this Government, and the contingent charges thereof.

4. *And be it further enacted by the authority aforesaid*, That any person whatever using weights and measures shall bring all their measures and weights to the keeper of the standard of the county where such person shall reside or trade, to be there tried by the standard, and sealed or stamped; and if any person or persons shall buy, sell, or barter, by any weight or measure which shall not be tried by the standard, and sealed or stamped as aforesaid, he, she, or they so offending shall, for every such offence, forfeit and pay the sum of ten pounds proclamation money, one-half to the use of the county where such offence shall be committed, and the other half to the use of the party who shall sue for the same, to be recovered in any court of record in this Government, wherein no essoine, protection, privilege, injunction, or wager of law shall be allowed.

5. And whereas steelyards by use are subject to alterations:

Be it further enacted by the authority aforesaid, That all and every person who shall use, buy, or sell by steelyards, shall, once every year, try the same with the standard, and take a certificate from the keeper of the standard for the county wherein such person shall reside, upon pain of twenty shillings proclamation money, to be recovered and applied as aforesaid.

6. Repealed, vol. 2, 48.

7. *And be it further enacted by the authority aforesaid*, That the standard keeper of each and every county shall, at the next court to be held for the county in which he shall reside, take the following oath, viz: "You shall swear that you will not stamp, seal, or give any certificate for any steelyards, weights, or measures, but such as shall, as near as possible, agree with the standard in your keeping, and that you will, in all respects, truly and faithfully discharge and execute the power and trust by this act reposed in you to the best of your ability and capacity: so help you God."

8. *And be it further enacted by the authority aforesaid*, That the standard keeper of each and every county in this Government is hereby empowered and required, with the assistance of a constable, (who is hereby commanded upon notice to attend him, upon information made to him of any person or persons keeping or having in his or their house or custody any steelyards, weights, or measures, which shall have been altered, lessened, or shortened, since they were tried and sealed by the standard, or shall be suspected of buying, selling, or bartering by such false weights and measures,) to search the houses or other suspected places of such offender for any such weights or measures so falsified; and if, upon search, any such false weights or measures shall be found, he shall charge a constable with the owner of them, or the person using them, who shall forthwith convey him, her, or them before any justice of the peace, who is hereby directed to bind him, her, or them over to the next court to be held for the county where the offence shall be committed; and the said offence shall be laid before the grand jury by the King's attorney general, or his deputy, and, for want of them, by any person the county court shall think fit to appoint, and shall be cognizable by the said grand jury either by indictment or presentment; and if, upon trial by a petit jury, such offender or offenders shall be found guilty, the county court shall fine each and every person so convicted in a sum not exceeding twenty-five pounds proclamation money, one-third part thereof to the informer, one-third part to the standard keeper, and one-third part thereof to be paid to the justices of the county, to be applied to the use of the county where the offence shall be committed; and shall commit the offender to jail until the same shall be paid: and further, if it appear to the county court, by the verdict of the petit jury, that the offender altered, lessened, or shortened his or her steelyards, weights, or measures, or caused the same to be done, or used such steelyards, weights, or measures, knowingly, after they were so altered, lessened, or shortened, with an intent to defraud any person, in such case the court shall, besides and notwithstanding the said fine, sentence such offender to stand publicly during the sitting of the court two hours in the pillory, with his offence written over his or her head; any law, custom, or usage to the contrary notwithstanding.

9. *And be it further enacted by the authority aforesaid*, That the naval officer of each and every port within this Government shall affix up, in a public part of his office, and there constantly keep affixed, an advertisement of this act, that traders coming into this Government may have notice thereof, upon pain of forfeiting five shillings pro-

clamation money for every twenty-four hours the same shall be neglected, to be recovered by a warrant from any justice of the peace of the county where the offence shall be committed, by any person who shall sue for the same, and applied, one-half to the informer, and the other half to the use of the said county.

10. *And be it further enacted by the authority aforesaid*, That the justices of every county, respectively, shall have power to take and receive into their custody all such weights and measures as have been already provided by their respective county or parish, and shall also demand and receive from all and every person or persons whatsoever all such sums of money as have been already raised to purchase such weights and measures, and dispose of and apply the same according to the directions of this act.

11. *And be it further enacted by the authority aforesaid*, That all and every other act and acts, and every clause and article thereof, heretofore made, so far as relate to weights and measures, or any other matter or thing within the purview of this act, is, and are hereby, repealed and made void, to all intents and purposes, as if the same had never been made.

A true copy. Given 18th August, 1817.

WM. HILL, *Secretary.*

E 13—*a.*

SOUTH CAROLINA.

The Governor of South Carolina to the Secretary of State.

SIR: EXECUTIVE OFFICE, SOUTH CAROLINA, *September* 10, 1818.

Yours of the 5th ultimo, covering a resolution of the Senate of the United States, requesting information upon the laws of this State regulating weights and measures within the same, has been received. I had the honor of receiving a former like communication from you, and directed the Secretary of this State to give you every information upon the subject. This, I presume, has never reached you. I now enclose you copies of two sections of acts, which I believe are every thing contained in our statute book relating to weights and measures.

I have the honor to be, with great respect, &c.

ANDREW PICKENS.

HON. SECRETARY OF STATE *for the United States.*

E 13—*b.*

Act of Assembly, passed 12*th April*, 1768.

SEC. 5. The public treasurer shall, immediately after the passing of this act, procure, or cause to be made, of brass, or other proper metal, one weight of fifty pounds, one of twenty-five pounds, one of fourteen pounds, two of six pounds, two of four pounds, two of two pounds, and two of one pound, avoirdupois weight, according to the standard of London; and, also, of cedar wood, neatly shaped, and handled with iron, one bushel, one half-bushel, one peck, and one half-peck measures, according to the standard of London; which weights shall each, respectively, be stamped or marked in figures denominating the weight thereof, and shall be kept by the said public treasurer: and the said weights and measures shall be deemed and taken to be the standard weights and measures by which all the weights and measures in this province shall be regulated.

E 13—*c.*

Act passed 17*th March*, 1785.

SEC. 63. The several justices of the county courts in this State, as soon as the same shall take place in the respective counties, shall have full power and authority to regulate weights and measures within each of their respective jurisdictions, and shall enforce the observance thereof in such manner and form, and under such penalties, as are already prescribed by law for regulating weights and measures.

E 14—*a.*

GEORGIA.

The Governor of Georgia to the Secretary of State.

EXECUTIVE DEPARTMENT, GEORGIA,

SIR: MILLEDGEVILLE, *December* 5, 1819.

I have the honor to enclose a copy of an act of the General Assembly of this State, and an extract from an ordinance passed by the corporation of the city of Augusta, showing the regulation and standard for weights and measures in this State. Some delay in obtaining from Augusta the extract, together with a multiplicity of business occasioned by the Legislature now in session, has prevented me from complying with your request at an earlier period.

The documents mentioned in your letter of the 4th ultimo have been duly received at this Department.

I have the honor to be, very respectfully, your most obedient servant,

JOHN CLARK.

HON. JOHN QUINCY ADAMS, *Secretary of State.*

E 14—*b.*

AN ACT to regulate weights and measures in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same*, That the standard of weights and measures established by the corporations of the cities of Savannah and Augusta, and now in use within the said cities, shall be, and the same are hereby declared to be, the fixed standard of weights and measures within this State; and all persons buying or selling shall buy and sell by that standard, until the Congress of the United States shall have made provision on that subject.

SEC. 2. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the justices of the inferior courts, or a majority of them, in their respective counties, by their clerk, or some other person especially

authorized by them for that purpose, to obtain from the said corporations, or one of them, to be paid out of the county funds, the standard of weights and measures as fixed by them, within six months from the passing of this act; and that the said justices, or a majority of them, shall, so soon as they obtain the standard of such weights and measures, give thirty days' notice thereof at the court-house and three other public places in the county; and if any person or persons whosoever shall sell, or attempt to sell, any article or thing by any other or less weight or measure than that so established, he, she, or they so offending shall forfeit and pay three times the value of the article so sold, or attempted to be sold, to be recovered before any justice of the peace, if it should not amount to more than thirty dollars, and, if above that sum, before any judge of the superior court, or the justices of the inferior court, by action of debt; one-half whereof shall be for the use of the informer or person bringing the action, and the other for the use of the county in which such act or offence may happen.

Sec. 3. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the justices of the inferior court, or a majority of them, of the respective counties of this State, to procure a marking instrument, seal, or stamp, for the purpose of marking, sealing, or stamping all weights and measures within their several counties, which marking instrument, seal, or stamp shall remain in the clerk's office of the inferior court, by him to be affixed to any weight or measure which he may find to correspond with, or not less than, the standards established by said corporations of Savannah and Augusta.

Sec. 4. *And be it further enacted*, That the said clerks of the inferior courts shall receive six and one-fourth cents for every weight and measure by them so marked, sealed, or stamped, to be paid by the person obtaining the same.

ABRAHAM JACKSON,
Speaker of the House of Representatives.
DAVID EMANUEL,
President of the Senate.

Assented to, December 10, 1803. JOHN MILLEDGE, *Governor.*

E 14—*c*.

"*And be it further ordained*, That all weights for weighing any articles of produce or merchandise shall be of the avoirdupois standard weight; and all measures for liquor, whether of wine or ardent spirits, of the wine measure standard; and all measures for grain, salt, or other articles usually sold by the bushel, of the dry or Winchester measure standard; and all weights and measures used within this city shall be in conformity to the said public standard. It shall not be lawful for any person or persons to make use of any other than brass or iron weights, regulated as aforesaid, or weights of any other description than those of fifty, twenty-five, fourteen, seven, four, two, one, half, quarter pound, two ounce, one ounce, and downwards."

I certify the above to be true extracts from the original ordinance of the city council of Augusta.

Clerk's Office, *November* 30, 1819.

JOSEPH CRANE, *Dep. C. C.*

E 15—*a*.

KENTUCKY.

The Governor of Kentucky to the Secretary of State.

Sir: Frankfort, *November* 26, 1817.

In compliance with your request, and the resolution of Congress on the subject of weights and measures, I have the honor to transmit to you a copy of the law of this State on that subject.

It may not be improper to remark that weights and measures, agreeably to said law, have been procured as a general standard for this State.

I have the honor to be your most obedient and humble servant,

GABRIEL SLAUGHTER.

The Hon. Secretary of State, *Washington City.*

E 15—*b*.

AN ACT concerning weights and measures. Approved December 11, 1798.

Whereas the Congress of the United States are empowered by the federal constitution to fix the standard of weights and measures, and they have not hitherto passed any law for the aforesaid purpose, whereby an act passed by the General Assembly of Virginia, in the year 1734, entitled "An act for more effectually obliging persons to buy and sell by weights and measures according to the English standard," still remains in force in this commonwealth:

Section 1. *Therefore, be it enacted by the General Assembly*, That the Governor be, and he is hereby, authorized and directed to procure one set of the weights and measures in the said act specified, with proper scales for the weights, together with measures of the length of one foot and of one yard; and the bushel, dry measure, shall contain two thousand one hundred and fifty and two-thirds solid inches; and the gallon of wine measure shall contain two hundred and thirty-one inches; and the said weights, measures, and scales shall be deposited in the custody of the Secretary of State, to serve as a general standard for weights and measures within this commonwealth.

Sec. 2. *And be it further enacted*, That, when the aforesaid weights, measures, and scales shall be procured as aforesaid, the Governor shall cause to be made for each county within this State one set of weights and measures, and the last-mentioned weights and measures shall be compared by the Secretary of State with the aforesaid general standard, and, if found to agree therewith, shall be forthwith transmitted by him, together with scales proper for the weights, to be procured as aforesaid, to the clerks of the several county courts in this State.

Sec. 3. *And be it further enacted*, That the said weights, measures, and scales shall be kept by such person in each county as the court of the said county shall appoint; and, immediately after such appointment, the clerk shall make known the same by advertisement, to be fixed up at the door of the court-house. And all persons desirous of trying their weights and measures may resort to the aforesaid county standards for that purpose; and the person appointed to keep the said standards shall, if he find them true, seal them with a seal to be provided by the county court, at the expense of the county; and the persons appointed in the several counties to keep the said county standards shall be entitled, for trying every steelyard, and certificate thereof, to twenty-five cents; for trying any

weights or measures, and sealing the same, twelve and one-half cents for each weight or measure sealed, to be paid by the person for whom such service shall be done.

SEC. 4. *And be it further enacted*, That three months after the appointment of a person to keep the said county standards shall have been made known as aforesaid, every person who shall knowingly buy, or who shall sell, any commodity whatever by weight or measure that shall not correspond with the said county standards, or shall keep any such for the purpose of buying or selling with them, shall, for every such offence, forfeit and pay four dollars, to go towards lessening the county levy, and to be recovered before any justice of the peace for the county in which such offence shall be committed.

SEC. 5. *And be it further enacted*, That the auditor of public accounts shall issue his warrant or warrants on the treasurer, to such amount as the Governor shall certify to be due, and to such person or persons as the same shall be owing, for furnishing and transporting the aforesaid weights, measures, and scales.

This act shall be in force from and after the passage thereof.

E 16.

TENNESSEE.

The Governor of Tennessee to the Secretary of State.

SIR: MURFREESBORO', *November* 24, 1819.

Your communication relative to a standard of weights and measures has been received; and as no fixed standard exists as to weights, I laid your request before the Legislature, who are now in session. Indeed, I pursued the same course two years past, when a similar request was made by Mr. Rush, and am sorry to say the subject was not attended to, which, I trust, will not be the case in the present instance. At all events, I will do myself the honor to advise you of the result.

I am, with great respect, your obedient servant,

JOS. McMINN.

JOHN QUINCY ADAMS, Esq., *Secretary of State of the United States.*

E 17—*a*.

OHIO.

Governor Worthington to Mr. Rush, Acting Secretary of State.

SIR: CHILICOTHE, *August* 18, 1817.

In compliance with the request made in your letter of the 29th ultimo, I have directed the Secretary of State of Ohio to forward a certified copy of any law of the State for the regulation of weights and measures.

I have the honor to be, very respectfully,

T. WORTHINGTON.

RICHARD RUSH, *Acting Secretary of State of the United States.*

E 17—*b*.

SIR: COLUMBUS, OHIO, *September* 13, 1817.

Pursuant to a request of the Governor of our State, I have the honor to transmit an extract from an act of this State relating to measures. I concluded it was not necessary to transcribe the whole act, as the remainder thereof only relates to the appointment of a person to keep said standard, and to try and prove others thereby. As to weights, we have no legislative provision on the subject, which is much to be regretted.

I have the honor to be, with great respect, your most obedient, humble servant,

JOHN McLENE.

The Hon. SECRETARY OF STATE *for the United States.*

E 17—*c*.

Extract from an act of the General Assembly of the State of Ohio, entitled "An act for regulating measures," passed the 22d day of January, 1811, *and now in force.*

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of each county in this State are hereby required and directed to cause to be made for each county one half-bushel measure, which shall contain $1{,}075\frac{2}{10}$ solid inches, which shall be kept in the county seat, and shall be called the standard.

E 18—*a*.

LOUISIANA.

The Governor of Louisiana to the Acting Secretary of State.

SIR: NEW ORLEANS, *September* 15, 1817.

I have the honor to acknowledge the receipt of your letter of the 29th July last, together with the resolve of the Senate of the United States, and to enclose you herein the true copy of an act passed in 1815, by which you will perceive that the Legislature of this State have deemed it most proper to adopt the same standards for weights and measures as are established in the United States, and used by their revenue officers.

With sentiments of very great respect, I remain, sir, &c.

JAMES VILLERE,
Governor of the State of Louisiana.

The Hon. RICHARD RUSH.

E 18—*b*.

AN ACT to establish a uniform standard of weights and measures within this State.

Whereas it is essential to the commerce of the State of Louisiana that a uniform standard of weights and measures be established by law: therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened*, That the Governor, at the expense of the State, shall procure one complete set of copper weights, to correspond with weights of their like denomination used by the revenue officers of the United States in their offices, together with scales for said weights, and a stamp or seal, with such device as the Governor may choose; as also one complete set of measures, calculated for dry, liquid, and long measure, of the same capacity and length as those of their like denomination used by revenue officers as aforesaid; which set of weights and measures, together with the scales and stamp, to be deposited in the custody of the Secretary of State, to serve as a general standard of weights and measures within this State.

SEC. 2. *And be it further enacted*, That the administration and distribution of weights and measures within the limits of the city of New Orleans shall be confided to an inspector of weights and measures, to be nominated by the Governor, with the advice and consent of the Senate; and it shall be the duty of the said inspector to see that no other weights but those established by this act be made use of within the limits of the said city, and, in case of negligence or breach on the part of the said inspector, he shall be condemned to pay a fine not exceeding two hundred dollars, nor less than one hundred. The mayor and city council of New Orleans shall be authorized to pass any regulations or such ordinances relative to the police of the said weights and measures, and to insure, within the limits of the said city, the execution of the present act: *Provided, however*, That said ordinances or regulations do not contravene the provisions of this act; and that, should the office of inspector become vacant during the recess of the Legislature, it shall be the duty of the Governor to fill such vacancy.

SEC. 3. *And be it further enacted*, That every parish judge shall procure, at the expense of his parish, a set of weights and measures and a stamp conformable to those mentioned in the first section of this act, the same to be stamped, on their request, by the Secretary of State, or his deputy. The inspector of the city of Orleans shall procure the above set, at the expense of the corporation of the said city.

SEC. 4. *And be it further enacted*, That the aforesaid weights, measures, and stamp shall be deposited by the judge in the office of the clerk of the said parish, on his accountable receipt; and it shall be the duty of the said clerk and inspector, when thereto required by any person, to stamp all measures whatsoever, if they find them true; and they shall be entitled to ask and demand for such service the following fees, and no more, viz: for every steelyard, with certificate thereof, twenty-five cents; for every measure that they shall try or stamp, six and a quarter cents, (to be paid by the owners of the weights and measures by them stamped,) over and above the price of the labor and materials they may employ on such measures as require to be regulated by the standard: *Provided, always*, That the stamp shall be impressed, and payment required for doing the same, only on such as have not yet been stamped, or such as, having been once stamped, are found so defective as to require to be again regulated with the standard. Be it understood, however, that, during the first year ensuing the day when this act shall begin to be in force, the said inspector shall only be entitled to half the fees established by the present section; and, in case of the resignation, removal, or death of the inspector or clerks, the said weights, measures, steelyards, and stamps shall be delivered to the person or persons named in their places.

SEC. 5. *And be it further enacted*, That, if any clerk, inspector, or any person legally authorized to stamp weights and measures, shall knowingly and wilfully stamp weights and measures which do not correspond with the standard aforesaid, they shall, on conviction, be condemned to pay a fine of one hundred dollars for each offence, to be recovered, on motion by the attorney general or district attorney, before any court of competent jurisdiction, to the benefit of the parish in which the said offender may reside; and any person thus convicted shall, besides, be removed from office. The court, during the prosecution against the said clerks, shall be authorized to appoint a clerk *pro tem.*

SEC. 6. *And be it further enacted*, That, one year after the Governor shall have deposited such weights, measures, and steelyards with the Secretary of State, as required by this act, no person shall buy or sell any commodity whatsoever by weights or measures which do not exactly correspond with the aforesaid standard, or are not stamped; nor shall they keep any such weights or measures for the purpose of buying or selling thereby, under penalty of a fine of fifty dollars for each offence, besides the forfeitures of the weights, measures, and steelyards found to be false, and of a fine of ten dollars when the measures, weights, and steelyards shall be found just, though not stamped; said fines to be recovered before any tribunal of competent jurisdiction, one-half to the benefit of the informer, and the other half to the parish in which the said offender may reside. All weights and measures seized shall be forfeited for the benefit of the stamper who shall have discovered the fraud; and he shall not return them into circulation until he has made them conformable to the standard.

SEC. 7. *And be it further enacted*, That whoever shall make or cause to be made use of, or utter, false stamps or scales, shall, on conviction before the district court where this offence is committed, be subject to all the pains and penalties of forgery under the law of this State.

SEC. 8. *And be it further enacted*, That it is forbidden to any person to sell, or cause to be sold, measures and weights, unless they have been tried and stamped by persons appointed for that purpose, agreeably to the present act, under the penalties imposed by the sixth section of this act against all persons who shall have used false weights.

SEC. 9. *And be it further enacted*, That the persons to be appointed agreeably to the present act to try and stamp the weights, measures, &c., shall not commit their functions to a substitute, without being liable to all fines prescribed by this act.

SEC. 10. *And be it further enacted*, That (any provision in this act contained to the contrary notwithstanding) there shall be in this State a dry measure, to be known under the name of barrel, which shall contain three and a quarter bushels conformable to the American standard, and shall be divided in half and a quarter barrel.

SEC. 11. *And be it further enacted*, That it shall be the duty of the Governor, so soon as he shall have procured the weights and measures agreeably to this act, to make it known throughout the State by proclamation.

MAGLOIRE GUICHARD,
Speaker of the House of Representatives.
FULWAR SKIPWITH,
President of the Senate.

Approved, December 21, 1814:

WILLIAM C. C. CLAIBORNE,
Governor of the State of Louisiana.

A true copy from the original in my office.

MAZUREAU, *Secretary of State.*

E 18—*c*.

[TRANSLATION.]

Statement of M. Bouchon respecting weights and measures in Louisiana before its cession to the United States.

NEW ORLEANS, *October* 9, 1820.

1st. The measures in use in Louisiana before its cession to the United States were the following:

Measures of length.

The King's foot, consisting of 12 inches; the inch of 12 lines.
The fathom (toise) of 6 King's feet.
The perch of 3 fathoms, or 18 feet.
The linear arpent of 10 perches, or 30 fathoms.
The league of 84 arpents.
The ell of Paris of 3 feet 7 inches $10\frac{5}{6}$ lines.

Superficial measures.

The square foot of 144 square inches.
The square fathom of 36 square feet.
The square perch of 9 square fathoms.
The square arpent of 100 square perches.
The square league of 7,056 square arpents.

Weights.

The scruple of 24 grains.
The gros of 3 scruples.
The ounce of 8 gros.
The mark of 8 ounces.
The pound of 16 ounces.
The quintal of 100 pounds.

Measures of capacity, for liquids.

The pint of Paris of 46.95 cubic inches.
The velte of 8 pints.
The muid of 288 pints.

Measures for grain.

The litron of Paris of 40.986 cubic inches.
The bushel (boisseau) of 16 litrons.
The septier of 12 bushels.
The muid of 12 septiers.

Measures for firewood.

The cord of 4 feet height, 8 feet length, and the billets of wood 4 feet long.

2d. These measures are all of French origin. The linear arpent, the league of 84 arpents, and the square arpent are the particular measures of Louisiana. This is certain.

3d. The measures of length, of superficies, and of firewood, are still in general use in the State of Louisiana. They begin to measure firewood by the American foot, because it is to the advantage of the seller; for the same reason, the use of the pound has been so easily adopted. I know of no other measure of capacity except the American gallon. Several persons who speculate in town lots buy by the French foot, and sometimes sell by the American foot. They sometimes yet use the French ell, but its use in commerce is insensibly losing ground.

4th. The surveyor's chain of 22 yards contains 10 fathoms 1 foot 10.896 inches; 100 French fathoms contain 9.6916515 chains; the linear arpent extends 63.9654 yards; the league of Louisiana, 244.2296 American chains; an acre is equal to 1.1829 superficial arpents of Louisiana; a square mile is equal to 756.1424 square arpents; one may calculate, in general, that the French foot is to the American as 16 is to 15; a square arpent is equal to 4091.5724 square yards.

5th. It does not appear that the Spanish weights and measures have ever been used.

6th. The new superficial measures are very seldom used; the French and Spanish population will find it difficult to make use of them, as well as of the linear measures.

7th. Neither Mr. Pilié, city surveyor, nor myself, know of any police law relative to weights or measures; and, although I have had an opportunity of reading a great deal, I have never fallen in with one of that nature. We know not of any French or Spanish standard in this country. The French and Spanish records of survey (*procès-verbaux*) are reported entirely according to the measures of Paris.

8th. The ancient inhabitants are well enough satisfied with the American weights; but all, and especially those in the country, find it very difficult to accustom themselves to the measures of length and the superficial measures, and I think they will be long in doing so. This depends upon long contracted habits, and they cannot change these habits all at once. One must have gained great facility in calculation to be able to comprehend new superficial measures, at all times more difficult than measures of length or weights, especially when he sees no advantage to be derived from them.

The reports which I have presented of the ancient and new measures will be sufficient data for an accountant to find out those others which I have not time to point out. Mr. Pilié and myself are very much pressed by business at present, and we beg Mr. Johnson to excuse us for not having done more, and in shorter time.

I beg him to be assured of the perfect consideration with which I am, &c.

BOUCHON,
Surveyor General of the State of Louisiana.

E 19—*a*.

INDIANA.

The Governor of Indiana to the Secretary of State.

SIR: CORYDON, *September* 9, 1817.

I have herewith the honor of submitting a report from the Secretary of State for Indiana, relative to the regulations and standards for weights and measures in this State, in conformity to a resolution of the Senate of the United States of the 3d of March last.

Absence from the seat of Government of our State prevented an earlier compliance with your request.

I have the honor to be, with great respect, your obedient servant,

JONATHAN JENNINGS.

The Hon. the SECRETARY OF STATE.

E 19—*b*.

SECRETARY OF STATE'S OFFICE, CORYDON.

The Secretary of State, to whom was referred the resolution of the Senate of the United States of March 3, 1817, requiring a statement relative to the regulations and standards for weights and measures in the several States, &c., has the honor to submit the following report, containing the regulations and standards for weights and measures as used and now in force in the State of Indiana:

One measure of one foot, or twelve inches, English measure, so called; also, one measure of three feet, or thirty-six inches, English measure as aforesaid; also, one half-bushel measure for dry measure, which shall contain one thousand and seventy-five and one-fifth solid inches; also, one gallon measure, which shall contain two hundred and thirty-one solid inches; which measures are to be of wood, or any metal the court may think proper; also, one set of weights, commonly called avoirdupois weight.

R. A. NEW, *Secretary.*

His Excellency the GOVERNOR *of the State of Indiana.*

E 20—*a*.

MISSISSIPPI.

The Governor of Mississippi to the Secretary of State.

SIR: NATCHEZ, *September* 17, 1818.

I have had the honor to receive your letter of the 8th ultimo. By an act of the Legislature of the Mississippi Territory, passed the 4th February, 1807, the treasurer thereof was directed to procure one set of weights and measures according to the standard of London, which was to serve as a general standard for the Territory. He was also directed to procure a set for each county: the latter provision was never carried into effect. The Legislature, therefore, by an act of the 23d December, 1815, authorized the treasurer to procure six sets of the same standard, and directed them to be deposited at certain public places, under the care of an officer, whose duties are prescribed by the act. This law was duly executed, and the weights and measures which were procured are now the standard by which weights and measures are regulated throughout the State. I enclose to you copies of the acts herein alluded to.

I have the honor to be, with great respect, your obedient servant,

DAVID HOLMES.

To the Hon. JOHN Q. ADAMS.

E 20—*b*.

AN ACT establishing weights and measures in the Mississippi Territory. Passed February 4, 1807.

SECTION 1. The treasurer of the Territory be, and he is hereby, authorized and required to procure as soon as may be, at the public expense, one set of weights and measures, viz: one weight of fifty pounds, one of twenty-five, one of fourteen, two of six, two of four, two of two, and two of one pound, avoirdupois weight, according to the standard of the United States, if one be established, but, if there be none such, according to the standard of London, with proper scales for weights; together with measures of one of the length of one foot, and one of one yard, cloth measure; and the measures of one half-bushel, one peck, and one half-peck, dry measure; also, the measures of one gallon, one of half a gallon, one of one quart, one of one pint, one of half a pint, and one of one gill, wine measure, according to the above-named standards; and the said weights, measures, and scales shall be deposited with the said treasurer, to serve as a general standard for weights and measures within this Territory, until otherwise directed by Congress.

SEC. 2. When the aforesaid weights, measures, and scales shall be provided as aforesaid, the treasurer shall cause to be made or procured for each county within this Territory, at the public expense, one set of weights, scales, and measures; and the last-mentioned weights and measures shall be compared by the said treasurer with the aforesaid general standard, and, when found to agree therewith, shall be forthwith transmitted by him to the clerks of the several county courts in this Territory.

SEC. 3. The said weights, measures, and scales shall be kept by such person in each county as the county court shall direct, who shall take the following oath, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that I will, in all things, act with justice and faithfulness in my appointment as keeper of the standard of weights and measures for the county of ———, according to law, to the best of my skill and judgment: so help me God;" and, immediately after such appointment, the clerks of the several county courts shall make known the same by advertisement, to be fixed at the door of the court-house, and also by inserting the same in one of the public gazettes of this Territory; and all persons desirous of trying their weights and measures may resort to the aforesaid county standard for that purpose; and, if they are found true, the person appointed to keep the said standard shall seal them with a seal, to be provided by the county court at the expense of the county; and the persons appointed in the several counties to keep the said county standard shall be entitled to receive for trying every steelyard, and giving certificate therefor, and for trying any other weights and measures, and sealing the same, fifty cents each, to be paid by the person for whom such service is rendered or done.

SEC. 4. Three months after the appointment of a person to keep the said county standard shall have been made as aforesaid, every person or persons who shall sell any commodity whatever by weight or measure that shall not correspond with the said county standard, or shall keep any such for the purpose of buying or selling with, shall, for every such offence, forfeit and pay the sum of ten dollars, recoverable before a justice of the peace by any person who will sue for the same, and applied to his own use.

SEC. 5. The Territorial treasurer shall transmit to the clerks of the respective counties the weights, scales, and measures, as directed by the second section of this act, within twelve months from and after the passing hereof.

E 20—*c*.

An act passed December 23, 1815.

SECTION 1. The treasurer of the Territory be, and he is hereby, authorized and required to procure as soon as may be, at the public expense, six sets of weights and measures as described in the act entitled "An act establishing weights and measures in the Mississippi Territory," passed February 4, 1807.

Sec. 2. When the sets of weights, measures, and seals shall have have been procured by the treasurer as authorized by this act, one set shall be conveyed at the public expense to Huntsville, in Madison county; one other set to some place on or near Pearl river; one other set to the town of St. Stephen's; one other set to the town of Mobile; one other set to the town of Woodville; and the sixth set to the town of Port Gibson, and be placed in the hands of some person to be appointed by the Governor; and the sets of weights and measures heretofore procured shall be forthwith delivered to some person residing in the city of Natchez, to be appointed in the manner above described. And the keepers of weights and measures hereby authorized to be appointed shall, previously to entering upon the discharge of their duties, take the oath or affirmation prescribed in the third section of the act above recited; and the said keepers shall, immediately after their appointment, make known the same by advertisement, to be fixed at the door of the court-house of the counties in which they reside; and also by inserting the same in the nearest newspaper published in this Territory. And, immediately after the appointment of the said keepers, all persons residing in any part of this Territory, and desirous to try their weights and measures, may resort to any of the aforesaid standards for that purpose; and if they are found true, the keeper of any of the said standards shall seal them with a seal, to be procured by the said treasurer at the expense of the Territory; and the persons appointed keepers as aforesaid shall be entitled to receive the fees prescribed by the third section of the act above recited for the services therein specified.

Sec. 3. Three months after public notice of the appointment of a person to keep the said standard in the city of Natchez, every person residing in any of the counties lying upon the Mississippi river, and three months after public notice of the appointment of the other keepers of weights and measures hereby authorized to be made, every person residing in this Territory, who shall sell any commodity whatever by weight or measure that shall not correspond with the standard hereby established shall, for every such offence, forfeit and pay the sum of fifty dollars, recoverable before any justice of the quorum or of the peace, to be paid to the county treasurer for county purposes.

Sec. 4. The sum of four hundred dollars, in addition to the eight hundred dollars heretofore appropriated for the purpose of procuring weights and measures, be, and the same is hereby, appropriated for the purposes specified.

E 21.

ILLINOIS.

AN ACT regulating weights and measures.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That it shall be the duty of the county commissioners in each and every county within this State, as soon as practicable after they are qualified to office, to procure, at the expense of their respective counties, one measure of one foot, or twelve inches, English measure, so called; also, one measure of three feet, or thirty-six inches, English measure, as aforesaid; also, one gallon liquid or wine measure, which shall contain two hundred and thirty-one cubic inches; one measure that shall contain one-fourth part, one measure that shall contain one-eighth part, one measure that shall contain one-sixteenth part of the aforesaid liquid gallon, denominated quart, pint, and gill, each of which shall be made of some proper and durable metal; also, one half-bushel measure for dry measure, which shall contain eighteen quarts, one pint, and one gill, of the above liquid or wine measure, the solid contents of which is equal to one thousand and seventy-five cubic inches and fifty-nine hundredths of a cubic inch; likewise, one measure that shall contain one-fourth part of the aforesaid half-bushel, or one gallon dry measure, which said half-bushel and its fourth shall be made of copper or brass; also, a set of weights of one pound, one-half pound, one-fourth pound, one-eighth pound, and one-sixteenth pound, made of brass or iron, the integer of which shall be denominated one pound avoirdupois, and shall be equal in weight to seven thousand and twenty grains troy or gold weight; which measures and weights shall be kept by the clerk of the county commissioners for the purpose of trying and sealing the measures and weights used in their counties; for which purpose the said several clerks shall be provided with a suitable seal or seals, with the name or initials of their respective counties inscribed thereon.

Sec. 2. *Be it further enacted*, That as soon as the county commissioners shall have furnished the measures and weights as aforesaid, they shall cause notice thereof to be given at the court-house door, one month in succession immediately thereafter; and any person thereafter, who shall knowingly buy or sell any commodity whatsoever by measures or weights in their possession which shall not correspond with the county measures and weights, shall, for every such offence, being legally convicted thereof, forfeit and pay the sum of twenty dollars, for the use of the county where such offence shall have been committed, and costs of suit, to be recovered before any justice of the peace of said county. Every person desirous of having his measures and weights tried by the county standard shall apply to the clerk of the county commissioners, and, if he find it correspond with the county standard, shall seal the same with the seal provided for that purpose; and said clerk is allowed to demand and receive such fees as now are, or hereafter may be, allowed by law.

This act to be in force from and after its passage.

E 22.

MISSOURI.

Extract from a law of the Territory of Missouri concerning weights and measures.

Sec. 1. The several courts of common pleas [circuit courts] within this Territory shall provide for their respective counties, and at the expense of their said counties, one measure of one foot, or twelve inches, English measure, so called; also one measure of three feet, or thirty-six inches, English measure, as aforesaid, to be denominated one yard; also, one half-bushel measure, which shall contain one thousand and seventy-five and one-fifth solid inches, to be denominated dry measure; also, one gallon measure, which shall contain two hundred and thirty-one solid inches; one half-gallon measure, which shall contain one hundred and fifteen and one-half solid inches; and one quart measure, which shall contain fifty-seven and three-fourths solid inches; which measures are to be of wood or any metal the court shall think proper; also, one set of weights, commonly called avoirdupois weights; and one seal, with the initial of the county inscribed thereon; which measures, weights, and seal shall be kept by the clerk of the court of common pleas [circuit court] in each county, for the purposes of trying and sealing the measures and weights used in their counties. [L. M. T. July session, 1813.]

F.

SIR: PARIS, *July* 16, 1817.

I had the honor to receive your letter dated London, the 5th of May last, together with the resolution of the Senate of the 3d of March, 1817, on the subject of weights and measures.

I accordingly enclose, in relation to those of France, *Tarbe's Manuel*, which is considered as the best elementary practical work on the subject; the Annuaire of the Board of Longitude for the present year, in which you will find a very concise exposition of the principles of the system; the third volume of Delambre's *Base du Système Métrique Decimal*, which explains them at large; the *Connoissance des Tems* for the year 1816, in which are found (in pages 314 to 332, and particularly page 330) some subsequent observations on the pendulum; and some sheets of a journal now printing, which contains an additional note of De Prony on the ratio of the metre to the English foot.

I have not sent the first two volumes of Delambre's work, which contain the details of the measurement of the meridian from Dunkirk to Barcelona, as all the results are found in the third volume. The fourth volume, edited by Biot and Arrago, which, besides other matter, will give the measurement of the meridian from Barcelona to Formentera, its northern extension to Greenwich, and through a part of Great Britain, and Biot's observations of the pendulum at several places, is not yet printed.

You requested that I might add such observations as might occur to me. The following are made less on account of their intrinsic value than because they may assist in explaining some points of the works enclosed.

The *legal metre*, or unit of the French linear measures, is presumed to be $\frac{1}{10000000}$ of the quarter of the meridian from the equator to the pole, and has been deduced from the actual measurement of the arch from Formentera to Dunkirk, compared in order to calculate the flattening of the earth with the former measurement in Peru. This standard metre, such as it is definitively adopted by law, is equal to $443\frac{296}{1000}$ lignes (or twelfth parts of an inch) of the old French measures. Doubts have, however, arisen whether it is truly the $\frac{1}{10000000}$ of the quarter of the meridian. Delambre, in his third volume, deducing the $\frac{1}{10000000}$ from the measurement of the arch from Barcelona to Dunkirk alone, had made it equal to $443\frac{322}{1000}$ lignes. The calculations of the flattening of the earth, as deduced solely from theory would give a result nearer to the legal metre. The measurement made in England of an arch of the meridian would seem to affect those conclusions. But it must be observed that an error of two seconds in the latitude observed would, in the long arch measured from Formentera to Dunkirk, produce a difference in the length of the metre equal to the difference between Delambre's calculation and the legal metre; that the same error would, in the much shorter arch measured in England, produce a much greater difference; and that the most candid astronomers acknowledge that, with the instruments now in use, such an error (of two seconds of latitude) is possible. Although, therefore, it seems probable that the legal metre is a little too short, (and it seems to be regretted that it was not made equal to $443\frac{3}{10}$ lignes,) it is, upon the whole, nearly as exact as was practicable in the present state of science. But, should more extensive measurements of the meridian, greater improvements in the instruments, and a more precise knowledge of all the elements which affect the observations, lead to a still more correct calculation of the true length of the quarter of the meridian, the standard or legal French metre would remain, as it now is, the unit or basis of the system of French measures; and the only difference would be, that instead of being, as now presumed, $\frac{1}{10000000}$, it might be found to be $\frac{1}{10000100}$, or some other not far distant fraction of the quarter of the meridian. And this difference would be less than the errors which will always take place in the confection, not of a standard metre executed with every possible care, but of the measures used for common purposes. For the purpose of ascertaining the ratio of the length of the metre to that of the pendulum, observations have been made with great care in several places; but those at Paris, by Borda and Cassini, inserted in Delambre's third volume, are the only ones (with the exception of those mentioned in the *Connoissance des Tems*, pages 314 to 322,) which are given in detail by the French writers. Those of Biot and others will appear in Delambre's fourth volume; but their general result is given in the Connoissance des Tems, and it thereby appears that the length of the pendulum making 100,000 oscillations in twenty-four hours, (*in vacuo*, and at the freezing point of water,) and referred to the level of the sea, is, at Paris, in latitude 48° 50′ 14″, equal to $\frac{74193}{100000}$ of the metre; at Bordeaux, in latitude 44° 50′ 25″, equal to $\frac{74161}{100000}$; and at Formentera, in latitude 33° 39′ 56″, equal to $\frac{74125}{100000}$. The final calculation of Borda for Paris of the second pendulum (which makes 86,400 oscillations in twenty-four hours) is $\frac{99383}{100000}$ of the metre, and $440\frac{560}{1000}$ lignes, old French measure.

From the metre are immediately deduced, by a descending and ascending decimal ratio, all the French measures, linear, superficial, and of capacity, such as they are found everywhere, and which require no observation.

The unit of weight, which is in fact the kilogramme, or 1,000 grammes, has been determined by ascertaining the weight *in vacuo* of the $\frac{1}{1000}$ part of a cubic metre of distilled water at its maximum of density, which is 4° of the centigrade thermometer above the freezing point, corresponding to 39.6 of Fahrenheit. The experiments, which in every system of measures which may be adopted are extremely important, were made with great care and skill by Lefevre Gineau; the substance is found in Delambre's third volume, but the detailed account appears to have been unfortunately lost. The old French pound (*poids de marc*) is $\frac{4895}{10000}$ of the kilogramme.

From the kilogramme or gramme has been deduced, by a decimal ratio, the whole system of French weights, including also that of moneys, in the manner stated in all the elementary works.

The ratio of the English foot to the old and new French measures may have been lately ascertained in England, where a correct standard metre of platina has been sent. By De Prony's experiments, the metre is equal to 39.3827 English inches, and the old French foot to 12.1232 English inches.

It is probable that the second pendulum will, at Washington, be found nearly equal to $\frac{993}{1000}$ of a metre, and to 39.107 English inches.

The great advantages of the French system seem to consist, 1st. In having a unit from which derives the whole by a decimal ratio; 2dly. In having ascertained the ratio of that unit to constant quantities, (the quarter of the meridian, and the length of the pendulum,) so as to be able to perpetuate, and, in case of accident, to make new standard measures, perfectly similar to those now established by law; 3dly. In the great correctness of the experiments by which this ratio has been ascertained, and in the similar care bestowed on the confection of the standard measures and weights.

These advantages are, in a great degree, independent of the substitution of new to ancient measures, which has in practice met with such difficulties. Provided the ratio of the old French foot to the natural and constant measures of the earth and of the pendulum had been ascertained, that foot might have been preserved, introducing only its decimal subdivision.

I will, for the present, only add, that as one of the first steps (if any plan be adopted on that subject in the United States) must be to ascertain the ratio of our foot to natural measures, it will be important to obtain the observations (not yet printed) of Biot, which, together with those of Borda, give all the information necessary for correct experiments of the length of the pendulum. As we will not probably very soon measure with sufficient correctness

a considerable arch of the meridian, the best mode to obtain at once the ratio of our foot both to the quarter of the meridian and to the French measure, will be to cause a metre of platina to be made here by Fortin. I could, I think, prevail on Mr. Arrago, or some other member of the Board of Longitude, to superintend the execution. Two have been completed for the Royal Society of London, and one is now on hand for the King of Prussia. The price will be about one hundred guineas. The brass metre made by order of Mr. Hassler, and which belongs to the United States, was executed by young Lenoir, and is not sufficiently correct for the purpose.

I am, &c.

ALBERT GALLATIN.

G.

Mr. Russell to the Secretary of State.

SIR: STOCKHOLM, *July* 31, 1818.

The duplicate of your letter (No. 3) of the 25th of May last reached me on the 15th instant, but the original is not yet received. I have now the honor, in compliance with your request therein expressed, to communicate such information as I have been able to collect "relative to the proceedings of this country for establishing uniformity in weights and measures," and which was required by the resolution of the Senate to which you refer.

Not being made acquainted with the object of the Senate in framing that resolution, either by the resolution itself or by your letter, I have felt some uncertainty with regard to the precise import of the term "uniformity," as therein used. It may relate to the proceedings of any foreign country to establish, *within itself*, one sole standard for weights and measures, respectively; or it may relate to the proceedings of several foreign countries to establish such a standard *in common;* or to the regulations of each particular country, for preserving the constancy of its weights and measures, by an exact conformity to one or more standards, respectively, which may there exist; and thus, in regard to those respective standards, establishing *uniformity* throughout such country.

Were I to confine myself to either of these constructions, singly, I might err in my selection, and furnish information altogether inapplicable to the real object of the resolution. I have believed it safer, therefore, to communicate all the information which I have collected on the subject, considered in the three points of view above suggested. I shall even present some details, which, although obviously not called for by the resolution of the Senate, may be useful on some other occasion.

MEASURES.

Throughout Sweden there is but one measure, which was last established by the royal ordinance of King Frederick, in 1739. This measure appears, like many others now in use in Europe, to have been originally taken from the human foot and thumb. The Swedish foot is divided into twelve work inches, (werktums,) or decimally into ten inches. The work inches are used in building, handicraft, and commerce; and the decimal inches for geometrical mensuration.

Long measure.

To the foot thus divided into inches are all the Swedish measures of length, superficies, or capacity referrible: 2 Swedish feet = 1 Swedish (aln) ell; 3 ells = 1 fathom, (famm;) 5 ells = 1 perch, (stang;) 36,000 Swedish feet = 18,000 Swedish ells = 1 Swedish mile.

Land measure.

56,000 Swedish square feet = 14,000 ells = 1 Swedish (tunnland) acre of land; 1 tunnland = 2 spannlands = 4 half-spannlands = 32 kapplands = 56 kannlands.

Dry measure.

1 Swedish cubic foot = 1,000 Swedish decimal cubic inches = 10 Swedish (kannor) cans; 5,600 decimal cubic inches = 1 (tunna) ton = 2 span = 8 quarts (fjerdingar) = 32 kappar = 56 cans, (kannor;) 7 cans = 4 kappe.

Liquid measure.

48 cans (kannor) = 1 ton (tunna) = 2 half-tons = 4 quarters (fjerdingar) = 8 eighths (attingar;) 1 can (kann) = 2 stoopes (stoppar) = 4 half-stoopes = 8 quarts (quarter) = 32 gills (ort or jungfrur.)

The can (kann) remains invariably the same in all measures, whether dry or liquid, in which it is used.

The measures of Sweden compared with those of France and England.

According to the official comparison made by the French philosophers De Prony, Legendre, and Pictet, between the French standard metre and an English measure made expressly by Troughton for that object, both these measures being at the temperature of freezing, the French metre is equal to 39.3827 English inches.

See Annals of Chemistry, (Annales de Chimie et Physique,) for June, 1817, p. 166. Thus:

1 French metre = 39.2827 English inches (log. .5953056.)
= 36.9413 old French inches (log. .5675125.)
= 40.4175128 Swedish work inches (log. .6065695.)
= 33.6812606 Swedish decimal inches (log. .5273883.)

1,000 English feet = 1026.275 Swedish feet, } the proportion between the decimal } (log. .0112639.)
974.397 English feet = 1,000 Swedish feet, } inches is the same. } (log. .9887361.)

1,000 English duodecimal inches = 1026.275 Swedish work inches.
1,000 English duodecimal inches = 855.229 Swedish decimal inches (log. .9320827.)
1169.276 English duodecimal inches = 1,000 Swedish decimal inches (log. .0679173.)
1,000 English square feet = 1053.24 Swedish square feet (log. .0225278.)
949.945 English square feet = 1,000 Swedish square feet (log. .9774722.)
1,000 English duodecimal square inches = 731.417 Swedish decimal square inches (log. .8641654.)
1367.21 English duodecimal square inches = 1,000 Swedish decimal square inches (log. .1358346.)
1 Swedish acre (tunnland) = 56,000 Swedish square feet = 53,169 English square feet (log. .7256602.)
1,000 English cubic inches = 625.53 Swedish cubic decimal inches (log. .7962481.)
1 Swedish can (kann) = 100 Swedish cubic decimal inches = 159.864 English cubic inches (log. .2037519.)
1 Swedish meal ton (maltunna) = 5,600 Swedish decimal cubic inches = 8952.41 English cubic inches;

This is divided into 8 fjerdingar, each 700 Swedish decimal cubic inches = 1119.048 English cubic inches.
In commerce there is also a corn ton (sparnmaltunna) = 6,300 Swedish decimal cubic inches = 10,071 English cubic inches.
Which is in fact the same measure of exactly 5,600 Swedish decimal cubic inches.

But in the sale of all kinds of grain is added thereto 1 fjerding, or eighth part,	700
	6,300

It was formerly the practice in the sale of grain to give *heaped* measure; but as this practice, for want of precision, occasioned continual disputes, it was at length abolished by law, and the addition of one-eighth part ordained in its stead; that is, 9 tons make 8 of corn, and the measure now is not to be *heaped* or *shaken.*

WEIGHTS.

Mintvigt (mint weight.)

The Swedish mint weight, or that with which gold and silver are weighed at the mint and at the bank, when these metals are left for coining, is divided into the *mark*, *lod*, *qvintin*, and *ass;* and, in respect to the *fineness* of silver, into the *mark*, *lod*, and *gran*, (grain;) and, in respect to the fineness of gold, into the *mark*, *karat*, (carat,) and *gran*, (grain.)

1 mark mint weight = 16 lod = 64 qvintin = 4,384 (troyske) Dutch ass.

Medicenalsvigt (apothecary weight.)

1 pound (libra) medicenalsvigt is divided into 12 ounces, 1 ounce into 8 drachms, 1 drachm into 3 scruples, 1 scruple into 60 grains.

Thus, 1 libra = 12 ounces = 96 drachms = 288 scruples = 5,760 grains = 7,416 (troyske) Dutch ass.

Victualievigt, (provision weight.)

The Swedish victualievigt is divided into *sheppund*, (shippounds,) *centner*, (hundreds,) *lispund*, and *marks*, or *skulpund.* Thus, 1 *shippound* = 4 *centner* = 5 *lispounds* = 400 *marks*, or *skulpounds.* The *skulpound* is divided into *lod* and *ass*, and 1 *skulpound* = 32 *lod* = 8,488 *ass.*

N. B. The centner is generally omitted in accounts, and one shippound divided at once into 20 lispounds.

Metallsvigt, Stapelstadsvigt, or Exportationsvigt.

The weight which is called by these three names is divided, like the victualievigt, into shippounds, centner, lispounds, skulpounds, lod, and ass, of the same relative value. The skulpound is also divided into fourth, eighth, and sixteenth parts.

Uppstadsvigt, Bergsvigt, and Tackjernsvigt.

These are three distinct weights, but are divided and subdivided in the same manner as the provision weight and the exportation weight.

Application of the several weights.

The use of the *mint weight* is already explained. The *medicenalsvigt* is, as the term imports, for weighing drugs and medicines. The *victualievigt* is that which is most generally and frequently used in Sweden. With it are weighed all kinds of provisions, and all merchandise which is sold within the country, or exported abroad by weight, excepting those articles only which specially appertain to the other sorts of weights herein mentioned. The *metallsvigt*, stapelstadsvigt, or exportationsvigt, is applied exclusively to weighing iron, steel, copper, and other gross metals, for *exportation abroad.*

Bergsvigt, also called *bergshammersvigt*, (that is *weight* or *mine hammerweight*,) is the weight used *at the forges* for iron intended for *home consumption*, and to be sent into the interior, or to the *uppstads*, which are towns or cities whence no exportation abroad is allowed, there being at those places no custom-houses for this purpose. But iron sent to the *stapelstads*, or cities whence exportation abroad is permitted, and at which there are custom-houses for this purpose, is weighed *at the forges* by the *metalls*, *stapelstads*, or *exportationsvigt.*

Uppstads weight is that used at *these places*, or anywhere in the *interior* where iron is sold for *home consumption.*

Tackjernsvigt (pig iron weight) is exclusively used throughout Sweden for weighing pig iron to the workmen, who are to forge it into bar iron for account of the proprietor.

Comparative view.

The Swedish *ducat* ought to consist of gold of the fineness of 23 carats and 5 grains, and to weigh gross $72\frac{28}{60}$ Dutch ass, or $62\frac{1}{2}$ ducats make one mark mint weight = 4,384 Dutch ass (nearly.) One mark of gold of the fineness of 24 carats gives $62\frac{2}{281}$ ducats. The addition is according to the alloy. The *remedium (mintage)* which is allowed for ducats is one grain in the fineness, and one ass in the weight, each piece.

The Dutch ducat contains gold of the fineness of 23 carats and 8 grains, with a remedium of one grain per piece of $72\frac{1}{2}$ Dutch ass. At least 72 pieces, new ducats, ought to weigh 5,088 ass, or 159 angels.

Swedish silver coin (whole rixdollars, two-thirds rixdollars, and one-third rixdollars) consists of silver of the fineness of 14 lod 1 grain, with a remedium of one grain; one dollar of which ought to weigh gross $608\frac{8}{9}$ Dutch ass, or 36 rixdollars ought to weigh 5 marks mint weight;

1 *whole* dollar, of fine silver, $534\frac{8}{9}$ ass;

1 *mark* mint weight, of fine silver, gives $8\frac{196094}{1000000}$ rixdollars;

1 *sixth* part of a rixdollar, or 8 styck, (shillings,) half the fineness of silver, 11 lod 1 grain;

1 *twelfth* part of a rixdollar, or 4 styck, (shillings,) half the fineness of silver, 8 lod 2 grains;

1 *twenty-fourth* part of a rixdollar, or 2 styck, (shillings,) half the fineness of silver, 6 lod 2 grains.

All with a remedium of one grain. All, both the whole dollar and the parts of the dollar, have each its full value in silver, and the copper alloy is thereto superadded.

Wrought silver ought to have the fineness of 13 lod 4 grains, with a remedium of $2\frac{1}{4}$ grains. If the fineness be not 13 lod, the vessel shall not on that account be broken up, but subjected to a double control duty, which makes it cost more than if the silver was of the requisite fineness.

All wrought silver is sold according to the lod victualievigt; and all wrought gold according to its weight in ducats.

The fineness of crown gold, so called, (kronguld,) for different vessels or other articles, is 18 carats. In victualievigt, as above, one skulpound = 8,488 Dutch ass. The skulpound victualievigt is divided also into lod and qvintin, thus: 1 skulpound = 32 lod; and 1 lod = 4 qvintin = $276\frac{1}{2}$ ass. One ounce or 8 drachms *medicenalsvigt* are equal to 9 qvintin *victualievigt*, or 1 *libra* = 7,416 Dutch ass. *Metallsvigt* is $\frac{4}{5}$ of victualievigt. Thus, 16 skulpounds victualievigt = 20 skulpounds metallsvigt; and 1 skulpound metallsvigt = $7{,}078\frac{4}{10}$ Dutch ass.

Uppstads weight has a shippound = 421 skulpounds metallsvigt, or 20 uppstadsvigt = $21\frac{1}{20}$ metalls or stapelstadsvigt. *Bergshammersvigt* has a shippound = 442 skulpounds *metallsvigt*, or 20 *bergshammersvigt* = $22\frac{1}{10}$ *metalls* or *stapelstadsvigt.*

The reason for this difference in the two last mentioned instances is, that, the iron being valued at the uppstads and at the stapelstads, respectively, at the same price per shippound as at the forges, this factitious increase of weight has been devised to cover the expense of transportation to the respective places of delivery. Tackjernsvigt has a shippound = 26 lispounds, or 520 skulpounds bergshammersvigt, or 20 tackjernsvigt = 26 bergshammersvigt; which means simply this—that the forgeman, for every 26 pounds of pig iron which he receives, must deliver to the proprietor 20 pounds of bar iron. From the *data* here furnished, all the weights of Sweden may be reduced to the victualievigt, or to the (troyske) Dutch ass. I will here observe that the word "*troyske*," which is used in the Swedish publications on weights and measures, applied to the ass, cannot be satisfactorily translated into other languages, as its derivative meaning is lost. Several learned men, however, have told me that they conjecture that it came from Holland. I have therefore translated it "Dutch."

To compare our weights with those of Sweden, the following *data* are believed to be sufficient:

1 skulpound Swedish victualievigt = 8,848 Dutch ass.
1 pound English troy weight = 7,766 do.
1 pound English avoirdupois weight = 9,489 do.

1,000 pounds English troy weight = 877.7124775 skulpounds Swedish victualievigt = 1,000 pounds English avoirdupois weight = 1066.794476 skulpounds Swedish victualievigt = 1333.49355 Swedish skulpounds, metalls, stapelstads, or exportationsvigt.

Uniformity.

With regard to uniformity, in the *first* sense above suggested, you will perceive that it exists in Sweden in respect to *measures*, so far as the different uses of those measures will easily admit, as they are all reducible to the Swedish foot, linear, square, or cubic, divided into ten or twelve parts or inches. In respect to Swedish *weights*, such uniformity does not exist. The mint, apothecary, and provision weights rest on foundations entirely distinct from each other, and the principal unit of each is divided into parts, with denominations and quantities peculiar to themselves. Although metalls, uppstadts, bergs, and tackjerns weights have indirectly a certain relation to provision weight, and the principal unit of each is divided into parts of the same names and relative quantities, yet their diversity is sufficiently obvious from their different uses, and the different standards to which they must necessarily be made to conform. With regard to uniformity, in the *second* sense above suggested, there have been no proceedings whatever in this country for the purpose of establishing it; indeed, the policy as well as the habits of the people appear to be opposed to its adoption. The only time when this question has been agitated here was upon the receipt of the circular which the French Government, soon after the introduction of the new weights and measures in France, addressed to the Governments of other countries, recommending a universal conformity to the new standard. But there never for a moment existed here a disposition to accede to that proposition. All the convenience and facilities afforded by the plan proposed could not prevail against the prejudices opposed to it. The people consider their ancient customs as a constituent part of their rights, and would defend their old weights and measures as attributes of their liberty and independence.

The bankers object to the *decimal* system, because it does not readily admit of *thirds*, in which they pretend to have a great interest. And the politicians affect to believe that a diversity in weights and measures is necessary for the preservation of a diversity in Governments, and that the adoption of general uniformity would facilitate universal conquest. I will not detain you with a comment on these objections.

With regard to uniformity, in the *third* sense above suggested, which consists in preserving the *constancy* of weights and measures, by an exact conformity to one or more standards, respectively, I shall now present to you the regulations of Sweden.

Standard weights and measures are required by law to be kept at Stockholm, in the college of commerce and the mines, in the office of the receiver of the revenue, in the land surveyor's office, and in the city-hall. Standard weights and measures, adjusted by those of Stockholm, are also kept in the offices of the receiver of the revenue and of the land surveyor in all the other towns or cities, and at all the parish churches in the country. The standard measures, the ell and the foot, are made of brass or steel. The standard weights are made of bronze. It is the duty of the land surveyors in the interior to take care that the weights and measures in their respective districts conform to the standards, and they are allowed a compensation for so doing.

The land surveyor at Stockholm is authorized and required to inspect the conduct of the land surveyors in the interior, and to see that they do their duty herein.

The measure for all kinds of grain, and for flour, salt, beef, and fish, must be made *square*, to promote the facility of ascertaining their justness by the foot measure. But *round* measures are allowed for measuring salt, grain, and *other dry merchandise on board of vessels when imported from foreign countries.* This round measure must be assayed once in every two months during the season of navigation, and while it is used a square measure ought to be at hand with which to compare it. For measuring sea coal, charcoal, chalk, and lime, the round measure is generally allowed. The seller is permitted to measure his own goods, but he must then pay the ordinary fee to the public measurer. Square measures are assayed by the foot rule; and round measures, if tight, by water; if not tight, by wheat or flaxseed. All measures for use ought to be made of seasoned wood, and their capacity stamped on the inside. To distinguish between the several sorts of weights, the victualievigt ought to be made round, and the metallsvigt *hexagonal;* and these weights, when used in the stapelstads, are to be marked with a *round* stamp, and, when used in the interior, with a square stamp. The bergshammersvigt ought to be made triangular.

Steelyards were prohibited in 1638 and 1665, and were again prohibited by the ordinance of 1739, excepting for ore and pig iron by proprietors, for their own satisfaction; and also in such places where no regular weights are to be had. The ordinance of 1739 also excepts for the buying and selling of fish, and for domestic use; also for country people who bring their produce to market; in this case, however, the steelyards must be regularly adjusted, and not of a greater power than two lispounds victualievigt. The large weights for use are made of iron or bronze, and adjusted with solder or lead, on which the stamp is impressed. The small weights are made of bronze;

indeed, an ordinance of Gustavus III. required *all* weights to be made of bronze, but this ordinance has had hitherto but a partial execution. Every person who uses weights or measures not conformable to the standards established by law is liable to a penalty.

I have now furnished all the information of any interest which I have been able to collect here relative to weights and measures, and I trust it will be found at least sufficient to satisfy the resolution of the Senate, so far as that resolution has any relation to Sweden.

I have the honor to be, with very great respect, sir,
Your faithful and obedient servant,

JONA. RUSSELL.

To the Hon. JOHN QUINCY ADAMS.

16th CONGRESS.] No. 504. [2d SESSION.

ABOLISHING IMPRISONMENT FOR DEBT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 24, 1821.

Mr. NELSON, of Virginia, from the committee to whom was referred a resolution directing them to inquire into the expediency of abolishing imprisonment for debt on process issuing from the courts of the United States, reported:

That the practice of imprisoning the body of a debtor, though sanctioned by very ancient usage, seems to have had its origin in an age of barbarism, and can only be considered an amelioration of that system by which the person of the debtor was subjected to be sold. Were it not wholly repugnant to every principle of free government and incompatible with every sentiment of generous humanity, the exposure to sale of the debtor might seem more tolerable than his subjection to imprisonment. Policy and individual interest appear to combine to justify the servitude of the debtor, in preference to his seclusion from society and his confinement in a dreary dungeon. By the former system, the profits of the labor of the debtor, brought into the common stock, would contribute to augment the wealth of the nation, and might, eventually, reimburse to the creditor the amount of his demand. It would certainly avoid those expenses which are annually incurred by subsisting so many unprofitable prisoners, without occupation, confined in the jails of the country. The unfortunate debtor himself might at least be blessed with the enjoyment of air and of light, and the occasional society of family and friends, from which, by the latter, he is ofttimes most cruelly secluded, and closely immured within the walls of a prison; yet who is there, in this liberal age, and in this country, where the blessings of freedom are so extensively diffused, who would not recoil with horror and disgust from a proposition to expose to sale and servitude a fellow-citizen whose misfortunes might subject him to the griping pressure of a hard creditor? And yet how few are there among the fortunate and successful, and even among those whom the benign precepts of our religion have taught "to melt at others' wo," who will be roused from apathy and indifference, when they daily learn that our jails are crowded with groups of these victims of misfortune; and who do not bury in the oblivious round of frivolity and pleasure even the momentary sensibilities which such a picture may produce? Nor are the rulers of this happy land free from the reproach which such a stain upon our code of laws cannot fail to imprint. Year after year has elapsed, and misery upon misery has been heaped upon these victims; and yet the hand of mercy is withheld. This crying indifference to the miseries of the wretched, this cold insensibility to the distress and suffering of our fellow-creatures, has too long stained the annals of our country, and blurred with the imputation of incongruity our boast of independence, liberty, and happiness, when contrasted with our practice of imprisonment for misfortune, not for crime. Rescued from this thraldom, the ingenious and the active, restored to a condition for energy and enterprise, may happily find means for accumulation, to the advantage of their creditors, and the subsistence, in comfort, for their families and themselves. Nor will it fail to add one other and important item to the long catalogue of blessings which spring from the fruitful source of happiness founded in the liberal principles of free and equal government. Whilst, in other Governments regulated by no such principles of equity and justice, imprisonment at the will of the despot may be enforced; whilst subject may prey upon subject, through the instrumentality of law and the extinction of his liberty, here let it be our boast that none can be deprived of his liberty but by the judgment of the law, upon conviction of crime; that none can be imprisoned by his fellow-citizen for his poverty or misfortune; here let the possessions and the effects of the debtor be made subject to his debts; but spare his person, at least, for the solace and the comfort of his beggared and impoverished family.

In some of the States of this Union laws exist whereby the unfortunate may be relieved from this confinement. It is an example worthy of imitation by this Government. This singular phenomenon is presented, that a man imprisoned under one jurisdiction, in the same country, may, by one code of laws, be liberated from confinement, whilst another, confined in the same prison, under another jurisdiction, is denied this privilege, and must continue in hopeless and irremediable occlusion. To rescue the character of this Government from such a stigma is the object of the committee. Aware that great delicacy and difficulty are to be encountered in devising such a system as would conduce to the complete attainment of this desirable object, and, at the same time, combine with it the most ample security to the rights of individuals, your committee might be deterred from making the attempt were they not encouraged by the benevolence of the object, and strengthened by the persuasion that any errors which may spring from the novelty of the trial may in future be corrected by the experience which will be readily acquired in the progress of the experiment. Believing that the remedy heretofore extended to the creditor, whereby he has been enabled to use this coercion for the recovery of his debts, is completely within the control of the National Legislature to alter and modify as in their discretion shall seem wise, and, whilst they endeavor to exempt the person of the debtor, they supply the most unrestrained control over his goods and effects, they have no scruple to recommend the interference of Congress. Nor have your committee been unmindful of one of the happy consequences which may result from this innovation in the limitation of that unbounded credit which has so extensively prevailed to the great injury, and even ruin, of many honest but imprudent debtors. The diminution of this sys-

tem, so fascinating and seductive to many, may prove a real blessing to those who so often disregard the strongest dictates of prudence and discretion.

Upon the whole, whilst your committee attempt to shield the unfortunate debtor from cruel and useless oppression, they propose, in the most ample and unrestrained manner, to subject all his property to the rights and interests of the creditor.

They therefore beg leave to report a bill.

17th Congress.] **No. 505.** [1st Session.

CONTESTED ELECTION OF PETER SHARPE, A REPRESENTATIVE FROM NEW YORK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 11, 1821.

Mr. Sloan made the following report:

The Committee of Elections, to whom were referred the memorial and documents of Cadwallader D. Colden, of the city of New York, contesting the election of Peter Sharpe to a seat in the House of Representatives of the United States, have had the same under consideration, and report:

That it appears that by law the State of New York is divided into districts for the purpose of electing Representatives to Congress; that the first congressional district of said State is composed of the counties of Suffolk, Queens, Kings, Richmond, and the first and second wards of the city of New York, and is entitled to elect two Representatives; that by the law of said State the elections are held in the several towns and wards, by ballot, before the supervisors, assessors, and town clerks, who officiate as inspectors of said elections; that after the polls are finally closed, and the number of votes ascertained, it is required of the said inspectors to make out a certificate of the election, specifying the number of votes given for each candidate, a record of which is to be made by the town clerk, and a copy of the certificate is to be lodged by the inspectors with the clerk of the proper county, who is required to transmit an exact transcript of all the certificates thus delivered to him to the Secretary's office of said State; and the Secretary, Surveyor General, Attorney General, Comptroller, and Treasurer of said State are constituted canvassers of elections, and are required to examine said transcripts, and determine therefrom who are elected in the several districts, and to give to the persons elected certificates of their election; that in the month of April last an election was held for Representatives to Congress from the State of New York, and that by a statement of the votes given in the said first district at said election, and which statement is under the official seal of the Secretary of said State, it appears that Silas Wood, Peter Sharpe, Cadwallader D. Colden, and Joshua Smith were candidates at said election, and that

Silas Wood had	- - -	3,960 votes.
Cadwallader D. Colden had	- - -	3,339 do.
Peter Sharpe had	- - -	3,369 do.
Joshua Smith had	- - -	3,326 do.
Cadwallader D. Colder had	- - -	220 do.
And Cadwallader Colden had	- - -	395 do.

The 220 votes which appear by this statement to have been given to Cadwallader D. Colder are represented to have been given in the town of Brookhaven, in the county of Suffolk; and the 395 votes for Cadwallader Colden are stated to have been given in the town of Hempstead, in Queens county; in which towns no votes were allowed to Cadwallader D. Colden by the State canvassers. Charles H. Havens, clerk of the county of Suffolk, testifies that, by the certificate of election returned to him by the inspectors of the said election in the town of Brookhaven, Cadwallader D. Colden had 220 votes, and that he presumes that, in the transcript made out by him, and transmitted to the office of the Secretary of State, the State canvassers have mistaken his final letter in the name of Mr. Colden for an *r*. Samuel Sherman, clerk of Queens county, testifies that, by the return made to his office by the inspectors of the town of Hempstead, it appears that Cadwallader D. Colden had in said town of Hempstead 395 votes, but that in the transcript which he made therefrom, and transmitted to the office of the Secretary of the State of New York, the letter D., in Mr. Colden's name, was omitted by him through mistake. From which testimony it appears that the votes in the towns of Brookhaven and Hempstead were in fact given for Cadwallader D. Colden, and ought to have been so returned and allowed by the officers of the State of New York at the general canvass of the State; and that, being allowed these votes, it will make the whole number of votes given for Cadwallader D. Colden amount to 3,954, being 585 votes more than were given to Peter Sharpe. The committee will forbear from exhibiting arguments to prove that votes thus fairly and honestly given ought not to be lost or set aside for any omission or mistake of any of the returning officers. It is conceived to be entirely unnecessary to prove that what has been the uniform decision of the House of Representatives ever since the formation of the Government, in such cases, has been eorrect. It is to be presumed that Mr. Sharpe has obtained from the proper authority of the State of New York a certificate of his election. There is testimony that Mr. Colden has notified him that he intended to contest his right to a seat, but Mr. Sharpe has produced no testimony whatever, nor signified any intention to resist the claim of Mr. Colden. The committee submit the following resolutions:

Resolved, That Peter Sharpe is not entitled to a seat in this House.

Resolved, That Cadwallader D. Colden is entitled to a seat in this House.

17th Congress.] No. 506. [1st Session.

RECOVERY OF FUGITIVE SLAVES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 17, 1821.

By the House of Delegates, *February* 7, 1821.

Whereas the owners of slaves in this State are frequently subjected to great imposition and serious inconvenience, from the constant and ready protection afforded their runaway negroes by the citizens of Pennsylvania, it is deemed necessary to call the attention of Congress to the subject.

Whenever a runaway slave is pursued and found in Pennsylvania, every possible difficulty is thrown in the way, so as to prevent the recovery of such slave. There are persons always ready to lend every practicable aid in thwarting the just and legal efforts of the owner in the recovery of his negro. If the color of legal proceedings fail, force is not unfrequently resorted to. As the present acts of Congress are not sufficient to protect the rights of our citizens in relation to their negroes, and since the present state of things is not only vexatious to master, but extremely pernicious, and calculated to destroy the contentment and happiness of slaves, therefore,

Resolved by the General Assembly of Maryland, That it is the duty of the Congress of the United States to enact such a law as will prevent a continuance of the evils here complained of.

Resolved, That his excellency the Governor be requested to forward, immediately, copies hereof to each of our Senators and Representatives in Congress, with a request that they will exert their influence in procuring the adoption of such measures as will effectually protect the right of slaveholders.

By order:

JOHN BREWER, *Clerk.*

By the Senate, *February* 16, 1821.

Read and assented to.

By order:

JOHN N. WATKINS, *Clerk.*

True copy of the original on file in the Executive Department of the State of Maryland.

NINIAN PINKNEY,
Clerk of the Council of Maryland.

17th Congress.] No. 507. [1st Session.

CITY OF WASHINGTON: VALUE OF PUBLIC LOTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 26, 1821.

Office of Commissioner of Public Buildings,

Sir: Washington, *December* 26, 1821.

In obedience to a resolution of the House of Representatives, passed the 21st instant, requiring a report of the amount of unimproved property in the city of Washington belonging to the United States, with an estimate of its probable cash value at this time, I have the honor to state:

That the public ground in this city consists of two descriptions: 1st. Building lots assigned to the United States upon a division with the original proprietors, agreeably to the terms and conditions of the deeds of trust for the ground within the limits of the city, by which the proprietors ceded to the United States one-half of the building lots, without any pecuniary equivalent. 2dly. "Reservations" of entire squares, or larger sections of ground, purchased from the original proprietors, on account of and for the use of the United States.

Of the building lots there remain unsold about the number of 5,150. The reservations contain, together, 541 acres 1 rood and 29 perches, or 23,584,745 square feet, equal to 4,479½ standard lots.

Any estimate of the cash value of this property must, under present circumstances, be extremely arbitrary. Owing to the general stagnation of business and scarcity of a circulating medium, few sales have been effected, either on public or private account, within the last year or two; and it is only from actual sales in the vicinity that the value of any given lot can be ascertained. The average price of the public lots heretofore sold is $180 per lot, or about $3\frac{419}{1000}$ cents per square foot. Taking this as the rule of valuation, the whole of the ground belonging to the United States, in the city of Washington, would amount to one million seven hundred and thirty-three thousand three hundred and ten dollars.

I have the honor to be, with great respect, sir, your most obedient servant,

SAMUEL LANE, *Commissioner of Public Buildings.*

Hon. Philip P. Barbour, *Speaker of the House of Representatives.*

17th CONGRESS.] No. 508. [1st SESSION.

LONGITUDE OF THE CAPITOL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 9 AND MARCH 19, 1822.

To the House of Representatives: WASHINGTON, *January* 8, 1822.

In pursuance of a joint resolution of the two Houses of Congress of the 3d of March, 1821, authorizing the President to cause such number of astronomical observations to be made, by methods which might, in his judgment, be best adapted to insure a correct determination of the longitude of the Capitol, in the city of Washington, from Greenwich, or some other known meridian in Europe; and that he cause the data, with accurate calculations or statements founded thereon, to be laid before them at their present session, I herewith transmit to Congress the report made by William Lambert, who was selected by me on the 10th of April last to perform the service required by that resolution.

As no compensation is authorized by law for the execution of the duties assigned to Mr. Lambert, it is submitted to the discretion of Congress to make the necessary provision for an adequate allowance to him and to the assistant whom he employed to aid him in his observations.

JAMES MONROE.

SIR: CITY OF WASHINGTON, *November* 8, 1821.

The illustrious personage by whose name the metropolis of the American Union has been designated unquestionably intended that the Capitol, situated at or near the centre of the District of Columbia, should be a first meridian for the United States, by causing, during the first term of his presidency, the geographical position of that point in longitude 0° 0′, and its latitude 38° 53′ north, (as found by Mr. Andrew Ellicott to the nearest minute of a degree,) to be recorded in the original plan of the city of Washington. Desirous of promoting a scientific object contemplated by that great and good man, the undersigned determined to call the attention of the legislative and executive authorities of the General Government to the establishment of a first meridian for his native country; and, accordingly, on the 27th of December, 1809, a memorial addressed to both Houses of Congress, (No. 1,) was presented in the House of Representatives by Mr. Burwell, one of the members from Virginia. [See No. 277, page 53.]

The explanatory remarks in No. 2 have been since examined and revised by the author. In some parts of the original communication inaccuracies were permitted to remain, to which the undersigned now objects. The following, with variations in one or two paragraphs, is an extract from that paper:

"The subject of this communication being of national concern, it is submitted without a tedious introduction to apologize for its nature or contents; such explanations, or information alone, as have a tendency to show the progress and effect of a novel undertaking, will be given as indispensably connected with its development.

"In all branches of science which admit of mathematical demonstration, the principles and rules on which the operation is founded should be clearly understood: these may be stated by a plain expression in words at length, or by symbolical characters or signs, often substituted in a work of this kind under the denomination of algebraical formulæ; but, as some of the elements necessary to produce an accurate result must be obtained by a needless waste of additional labor, without a competent knowledge of analytical process, the latter method will be adopted in all cases where a strict confinement to its use will not be attended with ambiguity.

"By the plan of the city of Washington, in the territory of Columbia, the Capitol in that city is intended as a first meridian for the United States of America; but, in order to establish it as such, the distance between it and some known meridian in Europe, or elsewhere, measured or estimated on a parallel to the equator, and referred to the centre of the earth under the meridian for which the computation may be made, should be ascertained on correct principles, and with due precision. As many of our mariners and geographers are still in the habit of taking their departure or reckoning their longitude from Greenwich observatory in England, it will not, it is hoped, be considered as an instance of *unpardonable presumption* for attempting to extricate ourselves from a sort of degrading and unnecessary dependance on a foreign nation by laying a foundation for fixing a first meridian of our own.

"The geographical position of any place on the surface of the earth is determined from its latitude and longitude: the former is easily obtained with sufficient accuracy by the help of a good sextant or quadrant in the hands of a skilful observer; but the latter is attended with greater difficulty, and often with uncertainty. Of all the means hitherto discovered or devised for a satisfactory accomplishment of this desirable object, solar eclipses and occultations of known fixed stars by the moon afford the most to be depended on. In such cases, when the weather is favorable, the exact moment of time of the beginning and end of an eclipse of the sun, or of the immersion and emersion of a star, may be either observed or inferred without the hazard of error in any sensible degree. The frequent eclipses of Jupiter's satellites furnish us with a simple and easy method to find the longitude on land; but the immense distance of that planet from the earth renders it necessary that many observations should be made, a mean of which may be taken as a near approximation to the truth.

"In several methods used for ascertaining the longitude on land, as well as at sea, it is customary to consider the form of the earth as a *perfect sphere*, whereas it has been proved to be that of an *oblate spheroid*, from the ingenious admeasurements and observations of certain French mathematicians at or near the equator, and in the northern parts of Europe during the last century, who, by carefully determining the length of a degree of latitude in toises at the respective places to which they were sent by order of Louis XV., verified the hypothesis of the celebrated Sir Isaac Newton concerning the *real* figure of the earth, contrary to the opinion of many, and even of *scientific* persons at that period, some of whom believed it to be an *exact globe*, and others a *prolate* instead of an *oblate spheroid*. The ratio of the equatorial diameter to the polar axis of the earth, as adopted by Sir Isaac Newton, is as 692 to 689, and that since used by Messrs. Vince, Mackay, and other British astronomers, 230 to 229, (which is nearly the same.) In consequence of some mistakes of calculation in the Mécanique Celeste of M. de la Place, the ratio of 334 to 333 was used for several years by European and American astronomers and geographers; but those mistakes having been discovered and rectified, the ratio of 320 to 319 has been adopted, in some calculations, as a near approximation to the truth. Perhaps a correct proportion may be between the ratios of 318 to 317, and of 321 to 320; and that of 639 to 637 be sufficiently accurate to be fixed on as a standard, and used

in all astronomical computations which require the *true* figure of the earth to be taken into view. It will be readily discovered that a variance, proportionate to the distance between any two meridians, will be found by supposing the earth to be a *perfect sphere*, when compared with the result obtained by admitting it to be either a *prolate* or an *oblate spheroid;* and that difference will be shown in the course of this work, according to the ratios assumed for the calculation.*

"The moon being the only satellite which revolves around the earth as one of the primary planets, is so much nearer thereto than any other of the celestial bodies composing our solar system, that it is a fit object to be observed for ascertaining the longitude of a place with precision, especially when its correct position with respect to the sun or a known fixed star is obtained; but greater reliance may always be had on the data afforded by the *apparent time* at which those positions are determined, than such as relate to the *angular distances*, because an error of only one minute of space will occasion a deviation in the result of twenty-seven minutes of longitude from the truth. The error arising from a single observation may, indeed, be lessened, if not entirely removed, by a sufficient number of them taken with a good instrument, and by an accurate observer; this is usually done at sea, from the frequency to which the practice may be resorted; and the rules for clearing the observed distance of parallax and refraction having been rendered more simple from the introduction of natural co-sines and versed sines in the process, may be attended with advantage on land, as an auxiliary to some other methods better adapted to insure a correct result.

"About the year 1770 the lunar tables constructed by Tobias Mayer, of Gottingen, in Germany, having been previously received, in manuscript, by the British Board of Longitude, with the curious and elaborate theory on which they were formed furnished by M. Euler after Mayer's decease, they were ordered to be printed under the inspection of Dr. Maskelyne. These tables, far superior in point of accuracy to any that had ever appeared before, were further improved by Mr. Charles Mason, some time after their original publication; and the discovery of the longitude from lunar observations, to any desirable degree of precision, which for a series of ages had been considered impracticable, was not only rendered certain, but comparatively easy of attainment, by the additional help of Hadley's (or rather Godfrey's) reflecting quadrant and sextant. It is said that M. Burg, of Vienna, in Germany, has constructed a new set of tables still further improved; but very few copies, if any, are yet to be procured in this country.

"The irregularities in the moon's motions, arising from the constant but unequal disturbing forces of the sun, the earth, and some of the other planets, particularly Jupiter and Venus, have produced that difficulty which was once thought insurmountable for a correct determination of the longitude by any computation founded on their observations. There are upwards of twenty equations necessary to reduce the moon's *mean* to her *true* place. The motion in right ascension and longitude, as referred to the equator or the ecliptic, is progressively, though not uniformly, accelerated from the apogeon to the perigeon, and retarded, in like manner, from the perigeon to the apogeon; and even the figure of the elliptical orbit in which this secondary planet moves around the earth is subject to change: hence, great credit is due to the indefatigable labors of Mayer, and other scientific characters in Europe, for the present state of perfection to which the theory has been brought. A tedious routine of calculation has been saved by the annual publication of the British Nautical Almanac, and the French Connoissance des Tems: the former, being printed in our own language, must, of course, be better understood and more generally used in the United States than the latter. It would be a valuable improvement of that useful production if all the elements contained in it, particularly such as relate to the moon, were extended to the fractional parts of a second in time as well as space.

"To those who are not acquainted with practical astronomy, it may be proper to remark:

"That the *apparent* or *visible* place of the sun, moon, or any of the planets, is that seen by an observer wherever he may be on the surface of the earth; and the *true* place, that which would be viewed by a spectator, if he could be fixed at the centre of the earth, under the same meridian, and no obstacle intervened to prevent the effect of his vision: the difference between these positions is called "parallax," and is generally applied to the *altitude*, *longitude*, and *latitude* of the observed object, but may, with equal propriety, be extended to its *right ascension* and *declination*, when referred to the equator, instead of the ecliptic.

"Aberration of a star is a small *apparent* motion occasioned by a sensible proportion between the velocity of light, and that of the earth in its annual orbit. Nutation is also a small *apparent* motion, proceeding from the variable attraction of the sun and moon on the spheroidal figure of the earth, both of which should be computed and applied according to the signs + or — to the *mean* right ascension and declination of the star, when great accuracy is required.

"The ecliptic is a great circle, one-half of which is always above the horizon; and the middle of this part, being 90° from their intersection, is called the *nonagesimal*, on the altitude of which, and the longitude from the equinoctial point Aries, the effects of parallax depend; for when the observed object is in the nonagesimal, it has no parallax in longitude, and the parallax in latitude is then equal to the parallax in altitude, because a great circle, passing through the pole of the ecliptic and nonagesimal, passes also through the zenith.

"The moon's parallaxes in longitude and latitude may be obtained by means of the parallax in altitude, and the angle formed between the vertical circle and a parallel to the ecliptic,† divided by the co-sine of the moon's *apparent* altitude."

The remaining parts of No. 2 contained rules and process to find—

1. The longitude and latitude of the moon or star, from its right ascension and declination, and the obliquity of the ecliptic.
2. A constant logarithm to reduce the latitude of a place according to any assumed ratio of the equatorial diameter to the polar axis of the earth, applicable to any latitude between 0° and 90°.
3. The reduction of the moon's equatorial horizontal parallax.
4. The right ascension of the meridian or mid-heaven.
5. The moon or star's horary angle, or distance from the meridian.
6. The altitude and longitude of the nonagesimal, or highest point of the ecliptic.
7. The moon's parallaxes in longitude and latitude.
8. The moon or star's *true* altitude.

* By comparing the results contained in the original calculation, and ascertaining the longitude of the Capitol in Washington from Greenwich according to the ratio of 320 to 319, also the results contained in the revised statement hereafter exhibited, the longitude is found to be greater without reduction of the latitude of the place, and the moon's horizontal parallax, than with such reduction, according to the ratio of

334 to 333,	- - - -	2′	8″	55 dec.
320 to 319,	- - - -	2	13	84
230 to 229,	- - - -	3	5	55

† This angle, or its supplement, may be called the "parallactic angle." The rule contained in this paragraph is more proper to be used in cases of occultations of fixed stars by the moon than of solar eclipses, because the longitude and latitude of the star is considered to be the same, whether viewed from the centre or from the surface of the earth.

9. The angle of position at the moon or star.

10. The moon's parallax in altitude, and apparent altitude of her centre, exclusive of refraction.

11. The moon's augmented semidiameter, arising from her apparent altitude.

12. The inflection of the moon's light, from the works of several astronomical writers.

13. The angle between the parallels to the ecliptic and equator; the angle between the meridian passing through the centre of the moon or star, and a parallel to the ecliptic; and the angle between the vertical circle and a parallel to the ecliptic.

14. The moon's parallaxes in longitude and latitude, from the parallax in altitude, and the angle last mentioned in the preceding article.

15. Abstract of the calculation to ascertain the longitude of the Capitol in the city of Washington, from Greenwich, in which an error, arising from the parallax in latitude having been found incorrect, was rectified by a repetition of the process, until the moon's *apparent* longitude at the points of occultation was brought to agree exactly with the star's longitude.

	°	′	″	*dec.*
Without reduction of the latitude of the place, or moon's horizontal parallax, -	76	56	11	700
Reduced, (334 to 333,) - - - - -	76	54	4	125
Reduced, (230 to 229,) - - - - -	76	53	6	930

No. 3, which accompanied the memorial, contained rules and process for computing the moon's longitude, latitude, right ascension or declination, and its hourly velocity, at any intermediate time between 0 and 12 hours, extended to the fourth order of differences.

Nos. 4 and 5 were communicated to the House of Representatives, or its committee, after the memorial had been referred.

No. 4 contained rules and series for computing the moon's augmented semidiameter by another method, with tables of logarithms, constructed by the undersigned, corresponding with the augmentation, when the moon's apparent latitude is 90°, with the process for reduction according to any given altitude.

The reduction of the moon's horizontal parallax, in which, through inadvertence, the rule contained in No. 2 was repeated.

No. 5 contained a table of fixed logarithms, also constructed by the author of the statement, to reduce the moon's equatorial horizontal parallax according to the ratios then in use, viz: 334 to 333, and 230 to 229, adapted to all latitudes from 0° to 89°, inclusive, with examples.

Such was the form (excepting a few corrections since made in No. 2, relating to the explanatory remarks) in which the application of the undersigned originally presented itself to the consideration of the National Legislature. On a careful examination of the elements contained in article 15 of that number, it was discovered that an error of 5″ 17 *dec.* at the immersion, and 4″ 61 *dec.* at the emersion, in the parallax in latitude, had been committed, occasioned by an omission to apply the logarithm co-sine of the moon's apparent latitude to the parallax in latitude, *approximated*, to obtain that element as correctly as it ought to have been found. It has been already stated in article 15, before mentioned, that the error arising from the incorrect parallax in latitude had been rectified by a repetition of the process. The following revised statement will show that the results originally found were near the truth; it will also exhibit the process of computation, and the intention of its author to ascertain the longitude of the Capitol in Washington, from Greenwich, with due precision:

1. By considering the form of the earth to be that of a *perfect sphere*, and without reduction of the latitude of the place, or of the moon's equatorial horizontal parallax.
2. Admitting its form to be that of an *oblate spheroid*, and reducing the latitude and moon's horizontal parallax, according to the ratio of 334 to 333.
3. Ditto, ditto, according to the ratio of 230 to 229.

The longitude of η Pleiadum (Alcyone) on the 20th of October, 1804, was found by tables of its right ascension and declination, used in the original calculation, to be 57° 16′ 35″ 925 *dec.* and latitude 4° 1′ 59″ 809 *dec.* N. In a subsequent calculation by M. de la Lande's tables, hereafter stated in this report, the longitude of the same star, deduced from the *mean* right ascension and declination, corrected for aberration and nutation, was found to have been, at that time, 57° 16′ 37″ 44 *dec.* and its latitude 4° 2′ 1″ 16 *dec.* The times of immersion and emersion of the star were reduced from the place of observation to the Capitol; and the said original statement, as revised, using *two* instead of *three* decimal parts of a second, is as follows:

Occultation of η Pleiadum, (Alcyone,) observed on the night of the 20th of October, 1804, at a place north 75°, west one mile and seven-tenths (estimated) of the Capitol, in the city of Washington.

	deg.	*m.*	*s.*	*dec.*	
Latitude of the Capitol, *assumed*, - - - -	38	52	57	0	N.
Latitude of the Capitol, reduced, (334 to 333,) - - -	38	42	52	94	
Latitude of the Capitol, reduced, (230 to 229,) - - -	38	38	19	46	
Estimated longitude from Greenwich, - - - -	76	54	0	0	W.
Obliquity of the ecliptic, October 20, 1804, - - -	23	27	54	25	

	h.	*m.*	*s.*	*dec.*
Time, by watch, of the immersion, reduced to the Capitol, - - -	9	30	9	320
Watch too fast, (mean of the errors,) - - - - -	–	7	33	0
Apparent time of the immersion at the Capitol, - - - -	9	22	36	320
Sun's right ascension, in time, - - - - -	13	42	5	218
Right ascension of the meridian, from beginning of ♈ 346 10 23 07 = - -	23	4	41	538

	Without reduction of lat. or ☽'s hor. par.	Reduced, (334 to 333.)	Reduced, (230 to 229.)
	° ′ ″ dec.	° ′ ″ dec.	° ′ ″ dec.
Altitude of the nonagesimal,	49 27 59 33	49 36 39 56	49 40 35 52
Longitude of the nonagesimal from beginning of ♈,	5 59 20 97	5 52 37 58	5 49 38 04
Moon's *true* longitude, (Nautical Almanac,)	56 26 10 24	56 26 10 24	56 26 10 24
Moon's *true* distance from the nonagesimal, east,	50 26 49 27	50 33 32 66	50 36 32 20
Moon's horizontal parallax,	1 1 3 33	1 0 59 01	1 0 57 06
Moon's *apparent* distance from the nonagesimal, east,	51 3 1 20	51 9 50 18	51 12 52 23
Moon's parallax in longitude,	0 36 11 93	0 36 17 52	0 36 20 03
Moon's *apparent* longitude,	57 2 22 17	57 2 27 76	57 2 30 27
Moon's *true* latitude, north, (Nautical Almanac,)	4 30 25 40	4 30 25 40	4 30 25 40
Moon's parallax in latitude, (corrected,)	0 37 36 04	0 37 26 15	0 37 21 75
Moon's *apparent* latitude, north,	3 52 49 36	3 52 59 25	3 53 3 65
Moon's semidiameter, (corrected,)	0 16 44 90	0 16 44 89	0 16 44 88

	h. m. s. dec.
Time, by watch, of the emersion, reduced to the Capitol,	10 24 47 320
Watch too fast, (mean of the errors,)	— 7 33 0
Apparent time of emersion, reduced to the Capitol,	10 17 14 320
Sun's right ascension, in time,	13 42 13 826
Right ascension of the meridian from beginning of ♈ 359 52 2 19 =	23 59 28 146

	Without reduction of lat. or ☽'s hor. par.	Reduced, (334 to 333.)	Reduced, (230 to 229.)
	° ′ ″ dec	° ′ ″ dec.	° ′ ″ dec.
Altitude of the nonagesimal,	54 47 34 75	54 56 22 72	55 0 21 32
Longitude of the nonagesimal, from beginning of ♈,	17 41 28 82	17 35 29 94	17 32 46 80
Moon's *true* longitude, (Nautical Almanac,)	57 0 26 78	57 0 26 78	57 0 26 78
Moon's *true* distance from the nonagesimal, east,	39 18 57 96	39 24 56 84	39 27 39 98
Moon's horizontal parallax,	1 1 2 72	1 0 58 41	1 0 56 46
Moon's *apparent* distance from the nonagesimal, east,	39 51 1 47	39 57 5 61	39 59 51 13
Moon's parallax in longitude,	0 32 3 51	0 32 8 77	0 32 11 15
Moon's *apparent* longitude,	57 32 30 29	57 32 35 55	57 32 37 93
Moon's *true* latitude, north, (Nautical Almanac,)	4 29 6 14	4 29 6 14	4 29 6 14
Moon's parallax in latitude, (corrected,)	0 32 27 97	0 32 17 86	0 32 13 30
Moon's *apparent* latitude, north,	3 56 38 17	3 56 48 28	3 56 52 84
Moon's semidiameter, (corrected,)	0 16 47 26	0 16 47 25	0 16 47 24
	° ′ ″ dec.	° ′ ″ dec.	° ′ ″ dec.
Moon's motion in *apparent* longitude during the transit,	0 30 8 12	0 30 7 79	0 30 7 66
Ditto, reduced to a parallel to the ecliptic with the ☌,	0 30 3 64	0 30 3 31	0 30 3 18
Moon's motion in *apparent* latitude during the transit,	0 3 48 81	0 3 49 03	0 3 49 19
Angle of inclination of the ☽'s *apparent* orbit,	7 13 47 75	7 14 17 22	7 14 37 10
Chord of transit, or line of the ☽'s *apparent* path,	0 30 18 09	0 30 17 80	0 30 17 69
Segment of the base at the immersion,	0 15 7 74	0 15 7 60	0 15 7 54
Segment of the base at the emersion,	0 15 10 35	0 15 10 20	0 15 10 15
Angle of conjunction at the immersion,	25 24 10 30	25 25 12 98	25 25 37 26
Angle of conjunction at the emersion,	25 20 21 78	25 21 29 25	25 21 48 74
Central angle at the immersion,	32 37 58 05	32 39 30 20	32 40 14 36
Central angle at the emersion,	18 6 34 03	18 7 12 03	18 7 11 64
Difference of *apparent* longitude of ☽ and ☌ at the immersion,	0 14 8 29	0 14 8 12	0 14 7 99
Difference of *apparent* longitude of ☽ and ☌ at the emersion,	0 15 59 74	0 15 59 67	0 15 59 66

The apparent time of *true* conjunction of the ☽ and ☌ at Greenwich was — h. m. s. dec. 15 50 35 56

The *true* difference of longitude of ☽ and ☌, at the immersion, = par. in long. + diff. of *apparent* longitude, was — deg. m. s. dec. { 0 50 20 22 / 0 50 25 64 / 0 50 28 02 }

At a middle time between the corresponding time at Greenwich, when the immersion happened at Washington, and the time of *true* conjunction of ☽ and ☌ at Greenwich, the moon's hourly velocity in longitude was m. s. dec. 37 38 3328

As m. s. dec. 37 38 3328 to one hour, or 60 minutes, so { deg. m. s. dec. 0 50 20 22 / 0 50 25 64 / 0 50 28 02 } to { h. m. s. dec. 1 20 14 52 / 1 20 23 16 / 1 20 26 95 } the interval of time, which added, severally, to h. m. s. dec. 9 22 36 32, the apparent time of immersion, gives the respective times of *true* conjunction at Washington, h. m. s. dec. 10 42 50 84, 10 42 59 48, 10 43 3 27, found by the immersion.

The *true* difference of longitude of ☽ and ✳, at the emersion, = par. in long. — diff. of *apparent* longitude,

	deg.	m.	s.	dec.
was	0	16	3	77
	0	16	9	10
	0	16	11	49

At a middle time between the corresponding time at Greenwich, when the emersion happened at Washington, and the time of *true* conjunction at Greenwich, = h. 15 m. 37 s. 42 dec. 94, the moon's hourly velocity in longitude

	m.	s.	dec.
was	37	37	8663

As m. 37 s. 37 dec. 8663 to one hour, or 60 minutes, so

m.	s.	dec.
16	3	77
16	9	10
16	11	49

to

m.	s.	dec.
25	36	66
25	45	16
25	48	97

the interval of time, which added, severally, to h. 10 m. 17 s. 14 dec. 32, the apparent time of emersion, gives the times of true conjunction at Washington,

	h.	m.	s.	dec.	h.	m.	s.	dec.	h.	m.	s.	dec.
by the emersion,	10	42	50	98	10	42	59	48	10	43	3	29
By the immersion,	10	42	50	84	10	42	59	48	10	43	3	27
Mean result,	10	42	50	91	10	42	59	48	10	43	3	28
True conjunction at Greenwich,	15	50	35	56	15	50	35	56	15	50	35	56
Longitude, in time, west,	5	7	44	65	5	7	36	08	5	7	32	28

	deg.	m.	s.	dec.	deg.	m.	s.	dec.	deg.	m.	s.	dec.
Revised statement,	76	56	9	75	76	54	1	20	76	53	4	20
Original calculation,	76	56	11	70	76	54	4	12	76	53	6	93
Variance,	0	0	1	95	0	0	2	92	0	0	2	73

A degree of longitude in latitude deg. 38 m. 53 is = 46.7055 geographical miles or minutes, equal to 53.867 of our miles, or 94,806 yards; the above variance will therefore be,

	yds.	ft.	in.
Without reduction of latitude, or moon's horizontal parallax,	51	1	0
Reduced, (334 to 333,)	76	2	8
Reduced, (230 to 229,)	71	2	8

} less than the results contained in the original statement.*

To prove that the moon's hourly velocity in longitude, above stated, has been correctly found, the moon's motion in longitude, from the respective times at Greenwich, corresponding with the apparent times of immersion and emersion at Washington, to the time of *true* conjunction at Greenwich, when the moon's *true* longitude was equal to that of the star, will be ascertained as follows:

				h.	m.	s.	dec.
Time of *true* conjunction of moon and star at Greenwich,				15	50	35	56
Corresponding time at Greenwich, when the immersion happened at Washington,				14	30	12	32
Interval of time,				s. 4,823	dec. 24	= 1	20 23 24
As one hour	= s. 3600	log. arith. comp.					6.4436975
To ☽'s hourly velocity	= 2258	dec. 3328	log.				3.3537879
So interval of time	= 4823	24	log.				3.6833389

	deg.	m.	s.	dec.	s.	dec.		
Moon's motion in longitude during interval,	0	50	25	688	= 3025	688	-	log. 3.4808243

	h.	m.	s.	dec.		
Moon's longitude at	14	30	12	32	56 26 10 24	
Moon's longitude at *true* conjunction,					57 16 35 928	

				h.	m.	s.	dec.
Time of *true* conjunction at Greenwich,				15	50	35	56
Corresponding time at Greenwich, when the emersion happened at Washington,				15	24	50	32
Interval of time,				s. 1545	dec. 24	= 0	25 45 24
As one hour	= s. 3600	dec.	log. arith. comp.				6.4436975
To ☽'s hourly velocity	= 2257	8663	log.				3.3536982
So interval of time	= 1545	24	log.				3.1889959

	deg.	m.	s.	dec.	s.	dec.		
Moon's motion in longitude during interval,	0	16	9	151	= 969	151	-	log. 2.9863916

	h.	m.	s.	dec.		
Moon's longitude at	15	24	50	32	57 0 26 78	
Moon's longitude at *true* conjunction,					57 16 35 931	

* The differences in these results, small as they appear to be, arise, in some measure, from the moon's hourly velocity in longitude not being the same in the revised statement as in the original calculation.

deg. m. s. dec.
The star's longitude being 57 16 35 925, the variance does not amount to $\frac{1}{100}$ part of a second, by the immersion or emersion.

By the foregoing process of calculation, the difference arising from the figure of the earth being considered either as a *perfect sphere*, or an *oblate spheroid*, may be found according to any assumed ratio of the equatorial diameter to its polar axis, and will be useful to determine the reduction in the distance from the city of Washington to Greenwich, or any other known meridian in Europe, from the results founded upon transit observations, or such other approved methods to ascertain the longitude as shall require that reduction to be applied.

On the 28th of March, 1810, a select committee of the House of Representatives of the United States, of which Mr. Pitkin, of Connecticut, was chairman, made a report on the memorial and papers herein alluded to, in the words following:

"The committee to whom was referred the memorial and representation of William Lambert, report:

"That the memorialist states that, for the purpose of laying a foundation for the establishment of a first meridian for the United States of America, at the seat of Government, he has made calculations to determine the longitude of the Capitol, in the city of Washington, from Greenwich observatory, in England; and that he submits the same, together with the data and elements on which his calculations are made, to the consideration and patronage of the National Legislature.

"The committee have deemed the subject worthy the attention of Congress, and would, therefore, beg leave to observe, that the necessity of the establishment of a first meridian, or a meridian which should pass through some particular place on the globe, from which geographers and navigators could compute their longitude, is too obvious to need elucidation.

"The ancient Greek geographers placed their first meridian to pass through one of the islands which by them were called the Fortunate Islands, since called the Canaries. Those islands were situated as far west as any lands that had then been discovered, or were known by ancient navigators, in that part of the world.

"They reckoned their longitude east from Hera, or Junonia, supposed to be the present island of Teneriffe.

"The Arabians, it is said, fixed their first meridian at the most westerly part of the continent of Africa. In the fifteenth and sixteenth centuries, when Europe was emerging from the dark ages, and a spirit of enterprise and discovery had arisen in the south of Europe, and various plans were formed, and attempts made, to find a new route to the East Indies, geographers and navigators continued to calculate longitude from Ferro, one of the same islands, though some of them extended their first meridian as far west as the Azores, or Western Islands.

"In more modern times, however, most of the European nations, and particularly England and France, have established a first meridian to pass through the capital, or some place in their respective countries, and to which they have lately adapted their maps, charts, and astronomical tables.

"It would, perhaps, have been fortunate for the science of geography and navigation if all nations had agreed upon a first meridian, from which all geographers and navigators might have calculated longitude; but as this has not been done, and, in all probability, never will take place, the committee are of opinion that, situated as we are in this western hemisphere, more than three thousand miles from any fixed or known meridian, it would be proper, in a national point of view, to establish a first meridian for ourselves; and that measures should be taken for the eventual establishment of such a meridian in the United States.

"In examining the maps and charts of the United States, and the particular States, or their seacoasts, which have been published in this country, the committee find that the publishers have assumed different places in the United States as first meridians.

"This creates confusion, and renders it difficult, without considerable calculation, to ascertain the relative situation of places in this country. This difficulty is increased by the circumstance that in Louisiana, our newly acquired territory, longitude has heretofore been reckoned from Paris, the capital of the French empire.

"The exact longitude of any place in the United States being ascertained from the meridian of the observatory at Greenwich, in England, a meridian with which we have been conversant, it would not be difficult to adapt all our maps, charts, and astronomical tables to the meridian of such a place; and no place, perhaps, is more proper than the seat of Government.

"It appears, by the papers submitted to the consideration of the committee, that Mr. Lambert has calculated the longitude of the Capitol, in the city of Washington, from the royal observatory at Greenwich, by one of the most approved methods now in use for that purpose, viz: an occultation of a known fixed star by the moon.

"His calculations are founded on an occultation of η Pleiadum *(Alcyone,)* one of the seven stars, on the night of the 20th of October, 1804. By these calculations, it appears that the longitude of the Capitol, in the city of Washington, as reduced according to the true figure of the earth, (being that of an oblate spheroid,) is *76° 53′ 6″ 920*dec.* The committee would observe that Mr. Lambert appears to be well acquainted with astronomical calculations; and that, so far as the committee have had time to examine them, they appear to be correct. In a question, however, of so much nicety, the correct decision of which depends so much on the accuracy of the observations made, and the goodness of the instruments used, and when the smallest error in the data will necessarily produce an erroneous result, full reliance ought not to be placed on calculations made from a single observation.

"Indeed, in order to be certain of a correct result, it may be proper that more than one of the various methods of ascertaining longitude should be used; that calculations should be made from observations of the eclipses of Jupiter's satellites, of solar eclipses, of the angular distances between the sun and moon, or of the moon and a fixed star, and other methods, as well as from observations on occultations of fixed stars.

"The committee are therefore of opinion that, in order to lay a foundation for the establishment of a first meridian in this western hemisphere, the President of the United States should be authorized to cause the longitude of the city of Washington from the observatory at Greenwich, in England, to be ascertained with the greatest possible degree of accuracy; and that he also be authorized, for that purpose, to procure the necessary instruments.

"They therefore beg leave to submit to the consideration of the House the following resolution:

"*Resolved*, That it is expedient to make provision, by law, authorizing the President of the United States to cause the longitude of the city of Washington from the observatory at Greenwich, in England, to be ascertained with the greatest possible degree of accuracy; and also authorizing him, for that purpose, to procure the necessary astronomical instruments."

This report was read, and, with the papers accompanying it, laid on the table, and ordered to be printed for the use of the members of both Houses of Congress. No further proceeding appears to have been had thereon during the remainder of that session; and there is no evidence, from the records of that branch of the National

* The committee appear to have given a preference to the ratio of 230 to 229, by taking the result found according to that ratio, with a deviation of 1-100 part of a second, supposed to have been a typographical mistake.

Legislature to which the report was submitted, to show that it was, at any time thereafter, taken up for consideration or decision, otherwise than by reference of it to another select committee, on the 2d February, 1815.

On the 23d of January, 1811, the memorial and papers herein alluded to were referred again to a select committee of the House of Representatives, of which Mr. McKee, of Kentucky, was chairman, who were, on the 23d of February, in the same year, discharged from further consideration, and the said memorial and papers referred to the then Secretary of State. His report thereon was transmitted to the House on the 3d of July, 1812, which, together with a letter accompanying it, was read, and ordered to lie on the table. [See No. 328, p. 194.]

On the 8th of December, 1812, the foregoing letter and report were referred to a select committee of the House of Representatives, of which Dr. Samuel L. Mitchill, of New York, was chairman, who, on the 20th of January, 1813, made a report thereon. [See No. 332, page 197.]

The foregoing report was read, and ordered to be referred to a Committee of the Whole House on the Friday next ensuing. No further proceeding was had therein during the remainder of that session.

From the 25th of March, 1813, to the 4th of December, 1814, the undersigned was absent from the city of Washington on public business of the United States; and, during this interval, no measure was taken by himself, nor, probably, by any other person, to bring this subject again to the view of the National Legislature.

On the 2d of February, 1815, the memorial originally presented, with the several reports of committees and of the Secretary of State thereon, was referred to a select committee of the House of Representatives, of which Mr. Hugh Nelson, of Virginia, was chairman, who, on the 18th of the same month, delivered in their report. [See No. 386, page 273.]

The resolution submitted by the committee having been amended by striking out therefrom the words "*by competent persons residing*," it was, as so amended, agreed to on the same day by the House of Representatives; but, not being in the form of a concurrent resolution of the two Houses of Congress, it was not ordered to be engrossed and sent to the Senate in the manner usually adopted in cases of such resolutions. It was considered only as the act of one branch of the National Legislature, and the executive authority could not, with propriety, take any efficient measures in consequence of the agreement to the resolution by the House of Representatives *alone*.

On the 23d of November, 1818, another memorial from the undersigned was presented in the House of Representatives by Mr. Hugh Nelson, one of the members for Virginia, in the words following, to wit:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled: The memorial of William Lambert respectfully showeth:

That the abstracts of astronomical calculations to ascertain the longitude of the Capitol, in the city of Washington, from Greenwich observatory, in England, herewith submitted to the consideration of Congress, are founded upon the most accurate data that could be had at the respective times when the observations were made, and have been admitted by the American Philosophical Society of Philadelphia into the last volume of their Transactions. The work is intended as a foundation for the establishment of a first meridian for the United States at the seat of their Government, according to the original plan of the city.

It is not contemplated, nor asked by the memorialist, that an observatory be erected and furnished with suitable instruments at the present time; but he respectfully solicits the adoption of a concurrent resolution of the two Houses of Congress, authorizing additional observations to be made, to test the accuracy of the result already obtained, by such methods as may be best adapted to insure a correct determination of our longitude from Greenwich, which, it is presumed, may be completed by scientific persons resident in this place, with little or no expense to the public. It is left to the wisdom of Congress to decide whether the object is in itself of sufficient national importance to engage their attention.

Two hundred printed copies of the abstracts of calculations alluded to are now laid before the House of Representatives, to enable the members to examine them fully, and to act on the prayer of this memorial in such manner as in their judgment may be deemed expedient and proper.

WILLIAM LAMBERT.

CITY OF WASHINGTON, *November* 19, 1818.

A similar memorial was presented to the Senate of the United States, accompanied with fifty printed copies of the abstracts of calculations.

It appears, also, from an entry on the Journal of the House of Representatives of the 11th of January, 1819, that a letter from the undersigned, addressed to the Speaker of that House, was then received, accompanied with two hundred additional copies of the abstracts of calculations alluded to in the memorial presented on the 23d of November, 1818. A similar letter was likewise addressed to the President of the Senate, accompanied with fifty copies.

The memorial last mentioned was, on the day in which it was read, ordered to be referred to a select committee of the House of Representatives, of which Mr. Hugh Nelson, of Virginia, was chairman, who, on the 24th of February, 1819, [see No. 468, page 546,] reported a resolution in the form of a concurrent resolution of the two Houses, which was ordered to be engrossed for a third reading on the ensuing day. It passed the House of Representatives on the 25th of February, and was sent to the Senate for their concurrence, who, on the 3d of March, 1819, postponed the further consideration thereof until *to-morrow*.

On the 20th of January, 1820, the said memorial was referred to the Committee on the Judiciary, one of the standing committees of the House of Representatives, of which Mr. Sergeant, of Pennsylvania, was then chairman, who, on the 31st of the same month, reported a resolution in the form of a concurrent resolution of the two Houses, which was referred to a Committee of the Whole House on the day next ensuing. No further proceeding appears to have been had therein during the remainder of that session of Congress.

On the 29th of November, 1820, the House of Representatives resolved itself into a Committee of the Whole House on the resolution reported from the Committee on the Judiciary at the preceding session, and, after consideration, reported it to the House without amendment: it was then ordered to be engrossed for a third reading. On the 30th of November it passed the House of Representatives, and was sent to the Senate for concurrence, who, on the 2d of March, 1821, agreed thereto, and, on the 3d of the same month, the resolution was approved and signed by the President of the United States.

It has been previously mentioned that abstracts of calculations relating to the longitude of the Capitol, in Washington, from Greenwich observatory, had been undertaken and prepared by the undersigned. Some time in the year 1815 he revised the original statement by another method of computation, assuming the ratio of 320 to 319 of the equatorial diameter to the polar axis of the earth; and having afterwards obtained observations founded on an occultation which happened in January, 1793, the result was calculated, and prefixed to those arising from an annular solar eclipse in September, 1811, and from an occultation in January, 1813; the data connected with which had been furnished him by the respective observers. These abstracts of calculations were printed in the

month of September, 1817, at the expense of their author: about six hundred and seventy copies of which (including five hundred transmitted to the two Houses of Congress) have been distributed in various sections of the United States and in Europe, that the results, with the data and process on which they were ascertained, might be *impartially* scrutinized by scientific persons competent to the task; and that, if any material errors should be discovered therein, they might be pointed out for correction. Although it will not be contended that data obtained with common instruments, inferior in their construction to those which may at this time be resorted to, could have been in every case *strictly correct*, the results contained in these abstracts of calculations furnish the best criterion within our reach by which those connected with subsequent observations that may be taken for the same purpose can be compared and tested. They are, therefore, with propriety, introduced as a part of this report, in the words, figures, and symbolic signs, or characters, following, to wit:

JANUARY 21, 1793.

Occultation of α ♉, (Aldebaran,) observed by Andrew Ellicott, Esq., supposed to have been at the Capitol, in the city of Washington.

	deg.	m.	sec.	dec.	
Latitude of the place of observation, stated at - - - -	38	52	40	0	N.
Latitude of the place of observation, reduced, (320 to 319,) - - -	38	42	9	51	
Longitude assumed for the calculation, - - - -	76	46	0	0	W.

	h.	m.	sec.	dec.	
Immersion at - -	7	55	49	50	P. M. Apparent time.
Emersion at - -	9	25	21	50	

By De la Lande's Tables.

	deg.	m.	s.	dec.		deg.	m.	s.	dec.
Star's *mean* right ascension, -	66	0	57	64	Star's *mean* declination, N. -	16	4	47	47
Star's *mean* nutation, - -	— 0	2	87		Star's nutation, - -	— 0	9	10	
Star's *mean* aberration, - -	+ 0	11	84		Star's aberration, - -	+ 0	0	27	
Star's *mean* right ascension, -	66	1	6	61	Star's declination, N. -	16	4	38	64

	deg.	m.	sec.	dec.
Obliquity of the ecliptic, January 21, 1793, - - - -	23	27	48	32
Star's longitude, by computation, - - - - -	66	53	59	50
Star's latitude, south, by computation, - - - - -	5	28	54	0

Moon's longitude at Greenwich. (Naut. Alm.)

1793.	○ ′ ″	○ ′ ″	′ ″	″	″
January 20, midn.	53 46 59 A	+ 6 12 35 *a*1			
21, noon,	59 59 34 B	+ 6 9 21 *b*1	— 3 14 *a*2		
midn.	66 8 55 C	+ 6 6 31 *c*1	— 2 50 *b*2	+ 24 *a*3	0 *a*4
22, noon,	72 15 26 D	+ 6 4 5 *d*1	— 2 26 *c*2	+ 24 *b*3	
midn.	78 19 31 E				

Moon's latitude, south. (Naut. Alm.)

1793.	○ ′ ″	○ ′	′ ″	′ ″	″
January 20, midn.	4 46 3 A	+ 10 56 *a*1			
21, noon,	4 56 59 B	+ 7 25 *b*1	— 3 31 *a*2		
midn.	5 4 24 C	+ 3 52 *c*1	— 3 33 *b*2	+ 0 2 *a*3	+ 5 *a*4
22, noon,	5 8 16 D	+ 0 22 *d*1	— 3 30 *c*2	— 0 3 *b*3	
midn.	5 8 38 E				

By the immersion.

	h.	m.	sec.	dec.		deg.	m.	sec.	dec.
Apparent time of the immersion, - -	7	55	49	50	=	118	57	22	50
Estimated longitude, west, - - -	5	7	4	0					
Corresponding time at Greenwich, - -	13	2	53	50	Sun's right ascension,	304	52	19	03

	deg.	m.	sec.	dec.	
Right ascension of the meridian, from the beginning of ♈, - - -	63	49	41	53	
Right ascension of the meridian, from the beginning of ♉, - - -	153	49	41	53	
Altitude of the nonagesimal, - - - -	72	51	36	14	
Longitude of the nonagesimal, from the beginning of ♈, - - -	68	53	14	05	
Moon's *true* longitude, (Naut. Alm.) - - - -	66	41	2	33	
Moon's *true* latitude south, do., - - - -	5	4	52	75	
Moon's *true* distance from the nonagesimal, (west,) - - -	2	12	11	72	
Moon's equatorial horizontal parallax, - - - -	0	55	7	78	
Moon's horizontal parallax, reduced, (320 to 319,) - - -	0	55	3	71	
Moon's parallax in longitude, - - - -	0	2	3	74	
Moon's *apparent* distance from the nonagesimal, (west,) - - -	2	14	15	46	
Moon's parallax in latitude, - - - -	0	21	7	91	
Moon's *apparent* latitude, south, - - - -	5	26	0	66	
Moon's augmented semidiameter arising from apparent altitude, - - -	0	15	15	26	
Moon's inflection of light, - - - - -	— 0	0	2	98	
Moon's semidiameter, corrected, - - - -	0	15	12	28	
Difference of *apparent* latitude, star south of moon's centre, - - -	0	2	53	34	

	sec. dec.		
Moon's semidiameter, corrected,	912 28		
Difference of *apparent* latitude of moon and star,	173 34		
Sum,	1085 62	log.	3.0356778
Difference,	738 94	log.	2.8686092
			2)5.9042870
			2.9521435
Arith. comp. co-sine moon's *apparent* latitude,			0.0019558
	m. sec. dec. *sec. dec.*		
Difference of moon and star's *apparent* longitude,	14 59 70 = 899 70	log.	2.9540993

	deg. m. sec. dec.	
Star's longitude,	66 53 59 50	
Parallax in longitude,	+ 0 2 3 74	
Difference of moon and star's *apparent* longitude,	— 0 14 59 70	
True longitude of moon's centre, by calculation,	66 41 3 54	
	h. m. sec. dec.	
Apparent time at Greenwich, when the moon had that longitude,	13 2 55 86	
Apparent time of the immersion at Washington,	7 55 49 50	
Longitude, in time, found by the immersion,	5 7 6 36	
	deg. m. sec. dec.	
Equal to	76 46 35 40	

By the emersion.

	h. m. s. dec.		*deg. m. s. dec.*
Apparent time of the emersion,	9 25 21 50	=	141 20 22 50
Estimated longitude, west,	5 7 4 0		
Corresponding time at Greenwich,	14 32 25 50	Sun's right ascension,	304 56 14 29

Right ascension of the meridian, from the beginning of ♈,	86 16 36 79
Right ascension of the meridian, from the beginning of ♑,	176 16 36 79
Altitude of the nonagesimal,	74 43 18 57
Longitude of the nonagesimal, from the beginning of ♈,	86 59 19 53
Moon's *true* longitude, (Naut. Alm.)	67 26 43 90
Moon's *true* latitude, south, (Naut. Alm.)	5 5 30 86
Moon's *true* distance from the nonagesimal, (west,)	19 32 35 63
Moon's equatorial horizontal parallax,	0 55 6 04
Moon's horizontal parallax, reduced, (320 to 319,)	0 55 1 97
Moon's parallax in longitude,	0 18 5 56
Moon's *apparent* distance from the nonagesimal, (west,)	19 50 41 19
Moon's parallax in latitude,	0 19 8 96
Moon's *apparent* latitude, south,	5 24 39 82
Moon's augmented semidiameter, arising from apparent altitude,	0 15 14 09
Moon's inflection of light,	— 0 0 2 98
Moon's semidiameter, corrected,	0 15 11 11
Difference of *apparent* latitude, star south of moon's centre,	0 4 14 18

	sec. dec.		
Moon's semidiameter, corrected,	911 11		
Difference of *apparent* latitude of moon and star,	254 18		
Sum,	1165 29	log.	3.0664340
Difference,	656 93	log.	2.8175191
			2)5.8839531
			2.94197655
Arith. comp. co-sine moon's *apparent* latitude,			0.00194066
	m. sec. dec. *sec. dec.*		
Difference of moon and star's *apparent* longitude,	14 38 85 = 878 85	log.	2.94391721

	deg. m. sec. dec.
Star's longitude,	66 53 59 50
Parallax in longitude,	+ 0 18 5 56
Difference of moon and star's *apparent* longitude,	+ 0 14 38 85
True longitude of moon's centre, by calculation,	67 26 43 91

	h.	m.	sec.	dec.
Apparent time at Greenwich, when the moon had that longitude,	14	32	25	52
Apparent time of emersion at Washington,	— 9	25	21	50
Longitude, in time, found by the emersion,	5	7	4	02
	deg.	m.	sec.	dec.
Equal to,	76	46	0	30
By the immersion,	76	46	35	40
Mean result.—Longitude of the Capitol, by occultation of January 21, 1793,	76	46	17	85

October 20, 1804.

Occultation of η Pleiadum, (Alcyone,) by the moon, observed by Messrs. Abraham Bradley and Seth Pease, north 75°, west one mile and seven-tenths (estimated) from the Capitol. Difference of longitude —1′ 49″ 75dec.

	deg.	m.	sec.	dec.
Latitude of the place, (estimated,)	38	53	30	00
Latitude of the place, reduced, (320 to 319,)	38	42	59	44
Longitude assumed for the calculation,	76	56	51	00
	h.	m.	sec.	dec.
Time of immersion, by watch,	9	30	2	0
Watch too fast,	— 0	7	32	8
Apparent time of the immersion,	9	22	29	2
Time, by watch, of the emersion,	10	24	40	0
Watch too fast,	— 0	7	32	8
Apparent time of the emersion,	10	17	7	2

By De la Lande's tables.

	deg.	m.	sec.	dec.		deg.	m.	sec.	dec.
Star's *mean* right ascension,	53	58	33	80	Star's *mean* declination, N.	23	29	35	20
Star's *mean* nutation,	+ 0	0	14	96	Star's nutation,	+ 0	0	8	10
Star's *mean* aberration,	+ 0	0	18	77	Star's aberration,	+ 0	0	3	48
Star's right ascension,	53	59	7	53	Star's declination, N.	23	29	46	78

	deg.	m.	sec.	dec.
Obliquity of the ecliptic, October 20, 1804,	23	27	54	25
Star's longitude, by computation,	57	16	37	44
Star's latitude, north, by computation,	4	2	1	16

Moon's longitude at Greenwich. (Naut. Alm.)

1804.	° ′ ″	° ′ ″	′ ″	′ ″	″
October 19, midn.	39 44 37 A				
20, noon,	47 18 43 B	+ 7 34 6 *a*1	— 0 57 *a*2	— 1 11 *a*3	
midn.	54 51 52 C	+ 7 33 9 *b*1	— 2 8 *b*2	— 1 5 *b*3	+ 6 *a*4
21, noon,	62 22 53 D	+ 7 31 1 *c*1	— 3 13 *c*2		
midn.	69 50 41 E	+ 7 27 48 *d*1			

Moon's latitude, north.

1804.	° ′ ″	′ ″	′ ″	′ ″	″
October 19, midn.	4 56 34 A				
20, noon,	4 47 45 B	— 8 49 *a*1	— 5 1 *a*2	+ 0 18 *a*3	
midn.	4 33 55 C	— 13 50 *b*1	— 4 43 *b*2	+ 0 27 *b*3	+ 9 *a*4
21, noon,	4 15 22 D	— 18 33 *c*1	— 4 16 *c*2		
midn.	3 52 33 E	— 22 49 *d*1			

By the immersion.

	h.	m.	sec.	dec.		deg.	m.	sec.	dec.
Apparent time of immersion,	9	22	29	2	=	140	37	18	00
Estimated longitude, west,	5	7	47	4					
Corresponding time at Greenwich,	14	30	16	6	Sun's right ascension,	205	31	17	37
Right ascension of the meridian, from the beginning of ♈,						346	8	35	37
Right ascension of the meridian, from the beginning of ♑,						76	8	35	37
Altitude of the nonagesimal,						49	35	51	28
Longitude of the nonagesimal, from the beginning of ♈,						5	51	6	63
Moon's *true* longitude, (Nautical Almanac,)						56	26	12	93
Moon's *true* latitude, north, (Nautical Almanac,)						4	30	25	30
Moon's *true* distance from the nonagesimal, east,						50	35	6	30

	deg.	m.	sec.	dec.
Moon's equatorial horizontal parallax,	1	1	3	33
Moon's horizontal parallax, reduced, (320 to 319,)	1	0	58	82
Moon's parallax in longitude,	0	36	17	78
Moon's *apparent* distance from the nonagesimal, east,	51	11	24	08
Moon's parallax in latitude,	0	37	26	94
Moon's *apparent* latitude, north,	3	52	58	36
Moon's augmented semidiameter, arising from apparent altitude,	0	16	47	78
Moon's inflection of light,	— 0	0	2	98
Moon's semidiameter, corrected,	0	16	44	80
Difference of *apparent* latitude, star north of moon's centre,	0	9	2	80

	"	dec.		
Moon's semidiameter, corrected,	1004	80		
Difference of *apparent* latitude of moon and star,	542	80		
Sum,	1547	60	log.	3.1896587
Difference,	462	00	log.	2.6646420
				2)5.8543007
				2.92715035
Arith. comp. co-sine moon's *apparent* latitude,				0.00099815

	′	"	dec.	"	dec.		
Difference of moon and star's *apparent* longitude,	14	7	57	= 847	57	log.	2.92814850

	deg.	m.	sec.	dec.
Star's longitude,	57	16	37	44
Parallax in longitude,	— 0	36	17	78
Difference of moon and star's *apparent* longitude,	— 0	14	7	57
True longitude of moon's centre, by calculation,	56	26	12	09

	h.	m.	sec.	dec.
Apparent time at Greenwich, when the moon had that longitude,	14	30	15	26
Apparent time of immersion at Washington,	9	22	29	20
Longitude, in time, found by the immersion,	5	7	46	06
Equal to	deg.	m.	sec.	dec.
	76	56	30	90

By the emersion.

	h.	m.	sec.	dec.		deg.	m.	sec.	dec.
Apparent time of the emersion,	10	17	7	2	=	154	16	48	00
Estimated longitude, west,	5	7	47	4					
Corresponding time at Greenwich,	15	24	54	6	Sun's right ascension,	205	33	26	53

	deg.	m.	sec.	dec.
Right ascension of the meridian, from the beginning of ♈,	359	50	14	53
Right ascension of the meridian, from the beginning of ♑,	89	50	14	53
Altitude of the nonagesimal,	54	55	35	78
Longitude of the nonagesimal, from the beginning of ♈,	17	34	3	38
Moon's *true* longitude, (Naut. Alm.)	57	0	29	46
Moon's *true* latitude, north, (Naut. Alm.)	4	29	6	04
Moon's *true* distance from the nonagesimal, east,	39	26	26	08
Moon's equatorial horizontal parallax,	1	1	2	72
Moon's horizontal parallax, reduced, (320 to 319,)	1	0	58	21
Moon's parallax in longitude,	0	32	9	36
Moon's *apparent* distance from the nonagesimal, east,	39	58	35	44
Moon's parallax in latitude,	0	32	18	54
Moon's *apparent* latitude, north,	3	56	47	50
Moon's augmented semidiameter, arising from apparent altitude,	0	16	50	15
Moon's inflection of light,	— 0	0	2	98
Moon's semidiameter, corrected,	0	16	47	17
Difference of *apparent* latitude, star north of moon's centre,	0	5	13	66

	sec.	dec.		
Moon's semidiameter, corrected,	1007	17		
Difference of *apparent* latitude of moon and star,	313	66		
Sum,	1320	83	log.	3.1208469
Difference,	693	51	log.	2.8410527
				2)5.9618996
				2.9809498
Arith. comp. co-sine moon's *apparent* latitude,				0.0010311

	m.	sec.	dec.		sec.	dec.		
Difference of moon and star's *apparent* longitude,	15	59	36	=	959	36	log.	2.9819809

	deg.	m.	sec.	dec.
Star's longitude,	57	16	37	44
Parallax in longitude,	— 0	32	9	36
Difference of moon and star's *apparent* longitude,	+ 0	15	59	36
True longitude of moon's centre, by calculation,	57	0	27	44

	h.	m.	sec.	dec.
Apparent time at Greenwich, when the moon had that longitude,	15	24	51	37
Apparent time of emersion at Washington,	10	17	7	20
Longitude, in time, of the place of observation, by the emersion,	5	7	44	17

	deg.	m.	sec.	dec.
Equal to	76	56	2	55
By the immersion,	76	56	30	90
Mean result.—Longitude of the place of observation,	76	56	16	72
Difference of longitude to the Capitol,	— 0	1	49	75
Longitude of the Capitol, by occultation of October 20, 1804,	76	54	26	97

SEPTEMBER 17, 1811.

Annular eclipse of the sun, observed by Seth Pease, Esq., and others, north 71°, west one mile and three-eighths from the Capitol. Difference of longitude —1′ 26″ 89dec.

	deg.	m.	sec.	dec.
Latitude of the place, (estimated,)	38	53	25	00 N.
Latitude of the place, reduced, (320 to 319,)	38	42	54	43
Longitude assumed for calculation of the external contacts,	77	0	0	0

	h.	m.	sec.		
Beginning of the eclipse,	at 0	22	9	P. M.	Apparent time.
Annulus formed,	at 2	2	6	P. M.	Apparent time.
Annulus broken,	at 2	6	53	P. M.	Apparent time.
End of the eclipse,	at 3	36	53	P. M.	Apparent time.

	deg.	m.	sec.	dec.
Obliquity of the ecliptic, September, 17, 1811,	23	27	42	70

Moon's longitude at Greenwich. (Naut. Alm.)

1811.	° ′ ″	° ′ ″	′ ″	′ ″	″
September 16, noon,	158 44 5 A	+ 5 53 27 *a*1			
midn.	164 37 32 B	+ 5 53 49 *b*1	+ 0 22 *a*2	+ 0 17 *a*3	— 1 *a*4
17, noon,	170 31 21 C	+ 5 54 28 *c*1	+ 0 39 *b*2	+ 0 16 *b*3	
midn.	176 25 49 D	+ 5 55 23 *d*1	+ 0 55 *c*2		
18, noon,	182 21 12 E				

Moon's distance from the north pole of the ecliptic.

1811.	° ′ ″	′ ″	′ ″	′ ″	″
September 16, noon,	90 47 30 A	— 32 36 *a*1			
midn.	90 14 54 B	— 32 47 *b*1	— 0 11 *a*2	+ 0 19 *a*3	+ 1 *a*4
17, noon,	89 42 7 C	— 32 39 *c*1	+ 0 8 *b*2	+ 0 20 *b*3	
midn.	89 9 28 D	— 32 11 *d*1	+ 0 28 *c*2		
18, noon,	88 37 17 E				

Difference of Sun and Moon's longitude.

1811.	° ′ ″	° ′ ″	′ ″	′ ″	″
September 16, noon,	346 3 0 A	+ 5 24 9 *a*1			
midn.	351 27 9 B	+ 5 24 31 *b*1	+ 0 22 *a*2	+ 0 16 *a*3	+ 1 *a*4
17, noon,	356 51 40 C	+ 5 25 9 *c*1	+ 0 38 *b*2	+ 0 17 *b*3	
midn.	2 16 49 D	+ 5 26 4 *d*1	+ 0 55 *c*2		
18, noon,	7 42 53 E				

BY THE EXTERNAL CONTACTS.

First external contact.

	h.	m.	sec.		deg.	m.	sec.	dec.
Apparent time of beginning of the eclipse,	0	22	9		= 5	32	15	00
Estimated longitude, west,	5	8	0					
Corresponding time at Greenwich,	5	30	9	Sun's right ascension,	174	23	15	12
Right ascension of the meridian, from the beginning of ♈,					179	55	30	12
Right ascension of the meridian, from the beginning of ♑,					90	4	29	88
Sun's longitude,					173	53	7	47
Sun's horizontal parallax,					0	0	8	70
Sun's semidiameter,					0	15	57	23
Sun's irradiation of light,					— 0	0	1	62

	deg.	m.	s.	dec.
Altitude of the nonagesimal,	55	1	1	16
Longitude of the nonagesimal, from the beginning of ♈,	162	14	15	20
Moon's *true* longitude,	173	13	47	43
Moon's *true* latitude, north, ascending,	0	32	53	39
Moon's *true* distance from the nonagesimal, east,	10	59	32	14
Moon's horizontal parallax, reduced, (320 to 319,)	0	54	5	38
Moon's horizontal parallax from sun,	0	53	56	68
Moon's parallax in longitude,	0	8	32	13
Moon's *apparent* longitude,	173	22	19	56
Moon's *apparent* distance from the nonagesimal, east,	11	8	4	27
Moon's parallax in latitude,	0	30	54	16
Moon's *apparent* latitude, north,	0	1	59	23
Moon's augmented semidiameter, arising from apparent altitude,	0	14	56	84
Moon's inflection of light,	— 0	0	2	98
Moon's semidiameter, corrected,	0	14	53	86

	sec.	dec.
Sun's semidiameter,	957	23
Sun's irradiation of light,	— 1	62
Sun's semidiameter, corrected,	955	61
Moon's semidiameter, corrected,	893	86
Sum of semidiameters,	1849	47
Moon's *apparent* latitude,	119	23
Sum,	1968	70
Difference,	1730	24

Sum,	log.	3.2941795
Difference,	log.	3.2381063
		2)6.5322858
		3.2661429
Arith. comp. co-sine moon's *apparent* latitude,		0.0000001

	m.	sec.	dec.	= sec.	dec.		
Difference of sun and moon's *apparent* longitude,	30	45	62	= 1845	62	log.	3.2661430

	°	′	″	dec.
Sun's longitude at beginning of the eclipse,	173	53	7	47
Parallax in longitude,	— 0	8	32	13
Difference of sun and moon's *apparent* longitude,	— 0	30	45	62
True longitude of moon's centre, by calculation,	173	13	49	72

	h.	m.	s.	dec.
Apparent time at Greenwich, when the moon had that longitude,	5	30	13	35
Apparent time of beginning of the eclipse at Washington,	— 0	22	9	0
Longitude, in time, by first external contact,	5	8	4	35

	°	′	″	dec.
Equal to	77	1	5	25

Second external contact.

	h.	m.	sec.		°	′	″	dec.
Apparent time of the end of the eclipse,	3	36	53	=	54	13	15	00
Estimated longitude, west,	5	8	0					
Corresponding time at Greenwich,	8	44	53	Sun's right ascension,	174	30	32	25

Right ascension of the meridian, from the beginning of ♈,	228	43	47	25
Right ascension of the meridian, from the beginning of ♑,	41	16	12	75
Sun's longitude,	174	1	3	24
Sun's semidiameter,	0	15	57	26
Sun's horizontal parallax,	0	0	8	70
Sun's irradiation of light,	— 0	0	1	62
Altitude of the nonagesimal,	36	10	25	85
Longitude of the nonagesimal, from the beginning of ♈,	209	18	40	65
Moon's *true* longitude,	174	49	40	69
Moon's *true* latitude, north, ascending,	0	41	43	03
Moon's *true* distance from the nonagesimal, west,	34	28	59	76
Moon's horizontal parallax, reduced, (320 to 319,)	0	54	6	19
Moon's horizontal parallax from sun,	0	53	57	49
Moon's parallax in longitude,	0	18	10	25
Moon's *apparent* distance from the nonagesimal, west,	34	47	10	01
Moon's *apparent* longitude,	174	31	30	44
Moon's parallax in latitude,	0	43	34	22
Moon's apparent latitude, south,	0	1	51	19
Moon's augmented semidiameter, arising from apparent altitude,	0	14	52	62
Moon's inflection of light,	— 0	0	2	98
Moon's semidiameter, corrected,	0	14	49	64

	" *dec.*		
Sun's semidiameter,	957 26		
Sun's irradiation of light,	— 1 62		
Sun's semidiameter, corrected,	955 64		
Moon's semidiameter corrected,	889 64		
Sum of semidiameters,	1845 28		
Moon's *apparent* latitude,	111 19		
Sum,	1956 47	log.	3.2914710
Difference,	1734 09	log.	3.2390716
			2)6.5305426
			3.2652713
Arith. comp. co-sine moon's *apparent* latitude,			0.0000001
Difference of sun and moon's *apparent* longitude,	′ " *dec.* " *dec.* 30 41 92 = 1841 92	log.	3.2652714

	deg.	*min.*	*sec.*	*dec.*
Sun's longitude at the end of the eclipse,	174	1	3	24
Parallax in longitude,	+ 0	18	10	25
Difference of sun and moon's *apparent* longitude,	+ 0	30	41	92
True longitude of moon's centre, by calculation,	174	49	55	41

	hrs.	*min.*	*sec.*	*dec.*
Apparent time at Greenwich, when the moon had that longitude,	8	45	22	89
Apparent time of end of the eclipse at Washington,	—3	36	53	00
Longitude, in time, of the place of observation,	5	8	29	89
	deg.	*min.*	*sec.*	*dec.*
Equal to	77	7	28	35

BY THE INTERNAL CONTACTS.

First internal contact.

	hrs.	*min.*	*sec.*	*dec.*		*deg.*	*min.*	*sec.*	*dec.*
Annulus formed at	2	2	6	00		= 30	31	30	00
Estimated longitude, west,	5	8	18	79					
Corresponding time at Greenwich,	7	10	24	79	Sun's right ascension,	174	27	0	19
Right ascension of the meridian, from beginning of ♈,						204	58	30	19
Right ascension of the meridian, from beginning of ♑,						65	1	29	81
Sun's longitude,						173	57	12	42
Sun's semidiameter,						0	15	57	25
Sun's horizontal parallax,						0	0	8	70
Altitude of the nonagesimal,						45	10	41	21
Longitude of the nonagesimal, from beginning of ♈,						184	18	3	45
Moon's *true* longitude,						174	3	9	19
Moon's *true* latitude, north, ascending,						0	37	26	30
Moon's *true* distance from the nonagesimal, west,						10	14	54	26
Moon's horizontal parallax, reduced, (320 to 319,)						0	54	5	79
Moon's horizontal parallax from sun,						0	53	57	09
Moon's parallax in longitude,						0	6	53	04
Moon's *apparent* distance from the nonagesimal, west,						10	21	47	30
Moon's *apparent* longitude,						173	56	16	15
Moon's parallax in latitude,						0	38	2	19
Moon's *apparent* latitude, south,						0	0	35	89
Moon's augmented semidiameter, arising from apparent altitude,						0	14	55	49

[No allowance is made in the calculation by the internal contacts for irradiation of the sun's, or inflection of the moon's light.]

	" *dec.*		
Sun's semidiameter,	957 25		
Moon's augmented semidiameter,	895 49		
Difference,	61 76		
Moon's *apparent* latitude,	35 89		
Sum,	97 65	log.	1.9896722
Difference,	25 87	log.	1.4127964
			2)3.4024686
			1.7012343
Arith. comp. co-sine moon's *apparent* latitude,			0.0000000
	" *dec.*		
Difference of ⊙ and ☽'s *apparent* longitude,	50 26	log.	1.7012343

| | | |

JANUARY 12, 1813.

Occultation γ of ♉, by the moon. Immersion only observed with sufficient accuracy, by Messrs. Bradley and Pease, north 75°, west one mile seven-tenths (estimated) from the Capitol. Difference of longitude — 1′ 49″ 75dec.

	°	′	″	dec.
Latitude of the place of observation, (estimated,) - - - -	38	53	30	00 N.
Latitude of the place of observation, reduced, (320 to 319,) - - -	38	42	59	44
Longitude assumed for the calculation, - - - - -	76	57	30	00 W.

By De la Lande's tables.

	deg.	m.	s.	dec.		deg.	m.	s.	dec.
Star's *mean* right ascension, - -	62	17	24	14	Star's *mean* declination N. -	15	10	5	82
Star's *mean* nutation, - -	− 0	0	10	34	Star's nutation, -	− 0	0	8	62
Star's *mean* aberration, - -	+ 0	0	13	56	Star's aberration, -	+ 0	0	0	93
Star's right ascension, - -	62	17	27	36	Star's declination, N. -	15	9	58	13

	deg.	m.	s.	dec.
Obliquity of the ecliptic, January 12, 1813, - - - -	23	27	43	50
Star's longitude, by computation, - - - -	63	11	18	25
Star's latitude, south, by computation, - - - -	5	45	6	07

Moon's longitude at Greenwich. (Naut. Alm.)

1813.	°	′	″		°	′	″		′	″		″	
January 11, noon,	41	38	21	A									
					+ 7	10	4	*a*1	+ 0	55	*a*2	− 30 *a*3	
midn.	48	48	25	B									
					+ 7	10	59	*b*1	+ 0	25	*b*2	− 36 *b*3	− 6 *a*4.
12, noon,	55	59	24	C									
					+ 7	11	24	*c*1	− 0	11	*c*2		
midn.	63	10	48	D									
					+ 7	11	13	*d*1					
13, noon,	70	22	1	E									

Moon's latitude, south.

1813.	°	′	″		′	″		′	″		″	
January 11, noon,	5	9	49	A								
					+ 3	16	*a*1	− 4	54	*a*2	+ 0 *a*3	
midn.	5	13	5	B								
					− 1	38	*b*1	− 4	54	*b*2	+ 7 *b*3	+ 7 *a*4.
12, noon,	5	11	27	C								
					− 6	32	*c*1	− 4	47	*c*2		
midn.	5	4	55	D								
					− 11	19	*d*1					
13, noon,	4	53	36	E								

	h.	m.	sec.		°	′	″	dec.
Time of immersion, by watch, - - -	5	55	28					
Watch too fast, - - - - -	− 0	8	39					
Apparent time of immersion, - -	5	46	49	=	86	42	15	00
Estimated longitude, west, - - -	5	7	50					
Corresponding time at Greenwich, - -	10	54	39	Sun's right ascension,	294	15	30	95

Right ascension of the meridian, from beginning of ♈, - - -	20	57	45	95	
Right ascension of the meridian, from beginning of ♑, - - -	110	57	45	95	
Altitude of the nonagesimal, - - - - -	62	26	37	89	
Longitude of the nonagesimal, from beginning of ♈, - - -	34	43	50	50	
Moon's *true* longitude, (Naut. Alm.) - - - -	62	31	38	54	
Moon's *true* latitude, south, (Naut. Alm.) - - - -	5	5	42	58	
Moon's *true* distance from the nonagesimal, east, - - - -	27	47	48	04	
Moon's equatorial horizontal parallax, - - - - -	0	59	28	91	
Moon's horizontal parallax, reduced, (320 to 319,) - - - -	0	59	24	517	
Moon's parallax in longitude, - - - - -	0	24	59	84	
Moon's apparent distance from the nonagesimal, east, - - -	28	12	47	88	
Moon's parallax in latitude, - - - - -	0	31	54	57	
Moon's *apparent* latitude, south, - - - - -	5	37	37	15	
Moon's augmented semidiameter, arising from apparent altitude, - - -	0	16	26	55	
Moon's inflection of light, - - - - -	− 0	0	2	98	
Moon's semidiameter, corrected, - - - - -	0	16	23	57	
Difference of *apparent* latitude, star south of moon's centre, - - -	0	7	28	92	

	sec.	dec.		
Moon's semidiameter, corrected, - - - -	983	57		
Difference of *apparent* latitude of moon and star, - - -	448	92		
Sum, - - - -	1432	49	log.	3.1560916
Difference, - - - -	534	65	log.	2.7280696
				2)5.8841612
				2.9420806
Arith. comp. co-sine moon's *apparent* latitude, - - -				0.0020978

	m.	sec.	dec.		sec.	dec.		
Difference of moon and star's *apparent* longitude, -	14	39	38	=	879	38	log.	2.9441784

	deg.	m.	s.	dec.
Star's longitude, - - - - - -	63	11	18	25
Parallax in longitude, - - - - - -	— 0	24	59	84
Difference of moon and star's *apparent* longitude, - - - -	— 0	14	39	38
True longitude of moon's centre, by calculation, - - - -	62	31	39	03

	h.	m.	s.	dec.
Apparent time at Greenwich, when the moon had that longitude, - - -	10	54	39	82
Apparent time of the immersion at Washington, - - - -	5	46	49	00
Longitude, in time, of the place of observation, - - - -	5	7	50	82

	deg.	m.	s.	dec.
Equal to - - -	76	57	42	30
Difference of longitude from the place of observation to the Capitol, - - -	— 0	1	49	75
Longitude of the Capitol, - - - - - -	76	55	52	55

RESULTS.

	deg.	m.	s.	dec.
By the occultation of January 21, 1793, - - - - -	76	46	17	85
By the occultation of October 20, 1804, - - - - -	76	54	26	97
By the solar eclipse of September 17, 1811, - - - -	77	5	23	88
By the occultation of January 12, 1813, - - - - -	76	55	52	55
Mean result.—Longitude of the Capitol from Greenwich, - - -	76	55	30	31

Equal to 5*h.* 7*m.* 42*sec.* 02*dec.* in time.

It has been stated in the notes annexed to the printed copies of the foregoing abstracts, that "no corresponding observations at Greenwich have yet been received by which the errors of the lunar tables might be discovered and corrected. A variance in the results of the first and third observations of 19′ 6″ 03*dec.* probably arises from this cause. If a *mean* of both be taken, the result, = 76° 55′ 50″ 86*dec.*, nearly agrees with the last observation. The improved solar tables of M. Delambre, and the lunar tables constructed by M. Burg, have been used at Greenwich from the commencement of the year 1813. Such observations of occultations or solar eclipses as may hereafter be made in the city of Washington can therefore be relied on with greater certainty."

That errors still exist in the lunar tables, by which all calculations relating to a correct determination of the longitude may be more or less affected, will be proved by the remarks of the celebrated Dr. Maskelyne, formerly astronomer royal at Greenwich Observatory, in England, which state that "the error of Mayer's last lunar tables, as corrected from a series of Dr. Bradley's observations of nine years, by Mr. Charles Mason, in 1778, and M. de la Place's further corrections, being those made use of for the Nautical Almanacs of 1805, 1806, and 1807, probably never exceeding 30″, the uncertainty hence arising in the determination of the longitude can scarcely ever exceed seventeen miles of longitude, and generally will be much less." It must, therefore, be evident to all persons who are in any degree acquainted with the subject, that, when corresponding observations in Europe are not attainable, those which are taken in our own country should be often repeated, as the best method we can adopt to remove or lessen those errors.

The resolution of the two Houses of Congress, approved on the 3d of March, 1821, relating to this subject, is in the following words:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be authorized to cause such number of astronomical observations to be made, by methods which may, in his judgment, be best adapted to insure a correct determination of the longitude of the Capitol in the city of Washington, from Greenwich, or some other known meridian in Europe; and that the data, with accurate calculations or statements, founded thereon, be laid before Congress at their next session."

In virtue of the powers vested in the President of the United States by this resolution, the undersigned was on the 10th day of April, 1821, "authorized and commissioned to make astronomical observations, by lunar occultations of fixed stars, solar eclipses, or any other approved method adapted to ascertain the longitude of the Capitol, in the city of Washington, from Greenwich, or any other known meridian in Europe; taking care to return the data, with accurate calculations or statements founded thereon, to him, [the President,] in time to be laid before Congress at their next session."

Conformably with the trust reposed in the undersigned by the Chief Magistrate of the Union, such arrangements were made as, in his judgment, were best calculated to insure its faithful discharge. The first was, to resign the station of an inferior clerk, which he had held for several years in the Pension Office of the War Department, from and after the 30th day of April; and to remove into the immediate vicinity of the Capitol, that his time and attention, detached from any other public business, might be devoted to the object connected with his new appointment. The use of suitable astronomical instruments and apparatus, and the choice of one or more skilful observers, were necessary to the progress and completion of the work. Such of those instruments brought into the United States from Europe for the special purpose of surveying our seacoasts, as were deemed most useful and convenient for the observations intended to be made, were obtained, on loan, from one of the Departments of Government, and conveyed to rooms in the south wing of the Capitol assigned for their safe-keeping and use, among which were a transit instrument, a circle of reflection, an astronomical clock, and a chronometer. Mr. William Elliot, well known in the city of Washington as a teacher of algebra and mathematics, was selected to make transit and other observations to determine the latitude as well as the longitude of the Capitol, to the nearest second of a degree, if practicable. In order to be prepared for correct transit observations, a meridional or north and south line was drawn by means of concentric circles, on a large platform, nineteen feet west of the original line through the centre of the building, marked by Mr. Andrew Ellicott, and its direction from one of the windows at the south wing verified with minute exactness by actual admeasurement, and by a comparison of distant objects. The propriety of testing the accuracy of the time-pieces by a series of observations to ascertain their gain or loss on *apparent* or *mean* time, before any calculations relating to the longitude were made, will not be questioned by persons in any degree acquainted with the subject. Among the best methods which could be used for this purpose, a choice was made

of alternate transits of the sun and of known fixed stars over the meridian, by which the daily rate of the astronomical clock was found with due precision; and, consequently, the apparent times of such transit observations as were taken to determine the longitude of the Capitol in the city of Washington may be confidently relied on. Objections to the results, if any should arise, will probably be on account of the reduction used in the process of the longitude on a *sphere* to that on an *oblate spheroid*, according to the ratio assumed in former calculations. The reason for applying it may be discovered by a reference to the explanatory remarks [No. 2] contained in this report.

Among the various methods which may be adopted for that purpose, the passage of the moon's centre over the meridian of the place deserves consideration, as inferior to none, and preferable to others more generally in use, particularly the angular distances between the sun and moon, or the moon and a fixed star. Mr. Brinkley, the principal astronomer at Trinity College, Dublin, strongly recommends this method, (or a modification of it, when compared with the transit of a fixed star,) as easy in practice, and capable of great accuracy, far beyond that from the eclipses of Jupiter's satellites. [See Vince's Astronomy, vol. 1. page 534.] It is subject, as other methods are, to inaccuracies, arising from errors which may still exist in the solar and lunar tables; and requires, as in eclipses of the sun, and occultations of fixed stars by the moon, the apparent time of the transit to be ascertained correctly to the nearest tenth of a second, at least. The number of observations of this kind which may be taken entitles the method to peculiar estimation. The results are found on a supposition that the form of the earth is a *perfect sphere*, and should be reduced, in every case, according to the *true* or spheroidal form, admitting the ratio of the equatorial diameter to the polar axis to be as 320 to 319. This reduction for the distance between Paris Observatory and the Capitol in Washington is 2*m.* 17*sec.* 91*dec.* of longitude, and between Greenwich and Washington, 2*m.* 13*sec.* 84*dec.* The difference of longitude of Paris and Greenwich, as ascertained by a *mean* result of the first two transits of the moon observed at our meridian, is 2*deg.* 20*m.* 11*sec.* 15*dec.*, equal to 9*m.* 20*sec.* 7433*dec.* in time.

It has been already stated in the introductory part of this report, that the latitude of the Capitol in the city of Washington had been ascertained to the nearest minute of a degree only, = 38° 53′ north. If greater accuracy was obtained from the observations of Mr. Andrew Ellicott, it is unknown to us, for we have no other evidence than the result recorded in the original plan of the city to decide upon it. The method adopted to ascertain the latitude to the nearest second has been by altitudes of the sun taken with the transit instrument on the passage of his eastern limb over the meridian at the south wing, sixty yards from the centre of the building. The sun's declination, in every instance, was found to the nearest tenth of a second, corrected by the equation of second differences; the *mean* refraction was also corrected by a proper allowance for the height of the barometer and thermometer. An example of the process of calculation will exhibit the manner in which all the results have been obtained.

										h.	*m.*	*sec.*	*dec.*
June 13, 1821.	Passage of sun's eastern limb over the meridian, by astronomical clock,									0	9	23	00 P. M.
	Passage of sun's centre,	-	-	-	-	-	-	-	—	0	8	14	35
							m.	*s.*	*dec.*				
	Interval.—Apparent time,	-	-	-	-	-	17	9	75	- =	0	1	8 65

Barometer 30°. Thermometer 86°.

								deg.	*m.*	*sec.*	*dec.*
Altitude of sun's upper limb,	-	-	-	-	-			74	37	55	0
Error of instrument,	-	-	-	-	-	-	—		1	20	0
Sun's semidiameter,	-	-	-	-	-	-	—		15	46	3
Sun's parallax in altitude,	-	-	-	-	-	-	+		0	2	3
Mean refraction, *sec.* 15 *dec.* 642 × *dec.* 0.943	-	-	-	-	-	-	—		0	14	7
Correct altitude of sun's eastern limb,	-	-	-	-	-	-		74	20	36	3

			deg.	*m.*	*sec.*	*dec.*			
Comp. *assumed* latitude,	-	-	51	7	0	0 N.	log. sine,	-	9.8912172
Sun's declination, north,	-	-	23	13	33	3	cosine,	-	9.9632952
Sum.—Latitude and declination both north,		-	74	20	33	3	secant,	-	0.5688215
Interval.—Apparent time,	-	-	0	17	9	75	versed sine,		5.0955822
			0	0	6	8	sine,	-	5.5189161
Altitude of sun's eastern limb,	-	-	74	20	36	3			
Meridian altitude of sun's centre,	-	-	74	20	43	1			
Sun's zenith distance,	-	-	15	39	16	9			
Sun's declination, north,	-	-	23	13	33	3			
Latitude of south wing of the Capitol,		-	38	52	50	2			

Statement of the observations made with the transit instrument in the months of June and July, 1821, to ascertain the latitude of the Capitol, in the city of Washington.

Year.	Meridian altitude of the sun's centre.	Sun's zenith distance.	Sun's declination, north.	Latitude south wing of the Capitol, N.
1821.	*deg. m. sec. dec.*	*deg. m. sec. dec.*	*deg. m. sec. dec.*	*deg. m. sec. dec.*
June 2, -	73 19 4 7	16 40 55 3	22 13 14 7	38 54 10 0
5, -	73 43 34 8	16 16 25 2	22 34 39 0	38 51 4 2
6, -	73 48 26 7	16 11 33 3	22 41 1 0	38 52 40 3
7, -	73 53 46 1	16 6 13 9	22 47 2 4	38 53 16 3
8, -	74 0 24 1	15 59 35 9	22 52 36 6	38 52 12 5
13, -	74 20 43 1	15 39 16 9	23 13 33 3	38 52 50 2
14, -	74 23 28 1	15 36 31 9	23 16 46 0	38 53 17 9
15, -	74 28 28 3	15 31 37 7	23 20 15 0	38 51 46 7
16, -	74 30 23 2	15 29 36 8	23 22 33 5	38 52 10 3
17, -	74 32 23 5	15 27 36 5	23 25 57 1	38 53 33 6
20, -	74 34 56 5	15 25 3 5	23 27 43 0	38 52 46 5
25, -	74 31 53 8	15 28 6 2	23 24 48 7	38 52 54 9
29, -	74 22 18 6	15 37 41 4	23 15 4 9	38 52 46 3
July 9, -	73 29 47 3	16 30 12 7	22 22 30 0	38 52 42 7
10, -	73 22 22 3	16 37 37 7	22 15 4 9	38 52 42 6
12, -	73 6 21 6	16 53 38 4	21 59 5 4	38 52 43 8
20, -	71 48 7 5	18 11 52 5	20 40 21 0	38 52 13 5
25, -	70 46 26 6	19 13 33 4	19 39 40 0	38 53 13 4
26, -	70 34 29 6	19 25 30 4	19 26 32 0	38 52 2 4
27, -	70 19 41 2	19 40 18 8	19 13 4 7	38 53 23 5
28, -	70 7 25 2	19 52 34 8	18 59 17 8	38 51 52 6
30, -	69 37 16 1	20 22 43 9	18 30 49 3	38 53 33 2

	deg. m. sec. dec.
Mean of 22 observations, - - - - -	38 52 43 53
From the south wing to the centre of the Capitol, - - -	+ 0 1 77
Latitude of the centre of the Capitol to the nearest second, - - -	38 52 45 — N.

The foregoing *mean* result is believed to be a near approximation to the truth. As an additional evidence of it, the following observation was taken with a sextant accurately adjusted; the observers being careful to ascertain the times and the sets of altitudes with due precision.

On the 20th July, 1821, at 4*h.* 54*m.* 10*sec.* 2*dec.* P. M., apparent time, the true altitude of the sun's centre at the Capitol in Washington was found to be 25° 18′ 52″ 5*dec.*; the sun's declination, corrected, was then 20° 38′ 2″ north.

Here are two sides of an oblique angled spherical triangle, and the angle opposite to the sun's zenith distance given to find the third side, = complement of the latitude of the place.

	h. m. sec. dec.		*deg. m. sec. dec.*		
Horary angle, or time from noon, - -	4 54 10 2	=	73 32 33 0	cosine,	9.4522528
Sun's north polar distance, - - -	-	=	69 21 58 0	tangent,	0.4241768
Arc 1, - - -	-	=	36 57 23 7	tangent,	9.8764296
Sun's north polar distance, - - -	-	=	69 21 58 0	secant,	0.4529699
Sun's zenith distance, - - -	-	=	64 41 7 5	cosine,	9.6310255
Arc 1, - - -	-	=	36 57 23 7	cosine,	9.9025964
Arc 2, - - -	-	=	14 9 51 3	cosine,	9.9865918
Sum of arcs 1 and 2, - -	-	=	51 7 15 0		
			90 0 0 0		
Latitude, north, -			38 52 45 0		

In this case, the perpendicular falling within the spherical triangle supposed to have been constructed, the sum of arcs 1 and 2, = complement of the latitude.

For the longitude of the Capitol.

To determine its geographical position in this respect, recourse has been had to such methods as appeared to be best adapted to obtain an accurate result. No occultation of a fixed star by the moon has yet been observed. The solar eclipse which happened on the 27th of August, so far as relates to its beginning, has been taken into view, and an abstract of the calculation of our longitude from Greenwich will hereafter appear as a part of this report. The end of this eclipse could not be ascertained with sufficient accuracy, on account of clouds which covered the sun, and prevented the observers from deciding on the time with precision. Such transits of the moon over the meridian as were considered to be correctly observed have been calculated as follows:

JUNE 7, 1821.

	h. m. s. dec.		*deg. m. s. dec.*
Apparent time of the moon's transit over the meridian, -	6 20 14 65	- -	= 95 3 39 75
Estimated longitude from Paris Observatory, considering the earth as a *sphere*, - - -	5 17 11 0		
	11 37 25 65	Sun's right ascension,	75 38 43 80
Moon's right ascension at the time of the transit at Washington,		- -	170 42 23 55

FROM THE "CONNAISSANCE DES TEMS."

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
June 6, noon,	154 35 57 A	+ 5 32 31 *a*1	— 7 46 *a*2		
midn.	160 8 28 B	+ 5 24 45 *b*1	— 5 38 *b*2	+ 2 8 *a*3	
7, noon,	165 33 13 C	+ 5 19 7 *c*1	— 3 27 *c*2	+ 2 11 *b*3	+ 3 *a*4
midn.	170 52 20 D	+ 5 15 40 *d*1			
8, noon,	176 8 0 E				

	deg.	m.	sec.	dec.
Moon's right ascension at the time of transit at Washington, - - -	170	42	23	55
Subtract the position C, - - - - - -	165	33	13	00
Increase of moon's right ascension, - - - - -	5	9	10	55

At the estimated corresponding time at Paris Observatory,* when the transit happened at Washington, the moon's hourly motion in right ascension was 26′ 35″ 9133 *dec.*

	sec.	dec.			
As moon's hourly motion in right ascension, -	= 1595	9133	arith. comp.	log.	6.7969907
To one hour of time, - - -	= 3600		-	log.	3.5563025
So is increase of moon's right ascension, -	= 18550	55	-	log.	4.2683573

	h.	m.	sec.	dec.			
To time at Paris Observatory, -	11	37	25	66	= 41845 66	-	log. 4.6216505
Transit at Washington, - -	6	20	14	65			
Longitude, in time, - -	5	17	11	01	Equal to	-	deg. m. sec. dec. 79 17 45 15
Reduction to an *oblate spheroid*, (320 to 319,) - - - -						—	2 17 91
Longitude from Paris Observatory, - - - - -							79 15 27 24
Paris east of Greenwich, - - - - -							2 20 11 15
Longitude from Greenwich, - - - - -							76 55 16 09

† JUNE 21, 1821, *astronomical reckoning*, (*June 22, civil.*)

	h.	m.	sec.	dec.		deg.	m.	sec.	dec.
Apparent time of moon's transit over the meridian, -	17	35	30	6	=	263	52	39	0

Difference of sun and moon's right ascensions, by the meridian of Paris Observatory, computed to the nearest tenth of a second of sun's right ascension.

1821.	° ′ ″ *dec.*	° ′ ″ *dec.*	′ ″ *dec.*	′ ″ *dec.*	″ *dec.*
June 20, midn.	247 18 32 8 A	+ 5 44 11 7 *a*1			
21, noon,	253 2 44 5 B	+ 5 41 16 0 *b*1	— 2 55 7 *a*2	+ 2 9 7 *a*3	
midn.	258 44 0 5 C	+ 5 40 30 0 *c*1	— 0 46 0 *b*2	+ 2 22 8 *b*3	+ 13 1 *a*4
22, noon,	264 24 30 5 D	+ 5 42 6 8 *d*1	— 1 36 8 *c*2		
midn.	270 6 37 3 E				

	deg.	m.	sec.	dec.
Apparent time of moon's transit at Washington, in degrees, &c. - - -	263	52	39	0
Substract the position C, - - - - - -	258	44	0	5
Increase of sun and moon's right ascensions, - - - -	5	8	38	5

Estimated corresponding time at Paris Observatory, when the transit happened at Washington, = 22*h.* 52*m.* 41*sec.* 6*dec.*; at which time the moon's hourly motion from the sun in right ascension was 28*m.* 22*sec.* 3345*dec.*

	sec.	dec.			
As hourly motion of moon and sun in right ascension, -	= 1702	3345	arith. comp.	log.	6.7689551
To one hour of time, - - -	= 3600	-	-	log.	3.5563025
So increase of sun and moon's right ascension, -	= 18518	5 -	-	log.	4.2676058

	h.	m.	sec.	dec.			
Time from midnight, - -	10	52	41	86	= 39161 86 -	-	log. 4.5928634
Add - -	12	0	0	0			
Time at Paris Observatory, - -	22	52	41	86			
Transit at Washington, - -	17	35	30	60			
Longitude, in time, - -	5	17	11	26	Equal to	-	deg. m. sec. dec. 79 17 48 90
Reduction, - - - - - -						—	0 2 17 91
Longitude from Paris Observatory, (320 to 319,) - - - -							79 15 30 99
Paris east of Greenwich, - - - - -							2 20 11 15
Longitude from Greenwich, - - - - -							76 55 19 84

* The moon's right ascension and declination are computed in the French *Connaissance des Tems* to the nearest second of a degree, and in the British Nautical Almanac to the nearest minute *only*. A preference is therefore given to the former, because it saves the trouble of computing to the nearest second one or both of those elements from the moon's longitude and latitude, and the obliquity of the ecliptic, in every case where such calculation may be necessary.

† Answering to June 22, 5*h.* 35*m.* 30*sec.* 6*dec.* A. M., according to the common or civil reckoning of time.

The difference of longitude between the Observatories of Paris and Greenwich is stated in Garnett's Requisite Tables at 2*deg.* 20*m.*, and in the *Connaissance des Tems* for the present year, (1821,) at 2*deg.* 20*m.* 15*sec.* To ascertain this difference by the foregoing transits, the moon's right ascension to the nearest second has been computed from its longitude and latitude, and the obliquity of the ecliptic, as is given in the British Nautical Almanac; and a *mean* of the results found to be 2*deg.* 20*m.* 11*sec.* 15*dec.* = 9*m.* 20*sec.* 7433*dec.* in time, as follows:

JUNE 7, 1821.

	h.	m.	sec.	dec.		deg.	m.	sec.	dec.
Apparent time of the moon's transit at Washington, -	6	20	14	65	- - =	95	3	39	75
Estimated longitude from Greenwich, - -	5	7	51	00					
Corresponding time at Greenwich, - -	11	28	5	65	Sun's right ascension,	75	38	43	50
Moon's right ascension at the time of transit at Washington, - - -						170	42	23	25

Moon's right ascension at Greenwich, computed to the nearest second.

1821.	°	′	″		°	′	″		′	″		′	″		″	
June 6, noon,	154	40	20	A												
midn.	160	12	44	B	+ 5	32	24	*a*1	— 7	45	*a*2	+ 2	10	*a*3	— 1	*a*4
7, noon,	165	37	23	C	+ 5	24	39	*b*1	— 5	35	*b*2	+ 2	9	*b*3		
midn.	170	56	27	D	+ 5	19	4	*c*1	— 3	26	*c*2					
8, noon,	176	12	5	E	+ 5	15	38	*d*1								

	deg.	m.	sec.	dec.
Moon's right ascension when the transit happened at Washington, - - -	170	42	23	25
Substract the position C, - - - - -	165	37	23	00
Increase of moon's right ascension from preceding noon, - - -	5	5	0	25

At the estimated corresponding time at Greenwich, when the transit happened at Washington, = 11*h.* 28*m.* 5*sec.* 65*dec.*, the moon's hourly motion in right ascension was 26*m.* 35*sec.* 7963*dec.*

	sec.	dec.			
As moon's hourly motion in right ascension, -	= 1595	7963	arith. comp.	log.	6.7970326
To one hour of time, - - -	= 3600	-	-	log.	3.5563025
So is increase of moon's right ascension, -	= 18300	25	-	log.	4.2624570

	h.	m.	sec.	dec.			
To the time at Greenwich, -	11	28	4	98	= 41284 98	log.	4.6157921
Transit at Washington, - -	6	20	14	65			
Longitude, in time, -	5	7	50	33	Equal to -	deg. m. sec. dec.	76 57 34 95
Reduction, - -					- -	—	2 13 84
Longitude from Greenwich, (320 to 319,)					- - -		76 55 21 11

JUNE 22, 1821.

	h.	m.	s.	dec.		deg.	m.	sec.	dec.
Apparent time of the moon's transit at Washington, June 21, at	17	35	30	6	- - =	263	52	39	00
Estimated longitude from Greenwich, - -	5	7	51	0					
Corresponding time at Greenwich, - -	22	43	21	6	Sun's right ascension,	90	39	9	26
Moon's right ascension at the time of transit at Washington, - - -						354	31	48	26

Moon's right ascension, computed to the nearest second.

1821.	°	′	″		°	′	″		′	″		′	″		″	
June 20, midn.	336	31	56	A												
21, noon,	342	47	17	B	+ 6	15	21	*a*1	— 2	56	*a*2	+ 2	14	*a*3	+ 5	*a*4
midn.	348	59	42	C	+ 6	12	25	*b*1	— 0	42	*b*2	+ 2	19	*b*3		
22, noon,	355	11	25	D	+ 6	11	43	*c*1	+ 1	37	*c*2					
midn.	1	24	45	E	+ 6	13	20	*d*1								

	deg.	m.	sec.	dec.
Moon's right ascension at the time of transit at Washington, - - -	354	31	48	26
Subtract the position C, - - - - - -	348	59	42	00
Increase of moon's right ascension from preceding midnight at Greenwich, - -	5	32	6	26

Estimated corresponding time at Greenwich = 22*h.* 43*m.* 21*s.* 6*dec.*; at which time the moon's hourly motion in right ascension was 30*m.* 58*s.* 3828*dec.*

			sec.	*dec.*			
As moon's hourly motion in right ascension,	-	=	1858	3828	arith. comp. log.		6.7308648
To one hour of time, - -	-	=	3600	-	- log.		3.5563025
So is increase of moon's right ascension,	-	=	19926	26 -	- log.		4.2994258
	h. *m.* *s.* *dec.*						
Time from midnight, - -	10 43 20 51	=	38600	51 -	- log.		4.5865931
Add, - -	12 0 0 0						
Time at Greenwich, - -	22 43 20 51						
Transit at Washington, - -	17 35 30 60						
						deg. *m.* *s.* *dec.*	
Longitude in time, - -	5 7 49 91	Equal to			-	76 57 28 65	
Reduction, -	-	-	-	-	-	—	2 13 84
Longitude from Greenwich, (320 to 319,)	-	-	-	-		76 55 14 81	
						deg. *m.* *s.* *dec.*	
Longitude from Paris Observatory, (320 to 319.)	Mean result,	-	-	-		79 15 29 11	
Longitude from Greenwich, -	-	-	-	-		76 55 17 96	
Difference of longitude between the Observatories of Paris and Greenwich, found by the moon's transits on the 7th and 22d June, 1821,	-	-	-	-		*2 20 11 15	

JULY 9, 1821.

	h. *m.* *s.* *dec.*					*deg.* *m.* *s.* *dec.*	
Apparent time of the transit of the moon's centre,	7 35 10 12	-	-	=		113 47 31 80	
Estimated corresponding time at Paris Observatory,	12 52 21 12	Sun's right ascension,				108 49 37 85	
Moon's right ascension at the time of transit at Washington,	-	-	-			222 37 9 65	

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
July 8, midn.	210 20 6 A	+ 5 49 30 *a*1			
9, noon,	216 9 36 B	+ 6 0 50 *b*1	+ 11 20 *a*2	+ 1 7 *a*3	— 31 *a*4
midn.	222 10 26 C	+ 6 13 17 *c*1	+ 12 27 *b*2	+ 0 36 *b*3	
10, noon,	228 23 43 D	+ 6 26 20 *d*1	+ 13 3 *c*2		
midn.	234 50 3 E				

						deg. *m.* *s.* *dec.*	
Moon's right ascension at the time of transit at Washington,	-	-	-			222 37 9 65	
Subtract the position C, - -	-	-	-	-	-	222 10 26 00	
Increase of moon's right ascension,	-	-	-	-	-	26 43 65	

Estimated corresponding time at Paris Observatory, = 12*h.* 52*m.* 21*sec.* 12*dec.*; at which time the moon's hourly motion in right ascension was 30*m.* 36*sec.* 851*dec.*

			sec.	*dec.*			
As moon's hourly motion in right ascension,	-	=	1836	851	arith. comp. log.		6.7359261
To one hour of time, - -	-	=	3600	-	- log.		3.5563025
So increase of moon's right ascension, -	-	=	1603	65 -	- log.		3.2051095
	h. *m.* *s.* *dec.*						
Time from midnight, - -	0 52 22 95	=	3142	95 -	- log.		3.4973381
Add, - -	12 0 0 0						
Time at Paris Observatory, -	12 52 22 95						
Transit at Washington, - -	7 35 10 12						
						deg. *m.* *s.* *dec.*	
Longitude, in time, - -	5 17 12 83	Equal to			-	79 18 12 45	
Reduction, -	-	-	-	-	-	—	2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	-	-	-		79 15 54 54	
Paris Observatory east of Greenwich, -	-	-	-	-		— 2 20 11 15	
Longitude from Greenwich, -	-	-	-	-		76 55 43 39	

JULY 11, 1821.

	h. *m.* *s.* *dec.*					*deg.* *m.* *s.* *dec.*	
Apparent time of the moon's transit at Washington,	9 15 36 52	-	-	=		138 54 7 80	
Estimated corresponding time at Paris Observatory,	14 32 47 52	Sun's right ascension,				110 56 19 98	
Moon's right ascension at the time of transit at Washington,	-	-	-			249 50 27 78	

* This difference of longitude between the meridians of Paris and Greenwich is supposed to be *nearly correct*. It is 3*sec.* 85*dec.* less than that stated in the *Connaissance des Tems*, which, in the latitude of the Capitol in Washington, would be about 101 yards.

FROM THE "CONNAISSANCE DES TEMS."

Moon's right ascension at Paris Observatory.

1821.		° ′ ″		° ′ ″		′ ″		′ ″		″	
July 10,	midn.	234 50 3	A	+ 6 39 28	*a*1						
11,	noon,	241 29 31	B	+ 6 52 0	*b*1	+ 12 32	*a*2	— 1 19	*a*3	— 45	*a*4
	midn.	248 21 31	C	+ 7 3 13	*c*1	+ 11 13	*b*2	— 2 4	*b*3		
12,	noon,	255 24 44	D	+ 7 12 22	*d*1	+ 9 9	*c*2				
	midn.	262 37 6	E								

	deg.	m.	s.	dec.
Moon's right ascension at the time of transit at Washington, - - -	249	50	27	78
Subtract the position C, - - - - - -	248	21	31	00
Increase of moon's right ascension, - - - - -	1	28	56	78

Corresponding time at Paris Observatory (estimated) when the transit happened at Washington, = 14*h*. 32*m*. 47*sec*. 52*dec*.; at which time the moon's hourly motion in right ascension was 34*m*. 55*s*. 371*dec*.

				sec.	dec.		
As moon's hourly motion in right ascension,	-	=	2095	371	arith. comp. log.		6.6787391
To one hour of time, - -	-	=	3600	-	- log.		3.5563025
	deg.	m.	s.	dec.			
So increase of moon's right ascension, -	1	28	56	78 =	5336	78 -	- log. 3.7272793
	h.	m.	s.	dec.			
Time from midnight, - -	2	32	48	97 =	9168	97 -	- log. 3.9623209
Add - -	12	0	0	0			
Time at Paris Observatory, -	14	32	48	97			
Transit at Washington, - -	9	15	36	52			

						deg.	m.	s.	dec.
Longitude, in time, - -	5	17	12	45	Equal to -	79	18	6	75
Reduction, -				-	- - -	—	2	17	91
Longitude from Paris Observatory, (320 to 319,)				-	- - -		79	15	48	84
Paris east of Greenwich, - -				-	- - -	—	2	20	11	15
Longitude from Greenwich,				-	- - -		76	55	37	69

JULY 12, 1821.

	h.	m.	s.	dec.
Passage of moon's centre over the meridian, by astronomical clock, - -	10	15	4	15
Clock fast for apparent time, - - - - - -	—	4	9	35
Apparent time of moon's transit at Washington, - - - -	10	10	54	80

						deg.	m.	s.	dec.
Equal to - -					- - -	152	43	42	00
	h.	m.	s.	dec.					
Corresponding time at Paris Observatory, (estimated,) =	15	28	5	80	Sun's right ascension then,	111	59	42	10
Moon's right ascension at the time of transit at Washington, - - -						264	43	24	10

FROM THE " CONNAISSANCE DES TEMS."

Moon's right ascension at Paris Observatory.

1821.		° ′ ″		° ′ ″		′ ″		′ ″		″	
July 11,	midn.	248 21 31	A								
12,	noon,	255 24 44	B	+ 7 3 13	*a*1	+ 9 9	*a*2	— 2 42	*a*3	— 25	*a*4
	midn.	262 37 6	C	+ 7 12 22	*b*1	+ 6 27	*b*2	— 3 7	*b*3		
13,	noon,	269 55 55	D	+ 7 18 49	*c*1	+ 3 20	*c*2				
	midn.	277 18 4	E	+ 7 22 9	*d*1						

	deg.	m.	s.	dec.
Moon's right ascension at the time of transit at Washington, - - -	264	43	24	10
Subtract the position C, - - - - - -	262	37	6	00
Increase of moon's right ascension, - - - - -	2	6	18	10

Corresponding time at Paris Observatory (estimated) when the transit happened at Washington, = 15*h*. 28*m*. 5*sec*. 80*dec*.; at which time the moon's hourly motion in right ascension was 36*m*. 24*sec*. 884*dec*.

		sec. *dec.*			
As moon's hourly motion in right ascension, -		= 2184 884	arith comp.	log.	6.6605716
To one hour of time, - -		= 3600 -	-	log.	3.5563025
	deg. *m.* *s.* *dec.*				
So increase of moon's right ascension,	2 6 18 10	= 7578 10 -	-	log.	3.8795603
	h. *m.* *s.* *dec.*				
Time from midnight, - -	3 28 6 32	= 12486 32 -	-	log.	4.0964344
Add - -	12 0 0 0				
Time at Paris Observatory, -	15 28 6 32				
Transit at Washington, - -	10 10 54 80				
				deg. *m.* *s.* *dec.*	
Longitude, in time, - -	5 17 11 52	Equal to	-	79 17 52 80	
Reduction, -	-	-	-	-	— 2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	-	-	-	79 15 34 89
Paris east of Greenwich, - -	-	-	-	-	— 2 20 11 15
Longitude from Greenwich, -	-	-	-	-	76 55 23 74

JULY 13, 1821.

			h. *m.* *s.* *dec.*	
Apparent time of the passage of moon's centre over the meridian of Washington,		-	11 7 51 82	
			deg. *m.* *s.* *dec.*	
Equal to - - - - -		-	166 57 57 30	

FROM THE "CONNAISSANCE DES TEMS."

Difference of sun and moon's right ascensions at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
July 12, midn.	150 46 12 A				
13, noon,	157 34 31 B	+ 6 48 19 *a*1	+ 3 23 *a*2	— 3 21 *a*3	+ 22 *a*4
midn.	164 26 13 C	+ 6 51 42 *b*1	+ 0 2 *b*2	— 2 59 *b*3	
14, noon.	171 17 57 D	+ 6 51 44 *c*1	— 2 57 *c*2		
midn.	178 6 44 E	+ 6 48 47 *d*1			

				deg. *m.* *s.* *dec.*
Apparent time of the moon's transit at Washington, in degrees, &c.			-	166 57 57 30
Subtract the position C, -	-	-	-	164 26 13 00
Difference of sun and moon's right ascensions,	-	-	-	2 31 44 30

Corresponding time at Paris Observatory (estimated) when the transit happened at Washington, = 16*h.* 25*m.* 2*sec.* 82*dec.*; at which time the moon's hourly motion in right ascension from the sun was 34*m.* 20*sec.* 87*dec.*

		sec. *dec.*			
As moon's hourly motion in right ascension from the sun,		= 2060 87	arith. comp.	log.	6.6859494
To one hour of time, - -		= 3600 -	-	log.	3.5563025
	deg. *m.* *s.* *dec.*				
So difference of sun and moon's right ascension,	2 31 44 30	= 9104 30 -	-	log.	3.9592466
	h. *m.* *sec.* *dec.*				
Time from midnight, - -	4 25 3 71	= 15903 71 -	-	log.	4.2014985
Add - -	12 0 0 0				
Time at Paris Observatory, -	16 25 3 71				
Transit at Washington, - -	11 7 51 82				
				deg. *m.* *sec.* *dec.*	
Longitude, in time, - -	5 17 11 89	Equal to	-	79 17 58 35	
Reduction, -	-	-	-	-	— 2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	-	-	-	79 15 40 44
Paris east of Greenwich,	-	-	-	-	— 2 20 11 15
Longitude from Greenwich, -	-	-	-	-	76 55 29 29

By the moon's right ascension.

			deg. *m.* *s.* *dec.*
Apparent time of moon's transit at Washington, in degrees, &c.,	-	-	166 57 57 30
	h. *m.* *s.* *dec.*		
Corresponding time at Paris Observatory, (estimated,)	= 16 25 2 82	Sun's right ascension,	113 3 3 55
Moon's right ascension at the time of transit at Washington,	-	-	280 1 0 85

FROM THE "CONNAISSANCE DES TEMS."

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
July 12, midn.	262 37 6 A				
13, noon,	269 55 55 B	+ 7 18 49 *a*1	+ 3 20 *a*2	— 3 18 *a*3	+ 15 *a*4
midn.	277 18 4 C	+ 7 22 9 *b*1	+ 0 2 *b*2	— 3 3 *b*3	
14, noon,	284 40 15 D	+ 7 22 11 *c*1	— 3 1 *c*1		
midn.	291 59 25 E	+ 7 19 10 *d*1			

	deg.	m.	sec.	dec.
Moon's right ascension at the time of transit at Washington, - - - - -	280	1	0	85
Subtract the position C, - - - - - -	277	18	4	00
Increase of moon's right ascension, - - - - -	2	42	56	85

Corresponding time at Paris Observatory (estimated) when the transit happened at Washington, = 16*h*. 25*m*. 2*sec*. 82*dec*.; at which time the moon's hourly motion in right ascension was 36*m*. 53*sec*. 134*dec*.

		sec.	dec.		
As moon's hourly motion in right ascension, -	=	2213	134	arith. comp. log.	6.6549923
To one hour of time, - - -	=	3600		- log.	3.5563025
	deg. m. sec. dec.				
So increase of moon's right ascension, -	2 42 56 85 =	9776	85	- log.	3.9901990
	h. m. sec. dec.				
Time from midnight, - -	4 25 3 54 =	15903	54	- log.	4.2014938
Add - -	12 0 0 00				
Time at Paris Observatory, -	16 25 3 54				
Transit at Washington, - -	11 7 51 82				

		deg.	m.	sec.	dec.
Longitude, in time, - -	5 17 11 72 - Equal to -	79	17	55	80
Reduction, -	- - - - —	2	17	91	
Longitude from Paris Observatory, (320 to 319,)	- - - -	79	15	37	89
Paris east of Greenwich, - -	- - - - —	2	20	11	15
Longitude from Greenwich, -	- - - -	76	55	26	74

The Connaissance des Tems for the present year (from what authority or source of information received from this country, or elsewhere, we are yet to learn) has stated the latitude of the city of Washington to be 38° 55′ 0″ north, and longitude from Paris Observatory 79° 19′ 0″ = 5*h*. 17*m*. 16*sec*. in time, west. We will suppose this longitude to be *correct*, and apply it to a determination of the result from the moon's transit last computed.

	deg.	m.	sec.	dec.
Apparent time of the moon's transit at Washington, in degrees, &c., - -	166	57	57	30
Corresponding time at Paris, allowing the longitude stated in the Connaissance des Tems, = 16*h*. 25*m*. 7*sec*. 82*dec*. Sun's right ascension then, - - -	113	3	3	77
Moon's right ascension at the time of the transit at Washington, - - -	280	1	1	07
Subtract the position C, - - - - - -	277	18	4	00
Difference of moon's right ascension, or increase from preceding midnight, - -	2	42	57	07

Corresponding time at Paris Observatory, = 16*h*. 25*m*. 7*sec*. 82*dec*.; at which time the moon's motion in right ascension for 12 hours was 7° 22′ 37″ 73697*dec*.

		sec.	dec.		
As moon's motion in right ascension for 12 hours, -	=	26557	73697	arith. comp. log.	5.5758089
To 12 hours of time, - - -	=	43200		- log.	4.6354837
	deg. m. sec. dec.				
So - - -	2 42 57 07 =	9777	07	- log.	3.9902087
	h. m. s. dec.				
Time from midnight, - -	4 25 3 81 =	15903	81	- log.	4.2015013
Add - -	12 0 0 00				
Time at Paris, - -	16 25 3 81 approximated.				
Transit at Washington, - -	11 7 51 82				

		deg.	m.	sec.	dec.
Longitude, in time, - -	5 17 11 99 - Equal to -	79	17	59	85
Reduction, -	- - - - —	2	17	91	
Longitude from Paris Observatory, (320 to 319,) approximated,	- - -	79	15	41	94
Paris east of Greenwich, - -	- - - - —	2	20	11	15
Longitude from Greenwich, approximated,	- - - -	76	55	30	79

If we repeat the process, assuming the approximated time at Paris Observatory, = 16*h.* 25*m.* 3*sec.* 81*dec.*, we shall have the sun's right ascension = 113*deg.* 3*m.* 3*sec.* 60*dec.*; the moon's right ascension at the time of the transit at Washington, = 280*deg.* 1*m.* 0*sec.* 90*dec.*; the increase of moon's right ascension from the preceding midnight, = 2*deg.* 42*m.* 56*sec.* 90*dec.*; and the moon's hourly motion in right ascension, = 36*m.* 53*sec.* 13468*dec.*; hence, the *corrected* time at Paris Observatory, corresponding with the apparent time of the transit at Washington, is found to be 16*h.* 25*m.* 3*sec.* 614*dec.*; from which the time of transit at Washington being subtracted, gives 5*h.* 17*m.* 11*sec.* 794*dec.* in time, equal to 79*deg.* 17*m.* 56*sec.* 91*dec.*, the longitude from Paris Observatory, *corrected;* the reduced longitude, (320 to 319,)′ = 79*deg.* 15*m.* 39*sec.*; and the longitude from Greenwich 76*deg.* 55*m.* 27*sec.* 85*dec.*

JULY 20, 1821.

	h.	m.	s.	dec.
Apparent time of the passage of moon's centre over the meridian of Washington,	17	5	17	60

	deg.	m.	sec.	dec.
Equal to	256	19	24	00
Corresponding time at Paris Observatory, = 22 22 28 60 Sun's right ascension,	120	20	47	50
Moon's right ascension at the time of transit at Washington,	16	40	11	50

Moon's right ascension at Paris Observatory.

1821.	°	′	″		°	′	″		′	″		′	″	•		″	
July 19, midn.	358	28	8	A													
20, noon,	4	45	12	B	+	6	17	4 *a*1	+	3	49 *a*2						
midn.	11	6	5	C	+	6	20	53 *b*1	+	6	3 *b*2	+	2	14 *a*3	—	10	*a*4
21, noon,	17	33	1	D	+	6	26	56 *c*1	+	8	7 *c*2	+	2	4 *b*3			
midn.	24	8	4	E	+	6	35	3 *d*1									

	deg.	m.	sec.	dec.
Moon's right ascension at the time of transit at Washington,	16	40	11	50
Subtract the position C,	11	6	5	00
Increase of moon's right ascension from preceding midnight,	5	34	6	50

Estimated corresponding time at Paris Observatory, = 22*h.* 22*m.* 28*sec.* 60*dec.*; at which time the moon's hourly motion in right ascension was 32*m.* 12*sec.* 176*dec.*

		sec.	dec.		
As moon's hourly motion in right ascension,	=	1932	176	arith. comp. log.	6.7139533
Is to one hour of time,	=	3600		log.	3.5563025
So is increase of moon's right ascension,	=	20046	50	log.	4.3020385

	h.	m.	s.	dec.			
To time from midnight,	10	22	30	32	= 37350	32	log. 4.5722943
Add	12	0	0	00			
Time at Paris Observatory,	22	22	30	32			
Transit at Washington,	17	5	17	60			
Longitude, in time,	5	17	12	72	Equal to		79 18 10 80

	deg.	m.	sec.	dec.
Reduction,	—	2	17	91
Longitude from Paris Observatory, (320 to 319,)	79	15	52	89
Paris east of Greenwich,	—	2	20	11
Longitude from Greenwich,	76	55	41	74

JULY 21, 1821.

	h.	m.	s.	dec.		deg.	m.	sec.	dec.
Apparent time of the moon's transit at Washington,	17	56	14	90	=	269	3	43	50
Estimated corresponding time at Paris Observatory,	23	13	26	00	Sun's right ascension,	121	22	45	88
Moon's right ascension at the time of transit at Washington,						30	26	29	38

FROM THE "CONNAISSANCE DES TEMS."

Moon's right ascension at Paris Observatory.

1821.	°	′	″		°	′	″		′	″		′	″		″	
July 20, midn.	11	6	5	A												
21, noon,	17	33	1	B	+	6	26	56 *a*1	+	8	7 *a*2					
midn.	24	8	4	C	+	6	35	3 *b*1	+	9	53 *b*2	+	1	46 *a*3	—	24 *a*4
22, noon,	30	53	0	D	+	6	44	56 *c*1	+	11	15 *c*2	+	1	22 *b*3		
midn.	37	49	11	E	+	6	56	11 *d*1								

	deg.	m.	sec.	dec.
Moon's right ascension at the time of transit at Washington,	30	26	29	38
Subtract the position C,	24	8	4	00
Increase of moon's right ascension,	6	18	25	38

Estimated corresponding time at Paris Observatory, = 23*h.* 13*m.* 26*s.*; at which time the moon's hourly motion in right ascension was 33*m.* 42*s.* 914 *dec.*

As moon's hourly motion in right ascension, - - =	*sec.* 2022	*dec.* 914	arith. comp. log.	6.6940226
To one hour of time, - - - =	3600		- log.	3.5563025
So is increase of moon's right ascension, -	*deg. m. s. dec.* 6 18 25 38 =	22705 38	- log.	4.3561287
To time from midnight, - -	*h. m. s. dec.* 11 13 26 73 =	40406 73	- log.	4.6064538
Add, - -	12 0 0 00			
Time at Paris Observatory, - -	23 13 26 73			
Transit at Washington, - -	17 56 14 90			
Longitude, in time, - -	5 17 11 83	- Equal to -		*deg. m. s. dec.* 79 17 57 45
Reduction, - -	-	-	-	— 2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	-	-	79 15 39 54
Paris Observatory east of Greenwich, -	-	-	-	— 2 20 11 15
Longitude from Greenwich, - -	-	-	-	76 55 28 39

AUGUST 2, 1821.

Apparent time of the moon's transit,	*h. m. s. dec.* 3 23 7 62	- - =	*deg. m. s. dec.* 50 46 54 30
Estimated corresponding time at Paris Observatory,	8 40 19 00	Sun's right ascension,	132 34 37 53
Moon's right ascension at the time of transit at Washington,		- -	183 21 31 83

FROM THE "CONNAISSANCE DES TEMS."

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
August 1, noon,	168 51 5 A	+ 5 21 45 *a*1	— 2 51 *a*2	+ 1 58 *a*3	— 4 *a*4
midn.	174 12 50 B	+ 5 18 54 *b*1	— 0 53 *b*2	+ 1 54 *b*3	
2, noon,	179 31 44 C	+ 5 18 1 *c*1	+ 1 1 *c*2		
midn.	184 49 45 D	+ 5 19 2 *d*1			
3, noon,	190 8 47 E				

Moon's right ascension at the time of transit at Washington, - -	*deg. m. s. dec.* 183 21 31 83
Subtract the position C, - - - - -	179 31 44 00
Increase of moon's right ascension from preceding noon at Paris, - -	3 49 47 83

Estimated corresponding time at Paris Observatory, = 8*h.* 40*m.* 19*s.*; at which time the moon's hourly motion in right ascension was 26*m.* 29*s.* 9294*dec.*

As moon's hourly motion in right ascension, -		- =	*sec.* 1589	*dec.* 9294	arith. comp. log. 6.7986222
To one hour of time, - -		- =	3600		- log. 3.5563025
So is increase of moon's right ascension, -		- =	13787 83		- log. 4.1394959
To time at Paris Observatory, - -	*h. m. s. dec.* 8 40 19 11 =		31219 11		- log. 4.4944206
Transit at Washington, - -	3 23 7 62				
Longitude, in time, - - -	5 17 11 49		- Equal to -		*deg. m. s. dec.* 79 17 52 35
Reduction, - -	-		-	-	— 2 17 91
Longitude from Paris Observatory, (320 to 319,)	-		-	-	79 15 34 44
Paris Observatory east of Greenwich, -	-		-	-	— 2 20 11 15
Longitude from Greenwich, - -	-		-	-	76 55 23 29

AUGUST 5, 1821.

Apparent time of the moon's transit at Washington,	*h. m. s. dec.* 5 27 29 22	- - =	*deg. m. s. dec.* 81 52 18 30
Estimated corresponding time at Paris Observatory,	10 44 40 25	Sun's right ascension,	135 33 11 60
Moon's right ascension at the time of transit at Washington,		- -	217 25 29 90

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
August 4, noon,	200 57 19 A	+ 5 33 9 *a*1			
midn.	206 30 28 B	+ 5 41 17 *b*1	+ 8 8 *a*2	+ 1 32 *a*3	— 14 *a*4
5, noon,	212 11 45 C	+ 5 50 57 *c*1	+ 9 40 *b*2	+ 1 18 *b*3	
midn.	218 2 42 D	+ 6 1 55 *d*1	+ 10 58 *c*2		
6, noon,	224 4 37 E				

	deg.	m.	s.	dec.
Moon's right ascension at the time of transit at Washington,	217	25	29	90
Subtract the position C,	212	11	45	00
Increase of moon's right ascension,	5	13	44	90

Estimated corresponding time at Paris Observatory, = 10*h*. 44*m*. 40*sec*. 25*dec*.; at which time the moon's hourly motion in right ascension was 29*m*. 11*sec*. 9968 *dec*.

		sec.	dec.		
As moon's hourly motion in right ascension,	=	1751	9968	arith. comp. log.	6.7564667
To one hour of time,	=	3600		log.	3.5563025
So is increase of moon's right ascension,	=	18824	90	log.	4.2747327
To time at Paris Observatory,	=	38681	37	log.	4.5875019

	h.	m.	s.	dec.
To time at Paris Observatory,	10	44	41	37
Transit at Washington,	5	27	29	22
Longitude, in time,	5	17	12	15

	deg.	m.	s.	dec.
Longitude, in time, Equal to	79	18	2	25
Reduction, —		2	17	91
Longitude from Paris Observatory, (320 to 319,)	79	15	44	34
Paris Observatory east of Greenwich, —	2	20	11	15
Longitude from Greenwich,	76	55	33	19

AUGUST 6, 1821.

	h.	m.	s.	dec.		deg.	m.	s.	dec.
Apparent time of the moon's transit,	6	14	2	73	=	93	30	40	95
Estimated corresponding time at Paris Observatory,	11	31	14	00	Sun's right ascension,	136	32	36	20
Moon's right ascension at the time of transit at Washington,						230	3	17	15

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
August 5, noon,	212 11 45 A	+ 5 50 57 *a*1			
midn.	218 2 42 B	+ 6 1 55 *b*1	+ 10 58 *a*2	+ 0 57 *a*3	— 21 *a*4
6, noon,	224 4 37 C	+ 6 13 50 *c*1	+ 11 55 *b*2	+ 0 36 *b*3	
midn.	230 18 27 D	+ 6 26 21 *d*1	+ 12 31 *c*2		
7, noon,	236 44 48 E				

	deg.	m.	s.	dec.
Moon's right ascension at the time of transit at Washington,	230	3	17	15
Subtract the position C,	224	4	37	00
Increase of moon's right ascension,	5	58	40	15

Estimated corresponding time at Paris Observatory, = 11*h*. 31*m*. 14*sec*.; at which time the moon's hourly motion in right ascension was 31*m*. 7*sec*. 9398 *dec*.

		sec.	dec.		
As moon's hourly motion in right ascension,	=	1867	9398	arith. comp. log.	6.7286372
To one hour of time,	=	3600		log.	3.5563025
So is increase of moon's right ascension,	=	21520	15	log.	4.3328453
To time at Paris Observatory,	=	41474	86	log.	4.6177850

	h.	m.	s.	dec.
To time at Paris Observatory,	11	31	14	86
Transit at Washington,	6	14	2	73
Longitude, in time,	5	17	12	13

	deg.	m.	s.	dec.
Longitude, in time, Equal to	79	18	1	95
Reduction, —		2	17	91
Longitude from Paris Observatory, (320 to 319,)	79	15	44	04
Paris Observatory east of Greenwich, —	2	20	11	15
Longitude from Greenwich,	76	55	32	89

AUGUST 7, 1821.

	h.	m.	s.	dec.		deg.	m.	s.	dec.
Apparent time of the moon's transit at Washington,	7	4	15	28	=	106	3	49	20
Estimated corresponding time at Paris Observatory,	12	21	26	60	Sun's right ascension,	137	31	59	40
Moon's right ascension at the time of transit at Washington,						243	35	48	60

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
August 6, midn.	230 18 27 A				
		+ 6 26 21 *a*1			
7, noon,	236 44 48 B		+ 12 35 *a*2	— 0 35 *a*3	
		+ 6 38 56 *b*1			— 41 *a*4
midn.	243 23 44 C		+ 12 0 *b*2	— 1 16 *b*3	
		+ 6 50 56 *c*1			
8, noon,	250 14 40 D		+ 10 44 *c*2		
		+ 7 1 40 *d*1			
midn.	257 16 20 E				

	deg.	m.	s.	dec.
Moon's right ascension at the time of transit at Washington,	243	35	48	60
Subtract the position C,	243	23	44	00
Increase of moon's right ascension,	12	4	60	

Estimated corresponding time at Paris Observatory, = 12*h*. 21*m*. 26*sec*. 60*dec*.; at which time the moon's hourly motion in right ascension was 33*m*. 46*sec*. 3345*dec*.

		sec.	dec.		
As moon's hourly motion in right ascension,	=	2026	3345	arith. comp. log.	6.6932889
To one hour of time,	=	3600		log.	3.5563025
So is increase of moon's right ascension,	=	724	60	log.	2.8600983

	h.	m.	s.	dec.			
Time from midnight,	0	21	27	33	= 1287 33	log.	3.1096897
Add	12	0	0	00			
Time at Paris Observatory,	12	21	27	33			
Transit at Washington,	7	4	15	28			
Longitude, in time,	5	17	12	05	Equal to		

	deg.	m.	s.	dec.
Longitude, in time,	79	18	0	75
Reduction,	—	2	17	91
Longitude from Paris Observatory, (320 to 319,)	79	15	42	84
Paris Observatory east of Greenwich,	—	2	20	11 15
Longitude from Greenwich,	76	55	31	69

AUGUST 8, 1821.

	h.	m.	s.	dec.		deg.	m.	s.	dec.
Apparent time of the moon's transit,	7	57	58	20		= 119	29	33	00
Estimated corresponding time at Paris Observatory,	13	15	10	30	Sun's right ascension,	138	31	21	47
Moon's right ascension at the time of transit at Washington,						258	0	54	47

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
August 7, midn.	243 23 44 A				
		+ 6 50 56 *a*1			
8, noon,	250 14 40 B		+ 10 44 *a*2	— 1 50 *a*3	
		+ 7 1 40 *b*1			— 42 *a*4
midn.	257 16 20 C		+ 8 54 *b*2	— 2 32 *b*3	
		+ 7 10 34 *c*1			
9, noon,	264 26 54 D		+ 6 22 *c*2		
		+ 7 16 56 *d*1			
midn.	271 43 50 E				

	deg.	m.	s.	dec.
Moon's right ascension at the time of transit at Washington,	258	0	54	47
Subtract the position C,	257	16	20	00
Increase of moon's right ascension,	44	34	47	

Estimated corresponding time at Paris Observatory, = 13*h*. 15*m*. 10*sec*. 30*dec*.; at which time the moon's hourly motion in right ascension was 35*m*. 34*sec*. 718*dec*.

		sec.	dec.		
As moon's hourly motion in right ascension,	=	2134	718	arith. comp. log.	6.6706595
To one hour of time,	=	3600		log.	3.5563025
So is increase of moon's right ascension,	=	2674	47	log.	3.4272377

	h.	m.	sec.	dec.			
Time from midnight,	1	15	10	24	= 4510 24	log.	3.6541997
Add	12	0	0	00			
Time at Paris Observatory,	13	15	10	24			
Transit at Washington,	7	57	58	20			
Longitude, in time,	5	17	12	04	Equal to		

	deg.	m.	s.	dec.
Longitude, in time,	79	18	0	60
Reduction,	—	2	17	91
Longitude from Paris Observatory, (320 to 319,)	79	15	42	69
Paris Observatory east of Greenwich,	—	2	20	11 15
Longitude from Greenwich,	76	55	31	54

AUGUST 9, 1821.

	h. *m.* *s.* *dec.*					*deg.* *m.* *s.* *dec.*
Apparent time of the moon's transit, - -	8 54 13 58	-	-	=	133	33 23 70
Estimated corresponding time at Paris Observatory, -	14 11 26 12	Sun's right ascension,			139	30 40 03
Moon's right ascension at the time of transit at Washington,	-	-	-		273	4 3 73

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
August 8, midn.	257 16 20 A				
		+ 7 10 34 *a*1			
9, noon,	264 26 54 B		+ 6 22 *a*2	— 2 50 *a*3	— 6 *a*4
		+ 7 16 56 *b*1			
midn.	271 43 50 C		+ 3 32 *b*2	— 2 56 *b*3	
		+ 7 20 28 *c*1			
10, noon,	279 4 18 D		+ 0 36 *c*2		
		+ 7 21 4 *d*1			
midn.	286 25 22 E				

			deg. *m.* *s.* *dec.*
Moon's right ascension at the time of transit at Washington,	-	-	273 4 3 73
Subtract the position C, - - -	-	-	271 43 50 00
Increase of moon's right ascension, - -	-	-	1 20 13 73

Estimated corresponding time at Paris Observatory, = 14*h*. 11*m*. 26*s*. 12*dec*.; at which time the moon's hourly motion in right ascension was 36*m*. 37*s*. 4389*dec*.

			sec. *dec.*		
As moon's hourly motion in right ascension, -	-	=	2197 4389	arith. comp. log.	6.6580834
To one hour of time, - -	-	=	3600	- log.	3.5563025
So is increase of moon's right ascension, -		=	4813 73	- log.	3.6824817
	h. *m.* *s.* *dec.*				
To time from midnight, - -	2 11 26 19	=	7886 19	- log.	3.8968676
Add - -	12 0 0 00				
Time at Paris Observatory, -	14 11 26 19				
Transit at Washington, - -	8 54 13 58				
Longitude, in time, - -	5 17 12 61	-	Equal to	-	*deg.* *m.* *s.* *dec.* 79 18 9 15
Reduction, - -	-	-	-	- —	2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	-	-	-	79 15 51 24
Paris Observatory east of Greenwich, -	-	-	-	- —	2 20 11 15
Longitude from Greenwich, -	-	-	-	-	76 55 40 09

AUGUST 10, 1821.

	h. *m.* *s.* *dec.*				*deg.* *m.* *s.* *dec.*
Apparent time of the moon's transit, - -	9 51 23 07	-	-	=	147 50 46 05
Estimated corresponding time at Paris Observatory,	15 8 35 35	Sun's right ascension,			140 29 51 26
Moon's right ascension at the time of transit at Washington,	-	-	-		288 20 37 31

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
August 9, midn.	271 43 50 A				
		+ 7 20 28 *a*1			
10, noon,	279 4 18 B		+ 0 36 *a*2	— 2 54 *a*3	+ 29 *a*4
		+ 7 21 4 *b*1			
midn.	286 25 22 C		— 2 18 *b*2	— 2 25 *b*3	
		+ 7 18 46 *c*1			
11, noon,	293 44 8 D		— 4 43 *c*2		
		+ 7 14 3 *d*1			
midn.	300 58 11 E				

			deg. *m.* *s.* *dec.*
Moon's right ascension at the time of transit at Washington,	-	-	288 20 37 31
Subtract the position C, - - -	-	-	286 25 22 00
Increase of moon's right ascension, - -	-	-	1 55 15 31

Estimated corresponding time at Paris Observatory, = 15*h*. 8*m*. 35*s*. 35*dec*.; at which time the moon's hourly motion in right ascension was 36*m*. 40*s*. 116*dec*.

			sec.	*dec.*		
As moon's hourly motion in right ascension,	-	=	2200	116	arith. comp. log.	6.6575544
To one hour of time, - -	-	=	3600		- log.	3.5563025
So is increase of moon's right ascension,	-	=	6915	31	- log.	3.8398116
	h. *m.* *s.* *dec.*					
Time from midnight, - -	3 8 35 36	=	11315	36	- log.	4.0536685
Add - -	12 0 0 00					
Time at Paris Observatory, -	15 8 35 36					
Transit at Washington, - -	9 51 23 07					
						deg. *m.* *s.* *dec.*
Longitude, in time, - -	5 17 12 29	-	Equal to		-	79 18 4 35
Reduction, - -	-	-	-		- —	2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	-	-		-	79 15 46 44
Paris Observatory east of Greenwich, -	-	-	-		- —	2 20 11 15
Longitude from Greenwich, -	-	-	-		-	76 55 35 29

AUGUST 19, 1821.

	h. *m.* *s.* *dec.*					*deg.* *m.* *s.* *dec.*
Apparent time of the moon's transit, - -	17 46 8 10	-	-	=		266 32 1 50
Estimated corresponding time at Paris Observatory,	23 3 20 00	Sun's right ascension,				149 14 21 70
Moon's right ascension at the time of transit at Washington,	-	-	-			55 46 23 20

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
August 18, midn.	34 32 11 A				
		+ 7 6 25 *a*1	+ 10 22 *a*2	— 0 41 *a*3	— 52 *a*4
19, noon,	41 38 36 B				
		+ 7 16 47 *b*1	+ 9 41 *b*2	— 1 33 *b*3	
midn.	48 55 23 C				
		+ 7 26 28 *c*1	+ 8 8 *c*2		
20, noon,	56 21 51 D				
		+ 7 34 36 *d*1			
midn.	63 56 27 E				

						deg. *m.* *s.* *dec.*
Moon's right ascension at the time of transit at Washington,		-	-	-		55 46 23 20
Subtract the position C, - -	-	-	-	-		48 55 23 00
Increase of the moon's right ascension, -	-	-	-	-		6 51 0 20

Estimated corresponding time at Paris Observatory, = 23*h*. 3*m*. 20*sec*.; at which time the moon's hourly motion in right ascension was 37*m*. 10*sec*. 5939*dec*.

			sec.	*dec.*		
As moon's hourly motion in right ascension,	-	=	2230	5939	arith. comp. log.	6.6515795
To one hour of time, - -	-	=	3600		- log.	3.5563025
So is increase of moon's right ascension,	-	=	24660	20	- log.	4.3919986
	h. *m.* *s.* *dec.*					
Time from midnight, - -	11 3 19 77	=	39799	77	- log.	4.5998806
Add - -	12 0 0 00					
Time at Paris Observatory, -	23 3 19 77					
Transit at Washington, - -	17 46 8 10					
						deg. *m.* *s.* *dec.*
Longitude, in time, - -	5 17 11 67	-	Equal to		-	79 17 55 05
Reduction, -	-	-	-		- —	2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	-	-		-	79 15 37 14
Paris Observatory east of Greenwich, -	-	-	-		- —	2 20 11 15
Longitude from Greenwich, -	-	-	-		-	76 55 25 99

AUGUST 26, 1821, *astronomical* (*August* 27, *civil*) *reckoning.*

ECLIPSE OF THE SUN.

	h. *m.* *s.* *dec.*				*deg.* *m.* *s.* *dec.*
Apparent time of the beginning at the Capitol, at -	19 22 4 50	-	-	=	290 31 7 50
Estimated longitude from Greenwich, (320 to 319,) -	5 7 42 00				
Corresponding time at Greenwich, August 27, -	0 29 46 50	Sun's right ascension,			155 44 54 35
Right ascension of the meridian, from the beginning of ♈,		-	-	-	86 16 1 85
Right ascension of the meridian, from the beginning of ♑,		-	-	-	176 16 1 85

	° ′ ″ dec.
Latitude of the Capitol, by observation,	38 52 45 00 N.
Latitude of the Capitol, reduced, (320 to 319,)	38 42 14 51 N.
Obliquity of the ecliptic, (Naut. Alm.)	23 27 56 50
Altitude of the nonagesimal,	74 43 21 03
Longitude of the nonagesimal, from the beginning of ♈,	86 58 51 52
Sun's longitude, (Naut. Alm.)	153 50 37 00
Sun's semidiameter,	0 15 52 15
Sun's irradiation of light,	— 0 0 1 62
Sun's horizontal parallax,	0 0 8 63
Moon's *true* longitude, (Naut. Alm.)	152 31 7 39
Moon's *true* latitude, north, descending,	0 11 41 70
Moon's *true* distance from the nonagesimal, (east,)	65 32 15 87
Moon's equatorial horizontal parallax,	0 55 17 46
Moon's horizontal parallax, reduced, (320 to 319,)	0 55 13 38
Moon's horizontal parallax from the sun,	0 55 4 75
Moon's parallax in longitude,	0 48 40 20
Moon's *apparent* distance from the nonagesimal, (east,)	66 20 56 07
Moon's *apparent* longitude,	153 19 47 52
Moon's parallax in latitude,	0 14 31 85
Moon's *apparent* latitude, south,	0 2 50 15
Moon's horizontal semidiameter,	0 15 4 00
Moon's augmented semidiameter, arising from apparent altitude,	0 15 9 74
Moon's inflection of light,	— 0 0 2 98
Moon's semidiameter, corrected,	0 15 6 76

	sec. dec.
Sun's semidiameter,	952 15
Sun's irradiation of light,	— 1 62
Sun's semidiameter corrected,	950 53
Moon's semidiameter corrected,	906 76
Sum,	1857 29
Moon's *apparent* latitude,	170 15
Sum,	2027 44 - log. 3.3069480
Difference,	1687 14 - log. 3.2271511
	2)6.5340991
	3.26704955
Arith. comp. cosine moon's *apparent* latitude,	0.0000002

	′ ″ dec.	″ dec.	
Difference of sun and moon's *apparent* longitude,	30 49 48 =	1849 48	- log. 3.26704975

	deg. m. sec. dec.
Sun's longitude,	153 50 37 00
Moon's parallax in longitude,	— 48 40 20
Difference of sun and moon's *apparent* longitude,	— 30 49 48
True longitude of moon's centre, by calculation,	152 31 7 32

	h. m. s. dec.
Apparent time, by the tables, when the moon had that longitude at Greenwich,	0 29 46 38
Apparent time of the beginning of the eclipse at the Capitol, in Washington,	19 22 4 50
Longitude, in time,	5 7 41 88
Equal to	deg. m. sec. dec. 76 55 28 20

FROM THE "NAUTICAL ALMANAC."

Moon's longitude at Greenwich.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
August 26, noon,	139 45 10 A				
midn.	146 2 0 B	+ 6 16 50 *a*1	— 3 6 *a*2		
27, noon,	152 15 44 C	+ 6 13 44 *b*1	— 3 0 *b*2	+ 0 6 *a*3	
midn.	158 26 28 D	+ 6 10 44 *c*1	— 2 48 *c*2	+ 0 12 *b*3	+ 6 *a*4
28, noon,	164 34 24 E	+ 6 7 56 *d*1			

Moon's distance from the north pole of the ecliptic.

1821.	° ′ ″	° ′ ″	′ ″	″	″
August 26, noon,	88 38 24 A				
midn.	89 12 30 B	+ 0 34 6 *a*1	+ 0 17 *a*2	— 25 *a*3	
27, noon,	89 46 53 C	+ 0 34 23 *b*1	— 0 8 *b*2	— 22 *b*3	+ 3 *a*4
midn.	90 21 8 D	+ 0 34 15 *c*1	— 0 30 *c*2		
28, noon,	90 54 53 E	+ 0 33 45 *d*1			

Difference of Sun and Moon's longitude.

1821.	° ′ ″	° ′ ″	′ ″	″	″
August 26, noon,	346 53 45 A				
		+ 5 47 50 *a*1			
midn.	352 41 35 B		— 3 6 *a*2	+ 5.5 *a*3	
		+ 5 44 44 *b*1			+ 7 *a*4
27, noon,	358 26 19 C		— 3 0.5 *b*2	+ 12.5 *b*3	
		+ 5 41 43.5 *c*1			
midn.	4 8 2.5 D		— 2 48 *c*2		
		+ 5 38 55.5 *d*1			
28, noon,	9 46 58 E				

The longitude may also be found by the *true* conjunction of the sun and moon, computed for the meridians of Washington and Greenwich, as follows:

Ecliptical conjunction of sun and moon at Greenwich, August 27, 1821, at 3*h*. 16*m*. 46*sec*. 14*dec*.

							deg.	*m*.	*sec*.	*dec*.
Moon's longitude, then,	-	-	-	-	-	-	153	57	20	66
Moon's longitude, by calculation, for the beginning of the eclipse at Washington,						-	152	31	7	32
Difference of the moon's longitude,	-	-	-	-	-	-	1	26	13	34
							m.	*sec*.	*dec*.	
Moon's hourly motion in longitude,	-	-	-	-			30	58	7855	
					sec.	*dec*.				
As moon's hourly motion in longitude,	-	-	=		1858	7855	arith. comp. log.		6.7307707	
To one hour, or sixty minutes,	-	-	=		3600		-	log.	3.5563025	
		deg.	*m*.	*sec*.	*dec*.					
So is difference of moon's longitude,	-	1	26	13	34	= 5173 34	-	log.	3.7137711	
		h.	*m*.	*sec*.	*dec*.					
To the interval of time,	- -	2	46	59	46	= 10019 46	-	log.	4.0008443	
Beginning of the eclipse,	- -	19	22	4	50					
True conjunction at Washington,	-	22	9	3	96					
True conjunction at Greenwich, August 27,		3	16	46	14					
							deg.	*m*.	*sec*.	*dec*.
Longitude, in time,	- -	5	7	42	18	- Equal to -	76	55	32	70
By method 1,	-	-				- - -	76	55	28	20
Mean result—Longitude from Greenwich, by solar eclipse, (320 to 319,)						- -	76	55	30	45

The statement received from Mr. William Elliot, the observer herein alluded to, relating to this eclipse, dated the 31st of August, 1821, of which the following is an extract, will justify the admission of the foregoing calculations as a part of this report:

"From corrections which I have been able to make, I find that the times of the beginning and end of the solar eclipse of the 27th instant, as given to you, and published in the newspapers of this place, were erroneous. The commencement was August 26, about 19*h*. 22*m*. 4½*sec*. in time. On account of clouds, the end of the eclipse was not properly observed.

"There seems to be much difficulty in observing accurately the beginning of an eclipse of the sun, because a sensible indentation must be made on the disc before it is certain that the eclipse has commenced; and this, of course, must require *some time*, which must be allowed for in the calculation. The *end* could be ascertained with greater precision, because the observer is prepared by constantly watching the progress of the eclipse to the end.

"An occultation of a fixed star by the moon can be much better observed than an eclipse; for, by means of a good glass, the approach of the moon is easily seen, and the instant of the immersion may be determined to the nearest second of time.

"WILLIAM ELLIOT."

SEPTEMBER 7, 1821.

	h.	*m*.	*sec*.	*dec*.			*deg*.	*m*.	*sec*.	*dec*.
Apparent time of the moon's transit at Washington,	8	39	44	75	-	- =	129	56	11	25
Estimated corresponding time at Paris Observatory,	13	56	56	75	Sun's right ascension,	-	166	13	51	71
Moon's right ascension at the time of the transit at Washington,	-	-	-				296	10	2	96

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
Sept. 6, midn.	280 36 44 A				
		+ 7 12 43 *a*1			
7, noon,	287 49 27 B		— 1 48 *a*2	— 1 57 *a*3	
		+ 7 10 55 *b*1			+ 33 *a*4
midn.	295 0 22 C		— 3 45 *b*2	— 1 24 *b*3	
		+ 7 7 10 *c*1			
8, noon,	302 7 32 D		— 5 9 *c*2		
		+ 7 2 1 *d*1			
midn.	309 9 33 E				

					deg.	*m*.	*sec*.	*dec*.
Moon's right ascension at the time of transit at Washington,	-	-	-	-	296	10	2	96
Subtract the position C,	- -	-	-	-	295	0	22	00
Increase of moon's right ascension,	-	-	-	-	1	9	40	96

Estimated corresponding time at Paris Observatory, = 13*h*. 56*m*. 56*sec*. 75*dec*.; at which time the moon's hourly motion in right ascension was 35*m*. 45*sec*. 0266*dec*.

			sec.	*dec.*		
As moon's hourly motion in right ascension,	-	=	2145	0266	arith. comp. log.	6.6685673
To one hour of time, - -	-	=	3600		- log.	3.5563025
So is increase of moon's right ascension,	-	=	4180	96	- log.	3.6212760
	h.	*m.*	*sec.*	*dec.*		
To time from midnight, - -	1	56	56	90	= 7016 90 - log.	3.8461458
Add, - -	12	0	0	00		
Time at Paris Observatory, -	13	56	56	90		
Transit at Washington, - -	8	39	44	75		
					deg. *m.* *sec.* *dec.*	
Longitude, in time, - -	5	17	12	15	- Equal to -	79 18 2 25
Reduction, -	-	-	-	-	- —	2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	-	-	-		79 15 44 34
Paris Observatory east of Greenwich, -	-	-	-	-	- —	2 20 11 15
Longitude from Greenwich, -	-	-	-	-		76 55 33 19

SEPTEMBER 21, 1821.

	h.	*m.*	*s.*	*dec.*		*deg.* *m.* *sec.* *dec.*
*Apparent time of the moon's transit at Washington,	21	25	59	65	- -	=321 29 54 75
Estimated corresp. time at Paris Observ., Sept'r 22,	2	43	11	50	Sun's right ascension,	179 18 6 70
Moon's right ascension at the time of transit,	-	-	-	-		140 48 1 45

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
Sept. 21, noon,	126 48 55 A	+ 6 25 19 *a*1	— 13 54 *a*2	+ 1 14 *a*3	+ 18 *a*4
midn.	133 14 14 B	+ 6 11 25 *b*1	— 12 40 *b*2	+ 1 32 *b*3	
22, noon,	139 25 39 C	+ 5 58 45 *c*1	— 11 8 *c*2		
midn.	145 24 24 D	+ 5 47 37 *d*1			
23, noon,	151 12 1 E				

						deg. *m.* *sec.* *dec.*
Moon's right ascension at the time of transit at Washington,	-	-	-	-	-	140 48 1 45
Subtract the position C, - -	-	-	-	-	-	139 25 39 00
Increase of moon's right ascension,	-	-	-	-	-	1 22 22 45

Estimated corresponding time at Paris Observatory, September 22d, 2*h*. 43*m*. 11*sec*. 50*dec*.; at which time the moon's hourly motion in right ascension was 30*m*. 17*sec*. 1323*dec*.

			sec.	*dec.*		
As moon's hourly motion in right ascension,	-	=	1817	1323	arith. comp. log.	6.7406135
To one hour, or sixty minutes, -	-	=	3600		- log.	3.5563025
So increase of moon's right ascension, -	-	=	4942	45	- log.	3.6939423
	h.	*m.*	*sec.*	*dec.*		
To time at Paris Observatory, -	2	43	11	70	= 9791 70 - log.	3.9908583
Transit at Washington, - -	21	25	59	65		
					deg. *m.* *sec.* *dec.*	
Longitude, in time, - -	5	17	12	05	- Equal to -	79 18 0 75
Reduction, -	-	-	-	-	- —	2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	-	-	-		79 15 42 84
Paris Observatory east of Greenwich, -	-	-	-	-	- —	2 20 11 15
Longitude from Greenwich, -	-	-	-	-		76 55 31 69

The method of determining the longitude by transits of the moon over the meridian being entitled to a preference, on account of the number of observations, and the accuracy with which they may be made, and having been principally resorted to since the passage of the resolution of Congress of the 3d of March, 1821, for the purpose of carrying the same into effect, some explanatory remarks relating to this method are proper to be submitted, that its claim to future attention and practice, by the scientific part of our community, may be fully understood.

It is an object of primary importance that the apparent time, in each case, be correctly obtained by transits of the sun, and of some fixed stars, taken alternately,† that the error of the clock, or other time-piece, may be accurately ascertained. In the use of the transit instrument, it should be examined immediately before the observation

* Astronomical reckoning, answering to September 22d, 9*h*. 25*m*. 59*sec*. 65*dec*., A. M.

† The apparent time, thus obtained, may be depended upon for its accuracy; when recourse cannot be had to those transit observations, equal altitudes of the sun, corrected by the proper equations for the latitude of the place, and the sun's declination, may be used with advantage in other methods.

is made, and be placed correctly in the meridian by means of the adjusting screws attached thereto; this course of proceeding ought to be uniformly attended to, for a slight deviation from the meridian will sensibly affect the longitude. It is also material that the interval of time of the passage from the eastern or western limb to the moon's centre be found with due precision. This interval will change according to the variation in the moon's right ascension for twelve hours, the increase or diminution of its apparent semidiameter, and the declination from the equator. In some astronomical works, particularly those published by Messrs. Mackay and Garnett, tables are given to find the interval; but it may always be obtained with greater accuracy by the following rules:

Reduce the variation in the moon's right ascension* for the twelve hours during which the transit may happen, into time; add it to twelve hours, and call the sum, in seconds, A.

Let the moon's horizontal semidiameter, corrected for the augmentation arising from the apparent altitude, and diminished by 3*sec.*, as an allowance for the inflection of light, be reduced to seconds, and called B.

To the constant logarithm 4.1884250, add the logs. of A and B, and the log. secant of the moon's declination, computed strictly to the nearest second at the time of the transit; the sum of these four logarithms will be the log. of the moon's semidiameter in time, or the interval in seconds and decimal parts of the passage from the eastern or western limb to the moon's centre.

EXAMPLE I.

Let the variation in the moon's right ascension for twelve hours be 7*deg.* 16*min.* 45*sec.;* the semidiameter, corrected, 16*min.* 8*sec.* 4*dec.*; and the declination 18*deg.* 37*min.* 25*sec.* south. Required the interval of passage from the eastern limb to the moon's centre?

° ′ ″	*m. sec. dec.*	*h.*	*h. m. sec.*		
7 16 45 =	29 7 0 in time +	12 =	12 29 7, in seconds	44947	A
Moon's semidiameter, corrected, 16*m.* 8*sec.* 4*dec.*, in seconds				968.4	B
Constant log.		-	-		- 4.1884250
A = 44947		-	- log.		- 4.6527007
B = 968.4		-	- log.		- 2.9860548
		° ′ ″			
Moon's declination,		18 37 25	secant		- 0.0233580
	m. sec. dec.	*sec. dec.*			
Interval of passage,	- 1 10 882 =	70 882	log.		- 1.8505385

EXAMPLE II.

The variation in the moon's right ascension for twelve hours was 6*deg.* 15*min.* 0*sec.*; the semidiameter, *corrected*, 14*min.* 54*sec.*; and declination 3*deg.* 42*min.* 30*sec.* north. Required the moon's semidiameter, in time, or the interval of passage from the western limb to the moon's centre?

° ′ ″	*m. sec.*	*h.*	*h. m. sec.*		
6 15 0 =	25 0 +	12 =	12 25 0, in seconds	44700	A
	m. sec.				
Moon's semidiameter *corrected*,	14 54 in seconds			894	B
Constant log.		-	-		- 4.1884250
A	-	-	log.		- 4.6503075
B	-	-	log.		- 2.9513375
		deg. m. sec.			
Moon's declination,		3 42 30	secant		0.0009103
	m. sec. dec.	*sec. dec.*			
Interval of passage,	1 1 799 =	61 799	log.		- 1.7909803

The interval thus obtained is to be added to the time of transit of the western limb, and subtracted from that of the eastern limb, to find the correct time of passage of the moon's centre over the meridian. If irregularity be discovered in the motion of the clock or chronometer, the equation arising from a *mean* of second differences ought to be applied to ascertain its daily rate of loss or gain.

Eclipses of Jupiter's satellites present to us another method to determine the longitude. Dr. Maskelyne, formerly astronomer royal at Greenwich, in a communication relating to the transit of Venus which happened on the 3d of June, 1769, thus remarks: "In like manner as in observing the eclipses of Jupiter's satellites, the immersion or emersion shall often seem instantaneous, or nearly so, equally to two observers in distant places, and yet the absolute times of the observations may differ a minute of time or more from each other, owing to the difference of telescopes, weather, or other circumstances." [See Transactions of the American Philosophical Society, vol. 1, page 106.] If there be such uncertainty in the use of this method, it cannot be among the *most approved.* It is true that a great number of observations might, and probably would, tend to lessen the errors; but, notwithstanding the facility with which the results may be obtained, their accuracy cannot always be depended upon. Angular distances of the sun and moon, or of the moon and a fixed star, from the difficulty, if not impracticability, of observing those distances sufficiently exact, are *less* entitled to consideration, except at sea, where a deviation of fifteen or twenty minutes from the truth is said to be sometimes little regarded. It will be recollected that an error of one minute in space will affect the longitude thus found at least nine-twentieths of a degree; for, as 13*deg.* 10*min.* 35*sec.*, the moon's daily motion in her orbit, at a *mean* rate, is to the whole circle, or 360*deg.*, so is one minute to 27*min.* 19¼*sec.* of longitude. If those distances, taken with the best instruments now in use, placed in the hands of the most expert observers, are not generally true to 20 or 30 seconds, the propriety of adopting this method on land, where great accuracy in the results may be required, is much to be questioned.

In ascertaining the longitude by transits of the moon over the meridian, as well as by solar eclipses and occultations of fixed stars, it is advisable to assume a near approximation to the true distance of the meridians for which the calculations may be made, to avoid unnecessary repetitions of a tedious process. This method has been uni-

* This variation in right ascension for twelve hours should be computed by the method of interpolation from successive differences, for the precise time at which the transit happens, to insure greater accuracy in the result.

formly pursued to obtain the results hitherto found: much labor must be encountered, without the smallest advantage to be derived in point of accuracy, by the adoption of a different course of proceeding. The *approximated* longitude may be either previously known, or determined sufficiently exact, by one or two of the first observations.

It being suggested, soon after this transit was observed, that our meridian, or north and south line, was so far incorrect as to affect, in a material degree, the results of all the transits of the moon which had been calculated; and this intimation coming from a quarter that entitled it to particular attention, it was determined to suspend all further observations until the accuracy of the line should be satisfactorily proved by offsets at several stations taken at right angles with the original line drawn by Mr. Andrew Ellicott. This was done on or about the first day of October; and, from the admeasurements, made with great exactness, it appeared, by the transit instrument, which was removed from its place, that the signals made use of were perfectly in a range, and no sensible deviation could be discovered. We have, therefore, just reason to conclude that the line was correctly drawn; and no allowance for error, in the slightest degree, is necessary to be made in *all* or *any* of the results ascertained by means of the moon's transits over our meridian.

October 4, 1821.

	h. *m.* *sec.* *dec.*		*deg.* *m.* *sec.* *dec.*
Apparent time of transit of moon's western limb,	6 35 26 27		
Interval to passage of the centre, -	+ 1 13 38		
Apparent time of transit of moon's centre,	6 36 39 65	- - - =	99 9 54 75
Estim. corresponding time at Paris Observatory,	11 53 51 50	Sun's right ascension, -	190 28 41 61
Moon's right ascension at the time of transit at Washington,		- - -	289 38 36 36

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
October 3, noon,	268 40 19 A	+ 7 0 8 *a*1	+ 1 11 *a*2	— 2 5 *a*3	
midn.	275 40 27 B	+ 7 1 19 *b*1	— 0 54 *b*2	— 1 41 *b*3	+ 24 *a*4
4, noon,	282 41 46 C	+ 7 0 25 *c*1	— 2 35 *c*2		
midn.	289 42 11 D	+ 6 57 50 *d*1			
5, noon,	296 40 1 E				

	deg. *m.* *sec.* *dec.*
Moon's right ascension at the time of transit at Washington, - - -	289 38 36 36
Subtract the position C, - - - - - -	282 41 46 00
Increase of moon's right ascension, - - - - -	6 56 50 36

Estimated corresponding time at Paris Observatory, = 11*h*. 53*m*. 51*sec*. 50*dec*.; at which time the moon's hourly motion in right ascension was 35*m*. 2*sec*. 128*dec*.

		sec. *dec.*		
As moon's hourly motion in right ascension,	-	= 2102 128	arith. comp. log.	6.6773408
To one hour, or sixty minutes, -	-	= 3600	- log.	3.5563025
So is increase of moon's right ascension,	-	= 25010 36	- log.	4.3981200
	h. *m.* *sec.* *dec.*			
To time at Paris Observatory, -	11 53 51 50	= 42831 50	- log.	4.6317633
Transit at Washington, - -	6 36 39 65			
				deg. *m.* *sec.* *dec.*
Longitude, in time, - -	5 17 11 85	- Equal to -		79 17 57 75
Reduction, -	- -	- - -	—	2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	- - -		79 15 39 84
Paris Observatory east of Greenwich, -	-	- - -	—	2 20 11 15
Longitude from Greenwich, -	-	- - -		76 55 28 69

October 5, 1821.

	h. *m.* *sec.* *dec.*		*deg.* *m.* *sec.* *dec.*
Apparent time of transit of the moon's centre,	7 30 22 88	- - =	112 35 43 20
Estimated corresponding time at Paris Observatory,	12 47 34 70	Sun's right ascension, -	191 25 25 42
Moon's right ascension at the time of transit at Washington,		- - -	304 1 8 62

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	″	″
October 4, midn.	289 42 11 A	+ 6 57 50 *a*1	— 3 54 *a*2	— 48 *a*3	
5, noon,	296 40 1 B	+ 6 53 56 *b*1	— 4 42 *b*2	— 16 *b*3	+ 32 *a*4
midn.	303 33 57 C	+ 6 49 14 *c*1	— 4 58 *c*2		
6, noon,	310 23 11 D	+ 6 44 16 *d*1			
midn.	317 7 27 E				

	deg. *m.* *sec.* *dec.*
Moon's right ascension at the time of transit at Washington, - - -	304 1 8 62
Subtract the position C, - - - - - -	303 33 57 00
Increase of moon's right ascension, - - - - -	27 11 62

Estimated corresponding time at Paris Observatory, = 12*h.* 47*m.* 34*sec.* 70*dec.*; at which time the moon's hourly motion in right ascension was 34*m.* 17*sec.* 604*dec.*

		sec. *dec.*			
As moon's hourly motion in right ascension, -	=	2057 604	arith. comp. log.		6.6866382
To one hour, or sixty minutes, -	=	3600	- log.		3.5563025
So is increase of moon's right ascension, -	=	1631 62	- log.		3.2126722
	h. *m.* *sec.* *dec.*				
To time past midnight, - -	0 47 35 04	= 2855 04	- log.		3.4556129
Add, - -	12 0 0 00				
Time at Paris Observatory, -	12 47 35 04				
Transit at Washington, - -	7 30 22 88				
				deg. *m.* *sec.* *dec.*	
Longitude, in time, - -	5 17 12 16	- Equal to	-	79 18 2 40	
Reduction, -	-	-	-	—	2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	-	-		79 15 44 49
Paris Observatory east of Greenwich, -	-	-	-	—	2 20 11 15
Longitude from Greenwich, -	-	-	-		76 55 33 34

On the 10th of October, the immersion of Jupiter's first satellite was observed at the Capitol in Washington. The computed *mean* time of this eclipse at Paris Observatory, as stated in the French *Connaissance des Tems*, was at 14*h.* 25*m.* 28*sec.*; and at Greenwich, (*Naut. Alm.*) at 14*h.* 15*m.* 54*sec.*; making the difference of those meridians = 9*m.* 34*sec.* in time, or 2*deg.* 23*m.* 30*sec.* of longitude: this is 3*m.* 15*sec.* more than has been given in the first mentioned ephemeris for the present year, (page 184,) and 3*m.* 18*sec.* 85*dec.* greater than it has been found by calculations contained in this report. The errors to which this method is subjected, arising, principally, from the immense distance of that planet and its satellites from the earth, have hitherto prevented recourse being had to it, when other methods capable of superior accuracy could be used. The time at Washington was obtained by a watch, compared with the astronomical clock immediately before and after the immersion,

		h. *m.* *sec.* *dec.*
Which happened at - - - - - -		9 18 30 00
Watch fast for *mean* time, - - - - - - -	—	10 53 45
Mean time of the immersion at the Capitol, - - - -		9 7 36 55

This subtracted from 14*h.* 25*m.* 28*sec.* and 14*h.* 15*m.* 54*sec.*, respectively, leaves 5*h.* 17*m.* 51*sec.* 45*dec.*, = 79*deg.* 27*m.* 51*sec.* 75*dec.*, the longitude from Paris Observatory; and 5*h.* 8*m.* 17*sec.* 45*dec.*, = 77*deg.* 4*m.* 21*sec.* 75*dec.*, the longitude from Greenwich; showing a variance too material, when compared with the results obtained by transits of the moon over our meridian, to admit it to be incorporated with them.

OCTOBER 17, 1821, (*astronomical reckoning.*)

	h. *m.* *sec.* *dec.*			*deg.* *m.* *sec.* *dec.*
Apparent time of transit of moon's centre, -	18 42 15 19	-	- =	280 33 47 85
Estimated corresponding time at Paris Observatory, -	23 59 27 15	Sun's right ascension,		202 56 36 67
Moon's right ascension at the time of transit at Washington,	-	-	-	123 30 24 52

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
October 16, midn.	102 2 24 A				
		+ 7 26 5 *a*1	— 16 26 *a*2	— 0 38 *a*3	+ 49 *a*4
17, noon,	109 28 29 B				
		+ 7 9 39 *b*1	— 17 4 *b*2	+ 0 11 *b*3	
midn.	116 38 8 C				
		+ 6 52 35 *c*1	— 16 53 *c*2		
18, noon,	123 30 43 D				
		+ 6 35 42 *d*1			
midn.	130 6 25 E				

		deg. *m.* *sec.* *dec.*
Moon's right ascension at the time of transit at Washington, -	-	123 30 24 52
Subtract the position C, - - - - - -	-	116 38 8 00
Increase of moon's right ascension, - - - - -	-	6 52 16 52

Estimated corresponding time at Paris Observatory, = 23*h.* 59*m.* 27*sec.* 15*dec.*; at which time the moon's hourly motion in right ascension was 34*m.* 22*sec.* 9491*dec.*

			sec.	*dec.*		
As moon's hourly motion in right ascension,	-	=	2062	9491	arith. comp. log.	6.6855115
To one hour, or sixty minutes, -	-	=	3600		- log.	3.5563025
So is increase of moon's right ascension,	-	=	24736	52	- log.	4.3933382
	h. *m.* *sec.* *dec.*					
To time from midnight, - -	11 59 27 07	=	43167	07	- log.	4.6351522
Add - -	12 0 0 00					
Time at Paris Observatory, -	23 59 27 07					
Transit at Washington, - -	18 42 15 19					
						deg. *m.* *sec.* *dec.*
Longitude, in time, - -	5 17 11 88	- Equal to			-	79 17 58 20
Reduction, -	-	-	-	-	—	2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	-	-	-		79 15 40 29
Paris Observatory east of Greenwich, -	-	-	-	-	—	2 20 11 15
Longitude from Greenwich, -	-	-	-	-		76 55 29 14

OCTOBER 18, 1821, (*astronomical reckoning.*)

	h. *m.* *sec.* *dec.*		*deg.* *m.* *sec.* *dec.*
Apparent time of the transit of moon's centre,	19 31 46 29	- - - =	292 56 34 35
Estim. corresp'g time at Paris Observatory, 19th,	0 48 58 25	- Sun's right ascension,	203 54 55 95
Moon's right ascension at the time of transit at Washington,	-	- -	136 51 30 30

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
October 18, noon,	123 30 43 A				
midn.	130 6 25 B	+ 6 35 42 *a*1	— 15 54 *a*2	+ 1 23 *a*3	
19, noon,	136 26 13 C	+ 6 19 48 *b*1	— 14 31 *b*2	+ 1 42 *b*3	+ 19 *a*4
midn.	142 31 30 D	+ 6 5 17 *c*1	— 12 49 *c*2		
20, noon,	148 23 58 E	+ 5 52 28 *d*1			

		deg. *m.* *sec.* *dec.*
Moon's right ascension at the time of transit at Washington,	- - -	136 51 30 30
Subtract the position C, - - -	- - -	136 26 13 00
Increase of moon's right ascension, - -	- - -	25 17 30

Estimated corresponding time at Paris Observatory, = 48*m.* 58*sec.* 25*dec.*; at which time the moon's hourly motion in right ascension was 30*m.* 58*sec.* 9567*dec.*

			sec.	*dec.*		
As moon's hourly motion in right ascension,	-	=	1858	9567	arith. comp. log.	6.7307307
To one hour, or sixty minutes, -	-	=	3600		- log.	3.5563025
So is increase of moon's right ascension, -	-	=	1517	30	- log.	3.1810715
	h. *m.* *sec.* *dec.*					
To time at Paris Observatory, 19th, -	0 48 58 36	=	2938	36	- log.	3.4681047
Transit at Washington, 18th, at -	19 31 46 29					
						deg. *m.* *sec.* *dec.*
Longitude, in time, - -	5 17 12 07	- Equal to			-	79 18 1 05
Reduction, -	-	-	-	-	—	2 17 91
Longitude from Paris Observatory, (320 to 319,)	-	-	-	-		79 15 43 14
Paris Observatory east of Greenwich, -	-	-	-	-		2 20 11 15
Longitude from Greenwich, -	-	-	-	-		76 55 31 99

OCTOBER 19, 1821, (*astronomical reckoning.*)

	h. *m.* *sec.* *dec.*		*deg.* *m.* *sec.* *dec.*
Apparent time of the transit of moon's centre,	20 17 4 03	- - - =	304 16 0 45
Estim. corresp'g time at Paris Observatory, 20th,	1 34 16 00	- Sun's right ascension,	204 53 15 64
Moon's right ascension at the time of transit at Washington,	-	- -	149 9 16 09

Moon's right ascension at Paris Observatory.

1821.	° ′ ″	° ′ ″	′ ″	′ ″	″
October 19, noon,	136 26 13 A				
midn.	142 31 30 B	+ 6 5 17 *a*1	— 12 49 *a*2	+ 1 57 *a*3	
20, noon,	148 23 58 C	+ 5 52 28 *b*1	— 10 52 *b*2	+ 1 58 *b*3	+ 1 *a*4
midn.	154 5 34 D	+ 5 41 36 *c*1	— 8 54 *c*2		
21, noon,	159 38 16 E	+ 5 32 42 *d*1			

	deg.	m.	sec.	dec.
Moon's right ascension at the time of transit at Washington,	149	9	16	09
Subtract the position C,	148	23	58	00
Increase of moon's right ascension,	45	18	09	

Estimated corresponding time at Paris Observatory, October 20th, = 1*h.* 34*m.* 16*s.*; at which time the moon's hourly motion in right ascension was 28*m.* 50*s.* 008*dec.*

As moon's hourly motion in right ascension,	=	1730	008	arith. comp. log. 6.7619537
To one hour, or sixty minutes,	=	3600		log. 3.5563025
So is increase of moon's right ascension,	=	2718	09	log. 3.4342509

	h.	m.	sec.	dec.				
Time at Paris Observatory, 20th,	1	34	15	97	=	5655	97	log. 3.7525071
Transit at Washington, 19th,	20	17	4	03				
Longitude, in time,	5	17	11	94	Equal to			deg. 79 m. 17 sec. 59 dec. 10
Reduction,								— 2 17 91
Longitude from Paris Observatory, (320 to 319,)								79 15 41 19
Paris Observatory east of Greenwich,								— 2 20 11 15
Longitude from Greenwich,								76 55 30 04

NOVEMBER 1, 1821.

	h.	m.	sec.	dec.			deg.	m.	sec.	dec.
Apparent time of the transit of moon's centre,	5	27	12	03			= 81	48	0	45
Estim. corresponding time at Paris Observatory,	10	44	24	00	Sun's right ascension,		216	48	14	16
Moon's right ascension at the time of transit at Washington,							298	36	14	61

Moon's right ascension at Paris Observatory.

1821.	°	′	″		°	′	″		′	″		′	″		″	
October 31, noon,	278	50	5	A	+ 6	53	2	*a*1	— 3	4	*a*2					
midn.	285	43	7	B	+ 6	49	58	*b*1	— 4	28	*b*2	— 1	24	*a*3	+ 37	*a*4
November 1, noon,	292	33	5	C	+ 6	45	30	*c*1	— 5	15	*c*2	— 0	47	*b*3		
midn.	299	18	35	D	+ 6	40	15	*d*1								
2, noon,	305	58	50	E												

	deg.	m.	sec.	dec.
Moon's right ascension at the time of transit at Washington,	298	36	14	61
Subtract the position C,	292	33	5	00
Increase of moon's right ascension,	6	3	9	61

Estimated corresponding time at Paris Observatory, = 10*h.* 44*m.* 24*s.*; at which time the moon's hourly motion in right ascension was 33*m.* 48*s.* 8306*dec.*

As moon's hourly motion in right ascension,	=	2028	8306	arith. comp. log. 6.6927543
To one hour, or sixty minutes,	=	3600		log. 3.5563025
So is increase of moon's right ascension,	=	21789	61	log. 4.3382494

	h.	m.	sec.	dec.				
To time at Paris Observatory,	10	44	23	95	=	38663	95	log. 4.5873062
Transit at Washington,	5	27	12	03				
Longitude, in time,	5	17	11	92	Equal to			deg. 79 m. 17 sec. 58 dec. 80
Reduction,								— 2 17 91
Longitude from Paris Observatory, (320 to 319,)								79 15 40 89
Paris Observatory east of Greenwich,								— 2 20 11 15
Longitude from Greenwich,								76 55 29 74

On the 2d November, the altitude of the sun's eastern limb was taken with the transit instrument, and found to be 36° 36′ 30″, the error of the instrument — 1′ 50″ = 36° 34′ 40″, the correct observed altitude of the upper limb; hence, the meridian altitude of the sun's centre was = 36° 17′ 26″ 2*dec.*; the sun's declination, allowing the equation arising from second differences, being then 14° 49′ 50″ 7*dec.* south, the latitude of the south wing of the Capitol, by this observation, is 38° 52′ 43″ 1*dec.* north. This is additional evidence that the latitude of the centre of that building, as heretofore ascertained and recorded in this report, = 38° 52′ 45″ N. has been determined with sufficient accuracy to the nearest second of a degree.

In Dr. A. Mackay's Treatise on the Latitude and Longitude, vol. 1, pages 196, 197, the method of determining the longitude by transits of the moon over the meridian is strongly recommended by himself, and others to whom he alludes, particularly Mr. Pigott, who states, in the British Philosophical Transactions for the years 1786 and

1790, his conviction "that, in a short time, it must be universally adopted, having every advantage over Jupiter's first satellite, and but little inferior in precision to occultations." It is worthy the ingenious research of eminent practical astronomers to devise and investigate rules for reducing the longitude on a *sphere* to that on a *spheroid*, according to the ratio of 320 to 319, or any other which may be more approved and generally adopted. If this reduction, in all cases, be correctly found and applied, it is not perceived that any method whatever has the advantage of superior accuracy. It is known that solar eclipses, and occultations of fixed stars by the moon, visible at any particular place on the earth, do not often occur; whereas observations of the moon's transits over the meridian may be frequently resorted to. The only reason which can, with propriety, be given for a preference of the former to the latter, is, that, in the process of calculation, the latitude of the place, and the moon's equatorial horizontal parallax, are reduced according to the *true* or *spheroidal* form of the earth, and, consequently, that the results obtained by those methods are considered, on that account, to be more correct. It has been proved, by repeated trials, that the apparent time may be found with greater precision by alternate transits of the sun and of known fixed stars over the meridian, than by any other experiment which can be made for that purpose; and if the truth of this remark be admitted, it is equally certain that the precise instant of time by a clock or chronometer, of the passage of the moon's western or eastern limb, can be determined with as much accuracy as that of the immersion and emersion of a star, or the beginning and end of an eclipse of the sun.

A transit instrument furnished with a circle of altitude is, perhaps, among the best that can be invented for an accurate determination of both the latitude and longitude of any place on the earth. In our climate, especially in the heat of summer, the sun's rays operate so powerfully upon the instrument, as materially to affect the level during the time necessary to make an observation for the latitude: the instrument should, therefore, be immediately restored to its level, and the error ascertained, which must be applied according to its affection + or —, to obtain the observed altitude of the sun's upper limb. When a sufficient number of experiments shall have been made, this error, if not allowed for, will be lessened, if not entirely removed; for if the latitude be found *too great* by some observations, it will be *less than the truth* by others, and a mean result may be depended upon as sufficiently correct. In observing the transits of fixed stars to ascertain the apparent time, our instrument was never known to vary from its level, in the slightest degree.

The most accurate method of fixing a transit instrument, in northern latitudes, is by placing several posts or signals, to which lanterns are attached, at remote distances, and in an exact range with Alioth, when it is directly above or below the pole star; for then the latter will be on the meridian of the place of observation. Another method is, to find the apparent noon by equal altitudes of the sun, corrected by the proper equations for the latitude and sun's declination, and compare the time by the clock or chronometer corresponding thereto with that shown by the meridian mark: let a temporary mark or signal be set up, ranging as nearly as may be with the sun's centre at the corrected time, which position may be obtained with tolerable accuracy by means of concentric circles drawn on a large platform. Repeat the observations, and remove the temporary mark, until it shall be found exactly in the meridian; it may then be taken away, and the stone, or other permanent meridian mark, set in its place.

In closing this report, it will not be improper to remark, that the unfavorable state of the atmosphere, and the sickness of the observer and his family at other times, rendered it impracticable to avail ourselves of more transit observations, which might otherwise have been made; and that before the next lunation, or the time when the moon will be again in suitable positions for such observations to be repeated, the rooms in the south wing of the Capitol, where the instruments are now deposited, must be given up to prepare for the reception of Congress or their committees. A statement of the longitude of the Capitol in the city of Washington from the Observatories at Paris and Greenwich, as deduced from all the observations which have been made, admitting the ratio of 320 to 319, of the equatorial diameter to the polar axis of the earth, is, therefore, exhibited, as follows:

	From Paris Obs'y.	From Greenwich.
	deg. m. sec. dec.	*deg. m. sec. dec.*
Mean result of three occultations, and of an annular solar eclipse, observed prior to 3d March, 1821, - - - - -	79 15 41 46	76 55 30 31

MOON'S TRANSITS OVER THE MERIDIAN.

1821.		From Paris Observatory. *deg. m. sec. dec.*	From Greenwich. *deg. m. sec. dec.*
June	7,	79 15 27 24	76 55 16 09
	21,	79 15 30 99	76 55 19 84
July	9,	79 15 54 54	76 55 43 39
	11,	79 15 48 84	76 55 37 69
	12,	79 15 34 89	76 55 23 74
	13, (mean of two methods,)	79 15 39 16	76 55 28 01
	20,	79 15 52 69	76 55 41 54
	21,	79 15 39 54	76 55 28 39
August	2,	79 15 34 44	76 55 23 29
	5,	79 15 44 34	76 55 33 19
	6,	79 15 44 04	76 55 32 89
	7,	79 15 42 84	76 55 31 69
	8,	79 15 42 69	76 55 31 54
	9,	79 15 51 24	76 55 40 09
	10,	79 15 46 44	76 55 35 29
	19,	79 15 37 14	76 55 25 99
September	7,	79 15 44 34	76 55 33 19
	21,	79 15 42 84	76 55 31 69
October	4,	79 15 39 84	76 55 28 69
	5,	79 15 44 49	76 55 33 34
	17,	79 15 40 29	76 55 29 14
	18,	79 15 43 14	76 55 31 99
	19,	79 15 41 19	76 55 30 04
November	1,	79 15 40 89	76 55 29 74
	Sum,	1902 16 48 08	1846 12 20 48
Mean of twenty-four transit observations,		79 15 42 00	76 55 30 85

RESULT OF ALL THE OBSERVATIONS.

	From Paris Obs'y.	From Greenwich.
	deg. m. sec. dec.	*deg. m. sec. dec.*
Prior to the 3d March, 1821,	79 15 41 46	76 55 30 31
Transit observations,	79 15 42 00	76 55 30 85
Solar eclipse of August 27, 1821. (Mean of two methods,)	79 15 41 60	76 55 30 45
Mean result,	79 15 41 69	76 55 30 54

The near agreement of the result of the foregoing transit observations with that formerly obtained by the *most approved* methods was not expected at the commencement of our operations, nor would it probably have occurred had not the error of the astronomical clock for apparent time been ascertained with great precision by alternate transits of the sun and of fixed stars, whose right ascensions and declinations have been accurately obtained. The rule given in this report to compute the interval of time of the passage from the eastern or western limb to the moon's centre, known to be founded upon correct principles, has also been essentially useful to determine that interval in every case in which it has been applied, from the 9th of July to the 1st of November; previously to the time first mentioned, the tables contained in Garnett and Mackay's astronomical publications were used for that purpose. It is likewise to be understood that such observations as were doubtful as to the time shown by the clock have been invariably rejected, and none but those which have been well taken, and ought to be depended upon, have been admitted. If, notwithstanding all the care that has uniformly directed the process, errors sensibly affecting the result herein contained should be discovered, it is hoped that they will be pointed out with candor by such scientific persons *alone* as are fully competent to the task.

The greatest variance in the results, as above stated, allowing 94,806 yards to a degree of longitude in our latitude, is 14 yards, 0 feet 8 inches; from which, if we deduct 19 feet, the distance at which the transit instrument was fixed west of the centre of the Capitol, we shall have 7 yards 2 feet 8 inches. If we compare the mean result of all the observations with that which has been recorded in the abstracts of calculations heretofore furnished the two Houses of Congress, and allow the same deduction, the variance nearly vanishes, and does not amount to 11 inches of our admeasurement. If we admit the difference of the meridians of Paris and Greenwich to be 2° 20′ 15″, as stated in the Connaissance des Tems for the present year, instead of 2° 20′ 11″ 15*dec.* applied to the results of the transit observations which have been made, the variance would still be less than the length of the Capitol in the city of Washington, viz: 120 yards. Under all the circumstances in which the foregoing result can be viewed, allowing a small error to have been committed in ascertaining the reduction of longitude from a *sphere* to a *spheroid*, according to the ratio of 320 to 319, and to the distance of the meridians of Paris and Washington, it is not believed that it differs one quarter of a minute of longitude from the truth.

The President's House is stated to be N. 70° W. one mile and a half and 50 feet, or 7,970 feet, from the centre of the Capitol. If this statement be correct, the difference of latitude and longitude from the latter, allowing 69.2 of our miles to a degree of latitude, may be thus determined:

	sec. dec.		
Distance in geographical measure, allowing sixty minutes to a degree,	78 5273	log.	1.8950206
Log. co-sine of the course, north seventy degrees west,			9.5340517
Difference of latitude, 26.9*sec.*, nearly,			1.4290723

	deg. m. sec.	
Latitude of the centre of the Capitol, by observation,	38 52 45.3	N.
Difference of latitude,	+ 0 26.9	
Latitude of the President's house, to the nearest second,	38 53 12	N.
Latitude of the Capitol,	38 52 45	
Middle latitude,	38 52 58½	

	deg. m. sec.				
Middle latitude,	38 52 58½		arith. comp. co-sine,		0.1087797
Difference of latitude, 26.9*sec.*, nearly,				log.	1.4290723
Course, north seventy degrees west,			log. tangent,		0.4389341
	m. sec. dec.		*sec. dec.*		
Difference of longitude,	1 34 795	=	94 795	log.	1.9767861

	From Paris Obs'y.	From Greenwich.
	deg. m. sec. dec.	*deg. m. sec. dec.*
Longitude of the Capitol, west,	79 15 41 69	76 55 30 54
Difference of longitude,	+ 1 34 79	+ 1 34 79
Longitude of the President's house,	79 17 16 48 W.	76 57 5 33 W.

The geographical position of the President's house, as above stated, is given as a near approximation. It may hereafter be ascertained with greater certainty.

It has been considered the duty of the author of the calculations originally made, in justice to the American community, as well as to his own feelings and character, to exhibit to the members of the seventeenth Congress a detailed statement of such proceedings as are explanatory of, or connected with, the plan proposed for the establishment of a first meridian for the United States at the city of Washington. The legislative and executive authorities of the National Government will decide on the utility or inexpediency of erecting an observatory, and furnishing it with suitable instruments and apparatus. Without such an institution, the right ascension, declination, longitude, and latitude of the moon, planets, &c., cannot be ascertained with sufficient accuracy; and any attempt

to compute a Nautical Almanac, or Astronomical Ephemeris, for ourselves, would be futile, if not preposterous. Until an observatory be erected and furnished, we shall be compelled to rely on the labors of scientific men in Europe for the elements necessary to be used in our astronomical calculations; and it never can be in the power of a few individuals in this country, however laudable and persevering their exertions may be, to remove or lessen that dependance on foreign nations, if they do not meet with adequate encouragement and support.

All which is respectfully submitted.

WILLIAM LAMBERT.

To the PRESIDENT OF THE UNITED STATES.

SUPPLEMENTARY REPORT.

To the House of Representatives of the United States: WASHINGTON, *March* 12, 1822.

I lay before the House of Representatives the copy of a supplementary report, made by William Lambert, in relation to the longitude of the Capitol from Greenwich, in pursuance of a joint resolution of the two Houses of Congress, of the 3d of March, 1821; and I subjoin an extract from the letter of Mr. Lambert submitting that report.

JAMES MONROE.

Extract of a letter from Mr. William Lambert to the President, dated

WASHINGTON, *March* 7, 1822.

I have the honor to enclose a supplementary report in relation to the longitude of the Capitol from Greenwich, embracing all that could be expected or done by me to promote the national object of establishing a first meridian for the United States at the seat of their Government. When I inform you that a great part of the elements furnished only in abstract have been found by three and sometimes four rules in oblique angled spherical trigonometry, it is presumed you will readily agree with me in opinion that, if all the process had been recorded, necessarily used to ascertain those elements, instead of eighty-one printed pages, there would be at least five hundred. How this labor has been estimated, it is needless for me to state; when, and in what manner, these exertions will be compensated, does not depend on me.

SIR: CITY OF WASHINGTON, *March* 7, 1822.

Major Isaac Roberdeau and Mr. William Elliot, who attended at the Capitol to observe the solar eclipse which happened on the 21st of February last, have furnished a statement, by which the apparent time of the beginning is ascertained to have been at 2*h*. 56*m*. 0*sec*. P. M. Although the data, for want of a sufficient number of observations to correct the error of the chronometer, is not believed to be *strictly accurate*, it is considered to be the duty of the undersigned to submit an abstract of the calculation in a supplementary report. It has been represented that some obstacles intervened to prevent the end of the eclipse being observed with due precision; and it may be proper to remark that, upon testing the time furnished as such by the process usually employed for that purpose, the result ought not to be incorporated with others founded on a series of observations taken with great care, and in which the error of the time-piece, in every instance, has been ascertained with scrupulous attention and minute exactness. It is probable that the *correct* apparent time of the beginning of this eclipse at the Capitol was about 2*h*. 55*m*. 58*sec*. P. M.

Abstract of the calculation to ascertain the longitude of the Capitol in the city of Washington from Greenwich Observatory in England, by the beginning of the solar eclipse on the 21st February, 1822.

							deg.	*m.*	*sec.*	*dec.*
Latitude of the Capitol, by observation, -	-	-	-	-	-		38	52	45	3 N.
Latitude of the Capitol, reduced, (320 to 319,)	-	-	-	-	-		38	42	14	8
Obliquity of the ecliptic, - -	-	-	-	-	-		23	27	54	25
	h.	*m.*	*sec.*				*deg.*	*m.*	*sec.*	*dec.*
Apparent time of beginning, -	2	56	00	-	-	- =	44	0	0	00
Estimated longitude from Greenwich, -	5	7	42							
Corresponding time, - -	8	3	42	Sun's right ascension,		-	334	39	37	18
Right ascension of the meridian from the beginning of ♈,				-	-	-	18	39	37	18
Right ascension of the meridian from the beginning of ♑,				-	-	-	108	39	37	18
Sun's longitude, - -	-	-	-	-	-	-	332	41	44	97
Sun's semidiameter, - -	-	-	-	-	-	-	0	16	11	40
Sun's horizontal parallax, - -	-	-	-	-	-	-	0	0	8	82
Sun's irradiation of light, - -	-	-	-	-	-	- —	0	0	1	62
Altitude of the nonagesimal, -	-	-	-	-	-	-	61	41	42	26
Longitude of the nonagesimal from the beginning of ♈,				-	-	-	32	53	3	52
Moon's *true* longitude, (Naut. Alm.,) -	-	-	-	-	-	-	332	57	48	71
Moon's *true* distance from the nonagesimal, west,	-	-	-	-	-	-	59	55	14	81
Moon's *true* latitude, north ascending, -	-	-	-	-	-	-	0	42	4	79
Moon's equatorial horizontal parallax, -	-	-	-	-	-	-	0	58	32	42
Moon's horizontal parallax, reduced, (320 to 319,)	-	-	-	-	-	-	0	58	28	10
Moon's horizontal parallax *a* ☉, -	-	-	-	-	-	-	0	58	19	28

											deg.	*m.* *sec.* *dec.*
Moon's parallax in longitude,	-	-	-	-	-						0	44 46 03
Moon's *apparent* distance from the nonagesimal, west,					-	-	-				60	40 0 84
Moon's parallax in latitude,	-	-	-	-	-						0	27 32 70
Moon's *apparent* latitude, north,	-	-	-	-	-						0	14 32 09
Moon's augmented semidiameter arising from apparent altitude,					-	-	-				0	16 4 57
Moon's inflection of light, -	-	-	-	-	-					—	0	0 2 98
Moon's semidiameter, corrected,	-	-	-	-	-						0	16 1 59

											sec.	*dec.*		
Sun's semidiameter,	-	-	-	-							971	40		
Sun's irradiation of light,	-	-	-	-						—	1	62		
Sun's semidiameter, corrected,	-	-	-	-							969	78		
Moon's semidiameter, corrected,	-	-	-	-							961	59		
Sum,	-	-	-	-							1931	37		
Moon's apparent latitude,	-	-	-	-							872	09		
Sum,	-	-	-	-							2803	46	- log.	3.4476944
Difference,	-	-	-	-							1059	28	- log.	3.0250108
														2)6.4727052
														3.2363526
Arith. comp. co-sine moon's *apparent* latitude,			-	-									-	0.0000039
					m.	*sec.*	*dec.*				*sec.*	*dec.*		
Difference of sun and moon's *apparent* longitude,			-	-	28	43	28	-	=		1723	28	- log.	3.2363565

													deg.	*m.* *sec.* *dec.*
Sun's longitude,	-	-	-	-	-							-	332	41 44 97
Parallax in longitude,	-	-	-	-	-							- +	0	44 46 03
Difference of sun and moon's *apparent* longitude,			-	-	-							- —	0	28 43 28
True longitude of moon's centre, by calculation,			-	-	-							-	332	57 47 72
													h.	*m.* *sec.* *dec.*
Apparent time at Greenwich when the moon had that longitude,					-	-						-	8	3 40 29
Apparent time of beginning of the eclipse at Washington,					-	-						-	2	56 0 00
Longitude, in time,	-	-	-	-	-	-						-	5	7 40 29
													deg.	*m.* *sec.* *dec.*
Equal to	-	-	-	-	-	-						-	76	55 4 35

Moon's longitude at Greenwich.

1822.	° ′ ″		° ′ ″	′ ″	″	″
February 20, noon,	314 40 20	A				
midn.	321 27 6	B	+ 6 46 46 *a*1			
21, noon,	328 18 43	C	+ 6 51 37 *b*1	+ 4 51 *a*2	— 19 *a*3	
midn.	335 14 52	D	+ 6 56 9 *c*1	+ 4 32 *b*2	— 24 *b*3	— 5 *a*4
22, noon,	342 15 9	E	+ 7 0 17 *d*1	+ 4 8 *c*2		

Moon's distance from the north pole of the ecliptic.

1822.	° ′ ″		′ ″	″	″	″
February 20, noon,	90 58 48	A				
midn.	90 21 33	B	— 37 15 *a*1			
21, noon,	89 43 34	C	— 37 59 *b*1	— 44 *a*2		
midn.	89 5 25	D	— 38 9 *c*1	— 10 *b*2	+ 34 *a*3	+ 1 *a*4
22, noon,	88 27 41	E	— 37 44 *d*1	+ 25 *c*2	+ 35 *b*3	

Difference of Sun and Moon's longitude.

1822.	° ′ ″		° ′ ″	′ ″	″	″
February 20, noon,	343 19 17	A				
midn.	349 35 50.5	B	+ 6 16 33.5 *a*1			
21, noon,	355 57 15	C	+ 6 21 24.5 *b*1	+ 4 51 *a*2	— 18 *a*3	
midn.	2 23 12.5	D	+ 6 25 57.5 *c*1	+ 4 33 *b*2	— 25 *b*3	— 7 *a*4
22, noon,	8 53 18	E	+ 6 30 5.5 *d*1	+ 4 8 *c*2		

METHOD II.

By the true conjunction of Sun and Moon.

Ecliptical conjunction of sun and moon at Greenwich, February 21, 1822, 7*h*. 33*m*. 47*sec*. 70*dec*.

											deg.	*m.* *sec.* *dec.*
At which time the moon's longitude was,					-	-	-			-	332	40 29 74
Moon's longitude, by calculation, for the beginning of the eclipse at Washington,										-	332	57 47 72
Difference of moon's longitude,	-	-	-	-	-					-	0	17 17 98
Moon's hourly motion in longitude,	-	-	-	-	-					-	0	34 43 66

As moon's hourly motion in longitude, - - -	= 2083 66 (sec. dec.)	arith. comp. log.	6.6811732
To one hour of time, - - - -	= 3600	- log.	3.5563025
So is difference of moon's longitude, - - -	= 1037 98	- log.	3.0161890
To the interval of time, - - - 29 53 35 (m. sec. dec.)	= 1793 35 (sec. dec.)	- log.	3.2536647

	h. m. sec. dec.
Which, subtracted from 2h. 56m. 0sec., the apparent time of the beginning of the eclipse, gives the time of the true conjunction at Washington.	2 26 6 65
The time of the true conjunction at Greenwich, - - - -	7 33 47 70
Longitude, in time, - - - - - -	5 7 41 05
	deg. m. sec. dec.
Equal to - - - - - -	76 55 15 75
By method I, - - - - -	76 55 4 35
Mean result of the two methods, - - - - -	76 55 10 05

In justice to the exertions and disposition manifested by the observers herein named, it is proper to remark, that the unfavorable state of the atmosphere for several days immediately preceding that on which the eclipse happened, precluded a series of observations to correct the error of the chronometer, by repeated experiments necessary to produce a more accurate result than the one now submitted.

WILLIAM LAMBERT.

To the PRESIDENT OF THE UNITED STATES.

17th CONGRESS.] No. 509. [1st SESSION.

UNIFORM SYSTEM OF BANKRUPTCY.

COMMUNICATED TO THE SENATE JANUARY 10, 1822.

To the Senate and House of Representatives of the United States in Congress assembled: The Chamber of Commerce of the city of Baltimore respectfully present their opinion in favor of a uniform system of bankruptcy:

Such a system is naturally incident to every commercial community; it results necessarily from the rights and fluctuations of property, and seems to be an essential attribute of active and humane society. All enlightened nations, even those not so vitally mercantile as the United States, have given this shelter to the debtor, and this assurance to the creditor. But it is now absolutely adjudged that no such protection can be administered by the limited sovereignty of the States; and, while the federal authority affords no resource, the grievance of our privation is universally severe. Hence it is that we desire to awaken that constitutional power with which you are invested, and which has so long been dormant. While we solicit from this power a uniform system of bankruptcy, to it we ourselves submit the interests of our diversified commerce, the diligent spirit of our enterprise, and, more than all, the pervading cause of individual happiness. A process of bankruptcy not only intercedes for the debtor, but, since it may be brought into action at the creditor's instance, it also empowers the creditor to limit the indiscreet adventure and wasteful progress of the debtor, and, in furnishing this scrutinizing control, it strengthens the security of contract.

But, independently of this consideration, so important to the confidence on which commercial intercourse relies, the relief which it yields to the debtor is not only sanctioned but commanded by every civilized feeling and every principle of social justice. Without such a resource, humanity may be violated by the creditor, and trust abused by the debtor; with claims which beset his existence, his industry is fearfully circumscribed, and his enterprise expires; the public good loses the benefit of a free industry and while the debtor is kept in this slavery to obligations, the creditor's claim, severely as it may press, presses fruitlessly.

Various insolvent systems prevail throughout the United States. Our domestic commerce is extensive, and our population has a migratory spirit; these systems reflect so many various lights and contingencies on the transactions within the scope of our domestic trade, and are so many contentious embarrassments to it. But a uniform system of bankruptcy would regulate and identify all these United States; it would give a permanent boundary, a definite guide and appeal to the creditor; and, to consummate its excellence, it would give peace and zeal to the debtor in his poverty, after passing through the watchful investigation of the law. The mere certainty of law is always important, and often more so than the choice of any particular provisions of its enactment; and as all the intercourse of society is so much prompted and affected by pecuniary views and relations, an ascertained and general system of bankruptcy would tend to give to this country an actual union of confidence as much as any measure within your legislative power.

In the name of the debtor and of the creditor, in behalf of the national good, and in vindication of the national humanity, we solicit this benefit of the constitution of the United States: in that safeguard the debtor will find his home, and thence that the defined privileges of the creditor must be expected.

And we will ever pray, &c.

In behalf of the Chamber of Commerce.

ROBERT GILMORE, *President.*

WILLIAM COOKE, *Secretary.*

DECEMBER 18, 1821.

17th Congress.] No. 510. [1st Session.

CONTROVERSIES BETWEEN STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 15, 1822.

Whereas controversies exist between the States of New Jersey and New York, and of New Jersey and Delaware, concerning their respective boundaries: and whereas the constitution of the United States has declared that the judicial power of the General Government shall extend to controversies between two or more States, thereby providing for the legal settlement of disputes which might otherwise endanger the peace and safety of the Union: and whereas Congress have hitherto omitted to carry into effect the wise and salutary provisions of the constitution for that purpose, by vesting adequate powers in the courts of the United States: therefore,

Resolved by the Council and General Assembly of this State, That our Senators and Representatives in Congress be requested to use their endeavors to procure the passage of a law for the decision of territorial or other controversies between States, in such manner as is authorized by the constitution of the United States.

Resolved, That his excellency the Governor be requested to transmit copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress, to be by them laid before their respective Houses.

HOUSE OF ASSEMBLY, *November* 27, 1821.

These re-engrossed preamble and resolutions having been read in the House, *Resolved*, That the same do pass.

By order of the House,

DAVID THOMPSON, JUN., *Speaker.*

COUNCIL CHAMBER, *November* 27, 1821.

These re-engrossed preamble and resolutions having been compared in the Council, *Resolved*, That the same do pass.

By order of the Council,

ISAAC H. WILLIAMSON, *President.*

17th Congress.] No. 511. [1st Session.

CUMBERLAND ROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 15, 1822.

SIR: TREASURY DEPARTMENT, *January* 14, 1822.

In obedience to a resolution of the House of Representatives of the 20th of December last, directing the Secretary of the Treasury to lay before that House "a copy of the report made by the commissioners appointed to view and inspect the Cumberland road," I have the honor to submit the said report, plat of survey, and field notes, recently forwarded by the commissioners to this Department.

The originals are transmitted because much time would be taken in copying them. It is, therefore, respectfully requested that they may be directed to be returned when no longer necessary to the object for which they have been required.

I remain, with respect, your most obedient servant,

WM. H. CRAWFORD.

The Hon. SPEAKER *of the House of Representatives.*

SIR: WHEELING, VA., *January* 2, 1822.

To show the progress made in the location of the western road, the commissioners appointed for that purpose, in addition to their former report, make the following:

The draught of the work, and the book of field notes accompanying this report, will, on examination, be found to explain the nature and extent of the services performed by the commissioners, and leave but a few facts and explanations necessary in a formal report.

When the bill which passed the Senate of the United States at the last session, proposing a modification of the law under which the commissioners were appointed, had failed in the House of Representatives, as they were informed, for want of time to consider it, the commissioners were at some loss to judge in what manner it was their duty to proceed, keeping in view the objects for which they were appointed. The law, as proposed to be modified, made Columbus, and the other seats of Government, points in the location; and the commissioners have already stated that, under the law as it now stands, they, in all probability, could not be embraced. In this situation, they considered it expedient, with the balance of the appropriation in their hands, to prosecute the location as far as the Muskingum river at Zanesville, believing it highly probable that, whether the law were modified or not, from the nature of the country on both sides of that river, a point at or near that place must be selected at which to pass the stream; and, also, that their labors must be ultimately bestowed on this ground, whatever might be the points fixed or agreed upon westward of it. They have, therefore, employed their time, until the appropriation became

expended, between Wheeling and Zanesville, a distance of about eighty-one miles on the present travelled road. The ground throughout the entire distance is very hilly and broken; the principal streams run nearly at right angles with the course of the location; and the hills bordering those streams have to be passed in a lateral direction, and making a considerable angle with the general direction of the location, otherwise a descent and ascent sufficiently gentle could not be had. Several of the larger streams crossed by the location fall into the Muskingum river above Zanesville, run a great distance generally in an opposite direction to that river, and are sluggish, with little or no fall, pursuing a crooked course, and are often obstructed by rafts of drift-wood that assist, particularly in spring floods, in throwing the water to the depth of several feet upon the bottoms, that are frequently of considerable width, and of a rich alluvion soil. Hence it is found difficult, except in particular places, to cross the bottoms and streams without incurring great expense in bridges and causeways. Another difficulty to be overcome in locating a road through this tract of country arises from the nature of the ground itself; this should be mentioned, because a peculiarity in some measure confined to the western country. The substratum, particularly on the sides of hills, is generally a lime or rotten slate stone. The superstratum, of different depths, consists of the decomposition of the one below, combined with the decayed vegetation on its surface. This seems to be continually increasing, until its accumulated weight, with a growth of heavy timber, is too great to be held together by its own tenacity, and, in the spring seasons particularly, the surface of the hill sides are found sliding into the valleys below, or stopping in their course where the ground becomes more level. These landslips (as they are called) become more frequent after the ground is cleared and cultivated than before, owing, perhaps, to the decay of the roots that before assisted in keeping the ground together. The necessity of avoiding ground of this nature is obvious; for, if a road be made on a side hill where the ground is of this description, the support is cut off by the road, and the surface, perhaps charged with trees and rocks, will force itself upon the road and destroy it. Ground subject to these accidents may generally be discovered; for, although the slips be ancient, and trees many hundred years old are seen standing, yet its broken and distorted surface discovers the anarchy it has once undergone.

Hence, it will be easily seen that, through a country where so many difficulties present themselves, great care must be taken before a location can be said to approximate to perfection; and such a one the commissioners have been anxious to make, believing that the erroneous location of a road, designed for permanent national purposes, would be worse than a useless expenditure of public money; for as the location must be made the basis of all future contracts for constructing the road, if left imperfect, the Government would either have to be at the expense of a new location, or make the road on the old one; and, in the latter case, the public would probably be at the inconvenience of occupying it for a great length of time without attempting an alteration.

In finding the best ground on which to locate a road between any two given points over a rough country, the mode of procedure to obtain, in the first instance, a correct delineation of the surface, by topographical surveys, of the region to be examined, would be too tedious and expensive; there remains, therefore, no other way but by repeated experiments (many of which will be found unsuccessful) upon the ground, and by laying down and comparing different routes, until, by such examination, you arrive at the fact. Such an examination the commissioners have endeavored to give the ground between the points mentioned. They do not pretend to say that the route represented as the shortest is brought to that state of perfection which is practicable; some necessary trials yet remain to ascertain whether better ground cannot be had, and the distance diminished; but the labor, it is thought, will be inconsiderable compared with what has been bestowed the last summer. The routes have all been graded at an angle of not exceeding 4½ degrees with the horizon, with the exception of 123 chains 28 links, (see the book of notes, pages 1, 17, and 18.) The distance from Wheeling to Zanesville has been shortened from the State road at present travelled about five miles.

The commissioners would remark that, from the knowledge they have of the country west of the Muskingum river, the difficulty of making a location will considerably diminish. The surface of the earth is, in general, gently undulating, and the highlands bordering the largest streams are much less elevated. But the probability is, that, in some considerable part of that region, a difficulty in procuring stone convenient for a turnpike will be experienced; but pebble or gravel was discovered in some places, of excellent quality, a small depth below the surface. Between Wheeling and Zanesville, but little difficulty, they apprehend, will be found in procuring stone for the road.

The commissioners would further observe, that that portion of the national road between Uniontown and Washington, Pennsylvania, including about thirty miles, was contracted for in the year 1819, and since completed, including mason work and other expenses, for $6,400 per mile. Taking into view the scarcity of money in circulation, and the reduced price of labor and provisions, they have no hesitation in saying that the probability is that the road between the Ohio and the Muskingum rivers, including culverts and bridges, with stone arches, could, at the present time, be contracted for, and completed in a similar manner, for a much less sum.

On the subject of the appropriation, it is proper to state that the expenditures have exceeded it by a small amount; the surveyor and assistants have, however, been paid.

A. LACOCK,
DAVID SHRIVER, Jun.
WILLIAM McREE.

To Wm. H. Crawford, *Secretary of the Treasury.*

17th Congress.] **No. 512.** [1st Session.

CANAL BETWEEN THE ALABAMA AND HIWASSEE RIVERS.

COMMUNICATED TO THE SENATE JANUARY 22, 1822.

To the honorable the Senate and House of Representatives of the United States in Congress assembled: The Senate and House of Representatives of the State of Alabama respectfully represent:

That the State of Alabama, along with the other sections of the Union, has, for some time past, experienced its full share of the consequences which have followed the general derangement of the commerce of the United States, and the great depression in the value of the products of agricultural industry throughout our com-

mon country; that, in addition to this depression in the value of the staple production of that part of the Union, embracing the whole State of Alabama, they have felt the additional calamity, for years past, of the best efforts of their industry being partially destroyed throughout a large portion of the State, by a cause which no human sagacity could foresee or prevent; that, in addition to these depressing circumstances, the necessity of paying the United States for their lands has exhausted their moneyed capital, and left them so far without resources as not to be enabled for the present to avail themselves of those natural and artificial advantages their section of country possesses, as one efficient means of regaining their former prosperity.

That, relying on the liberal and enlightened policy of the Government of the United States, and the belief that it is the guardian of the general prosperity, they feel a strong confidence that whatever object can be made appear to the General Government to be productive of extensive good to any portion of the Union, it will receive its fostering hand, and claim and secure as full a share of the national liberality as is commensurate with the protection which the Government of the Union owes to its several sections of country; that amongst those natural advantages to which the State of Alabama has a just claim, that of streams, valuable for internal navigation, stands pre-eminent; that, amongst other important and valuable streams, running through almost the whole extent of the State from north to south, the Alabama river claims the first regard; that this river commences, and becomes capable of affording a facility to water transportation, within eight to eleven miles of a stream equally susceptible of being rendered navigable, emptying into the Tennessee river, and which latter stream receives the tribute of several others which take their rise, and become navigable, in the State of Virginia, passing through some of its most productive lands, and watering, in their course, the whole eastern section of the State of Tennessee; that it is satisfactorily ascertained that the dividing ground separating those waters affords a more than usually favorable opportunity of connecting them by canal navigation; that the canal would connect the waters of the Alabama with the Hiwassee, a principal branch of the Tennessee, and which empties into the latter below the junction of six navigable rivers; that the distance then required for the produce of Tennessee to find a market on the seaboard would be reduced from nearly two thousand miles to New Orleans, to six or seven hundred to Mobile; that the great saving to the agriculturists of that valuable, productive, and extensive section of country, in expenses of transportation, would enable them not only to obtain a fair price for their labor, but would hold out an actual encouragement to agricultural industry, by placing them on an equally advantageous ground, as regards a market, with the most favored interior of the United States; that instead of the present equally tedious and hazardous route to a market, to which the citizens of Tennessee and part of western Virginia are now subjected, and which requires months to perform, a few days by the contemplated one would find them on the seaboard, and by a route entirely freed from the difficulties and dangers which the immense losses that have been made on the Mississippi prove that immense watercourse subject to; that a large amount of the most valuable articles for commercial exportation would be raised and sent to market from the before-mentioned extensive section of country, which now is not attempted to be raised, in consequence of the present tedious and expensive route of transportation to a market; that many manufactures, and, to a large amount, of first necessity, especially those of iron, hemp, flax, &c., for which the State of Alabama is now tributary to a foreign market, would be produced by the labor of the citizens of the before-mentioned States, and for which those States are eminently calculated; that the expenses of transporting all species of provisions to the seaboard or place of shipment would be so far reduced that the flour, beef, pork, fruit, &c. of the interior of our country could be exported to a foreign market, and the citizens become fully remunerated for their labor and industry; that, by opening new and extensive markets to the manufactories of our country, we thereby make a valuable addition to our national independence of foreign supplies; that the States of Tennessee and Virginia abound in, and are productive of, many of the raw materials, the basis of the most valuable manufactories, which the plentifulness of provisions, dense population, and the low price of labor are peculiarly calculated to produce, if sufficiently encouraged by a market, and the mode of transportation to it; that, in addition to the before-mentioned considerations, one, in the opinion of your memorialists, not to be disregarded, arises from the recollection that an uninterrupted water communication to the bay of Mobile would afford a happy facility for the transportation of troops, with the necessary supplies, in case of the invasion of the southwestern section of the Union.

After the most mature reflection, your memorialists cannot avoid viewing the objects contemplated in their memorial as worthy of national attention; and, when they contemplate the extensive advantages that they feel assured would grow out of their completion, in a national as well as sectional point of view, they cannot avoid viewing them as worthy the most benevolent and wise policy of the General Government. And we further beg leave to call your attention to the communication of the Pensacola bay with that of Mobile, which we believe can be effected with less expense than any communication of the same importance within the United States.

Be it resolved, That one copy of this memorial be forwarded, as soon as practicable, to each of our Senators and Representatives in the Congress of the United States, by his excellency the Governor, with instructions to use their best endeavors to direct the attention of the National Legislature to the important objects therein referred to.

Approved: December 17, 1821.

EXECUTIVE OFFICE, CAHABA, *December* 24, 1821.

It is hereby certified that the forgoing memorial is a true copy taken from the original filed in this office.

JS. J. PLEASANTS, *Secretary of State.*

17th CONGRESS.] No. 513. [1st SESSION.

TRANSACTIONS IN THE FLORIDAS UNDER GOVERNOR JACKSON.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 29, 1822.

To the House of Representatives: WASHINGTON, *January* 22, 1822.

In compliance with the resolution of the 2d instant, I transmit a report of the Secretary of State, with all the documents relating to the misunderstanding between Andrew Jackson, while acting as Governor of the Floridas,

and Elijius Fromentin, judge of a court therein; and also of the correspondence between the Secretary of State and minister plenipotentiary of His Catholic Majesty on certain proceedings in that Territory, in execution of powers vested in the Governor by the Executive, under the law of the last session, for carrying into effect the late treaty between the United States and Spain. Being always desirous to communicate to Congress, or to either House, all the information in the possession of the Executive, respecting any important interest of our Union, which may be communicated without real injury to our constituents, and which can rarely happen, except in negotiations pending with foreign Powers; and deeming it more consistent with the principles of our Government, in cases submitted to my discretion, as in the present instance, to hazard error by the freedom of the communication, rather than by withholding any portion of information belonging to the subject, I have thought proper to communicate every document comprised within this call.

JAMES MONROE.

DEPARTMENT OF STATE, WASHINGTON, *January* 28, 1822.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 2d instant, requesting the President of the United States to cause to be laid before that House such information as he might think proper to communicate in relation to any misunderstanding between Andrew Jackson, as Governor of the Floridas, and Elijius Fromentin, as judge of the court therein, and in relation to various other subjects connected with the occupation of the Floridas during the last year, has the honor of submitting to the President the papers containing the information required by that resolution.

JOHN QUINCY ADAMS.

List of documents transmitted to the House of Representatives with the message of the President of the United States of January 28, 1822.

Papers received from, and correspondence with, Governor Andrew Jackson.

I. Governor Jackson to the Secretary of State, August 26, 1821.

(Enclosures.)

No. 1. Mr. Brackenridge to Governor Jackson, August 21, 1821.
2. Governor Jackson to Messrs. Walton, Brackenridge, and Miller, August 21, 1821.
3. Messrs. Walton, Brackenridge, and Miller, to Governor Jackson, August 22, 1821.
4. Same to Mr. Sousa, August 21, 1821.
5. Mr. Sousa to Messrs. Brackenridge, Walton, and Miller.
6. Messrs. Walton, Brackenridge, and Miller, to Mr. Sousa, August 22, 1821.
7. Governor Jackson to Messrs. Butler and Miller, August 22, 1821.
8. Return of Messrs. Butler and Miller, August 22, 1821.
9. Examination of Domingo Sousa, August 22, 1821.
10. Order to Colonel Brook, August 22, 1821.
11. Order to Lieutenant Mountz, August 22, 1821.
12. Order to Colonel Butler and Dr. Bronaugh, August 22, 1821.
13. Report of Messrs. Butler and Bronaugh, August 22, 1821.
14. Memorandum referred to in above report, August 22, 1821.
15. Minutes of examination of Colonel Callava and Antoine Fullarat, August 22, 1821.
16. Order for the imprisonment of Domingo Sousa, Colonel Callava, and Antoine Fullarat, August 22, 1821.
17. Mr. Brackenridge to Governor Jackson, August 23, 1821.
18. Affidavit of M. Vidal, August 23, 1821.
19. Search warrant, August 23, 1821.
20. Return of Messrs. Walton, Miller, Shannon, and Brownjohn, August 23, 1821.
21. Order for discharge of Messrs. Callava, Sousa, and Fullarat, August 23, 1821.
22. Return of Captain Wager, August 24, 1821.
23. Mr. Brackenridge's receipt to Colonel Walton, August 25, 1821.

EXECUTIVE PROCEEDINGS—*including*,

No. 1. Writ of *habeas corpus* in the case of Callava, August 23, 1821.
2. Lieutenant Mountz to Governor Jackson, enclosing above, August 23, 1821.
2. Mr. Brackenridge to Governor Jackson, August 24, 1821.
3. Memorandum extracted from record book of Governor Jackson.

II. Governor Jackson to the Secretary of State, September 30, 1821.

(Enclosures.)

No. 1. Proclamation, September 29, 1821.
2. Judicial opinion, in two newspapers, (Floridian of 15th and 22d September.)

III. Secretary of State to Governor Jackson, October 26, 1821.

(Enclosures.)

Secretary of State to Judge Fromentin, October 26, 1821.
Mr. Salmon's letter to the Secretary of State, of 6th October, 1821, with its enclosures, (which see.)

IV. Governor Jackson to Secretary of State, November 13, 1821.

(Enclosures.)

No. 1. Judge Frometin to Governor Jackson, September 3, 1821.
2. Governor Jackson to Judge Fromentin, September 3, 1821.
3. Judge Fromentin to Governor Jackson, September 3, 1821.
4. Governor Jackson to Judge Fromentin, September 3, 1821.
5. Certificate of Doctor Bronaugh, September 3, 1821.
6. Certificate of Colonel Butler, September 3, 1821.
7. Certificate of Mr. Rutledge, September 3, 1821.
8. Certificate of Lieutenant Donelson, November 12, 1821.
9. Executive proceedings.

V. Papers left at the Department of State by Doctor Bronaugh.

No. 1. Lieutenant Mountz to Governor Jackson, September 24, 1821.
2. Captain Dade to same, September 25, 1821.
3. Affidavits of A. Scott, Jun. and J. C. Mitchell.
4. Affidavits of John Coppinger Conner, September 22, 1821.

VI. Governor Jackson to the Secretary of State, September 22, 1821.

(Enclosures.)

No. 1. Affidavit of H. M. Brackenridge, October 22, 1821.
2. Certificate of Mr. Hannum, October 15, 1821.
3. Certificate of Miller, Shannon, and Nesbit, October 22, 1821.

VII. Secretary of State to Governor Jackson, January 1, 1822.

I.—*General Jackson to Mr. Adams.*

SIR: PENSACOLA, *August* 26, 1821.

The enclosed documents will advise you of an occurrence painful to me, but unavoidably necessary, and dictated by the imperious rules of justice, to save the unprotected orphan from being ruined by the most cruel oppression, by the most corrupt and wicked combination I ever investigated.

In the re-establishment and resuscitation of the judiciary in West Florida, and from the various distribution of the judicial functions, I had indulged the hope that no cases would occur to compel me to exercise the judicial powers with which I was invested by my commission from the President.

I was well aware that much corruption existed in Spanish judicial proceedings, but still my mind was not prepared to expect such a scene of combined wickedness and corruption as has been brought to light by this investigation, and which the enclosed extracts, taken from the original documents or records, and certified by the alcalde of Pensacola, exhibit. They relate to the succession or estate of Nicolas Maria Vidal, who died in this place about the year 1807, having made his will, leaving persons in this country his heirs, but who, from that time to this day, have never received one cent of their inheritance. It was this case which gave rise to the proceedings alluded to, marked No. 1, and to which I beg leave to refer you.

The document No. 2 is an extract of the whole proceedings instituted by the heirs for the recovery of the testamentary papers and other documents relative to the estate of their deceased father, and for the recovery of which I was compelled to exercise my judicial functions, and to take the energetic measures I did; and which were well warranted by the laws of Spain as well as by those of the United States; and which alone could have preserved to the heirs of Vidal the evidence of their right of property. Without these records, they would have been unable to compel the house of Innerarity & Forbes, the depositary and debtor of the estate, to do them right and justice. This act of justice was due to them by every law, human and divine. By the second article of the late treaty with Spain this right was expressly guarantied, and, under that article, Colonel Callava, as the commissioner of Spain, was bound to deliver these documents, as the evidence of the right of property here, at the time of his surrendering the country, and with other papers which he did deliver.

It is clearly to be perceived that the influence of J. Innerarity prevented all the decrees of Callava, as well as of his predecessors, in favor of the heirs of Vidal, from being executed; thus exhibiting a judicial mockery without example. And by the influence and arts of this man, (and, as some have it, by his gold,) the final attempt was made secretly to carry away the papers relating to this large estate; by this means shielding Innerarity from all responsibility to the heirs, and enabling him to continue in undisturbed possession of property to a very large amount so unjustly, corruptly, and fraudulently obtained.

I have reason to believe that Callava would not have presumed to stand out in contempt of my order, but that he would have delivered the papers when first demanded, nay, that he would have directed Domingo Sousa to have done so, had he not been urged to this obstinate resistance by some of our American citizens, under the impression that I would not, nay, durst not, commit him for the contempt. This, added to the influence which Innerarity had over him, who was continually by his side, and, I am convinced, urging him to withhold the papers, from a belief that their production would unfold the villany practised, makes him responsible to the heirs, and destroys both his character and that of Callava. It was, no doubt, this conviction which caused him to make the involuntary exclamation, when my order was read to Colonel Callava by Colonel Butler, and when told, on his refusal to deliver the papers proven to be in his house, that he must appear before me, that "the die was cast." Yes, he said truly the die was cast; for he must have clearly seen that the arts, the influence, the wealth, the power of no individual, not even of Innerarity himself, could any longer obstruct the pure channels of justice.

I have to regret that the conduct of some of our officers on this occasion was highly reprehensible, and that in particular of Judge Fromentin unaccountable, indecorous, and unjustifiable. I have said indecorous, because, from an interview with him on the subject of his jurisdiction and powers under his commission and instructions, it was well understood that the former only extended over the revenue laws and the acts of Congress prohibiting the introduction of slaves. My commissions and instructions had been shown him, and he had acknowledged all other judicial powers to reside in the alcalde and in other judicial jurisdictions under me, as well as in those with which I was invested by the President. After this clear understanding between us, and his being instructed to aid me in the administration of the Government, to attempt thus to oppose me without even giving me notice, or making inquiry into the nature and cause of my proceedings; to issue what he calls a writ of *habeas corpus*, without petition or affidavit, or oath of any kind, and that on the application of Innerarity and of some Spanish officers, (the former interested in the destruction of these papers,) was such an act of indecorum and contempt of my authority, and displayed such ignorance of his duty, to say the least of it, as caused me to notify him to appear before me, and show cause why he had attempted this improper interference with me in the exercise of my judicial powers. The time when the interference was made renders his conduct still more reprehensible; he did know that opposition by force had been threatened by Callava and his Spanish officers to my authority, aided, as they had a right to believe, by some of my officers. This, as you will discover, I put down, as it ought to have been; and the lecture I gave the judge when he came before me will, I trust, for the future, cause him to obey the spirit of his commission, aid in the execution of the laws and administration of the Government, instead of attempting to oppose me, under Spanish influence.

I enclose you a copy of the paper he calls a writ of *habeas corpus*. If the view of this paper does not furnish sufficient evidence of his incapacity for the office of a judge; if it be not sufficient to strike him from the roll of judges, I must say that ignorance of law is no objection against any one's holding a judicial station, however high

and important. Judge Fromentin was represented to me to be no lawyer, but favorably spoken of as a man of literature; but I could not have formed such an idea of his want of legal knowledge as this transaction displays. I am, therefore, more inclined to ascribe his conduct to weakness than to any other cause.

You will perceive, from the whole of the proceedings, that energetic measures were unavoidable, that my authority was attempted to be set at naught, and my orders and decrees treated with contempt. I could not view Colonel Callava in any other light than that of a private individual, charged with violating the rights of others, and setting my authority at defiance. I could not distinguish him or his situation from that of Domingo Sousa, or of Fullarat, his steward. These, by Callava's orders, had treated my authority with contempt, and Callava had not the magnanimity to relieve them, by acknowledging the papers to be in his possession, even after positive proof was had of the fact that they were so. I did believe, and ever will believe, that just laws can make no distinction of privilege between the rich and the poor; and that when men of high standing attempt to trample upon the rights of the weak, they are the fittest objects for example and punishment. In general, the great can protect themselves; but the poor and humble require the arm and the shield of the law. Colonel Callava's powers having ceased here with the surrender of the country, it was only a display, and so considered by me, of pompous arrogance and ignorance, in his claiming the privileges of diplomacy, which, in fact, he never possessed; and his powers having ceased, his commission accomplished, the pretension which he set up was an insult to the weakest understanding. There are other and many complaints by the Spanish subjects, who remain here, of documents relating to private property being missing from the alcalde's office. If proof is had where they are, demands will be made, and I hope the precedent set will prevent the necessity of again exercising those painful measures to coerce their production. But, should such occur, I shall not shrink from my duty, however painful it may be to my feelings to exercise such authority for the security of those individuals, who, under the treaty, look to our Government for the protection of their rights.

I enclose a memorandum, marked No. 3, which ought to have accompanied my last communication to you, and which records an occurrence that took place after the closing of my despatches of the 30th of July, concluded the 14th instant, and at the moment of their departure. This communication I could not receive until the inventory of provisions, &c. agreeably to Callava's agreement, and the pledge of his secretary, with the proper receipt, was delivered.

Enclosed you will receive an abstract of my accounts up to the 14th of August. In the month of October you will receive the whole by the hands of Dr. J. C. Bronaugh, who has acted as my private secretary, with all the necessary vouchers for closing my accounts.

I have the honor to be, sir, with great consideration and respect, your most obedient servant,

ANDREW JACKSON, *Governor of the Floridas.*

P. S. I send you a newspaper containing an ordinance "for the better regulation of the harbor of Pensacola," and another, "regulating the fees of justices of the peace;" both of which have been passed since my last communication, and, from my ill health and great press of business, I send you through the paper enclosed.

Documents relating to the arrest of Domingo Sousa, Colonel José Callava, and Antoine Fullarat, enclosed in Governor Jackson's letter of the 26th August, 1821.

No. 1.

From H. M. Brackenridge, Alcalde, to His Excellency the Governor.

SIR: PENSACOLA, *August* 21, 1821.

I learn, from the most satisfactory evidence, that a number of documents relating to estates in this place, and to suits instituted here, are in the possession of an individual named Sousa. These papers properly belong to this office, but were not included in the inventory delivered by the late Governor. Some of the circumstances attending the affair are of a very peculiar nature; but as the necessity of obtaining possession of the documents is urgent, I must defer making a report respecting them to some other period. At present, I must request your excellency to authorize some one to make a regular demand of the said documents, and to ascertain precisely what they are.

I am, &c.

H. M. BRACKENRIDGE, *Alcalde.*

His Ex'cy Maj. Gen. ANDREW JACKSON, *Governor of the Floridas.*

No. 2.

His Excellency the Governor to Messrs. Walton, Brackenridge, and Miller.

GENTLEMEN: OFFICE OF THE EXECUTIVE OF FLORIDA, PENSACOLA, *August* 21, 1821.

Having been officially informed that there are a number of papers or documents in the possession of an individual of the name of Domingo Sousa, of a public nature, and which belong to the office of the alcalde of this town, although not delivered with the other documents relating to private property, you are hereby authorized and instructed to proceed to the dwelling of the said Domingo Sousa, and to make a demand of all such papers or documents as may be in his possession. In case the said Sousa should refuse to exhibit and deliver the same, you will immediately report the fact to me in writing.

ANDREW JACKSON, *Governor of the Floridas, &c.*

To GEORGE WALTON, *Secretary of West Florida,*
H. M. BRACKENRIDGE, *Alcalde of Pensacola, and*
JOHN MILLER, *Clerk of the County Court of Escambia.*

No. 3.

From the Commissioners, Messrs. Walton, Brackenridge, and Miller, to His Excellency the Governor.

SIR: PENSACOLA, *August* 22, 1821.

At an early hour yesterday morning we repaired to the dwelling of Domingo Sousa, and explained to him the object of our visit, and the authority with which we were clothed. He immediately produced two boxes con-

taining papers, declaring that they belonged to the military tribunal, and to the revenue of Spain. On examining the said papers, it appeared that, with a few exceptions, they related to courts-martial and to personal disputes between officers and soldiers, cognizable by the military tribunals. But the following papers we conceive to be of a very different nature: The proceedings relating to the estate of Nicolas Maria Vidal, formerly auditor of war of this province, and whose heirs reside in this place. They relate to property and claims in this country; and, whatever the Spanish law may be on the subject of the military privilege, by which the military courts have sole cognizance in all cases where persons of that profession are in any way interested, yet in this case the persons now interested have nothing to do with the Spanish Government. Another package contains the papers in the case of Peter Guilkes against Tomas Villaseca, which relates to real property that has passed into other hands. There are also papers in the case of Manuel Bonfay against Carlos de Ville, relating to a lot of ground in Pensacola; also, the proceedings between Carlos de Ville and Eugene Sierra, relating to real property here, and in which other parties are now interested. These are all the papers we conceive important to the inhabitants here, excepting some cases of admiralty jurisdiction, and one as late as 1819; but which appear to be principally copies, the originals having been sent to Havana.

After having examined the whole of the papers in the possession of the said Sousa, we made a demand of the foregoing, but he refused to deliver them, declaring that he was merely the servant of the late Governor Callava, who had placed them in his hands, and that, without an order from him, they could not be given up to us. We then made a formal demand, in writing, and which is annexed to this report; and the same evening we received his answer, hereto annexed.

We then prepared the annexed letter of the 22d, but, when presented to him by Colonel Miller and H. M. Brackenridge, he declined receiving it, stating that he had no control over the papers; that Colonel Callava was the person of whom they must be demanded; and, therefore, refused to receive any letter from them. He further stated, that he had communicated the demand to Colonel Callava, who told him to answer by simply stating that he was subordinate to his (Callava's) orders. He said that, in order to relieve himself from the responsibility of keeping the papers, he was about to deliver them to the late Governor.

GEORGE WALTON,
H. M. BRACKENRIDGE,
JOHN MILLER.

His Excellency ANDREW JACKSON, *Governor of the Floridas, &c.*

No. 4.

From Messrs. Walton, Brackenridge, and Miller, to Mr. Sousa, referred to in the above report.

SIR: PENSACOLA, *August* 21, 1821.

We have this day been authorized and instructed by his excellency General Andrew Jackson, Governor of the Floridas, to require you to deliver up certain public documents, which no private individual has a right to keep, as they relate to the rights of persons holding or claiming property in this province. Among these papers, it is believed there are the documents relating to the estate of Don Nicolas Vidal, whose heirs are interested in the same; also the papers relating to a house and lot in Pensacola, which was the subject of a proceeding between Carlos de Ville and Eugene Sierra; also, a proceeding between Manuel Bonfay and Carlos de Ville, relating to a piece of ground in this place; and, also, the documents in the case of Peter Guilkes and Tomas Villaseca, relating to real property in Pensacola. In pursuance of our instructions, we therefore make a formal demand of the foregoing, and of all other papers which relate directly to the right of private property in West Florida, and in which the inhabitants thereof are interested.

GEORGE WALTON, *Secretary of West Florida.*
H. M. BRACKENRIDGE,
JOHN MILLER.

DOMINGO SOUSA.

No. 5.

From Mr. Sousa to Messrs. Walton, Brackenridge, and Miller, also referred to in their report.

[TRANSLATION.]

MESSRS. ALCALDE AND SECRETARIES: I am a Spanish officer, staying at present in Pensacola, and subject, by my commission, to the orders of the late Governor of this place, Don José Callava; consequently, I have not under my charge, in quality of a private individual of this town, any papers which I am bound to deliver to you in compliance with your request. It is a positive fact, that I have exercised the functions of assistant witness *(testigo de asistencia)* for the suits in the courts of war and revenue in Pensacola, and under the Spanish Government, and that there are in my safe keeping, boxed up, some of those papers intrusted to my care by the above-named Governor, for their preservation. This is all I have to communicate to you in answer to the letter which you have been pleased to address to me to-day.

God preserve you many years.

DOMINGO SOUSA.

A correct translation.

E. A. RUTLEDGE, *Tr. Sp. Language.*

No. 6.

From Messrs. Walton, Brackenridge, and Miller, to Mr. Sousa.

SIR: PENSACOLA, *August* 22, 1821.

Your note in reply to our demand of yesterday has been received. You are in the exercise of no civil functions under the existing Government. We, therefore, can only regard you as a private person. We do not claim any papers in your possession, or in that of any other, relating to the military tribunals, or to the revenue of the Spanish Government; but we are certain that no individual, no matter what office he may have held under the Spanish Government, has any right to retain possession of archives or documents which relate directly to the sovereignty of this province; and no reason can be given why such papers as concern property in this country, and

which may be necessary to establish titles or assert the rights of individuals, should be withheld from the officer now authorized to take charge of them.

We again make a positive demand of the papers mentioned in our note of yesterday, to wit: the documents in the case of Nicolas Maria Vidal; the proceedings between Carlos de Ville and Eugene Sierra; also, a proceeding between Manuel Bonfay and Carlos de Ville, and the documents in the case of Peter Guilkes and Tomas Villaseca. These papers are known to be in your possession, and we demand to know by whose authority, as no person whatever has any right to authorize you to detain them.

GEORGE WALTON,
H. M. BRACKENRIDGE,
JOHN MILLER.

Don Domingo Sousa.

Note.—This letter was handed to the above-named Domingo Sousa by the undersigned, and the said Sousa refused to receive the same.

H. M. BRACKENRIDGE,
JOHN MILLER.

No. 7.

From His Excellency the Governor to Messrs. Butler and Miller.

Office of the Executive of Florida, Pensacola, *August* 22, 1821.

It being made known to me by the report of Colonel George Walton, Secretary of West Florida, H. M. Brackenridge, alcalde of the city of Pensacola, and Colonel John Miller, clerk of the county court for the county of Escambia, duly authorized and appointed by me to make demand of and to receive the following documents and archives, claimed to appertain and belong to the following persons, as evidence of their real and personal rights, which are guarantied to them by and under the second article of the late treaty with Spain, and which are represented to be in the possession of Domingo Sousa, who states that these documents and papers have been placed in his charge and care by the late Governor of West Florida, Don José Callava, that is to say: 1st, the documents relating to the estate of Nicolas Maria Vidal; 2d, the documents in the proceedings between Carlos de Ville and Eugene Sierra; 3d, the documents in the case of Manuel Bonfay and Carlos de Ville; 4th, documents in the proceedings in the case of Peter Guilkes against Tomas Villaseca: Colonel Robert Butler, of the army of the United States, and Colonel John Miller, clerk of the county [court] of Escambia, are hereby commanded, forthwith, to proceed to seize the body of the said Domingo Sousa, together with the said papers, and bring him and them before me, at my office, immediately, to the end that he then and there answer such interrogatories as may be put to him; and to comply with such order and decree touching the said documents and records as the rights of the individuals, secured to them by and under the second article of the treaty with Spain, concluded at Washington, 22d February, 1819, and ratified on the corresponding day of 1821, may require, and the justice of the case demand.

Given under my hand, at Pensacola, this 22d day of August, 1821.

ANDREW JACKSON, *Governor of the Floridas, &c.*

No. 8.

Return of Colonels Butler and Miller to the above.

Pensacola, *August* 22, 1821.

We have the honor to report, that we proceeded to the house of the within-named Domingo Sousa, and found that the papers referred to had been by him taken, through the aid of a negro, (as he reports,) to the house of Don José Callava, late Governor.

The body of Domingo Sousa is herewith presented to you.

We have the honor to be, very respectfully, your most obedient,

ROBERT BUTLER,
JOHN MILLER.

No. 9.

Examination of Domingo Sousa.

Office of the Executive of Florida, Pensacola, *August* 22, 1821.

Present: His Excellency the Governor.

Question 1. Were you not in possession, on yesterday and this morning, of the following papers: that is to say, the documents relating to the estate of Nicolas Maria Vidal?

Answer. Yes.

Question 2. Had you, or had you not, in the same manner, at the same time, in your possession, the papers in the case of Carlos de Ville and Eugene Sierra, relative to property in this province?

Answer. Yes.

Question 3. Had you, in your possession, in like manner and time, the proceedings in the case of Manuel Bonfay and Carlos de Ville, relating to property in this province?

Answer. Yes.

Question 4. Had you, in your possession, in like manner and time, the proceedings in the case of Peter Guilkes against Tomas Villaseca, relating to property in Pensacola?

Answer. Yes.

Question 5. Whether the documents and papers in all the above cases do not relate to private property in this province?

Answer. That the estate of Vidal is at Baton Rouge, but that the heirs are here.

Question 6. Is not the case of Carlos de Ville and Eugene Sierra on the subject of a piece of ground in this place?

Answer. Yes.

Question 7. Is not the case of Bonfay and De Ville relative to a piece of ground in this place?

Answer. It relates to the same piece as that of De Ville and Sierra.

Question 8. Is not the case of Guilkes and Villaseca in relation to property in this place?

Answer. That the cause related to a piece of property in Pensacola.

Question 9. When and by whom were these papers placed in your possession?

Answer. That those papers were placed in his possession at the time of the adoption of the constitution, when the civil functions were distributed to the alcalde; that this was better than a year ago.

Question 10. Did you ever act as civil alcalde in Pensacola?

Answer. No; that he was a clerk or witness *de asistencia.*

Question 11. Who was alcalde at the time of your obtaining possession of the papers?

Answer. Don José Norriega.

Question 12. Did not all papers appertaining to the rights of individuals, and relating to suits before the alcalde, belong to his office?

Answer. Yes, all that were of a civil nature; and all such have been delivered, but not the military papers.

Question 13. At what time this morning were the papers which had been demanded of you delivered by you, to whose order, and through what channel?

Answer. That, after the demand had been made by Colonel Walton, the alcalde, and Colonel Miller, now present, he went to Colonel Callava, and stated that he wished to free himself from the responsibility of keeping them, and that he this morning, at eleven o'clock, had them carried to Governor Callava's house by a negro belonging to Manuel Domingo, and there delivered to Fullarat, the major domo of the Governor.

Question 14. When you stated that you wished to free yourself from the responsibility of keeping the papers, what was the reply of Governor Callava?

Answer. He said nothing.

Question 15. Do you know that Governor Callava received possession of the papers?

Answer. He does not know positively whether the Governor has received them or not; that he went with the negro, and the papers were left at the house. There was no person there but the major domo, in whose charge they were left.

D. SOUSA.

No. 10.

Order to Colonel Brooke.

SIR: PENSACOLA, *August* 22, 1821.

You will furnish an officer, sergeant, corporal, and twenty men, and direct the officer to call on me by half-past eight o'clock for orders. They will have their arms and accoutrements complete, with twelve rounds of ammunition.

Respectfully, your most obedient,

ANDREW JACKSON, *Governor of the Floridas, &c.*

Col. GEO. M. BROOKE, *Commanding 4th Infantry.*

No. 11.

Order to Lieutenant Mountz.

SIR: PENSACOLA, *August* 22, 1821.

Should Colonel Callava and his steward refuse to deliver the documents which will be required of them by Colonel Butler and Doctor Bronaugh, and on the report of Colonel Butler to you of their refusal, you will immediately take the said Colonel Callava and his steward Fullarat into custody, and bring them before me, to answer such interrogatories as are required by the circumstances attending the case.

Very respectfully, your most obedient,

ANDREW JACKSON.

Lieutenant MOUNTZ, *Officer of the Guards.*

No. 12.

Order to Colonel Butler and Doctor Bronaugh.

OFFICE OF THE EXECUTIVE OF FLORIDA, PENSACOLA, *August* 22, 1821.

It being made known to me, by the confession of Domingo Sousa, that the papers named in the petition of Henry M. Brackenridge, alcalde for the city of Pensacola, and which were demanded under my orders, as the property of private individuals, by Colonel George Walton, secretary for West Florida, Colonel John Miller, clerk of the county court of Escambia, and Henry M. Brackenridge, alcalde for the city of Pensacola, were, after said demand, in pursuance of my orders as aforesaid, was made, by the said Domingo Sousa and a negro man carried this day to the house of the late Governor, Don José Callava, and delivered the said documents and papers into the possession of his steward, named Fullarat:

Colonel Robert Butler, of the army of the United States, and Doctor James C. Bronaugh, accompanied by Henry M. Brackenridge, Esq., alcalde for the city of Pensacola, will wait upon Colonel Don José Callava, and his steward, named Fullarat, and demand from them the following papers, this day delivered to the said Fullarat at the house of the said Colonel Callava, by the said Domingo Sousa, that is to say: 1st. The documents and papers relating to the estate of Nicolas Maria Vidal. 2d. The documents in the proceedings between Carlos de Ville and Eugene Sierra. 3d. The documents and papers in the case of Manuel Bonfay and Carlos de Ville. 4th. Documents and papers on the proceedings in the case of Peter Guilkes against Tomas Villaseca. All which documents and papers are acknowledged to be the property of individuals, and appertaining to their rights, and which are secured to them by and under the second article of the treaty with Spain, concluded at the city of Washington on the 22d day of February, 1819, and ratified on the corresponding day of 1821, and must remain for the protection of the rights and property of the said individuals; and no officer of Spain can rightfully take them away, or keep them from the office of the duly appointed alcalde for the city of Pensacola. It is further ordered, that if the said late Governor, Don José Callava, or his steward Fullarat, when the above-described papers are demanded of them, should fail or refuse to deliver the same, that the said Don José Callava and his steward Fullarat be forthwith brought before me, at my office, then and there to answer such interrogatories as may be put to them of and concerning the premises, and to abide by and perform such order and decree touching the said documents and papers, (secured to them as aforesaid,) as the justice of the case may demand.

Given under my hand, at Pensacola, this 22d day of August, 1821.

ANDREW JACKSON, *Governor of the Floridas, &c.*

To Colonel ROBERT BUTLER, of the Army of the United States, and Doctor JAMES C. BRONAUGH, in company with HENRY M. BRACKENRIDGE, to execute and return, and report thereon.

No. 13.

Report of Messrs. Butler and Bronaugh.

SIR: PENSACOLA, *August* 22, 1821.

Pursuant to your official order bearing this date, we proceeded to the house of Colonel Callava, who was absent; but, again returning to his house shortly after, we found him, accompanied by a number of Spanish officers clothed with their side arms, and Mr. John Innerarity, in the porch. The demand was formally made of the documents enumerated in your order, and peremptorily refused; when he was informed that his refusal would be considered as setting at defiance the authority exercised by you as Governor of the Floridas, in the execution of the laws; and they were again demanded, and the consequences of refusal on his part enumerated, but in which refusal he still persisted; and we were about taking our leave to prepare for the final execution of your order, when Colonel Callava declared that if we would furnish him with a copy of the memorandum, setting forth the documents required, he would deliver them to us; to which we assented.

The alcalde, H. M. Brackenridge, accordingly waited on him with a copy of the memorandum herewith accompanied, and informed him that he would call in two hours for the reception of the documents, as promised. We proceeded at the appointed time, and found the gate and front part of the house closed. The former we opened by removing a bar, and, on reaching the latter, a considerable stir seemed to be making in the house. We knocked several times without receiving any answer, when admittance was demanded in the name of the Governor in three instances; still without reply. The guard was then ordered to advance and form in front of the house, and part detached to the rear, when it was discovered that the back door was open, and several Spanish officers, with Mr. Innerarity, (who is one of your cabildo,) were in the porch. We inquired for Colonel Callava, to which we were answered they did not know where he was. Lights were procured and the rooms searched, when Colonel Callava was found in his bed, divested of his coat. Demand was then made of the documents, agreeably to his promise, and to our astonishment they were still refused, and several attempts made on his part to show that he was not amenable to the laws; to which he was answered that the Governor was, in the execution of the laws, bound to demand the papers, as they appertained to the rights and property of individuals resident in Pensacola, and that formal complaint had been made that they were improperly withheld, and that the Governor knew no distinction between Colonel Callava and any other man under his Government. We then proposed that Colonel Callava should deliver the papers, and he should have our receipt for them; which was also refused. We then again demanded them, reiterating our sentiments that his refusal would be viewed as an act of open mutiny to the civil authority exercised in the Floridas, and that he must expect the consequences. He persisted to refuse, and the officer of the guard was ordered to take him and his steward Fullarat into custody, and bring them before your excellency; which is now done. We would add, in conclusion, that Colonel Callava repeatedly asserted that he would not be taken out of his house alive, but he seemed to act without much difficulty when the guard was ordered to prime and load. A corporal and three men were detached to remain and guard the house of Colonel Callava, and to prevent the removal of the boxes which had contained the documents, and which Mr. Brackenridge recognised in the bed-room. From the relation in which Mr. Innerarity stands in this business, together with the interest taken on the side of Colonel Callava, and at the same time exercising the functions of one of the cabildo of this city, we deem it an indispensable duty to recommend that your excellency will fill his place in the council with a character who will manifest a proper respect for the dignity of the laws and you their Executive.

We have the honor to be, &c.

ROBERT BUTLER, *Col. U. S. Army.*
J. C. BRONAUGH.

His Excellency ANDREW JACKSON, *Governor of the Floridas, &c.*

No. 14.

Memorandum referred to in the above report.

PENSACOLA, *August* 22, 1821.

Memorandum of the documents which have this day been demanded of Colonel José Callava, agreeably to the order of his excellency Major General Andrew Jackson, Governor of the Floridas, and which, on the demand of Colonel Robert Butler and J. C. Bronaugh, accompanied by H. M. Brackenridge, Colonel Callava promised to deliver to Colonel Butler, if they should be found in the boxes delivered to him by Domingo Sousa.

1. The papers relating to the estate of José Maria Vidal.
2. Proceedings in the case of Carlos de Ville and Eugene Sierra.
3. Proceedings in the case of Manuel Bonfay and Carlos de Ville.
4. Documents in the case of Peter Guilkes and Tomas Villaseca.

The whole of the above papers having relation to the rights of property in West Florida, and in which private individuals are interested.

H. M. BRACKENRIDGE, *Alcalde.*

No. 15.

Minutes of the examination of Colonel Callava and Fullarat.

OFFICE OF THE EXECUTIVE OF FLORIDA, PENSACOLA, *August* 22, 1821.

Colonel José Callava being brought before Andrew Jackson, Governor of the Floridas, to answer certain interrogatories relative to documents and papers named in a schedule bearing this date, and which relate to the property and sovereignty of the Floridas, the following interrogatories were put to him, viz:

Question 1. Were, or were not, the papers mentioned in a schedule handed to you by H. M. Brackenridge, alcalde of the city of Pensacola, delivered by Domingo Sousa at your house, this day, to Antoine Fullarat, your major domo; and, if so, at what time of the day?

Answer. Dixo que yo protesto solemnemente contra el acto, que son las diez, y media de la noche, sacandole de su cama, donde se hallaba enfermo; que se acopla como comisario Española que es por el Gobierno Español, baxo el tratado recientemente celebrado con dicho Gobierno y el de los Estados Unidos por la cesion de las Floridas, cuya comision me ha sido confiado—here the Governor stopped Colonel Callava, and directed the following question to be put to him:

Did, or did not, Domingo Sousa deliver at your house this day the papers above mentioned; and, if so, where are those papers now? and answer this directly.

Answer. That he declines answering, except in the manner he considers proper, in his own language, and with his own hand.

The question being repeated, he answered that he was here as a commissioner, and could not answer in any other capacity. On which he was informed by the Governor that he could not view him as a commissioner, or in any other light than as a private individual, charged with refusing to surrender papers which belong to the public archives of this province, and of being connected with individuals charged with being about to secrete papers, and to carry them out of the country; by which the inhabitants thereof would be deprived of their evidence of property, and which, under the second article of the treaty with Spain, ought to have been delivered with the other papers placed in the charge of the alcalde for safe keeping. The question being again repeated, he refused to answer except in the manner before stated.

Interrogatories put to Antoine Fullarat.

Question 1. What is your name and age?

Answer. My name is Antoine Fullarat; I do not know my age.

Question 2. Did not Domingo Sousa deliver to you this day some papers in boxes at the house of Colonel José Callava?

Answer. Yes.

Question 3. Where are those papers now?

Answer. They are at the house of Colonel Callava.

Question 4. In whose possession are they?

Answer. They are now in Colonel Callava's house.

Question 5. At what time of this day were they delivered by Domingo Sousa?

Answer. He does not recollect.

Question 6. Are not you the major domo of Colonel Callava?

Answer. Yes.

I do hereby certify the foregoing to be a correct minute of the examination before Andrew Jackson, Governor of the Floridas, at which I acted as clerk and interpreter.

H. M. BRACKENRIDGE.

No. 16.

Order for the imprisonment of Domingo Sousa, Colonel José Callava, and Antoine Fullarat.

Office of the Executive of Florida, Pensacola, *August* 22, 1821.

West Florida, *Pensacola, ss.*

To the officer of the day.

You will take into custody and safely keep Domingo Sousa, until he produces, or causes to be produced and delivered, unto Henry M. Brackenridge, alcalde of Pensacola, the following documents and papers, to wit: Those relating to the estate of Don Nicolas Maria Vidal; also, the papers relating to a house and lot in Pensacola, which was the subject of a proceeding between Carlos de Ville and Eugene Sierra; also, the proceedings which took place between Manuel Bonfay and Carlos de Ville, relating to a piece of ground in this place; and, also, the documents in the case of Peter Guilkes and Tomas Villaseca, relating to real property in Pensacola; all which documents and papers appear to appertain to individuals and their rights, and for their benefit ought to be in the possession of Henry M. Brackenridge, alcalde for the city of Pensacola, and not to be taken away by the officers of Spain; and which documents and papers were seen by Colonel George Walton, Colonel John Miller, and Henry M. Brackenridge, alcalde, in the possession of the said Domingo Sousa, on the 21st instant, and demanded by the said alcalde to be delivered to him, the said alcalde, under the written order of the undersigned, given for that purpose, and the said documents and papers to be retained by the said alcalde for safe keeping: on which the said Domingo Sousa refused to deliver the same, but, in open violation of the above-recited order and demand, did convey the said documents and papers to the house of Colonel José Callava, late Spanish Governor of the province of West Florida, and left them in the hands of the said Colonel Callava's steward, by name Fullarat, in the dwelling-house of the said Colonel Callava. All which acts aforesaid of the said Domingo Sousa are in open contempt of the authority of the undersigned, as Governor of the Floridas, &c., and in open violation of the rights of the citizens, secured to them under the second article of the late treaty with Spain; for all which, and until he, the said Domingo Sousa, complies with the foregoing order, by delivering the aforesaid enumerated documents and papers, he is to stand committed to the calabouse.

Given under my hand this twenty-second day of August, eighteen hundred and twenty-one.

ANDREW JACKSON, *Governor of the Floridas, &c.*

West Florida, *Pensacola, ss.*

To Captain Dade, officer of the day.

You will take into custody and safely keep Colonel Don José Callava, and his steward Fullarat, until the documents and papers recited in the order annexed for the arrest of Domingo Sousa are produced and delivered unto Henry M. Brackenridge, alcalde of the city of Pensacola.

Given under my hand, this twenty-second day of August, eighteen hundred and twenty-one.

ANDREW JACKSON, *Governor of the Floridas, &c.*

No. 17.

H. M. Brackenridge, Alcalde, to His Excellency the Governor.

Sir: Pensacola, *August* 23, 1821.

Having strong grounds to believe that the documents and papers claimed by me as appertaining to the archives of this province, and directly relating to the property and sovereignty of the same, are now in the house of Don José Callava, but enclosed in boxes, I beg leave to request that authority may be given to such persons as your excellency may appoint to open and examine the said boxes and report thereon. From the examination of Domingo Sousa and Antoine Fullarat, and the affidavit hereto annexed of Mercedes Vidal, there can be no doubt but that said documents were delivered in the boxes before mentioned to the said Callava, at his house, and are in his possession. The documents demanded are as follows:

1. Papers relating to the estate of Nicolas Maria Vidal.
2. Proceedings in the case of Carlos de Ville and Eugene Sierra.
3. Proceedings in the case of Manuel Bonfay and Carlos de Ville.
4. Documents in the case of Peter Guilkes and Tomas Villaseca.

H. M. BRACKENRIDGE, *Alcalde.*

No. 18.

Affidavit of Mercedes Vidal.

WEST FLORIDA.

Before me, H. M. Brackenridge, alcalde of the city of Pensacola, personally appeared Mercedes Vidal Padro, who, being of full age, and being duly sworn, deposeth and saith, that her father, Nicolas Maria Vidal, left her by will one of his heirs, and that he died about the year 1806, possessed of a large real and personal estate in Florida and Louisiana. The deponent further saith, that the will of her said father, together with the inventories of his real and personal estate, and all the papers relating thereto, were for several years missing from the public archives of Pensacola, having been by some person unknown withdrawn from the same; that repeated solicitations were made by her to the authorities then existing here to compel the restoration of the said papers and documents, as they were, and, she believes, still are, necessary to enable her to prosecute her claims under the said will; that a certain John Innerarity of this place, whom this deponent believes to be a debtor to the said estate in a large amount, was decreed to restore the said papers if in his possession; that the said papers were finally restored, and that a decree was passed against the said Innerarity to account with the deponent as one of the heirs of Nicolas Maria Vidal. The deponent further states that, a few days before the change of Governments, she demanded them of Colonel Callava, who informed her that he could not give them up, as he was obliged to take them to Havana. The deponent afterwards requested permission to make a copy of them; that this was granted by said Callava on condition that they should only be delivered by separate pieces or parcels, and that a confidential person should be found to copy them; but the deponent says that the expense of copying them exceeds her means, as they amount, in all, to several hundred pages of common writing paper. The deponent afterwards learned that the said papers were in the actual possession of Domingo Sousa, who acknowledged the same, and delivered three pieces to her for the purpose of being copied. The deponent further states that the said papers relate to property in this country and Louisiana, and were necessary in order to enable her to prosecute her claims under the will of her father.

MERCED. VIDAL.

Sworn and subscribed to before me this 23d day of August, 1821.

H. M. BRACKENRIDGE, *Alcalde.*

No. 19.

Search Warrant.

OFFICE OF THE EXECUTIVE OF FLORIDA,

WEST FLORIDA, *Pensacola, ss.* PENSACOLA, *August* 23, 1821.

Agreeably to the petition of H. M. Brackenridge, alcalde for the city of Pensacola, hereto annexed, and the affidavit of Mercedes Vidal, relating that she has reason to believe, from what Colonel José Callava has told her, that those papers would be taken to Havana: and whereas Domingo Sousa, in his declaration before me, the undersigned, on the 22d instant, declared that he, the said Domingo Sousa, in open violation and contempt of my order requiring that he should deliver the documents and papers named in the annexed petition of H. M. Brackenridge, alcalde for the city of Pensacola, had delivered them to Antoine Fullarat, the steward of Colonel José Callava, and in the house of the said Callava: and whereas an order was issued by the undersigned, on said declaration of the said Domingo Sousa, that a demand should be made to Colonel José Callava, and his steward Fullarat, that they deliver said papers, agreeably to a schedule delivered by Colonel Robert Butler, of the army of the United States, and Dr. J. C. Bronaugh, accompanied by the said alcalde for the city of Pensacola, who proceeded and made a demand of the aforesaid papers, which Colonel Callava refused to deliver, on which an order was made to bring the said Callava and Fullarat before me to answer such interrogatories as might be put to them, &c.: This order being executed, and the said parties before me, Colonel Callava having declined answering interrogatories put to him, except in his own way, and as commissioner of Spain for the delivery of West Florida and its dependencies, which the undersigned would not in his judicial capacity, nor could he, know him in any other than his individual capacity, brought before him on the complaint of his acts being injurious to the rights and property of individuals, and in open violation of the orders of the undersigned, and in contempt of his decrees. Fullarat, being interrogated, declared that he received from Domingo Sousa the papers alluded to, and that the said papers in boxes were in Colonel Callava's house:

Colonel George Walton, Secretary of West Florida, Colonel John Miller, clerk of the county court of Escambia, David Shannon, Esq., presiding justice of said court, and Thomas Brownjohn, Esq., accompanied by Henry M. Brackenridge, Esq., alcalde of the city of Pensacola, will forthwith proceed to the house of Colonel José Callava, and make search for said papers, breaking open said boxes; and if said papers, as mentioned in the annexed petition, are found therein, to take the same and bring them to the undersigned with this warrant, leaving all other papers in said boxes, secured in the same way as the said boxes are found, and report to me, in writing, how they have executed this warrant.

Given under my hand and private seal, (there being no seal of office,) at Pensacola, in West Florida, the twenty-third day of August, eighteen hundred and twenty-one.

ANDREW JACKSON, *Governor of the Floridas, &c.*

No. 20.

Return of Messrs. Walton, Miller, Shannon, and Brownjohn to the above.

PENSACOLA, *August* 23, 1821.

In the execution of the above order, we, the undersigned, proceeded to the dwelling of Colonel Callava, and, having opened a box containing papers, found the documents enumerated in the above list; and after taking them out, again closed the said box, placing a seal upon the same. We now deliver into your excellency's possession the papers and documents as before enumerated.

GEORGE WALTON,
Secretary of West Florida.
JOHN MILLER,
D. SHANNON,
T. BROWNJOHN.

To His Ex'cy Gen. ANDREW JACKSON, *Governor of the Floridas, &c.*

No. 21.

Order for the discharge of Colonel Callava, Domingo Sousa, and Antoine Fullarat.

OFFICE OF THE EXECUTIVE OF FLORIDA,

WEST FLORIDA, *Pensacola, ss.* PENSACOLA, *August* 23, 1821.

Application being made to the undersigned this 23d day of August, 1821, by H. M. Brackenridge, alcalde for the city of Pensacola, by petition, founded upon the affidavit of Mercedes Vidal, of the 23d of August, 1821, and on the declaration of Domingo Sousa and Antoine Fullarat, steward of Colonel Callava, that the first had delivered, and the latter received, at the house of Colonel José Callava, the papers found at the house of Domingo Sousa, and by the order of the undersigned commanded to be delivered, for the use of the individuals whose rights are involved and concerned, into the hands and possession of H. M. Brackenridge, Esq., alcalde for the city of Pensacola, for safe keeping, and that said papers were in the boxes as above delivered, and in the house of said Callava; and information being made to me by report of Colonel Robert Butler, Dr. J. C. Bronaugh, and the said H. M. Brackenridge, alcalde as aforesaid, that the said boxes were seen in the house of the said Callava on the evening of the 22d instant; and it being stated by the affidavit of Mercedes Vidal that the papers were about to be taken to Havana, and a warrant prayed to make search for the same; and whereas the said warrant was granted to Colonel George Walton, Secretary of West Florida, Colonel John Miller, clerk of the court for the county of Escambia, David Shannon, Esq., president of said court, and Thomas Brownjohn, Esq., accompanied by H. M. Brackenridge, alcalde for the city of Pensacola, to execute, and report in what manner they had executed the same, who made the following report thereon: "In the execution of the above order, we, the undersigned, proceeded to the dwelling of Colonel Callava, and, having opened a box containing papers, found the documents enumerated in the above list, [which accompanied the warrant,] and, after taking them out, again closed the said box, placing a seal upon the same. We now deliver into your excellency's possession the papers and documents, as before enumerated. Pensacola, August 23, 1821. George Walton, Secretary of West Florida, John Miiler, D. Shannon, T. Brownjohn. Addressed to his excellency General Andrew Jackson, Governor of the Floridas, &c." Whereupon, the undersigned ordered that said papers be and remain in the possession of Colonel George Walton, Secretary of West Florida, and by him to be delivered over to H. M. Brackenridge, alcalde for the city of Pensacola, for safe keeping, taking his receipt for the same:

The officer of the day over the guards of Pensacola (Captain Wager) will therefore discharge Domingo Sousa, Colonel José Callava, and Antoine Fullarat, Colonel Callava's steward, from the custody of the guard, make known to them that the papers (for the non-delivery of which, and contempt of the orders of the undersigned, they were confined) are in my custody, to be handed over to H. M. Brackenridge, Esq., alcalde for the city of Pensacola, for safe keeping, for the benefit of the individuals and their rights that may be concerned; making them subject to such costs as the said H. M. Brackenridge, alcalde for the city of Pensacola, may tax against them. Then conduct Colonel Callava to his house, examine if the two boxes of papers remain sealed, leave him in possession of them, dismiss the guards from his house, and report the same to the undersigned with this order.

Given under my hand, at Pensacola, this twenty-third day of August, eighteen hundred and twenty-one.

ANDREW JACKSON, *Governor of the Floridas, &c.*

No. 22.

Return of Captain Wager to the above.

SIR: PENSACOLA, *August* 24, 1821.

I have honor to report that your order of yesterday, directing the release of Domingo Sousa, Colonel José Callava, and Antoine Fullarat, has been complied with.

Immediately on the receipt of said order, I repaired to the guard at the calabouse; and, having communicated its contents to Colonel José Callava, I conducted him to his own house, where I examined two sealed boxes, said to contain papers. I further attended him in the examination of his own effects, with the safety of which he appeared satisfied. I then dismissed the guard from his house, and left him in peaceful possession of it.

I have the honor to be, sir, your obedient servant,

P. WAGER, *Capt. 4th Inf., and officer of the day.*

His Excellency ANDREW JACKSON, *Governor of Florida.*

No. 23.

H. M. Brackenridge's (alcalde) receipt to Colonel Walton for the documents above mentioned.

PENSACOLA, *August* 25, 1821.

Received of George Walton, Esq., Secretary of West Florida, the following documents belonging to the archives of this province, being the same obtained through proceedings instituted at my instance:

1. The papers in the case of Vidal.
2. In the case of Bonfay and Carlos de Ville.
3. In the case of Carlos de Ville and Sierra.
4. In the case of Peter Guilkes and Villaseca.

H. M. BRACKENRIDGE, *Alcalde for the city of Pensacola.*

A copy from the originals on file in my office.

GEORGE WALTON, *Secretary West Florida.*

OFFICE OF THE EXECUTIVE OF FLORIDA, PENSACOLA, *August* 23, 1821.

Present, His Excellency the Governor:

The order for the discharge of Domingo Sousa, Colonel José Callava, and Antoine Fullarat, being under the consideration of his excellency, having been written, but not yet issued, Captain Wager, the officer of the day, presented to his excellency the following documents, to wit:

No. 1.

The United States to Lieutenant Mountz, of the 4th regiment of United States infantry, greeting:

You are hereby commanded that you forthwith have the body of José Callava, late Governor of the province of West Florida, now in your custody, as is said, together with the day and cause of his caption and detention, by whatever name he may be known, before the judge of the court of the United States for West Florida, and for that part of East Florida which lies westward of the cape, at his chambers, in the city of Pensacola, to do, receive, and submit to whatsoever the said judge shall consider in that behalf; and have you then and there this writ, with your doings thereon.

Witness, Eligius Fromentin, judge of our said court, this twenty-third day of August, in the year of our Lord eighteen hundred and twenty-one.

I allow this writ.

ELIGIUS FROMENTIN,
Judge of the U. S. for W. Florida, and for that part of E. Florida which lies westward of the cape.

[ENDORSED.]

I allow the writ on the other side.

ELIGIUS FROMENTIN,
Judge of the U. S. for W. Florida, and for that part of E. Florida which lies westward of the cape.

No 2.

From Lieutenant Mountz to His Excellency the Governor.

SIR: PENSACOLA, W. F., *August* 24, 1821.

I have the honor to state that the within paper from Judge Fromentin was handed to and served upon me, as officer of the guard stationed at the calabouse, on the 23d instant, by a person who I have reason to believe was Doctor Brosnaham, of this place, who stated that he served it as a friend, and who, on being informed that no notice would be taken of the within paper, retired.

Very respectfully, I have the honor to be, &c.

G. W. MOUNTZ, *Lt. 4th reg. U. S. Inf.*

To His Excellency ANDREW JACKSON, *Governor of the Floridas, &c.*

The within paper was handed, immediately on its receipt, to Captain Wager, officer of the day.

G. W. MOUNTZ, *Lieut. U. S. Army.*

Whereupon, it is ordered by his excellency that Captain Wager report to Mr. Fromentin that the prisoners were confined for an open contempt of his excellency's orders and decrees, and that he would keep them confined agreeably thereto, until released by the orders of his excellency the Governor. And his excellency issued the following further order, viz:

Eligius Fromentin, Esq. will forthwith be and appear before me, to show cause why he has attempted to interfere with my authority as Governor of the Floridas, exercising the powers of the Captain General and Intendant of the island of Cuba over the said provinces, and of the Governors of said provinces, respectively, in my judicial capacity as supreme judge over the same, and as chancellor thereof, having committed certain individuals charged with a combination to secrete, and with having attempted to secrete and carry out of the territories ceded to the United States the evidence of individual right to property within the said territories, which has been secured to each individual under the second article of the late treaty with Spain, and in open contempt of the orders and decrees made by me. And that the said Eligius Fromentin, Esq. be and appear before me, at my office, at five o'clock P. M., in Pensacola, to make known the above cause, and to abide by and perform such order and decree as the undersigned may of right deem proper to make of and concerning the same.

Given under my hand, at Pensacola, this 23d day of August, 1821.

ANDREW JACKSON, *Governor of the Floridas, &c.*

To Colonel GEORGE WALTON, Secretary of West Florida, to make known and execute the above, and to furnish a copy of the above, (if required,) returning this original, and in writing making known how he has executed the same.

To which order, Colonel George Walton, Secretary of West Florida, made the following return, viz:

By virtue of the above order, I have summoned Eligius Fromentin, Esq. personally to appear at the office of his excellency Major General Andrew Jackson, at five o'clock this afternoon, and, at his request, have furnished the said Eligius Fromentin with a copy of the above order, certified under my hand, as Secretary of West Florida; and the said Eligius Fromentin, in answer to the said summons, declared his perfect willingness to obey this and every order of his excellency the Governor; but asserts that he is unable, through indisposition, to attend this afternoon, as above he is required.

GEORGE WALTON, *Secretary of West Florida.*

Whereupon, it is ordered by his excellency that further time, until to-morrow afternoon at three o'clock, be given to the said Eligius Fromentin to appear and show cause as above he is commanded.

OFFICE OF THE EXECUTIVE OF FLORIDA, PENSACOLA, *August* 24, 1821.

Present, His Excellency the Governor:

Judge Fromentin, in obedience to the order of his excellency, appears, and acknowledges that he granted the writ of *habeas corpus* without the affidavit of any person, and that no affidavit was made before him; and that it was granted upon the *verbal* application of a number of individuals who made the application, (named Le Rud, Innerarity, Brosnaham, and Father Coleman;) and, upon being asked to whom he delivered the said writ of *habeas corpus* to be served upon the officer who had in custody Colonel Callava, he replied that he delivered it to one of the persons who made application for it, but to which he does not know.

ELIGIUS FROMENTIN.

The word *verbal* interlined in the original by Judge Fromentin.

GEORGE WALTON, *Secretary of West Florida.*

Whereupon, his excellency the Governor ordered that the said Eligius Fromentin be dismissed without day, &c.

A copy from the originals on file in my office.

GEORGE WALTON, *Secretary of West Florida.*

[Enclosure No. 2, in Governor Jackson's letter of 26th August, 1821.—2 in I.]

Mr. Brackenridge to Governor Jackson.

SIR: PENSACOLA, *August* 24, 1821.

The following are the facts supporting my application to your excellency in relation to papers which, as alcalde, and specially commissioned keeper of the archives delivered in virtue of the treaty with Spain, I conceived ought to be placed in my charge, and which no individual had a right to retain:

Shortly after my appointment, an application was made to me by a free quatroon woman of this place, who stated that she was one of the heirs of Nicolas Maria Vidal, formerly the auditor de guerra, or judge. She placed in my hands a number of original papers and decrees, which evidently could not be properly retained by any individual, but belonged to the archives. These papers were retained by me. On examining them, I found that they principally consisted of petitions on the part of the heirs of Vidal, praying the interposition of the existing authorities to compel John Innerarity to restore to the archives the papers relating to the estate of their deceased father, so as to enable them to substantiate their claims against the said Innerarity. These were followed by repeated decrees, but without effect—at least from aught that appears in their proceedings. From others of these documents, it would appear that they had been restored; various decrees in favor of the heirs had passed; but, since July, 1820, nothing seems to have been done, in consequence, as I have been informed, of the departure of the auditor, or judge. I did not find the papers in the office, and I did not know, until afterwards informed by Mercedes Vidal, where they were. As they related to property in this country, and were necessary for the establishment of the rights of its inhabitants, it seemed to me self-evident that they could only be lawfully in the possession of the Government, and that they might be taken wherever they could be found. About ten days ago, Mercedes Vidal informed me that they were in the hands of one Domingo Sousa, formerly a clerk in the office, but that they were under the control of the late Governor Callava, who had given her permission to copy them; but, as they consisted, like other Spanish documents, of the original papers stitched together, and were in separate pieces or unbound books, she could only be allowed to take one of them at a time. I told her to obtain one of them, and bring it to me, in order that I might be certain of the fact. As soon as this was done, and being well convinced of the truth of her story, I made my application to you of the 21st of August, conceiving that the papers must be restored, as no individual could possess them without the permission of the existing Government.

From the following abstract of the proceedings instituted by the heirs of Vidal for the restoration of those papers to the archives, your excellency will perceive with how much difficulty this object was obtained. On the 29th of August, 1817, a petition was presented to the Governor by Caroline Vidal, one of the heirs of Nicolas Maria Vidal, setting forth that, since the sale of her deceased father's effects at public auction, she was unacquainted with the situation of his estate, and praying that the papers relating to it might be delivered to her for this purpose, on her giving the proper receipt. On this, there is a decree by Mazot, then Governor, dated 1st of September, 1817, ordering the papers to be delivered to her, under her receipt. There then follows a certificate from the clerks, or witnesses *de asistencia*, of their having waited on John Innerarity to demand the said papers, and that they were informed by his book-keeper that he was at the river Perdido. The demand is made, it is said, in virtue of their having been delivered to him by the deceased Governor Zuniga.

On the 3d of the same month they again proceeded to the house of Innerarity, who repaired to the auditor's office, and prayed that eight or ten days might be allowed him, that he might search for them, as he did not know with certainty where his book-keeper had put them at the time of the prevailing reports that this place was about to be surprised by the insurgents. This appears to have been granted.

The next petition of Caroline Vidal is dated 1st of December, 1817, stating that, notwithstanding the various solicitations on her part for the delivery to her of the proceedings following the decease of her father, so that, by a sight of them, she might know what is justly due to her, without which she would not be able to do so, she again prays that they may be delivered to her on giving a receipt; and, if not in the public archives, that it be certified in whose possession they were. On this a decree was entered by Mazot, again requiring Innerarity to deliver the testamentary acts of Nicolas Maria Vidal. The clerk accordingly made the demand of Innerarity, who replied that he had not been able to find them, but believed that they had been sent to Mobile in a trunk, with other papers, about the time this place was threatened by the insurgents, and, if in his possession at all, they were at that place; but he was not certain whether he had not returned them to Don Francisco Gutiene de Arroyo.

The next petition of Caroline Vidal is dated the 28th of February, 1818, renewing her demand for the delivery of the testamentary papers, or acts of her father, enumerating the different evasive answers of Innerarity, and praying that if, in fact, they had been transmitted from Mobile to Havana by Arroyo, they might be reclaimed from the Intendant. This prayer is granted by Mazot, but does not appear to have produced any effect.

After this follows a petition by Mercedes Vidal, co-heiress of Nicolas Maria Vidal, setting forth the solicitations of her sister to compel Innerarity to restore the *testamentary* papers of her deceased father, in consequence of whose failure to do so the heirs had not been able to claim their rights under the will of their father. The petition contains these words: "If a private individual could be authorized to take away from the public archives papers of the greatest importance, and then excuse himself on the ground that they had been delivered to Peter or to John, and thus escape without any further trouble, nothing would be secure, and the laws of justice and society would be overturned;" and then praying that Innerarity be required, for the last time, to restore the papers, and that he be put in close confinement until he shall deliver the papers necessary to substantiate claims under an estate which, until now, the heirs thereof have been unable to make. Then follows the decree of Governor Callava, dated 31st March, 1819, that the petition pass to the auditor, that the proper order be taken thereon. Upon this, by order of the 5th of April, 1819, Innerarity is required to restore the papers, if in his possession; but this also appears to have been without effect.

The next petition of Mercedes Vidal prays that the following interrogatories may be put to Innerarity:

1st. Whether he is the depositary of the estate of the deceased Nicolas Maria Vidal, the petitioner's father?

2d. Whether sixteen thousand acres of land in the district of Baton Rouge were sold at public sale at that place, and for what price?

3d. Whether the executor named in due form by the said Nicolas Maria Vidal, Cristoval de Annas, protested against the sale as a nullity, and in derogation of the rights of the heirs?

4th. Whether, when the sixteen thousand acres were adjudged at public sale, Cristoval de Annas did not demand the preference in behalf of the minors?

5th. To whom did John Innerarity give an account of the deposite placed in his hands?

6th. For what reason did Innerarity take away the testamentary papers and inventories, and other papers belonging to the succession of the said Nicolas Maria Vidal; and if, on taking them out, he gave a receipt; and by whose order they were given?

Then follows the order of Callava, dated 17th May, 1819, that the petition pass to the assessor. On the 18th there is the further order of Callava that John Innerarity appear at the office of the auditor, at eleven o'clock of that day, to answer to such interrogatories as should be put to him touching the premises. He accordingly appeared, and said that, in the possession of neither the keeper of the archives, nor of any other person, is there a receipt showing in whose hands the documents claimed then were. If, in other proceedings, he had declared that he would look for them among his papers, it was from a belief that he had seen them in the possession of Francisco Arroyo, who used to come frequently to his house. That they might have been mingled with some of his own papers, and on that account he offered to make search for them among those in his house, as he had formerly done as to those he had at Mobile; but, not having found them, he hoped this would be considered sufficient. This is also accompanied by a formal writing from Innerarity, in the nature of a demurrer, setting forth that under the laws of Castile he is not bound to answer; as no litigant can, according to those laws, begin by propounding questions to the opposite party; that proofs should be brought against him, instead of compelling him to furnish evidence against himself. Then follows an order of Callava that it pass to the assessor. An order is then given to examine the book of receipts, to see to whom the papers were delivered; on which the clerks certify that, on examination of the book of receipts from 1813 until the time of making the search, no receipt could be found This application does not appear to have been effectual.

The next paper is a petition of considerable length by Mercedes Vidal, setting forth the manner in which the heirs of Vidal had for four years been kept out of their inheritance, in consequence of which they had been reduced to extreme poverty; the injustice they had experienced in the fraudulent sale of their estate in the district of Baton Rouge; and their unavailing efforts to obtain the testamentary papers of their deceased father, or to compel those to account who had their property in their hands. Upon this petition there is a decree of the auditor de guerra of the 25th of June, 1819, annulling, on legal grounds, the sale of the property at Baton Rouge, and decreeing that the heirs be put in possession thereof, signed by Governor Callava; and, in pursuance of this decree, it is certified by the clerks that they have delivered the original of this proceeding, in order that it may be carried into effect; on which follows a writing addressed by Callava to the judges of the district of Baton Rouge, stating that the sale of the estate of Vidal, in that district, to the prejudice of the interests of minors, has been set aside; but, as his jurisdiction does not extend there, he sends the original proceedings had in his tribunal, in order that the decrees therein may be carried into effect, dated the 26th of June, 1819. From none of the foregoing proceedings does it appear that the testamentary papers had, at this time, been returned.

The next document in order is the petition of Mercedes Vidal, setting forth her repeated solicitations, and those of her sister; the continued evasions of Innerarity; his perseverance in refusing to deliver up the testamentary papers of her deceased father; that, at length, forced by her continued petitions, and those of her sister, he had surrendered said papers, to all appearances complete. That, from positive data, on the inspection of those documents, it appeared that they were entitled to have certain specified proceedings under the will set aside as irregular and fraudulent; that property to a large amount, which had been left on deposite in the Ursuline convent in New Orleans, had been seized by Forbes and Innerarity, and that no account had been rendered by them of the same; that a large sum of money had been placed in deposite in their hands, for which they had not accounted. The prayer of the petitioner is, that the proceedings under the will be annulled; that the house of Forbes and Innerarity be required to account, &c.

The decree of the auditor, Suares, follows at considerable length, declaring that the proceedings under the will had been wholly irregular, and formed a confused mixture of one thing and another, a perfect labyrinth, which could only be ascribed to the malice of some persons, and the want of a litrado, or legal judge, to direct the parties. The irregularities are then detailed at large. The auditor then sets forth that, in order to avoid confusion, there should be two separate proceedings: one with respect to the demand of the heirs to annul what had been done under the will; and the other requiring the house of Forbes and Innerarity to account with the heirs. The first to consist of the former proceeding and this decree, and the documents on which they are founded, to be separated from the rest of the proceedings for this purpose; that, before proceeding to the annulling of the sale of the sixteen thousand acres of land at Baton Rouge, it would be proper to hear the party at whose instance the sale had been made, that is to say, Don John Forbes & Co., which company is at present represented by John Innerarity; and that the proceedings, with the previous instances in the name of the heirs, should be communicated to the latter. As to the account demanded of Innerarity, and which had been demanded of him ever since the year 1810, without ever having been obeyed, he is required within ten days to produce the same, exact and in due form, and, on failure thereof, to be subjected to what in such case would be exacted by justice; and that within the fifth day he place in the royal treasury the sums put in his possession in the character of a depositary, together with the sixteen hundred dollars mentioned in page sixty-five of the proceedings. The foregoing dictamen or decree is ordered to be carried into effect in all its parts. Signed Callava, 1st July, 1820.

The next and last petition of Mercedes Vidal sets forth the foregoing decree; that the time for the accomplishment of the same had elapsed; that nothing had been done by Innerarity to comply therewith. She therefore prays that execution may issue against the goods of Innerarity, to compel him to comply with the said decree; that, until the rights of the petitioner can be established, and until he shall exhibit an account of the effects sold in New Orleans, as expressed in the Governor's decree of the 1st of July, the property of said Innerarity be placed under an interdict. On this follows the decree of Callava of the 10th of July, 1820, granting the prayer of the foregoing petition.

This closes the proceedings; no further steps appear to have been taken since that time. There is a petition of Mercedes Vidal on the subject of the decree of the 10th, but no order has been taken on it.

I do hereby, in my official capacity as alcalde of Pensacola, and keeper of the archives delivered under the treaty, certify the foregoing to be a correct abstract of the proceedings in my office, at the instance of the heirs of Nicolas Maria Vidal, for the recovery of the testamentary papers of their deceased father, and which led to the late proceedings against Domingo Sousa, clerk of Don José Callava, and his steward Fullarat.

H. M. BRACKENRIDGE.

[Enclosure No. 3, in Governor Jackson's letter of the 26th August, 1821.—3 in I.]

Memorandum extracted from the record-book of Major General Jackson, &c.

We, the undersigned, do hereby certify that, at noon, on this day, 16th August, 1821, as General Jackson was about to forward his despatches to the Government of the United States, Captain B. Prieto, aid-de-camp to Don José Callava, late commissioner on the part of Spain for the delivery of West Florida, presented himself, in our presence, before General Jackson, as the bearer of a communication from said Spanish commissioner to General Jackson, which the latter refused to receive, without having previously delivered to him, in the form required, the certificate of receipt of provisions furnished by him to the Spanish troops for the voyage from this place to the Havana, and the transportation of civil officers, &c.; which provisions and transportation were not stipulated in the seventh article of the late treaty between Spain and the United States to be furnished by the latter. That General Jackson declared, as the reason of his refusal, that the above-mentioned certificate had been promised to be delivered, in proper form, with the solemn pledge of José Cruzat, secretary to the said commissioner, upon that gentleman's representing, on the morning of the 17th of July, that said commissioner, from sickness and extreme press of business, could not furnish the above certificate in time for the ceremony of giving possession; which promise and pledge had been disregarded and violated. We further certify that, upon General Jackson's refusal to receive the communication referred to, Captain Prieto withdrew, and a short time afterwards returned, stating that he had been instructed by Don José Callava to request of General Jackson to reconsider the subject, as it was one of great importance, and that he would be obliged, should General Jackson persist in his refusal, to report the circumstances to his Government. That General Jackson replied simply by a repetition of what he had said before, viz: that the sole condition on which he would receive the late Spanish commissioner's communication was the previous delivery, on his part, of the certificate in question, drawn up in the form which the tenor of the correspondence required; upon which delivery, he would receive any communication which Colonel Callava might make: when Captain Prieto took his leave.

EDWARD A. RUTLEDGE, *Acting Interpreter.*
LIEUT. ANDREW J. DONELSON.
ROBERT BUTLER, *Colonel U. S. Army.*

II.

Major General Jackson to the Secretary of State.

SIR: PENSACOLA, *September* 30, 1821.

I have not had the pleasure of receiving any letter from you since yours of the 20th ultimo, and, in compliance with your instructions therein, am preparing a report on the subjects alluded to, which shall be forwarded in due time.

I had hoped, when I last addressed you, that nothing would have occurred here, after the unpleasant affair of Callava, to compel me to notice the conduct of those Spanish officers who remained; that a decent regard for the laws and the chief magistracy of the country would have induced them to demean themselves peaceably during their temporary stay. But in this I have been mistaken, and, by a reference to the within proclamation and a newspaper of the 29th instant, you will see the step I have been compelled to take, and the course which has led to it.

You will find, over the signature of the "Spanish officers," a violation of that decency and respect which is due to me, as the supreme judicial tribunal of this country, and to my sworn interpreters.

I should have been unworthy the important and sacred trust reposed in me by the President of the United States, if I could, for a moment, have suffered the dignity and majesty of the laws to be thus outraged, in that of my person and my interpreters, with impunity. So long as they confined themselves to a justification of themselves, it was well; but the moment they attacked with their gross falsehoods the dignity of the court and its officers, it became my duty to act with promptness. I have taken this step, after mature reflection and deliberation, believing it absolutely necessary for the preservation of the peace, harmony, and good government of the country. It will not do to permit a band of Spanish officers to keep the public mind in a constant state of excitement and alarm, and thereby weaken that allegiance of the creoles of the country to the General Government, which is enjoined on them by my proclamation; and which, I have every reason to believe, they were disposed to yield, had it not been for the undue influence of these turbulent men, moved by others, who *work unseen.* To suffer them to remain here, after being aware of these things, and showing they defied my authority, considering themselves independent of my rule, and subordinate only to that of their chief, would have been highly improper, and could not have met the approbation of my Government. As long as I have the honor of commanding here, the Government and laws shall be respected; and all who deport themselves with becoming propriety shall receive every attention, urbanity, and politeness due them. Instead of Judge Fromentin aiding me in the administration of the Government, I have strong reasons for believing he is exciting the course that has been pursued by these Spanish officers.

I enclose, for your information and that of the President, my opinion and that of my legal associate on the question of my judicial jurisdiction and powers in the Floridas, and our decision on the case that gave rise to it. If I am correct in the construction of my judicial powers, (of which I have no doubt,) I should have been warranted in committing all concerned. I was advised to do so by those most friendly to the Government, but I thought it best to extend to them all the lenity in my power, and have only, in the first place, required them to leave this country, as they were bound to do by the seventh article of the treaty. All of which will more fully appear, having reference to my proclamation.

I am, sir, with sincere regard and respect, your most obedient servant,

ANDREW JACKSON.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

No. 1.

PROCLAMATION.

By Major General ANDREW JACKSON, *Governor of the provinces of the Floridas, exercising the powers of the Captain General and of the Intendant of the island of Cuba over the said provinces, and of the Governors of the said provinces, respectively:*

Whereas, by the seventh article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and duly ratified, it was stipulated that the "officers and troops of His Catholic Majesty, in the territories hereby ceded to the United States, shall be *withdrawn*, and possession of the places occupied by them

shall be given within six months after the ratification of the treaty, or sooner, if possible:" and whereas it has this day been made known to me that the following officers of His Catholic Majesty, to wit, Marcos de Villiers, Bernardo Prieto, Louis Gayarre, Civilo Lessassier, Arnaldo Guillemard, Carlos de Villiers, Pedro de Vegas, and Mariane Latady, and who, according to the said seventh article, ought to have withdrawn from the said ceded territory with the troops of His Catholic Majesty, have, without the permission of the existing authorities, contrary to the said seventh article, remained in this city and its vicinity: and whereas it has been made known to me that the said officers, acting in a distinct body, independent of and disowning even a temporary allegiance to the Government of the United States as existing in the Floridas, have been engaged in stirring up disaffection thereto, and in sowing discontent in the minds of the good people of this said province: and whereas it appears that they are the authors of the following false, scandalous, and indecent publication:

"In speaking of Colonel Callava's appearance before General Jackson, H. B. ought to have stated that none of the interrogatories and highly offensive accusations of the general were faithfully interpreted to Colonel Callava, any more than the replies of the latter to the former. It was therefore out of the power of our chief, not knowing what was said to him, to make the auditory understand how innocent he was of the foul charges with which his unsullied honor was endeavored to be stained. Such, in sum, are the observations we had to make on the statement of H. B., and we hope that he and the public will be convinced that we acted from no principle of pusillanimity; that if, on the one hand, *we shuddered at the violent proceedings exercised against our superior*, we knew also what was due to a Government which is on the most friendly footing with our own.

"We are, &c.

"THE SPANISH OFFICERS RESIDENT IN THIS PLACE."

and whereas the said publication is calculated to excite resistance to the existing Government of the Floridas, and to disturb the harmony, peace, and good order of the same, as well as to weaken the allegiance enjoined by my proclamation, heretofore published, and is entirely incompatible with any privileges which could have been extended to the said officers, even if permission had been expressly given them to remain in the said province, and, under existing circumstances, a gross abuse of the lenity and indulgence heretofore extended to them:

This is therefore to make known to the said officers to withdraw themselves, as they ought heretofore to have done, from the Floridas, agreeably to the said seventh article, on or before the third day of October next; after which day, if they or any of them shall be found within the Floridas, all officers, civil and military, are hereby required to arrest and secure them, so that they may be brought before me, to be dealt with according to law, for contempt and disobedience of this my proclamation.

Given at Pensacola, this twenty-ninth day of September, one thousand eight hundred and twenty-one, and of the independence of the United States the forty-sixth.

ANDREW JACKSON, *Governor of the Floridas, &c.*

By the Governor:

GEORGE WALTON, *Secretary of West Florida.*

No. 2.

THE HEIRS OF VIDAL *vs.* JOHN INNERARITY. } JUDICIAL OPINION.

A petition was filed in this case, praying the court to have John Innerarity cited to appear and show cause why the decrees of Don José Callava, late Governor of West Florida, should not be carried into execution. Upon the return day of the citation, John Innerarity, the defendant, appeared, and prayed time to prepare his defence, which was granted him. At the expiration of the time allowed, he, through his counsel, prayed for further time, which was also granted. The court having met on the day appointed for the hearing, and the case being called, Mr. Acre, of counsel for the defendant, filed a plea to the jurisdiction of the court, which brings up the question, not only whether this court can legally entertain the suit, but whether there is a competent tribunal in the country to try the case. In support of his plea, he took the following grounds: First, he conceded that the Governors of the Floridas acted in a judicial capacity, and had done so time out of mind, until the promulgation of the constitution of the Cortes of Spain, some time in 1820; and as the constitution of the Cortes was in force in Spain at the time that the sovereignty of Spain over the Floridas was ceded to the United States, it was a part of the law of the Floridas. By that constitution, the judicial power, before exercised by the Governors, was taken from them, and given to other tribunals; and, as a deduction from these premises, Governor Jackson could not sit as a court, only having the powers of the Governors of the Floridas, the Captain General of Cuba, and the Intendant, as limited and prescribed by the constitution of the Cortes, published some time in 1820. Mr. Brackenridge, on the part of the petitioners, contended that the Spanish Government, of which the judiciary is part, has ceased, although the laws and usages are still in force. The error of opinion on this subject, he said, arises from not distinguishing these things. The powers executed by the officers of Spain are retained, not the officers; and an entirely different distribution made of them, to which the President was authorized by the act of Congress. That the Spanish constitution is not in force here, because not promulgated until Spain had parted with the sovereignty, and because it merely provides a form of government; it is not, therefore, applicable to us. He contended, from the act of Congress, and the Governor's commission, it was, undoubtedly, the intention of the President to give the same powers as had formerly been exercised by Governor Claiborne in Louisiana, on taking possession of that country, under similar circumstances. The constitution of the Cortes, he said, must not be referred to, to ascertain the powers of the Captain General, Intendant, and Governors of the Floridas; for, in that case, he went on to show, that the country would be left without civil government of any kind. According to that constitution, the Captain General is only a military officer, and the Governors of the Floridas are military officers under him. As Intendant, he would have no power.

The very able and satisfactory discussion this question has undergone by the gentlemen of the bar, by which the court was not only delighted, but instructed, has stripped it, in a great measure, of its difficulty. It, however, remains one of the first importance to the rights of the people of this country, and, as such, has received the most anxious consideration and attention of the court. Judicial power is an important trust, its execution often painful, and it does not hold out sufficient attractions to cause it to be sought after, especially by those who are duly and truly impressed with its awful responsibilities. It now becomes necessary for the court to inquire whether there exists sufficient judicial power in this country, since the change of sovereignty, to carry into effect the decrees of the late Governor of West Florida. If there is, where is it vested? It was not seriously contended that jurisdiction did not rest somewhere; but the difficulty on the part of the defendant's counsel consisted in pointing out the

tribunal. By referring to the act of Congress entitled "An act to carry into effect the treaty between the United States and Spain," the second section of which is in these words, "*And be it further enacted*, That, until the end of the first session of the next Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing Government of the same territories shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct, for the maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion; and the laws of the United States relating to the revenue and its collection, subject to the modification stipulated by the fifteenth article of said treaty, in favor of Spanish vessels and their cargoes, and the laws relating to the importation of persons of color, shall be extended to the said territories. And the President of the United States shall be, and he is hereby, authorized, within the term aforesaid, to establish such districts for the collection of the revenue, and during the recess of Congress to appoint such officers, whose commissions shall expire at the end of the next session of Congress, to enforce the said laws, as to him may seem expedient;" there is no stipulation in the treaty that the sovereignty of Spain over the Floridas should continue in force one moment after the signing of the treaty, and certainly not after the time limited by it for its ratification. In morals and good faith, the sovereignty was, from that time, in the United States *de jure*, and Spain had only the government *de facto*. The act of Congress to carry into effect the treaty had relation back to that time, as is fully expressed in the ratification, not only of Spain, but the United States; and the United States are only bound to maintain the inhabitants of the ceded country in the enjoyment of their liberty, property, and religion.

We will here read the commission given by the President to Major General Andrew Jackson, and see what powers it has pleased the President to invest him with; which commission is in the following words, viz:

"JAMES MONROE, *President of the United States of America, to all to whom these presents shall come, greeting:*

"Whereas the Congress of the United States, by an act passed on the third day of the present month, did provide that, until the end of the first session of the next Congress, unless provision be sooner made for the temporary government of the territories of East and West Florida, ceded by Spain to the United States by the treaty between the said parties concluded at Washington on the 22d day of February, 1819, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion: Now, know ye, that, reposing special trust and confidence in the integrity, patriotism, and abilities of Major General Andrew Jackson, I do, in virtue of the above-recited act, appoint him to exercise, within the said ceded territories, under such circumstances as have been, or may hereafter be, prescribed to him by my instructions, and by law, all the powers and authorities heretofore exercised by the Governor and Captain General and Intendant of Cuba, and by the Governors of East and West Florida, within the said provinces, respectively; and do authorize and empower him, the said Andrew Jackson, to execute and fulfil the duties of this present appointment according to law; and to have and to hold the same, with all its powers and privileges, until the end of the next session of Congress, unless provision be sooner made for the government of the said territories so ceded by Spain to the United States: *Provided, however, and it is the true intent and meaning of these presents*, That the said Andrew Jackson, or any person acting under him, or in the said territories, shall have no power or authority to lay or collect any new or additional taxes, or to grant or confirm to any person or persons whomsoever any title or claims to land within the same.

"In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed. Given under my hand, at the city of Washington, the tenth day of March, A. D. one thousand eight hundred and twenty-one, and of the independence of the United States of America the forty-fifth.

"JAMES MONROE.

"By the President:

"JOHN QUINCY ADAMS."

From this commission we collect the fact that it was the will and intention of the President to invest Governor Jackson with all the civil, military, and judicial powers exercised by the officers of the Spanish Government over the Floridas before the change of sovereignty, as he was empowered by the second section of the act of Congress before recited, with such limitations, and subject to such instructions, as it might please the President from time to time to prescribe. The said powers, given as aforesaid, are limited only by the following instructions and reservations of the President, which are, that the Governor of the Floridas shall have no power or authority to lay or collect any new or additional taxes, or to grant or confirm to any person or persons whomsoever any title or claims to land within the same. From the exceptions themselves, we arrive at the conclusion that all the civil, military, and judicial powers are given, with this further exception—such parts of them as are conferred on others; for all the above powers are vested somewhere, being absolutely necessary to carry on the Government.

The argument of the defendant's counsel against the jurisdiction of this court is predicated on the supposition that the constitution published by the Cortes of Spain is in force in this country; and, if we can show that it is not, it totally fails. We will here give a succinct history of this constitution, and show that it is not in force.

Some time in the year 1812, Ferdinand VII., King of Spain, was a prisoner in France; the Cortes, during the King's exile, framed the constitution, and published it in Old Spain; some sections of Old Spain adopted, and others rejected it. But it never was promulgated in any of the transmarine provinces of Spain, or any decree under it, during the time of Ferdinand's absence, so far as we have been able to learn, after diligent research and inquiry. On the 4th day of May, 1814, Ferdinand VII., having previously returned to Spain, and assumed the royal functions, by a solemn decree promulgated over his whole empire, dissolved the Cortes, annulled all their decrees, and made it treason in his subjects, or any of them, to attempt to carry the constitution or decrees under it into effect. In this situation the Government of Spain remained at the conclusion of the treaty between the United States and Spain, signed by their respective plenipotentiaries on the 22d day of February, 1819. The ratification of this treaty was unaccountably delayed on the part of Spain till the 24th of October, 1820. By the sixteenth article of the treaty, it was to have been ratified in six months next after the 22d of February, 1819, viz: on the 22d of August, 1819, or sooner, if possible. And, in the ratification, Ferdinand VII., by the consent and authority of the General Cortes of the nation, declared that the ratification should be as valid and firm, and produce the same effects, as if it had been done within the determined period, viz: the time prescribed by the seventeenth article. This, of itself, is sufficient to exclude the idea that the constitution of the Cortes is in force in this country. If any thing else is wanting, we have the fact that the constitution of the Cortes was only promulgated in the island of Cuba some time in the month of January, 1821, (about three months after Spain had parted with the sovereignty of the Floridas;) and, if it was ever promulgated in these provinces, it must have been after that time, and long since Ferdinand VII., in ratifying the treaty by the consent and authority of the General Cortes of the nation, had parted with the sovereignty, &c.

It cannot be seriously contended by the defendant's counsel that any act of Spain, after the ratification of the treaty, could be considered in force in the country ceded, by virtue of the proclamation of the Executive of this country. Such a construction and suchdoctrine is incompatible with the sovereignty of the United States over the Floridas. But it is said that the proclamation declares that all the laws and municipal regulations of Spain are in force. It must be remembered that the first part of that section of the proclamation alluded to states that the government of Spain has ceased, and that of the United States has commenced; these words qualify those general words relied on, and limit them to mean only so far as is compatible with the change of sovereignty. As well might he contend that Spain can legislate at this time for the Floridas. Legislation, being one of the attributes of sovereignty, must exclusively belong to the sovereign power. Can it be seriously contended that the constitution of Spain is in force here, as one of the laws and municipal regulations, continued in force by the proclamation of the Governor, founded on the act of Congress to carry into effect the treaty? We have now clearly proved, we believe, that the constitution of the Cortes is not in force here. By the second section of the act just referred to, the President of the United States is authorized to have the civil, military, and judicial powers exercised in *such manner* as he may direct; for it cannot be contended that he has not authority to place the judicial power wherever he pleases.

We will now proceed to show that the President did not consider the constitution of the Cortes was in force in this country; and for which purpose, it is only necessary to refer to the President's instructions, contained in the Governor's commission; wherein he takes from him the power of granting or making concessions of lands, or confirming those previously made.

Now, if he considered the constitution of the Cortes in force in this country, to have given these instructions, or expressly to have limited his powers in these particulars, would have been useless and unnecessary, as the constitution of the Cortes took away from the Captain General, the Intendant, and Governors of provinces the power of granting lands; therefore, on conferring on Major General Jackson the commission of Governor of the Floridas, to exercise the powers of the Captain General and Intendant of the island of Cuba and Governor of the Floridas, he did not intend that those powers should be limited and prescribed by the constitution of the Cortes, but that he should exercise them as they were exercised on the 22d of February, 1819, the day on which the treaty was signed. We therefore think Governor Jackson has the power to carry into effect the decrees of the late Governor of the Floridas. The counsel for the defendant, in his very able and ingenious argument, suggested that, as the President had appointed a judge of the United States for West Florida, possibly his tribunal might have jurisdiction of this case. He admitted, however, that he could not have jurisdiction, unless it was positively given him by statute, or the express instructions of the President. From the commission read, and the deductions already made, it fully appears that the jurisdiction of this case has been conferred on the Governor, and cannot be presumed to be given to the judge. Having seen the commission of the judge, he is expressly required, by instructions contained in it, to consider himself as governed by the laws of the United States; and the inquiry now is, what laws of the United States are extended to the Floridas, taken in contradistinction to the Spanish laws in force here? From the second section of the act entitled "An act to carry into effect the treaty between the United States and Spain," before read, we find that only such laws as relate to the revenue and the importation of people of color are extended to the Floridas. And as these subjects have been expressly excepted, and taken out of the general powers of the Governor, it is fair to presume that these subjects, and the cases arising under the two laws of the United States expressly extended to this country, are alone the legitimate objects of the judge's jurisdiction, until the contrary be shown from any instructions he may have from the President of the United States. In short, the judge's jurisdiction is not defined by any act of Congress, and he can exercise no jurisdiction that is not expressly given him by the President's instructions.

In conclusion, we will add, there are technical objections to the plea filed in this case. In a plea to the jurisdiction of this court, it is necessary to show that there is another court in which effectual justice may be administered; the plea under consideration wants that requisite, which alone ought to be sufficient to warrant this court in taking jurisdiction, lest there might be a failure of justice. We are perfectly satisfied that this court have jurisdiction, and therefore overrule the plea, and order the defendant to proceed to show cause, if any he has, why the decree of Don José Callava, late Governor of West Florida, should not be carried into execution.

THE HEIRS OF VIDAL
vs.
JOHN INNERARITY.

The defendant in this case, on the rule to show cause, filed several reasons why the decree, as prayed for, should not be carried into effect. These reasons have been ably argued both on the side of the defendant and the petitioners.

It now becomes the duty of the court to pronounce its decree; but, before doing so, we will endeavor to give a succinct statement of all the proceedings in the case.

We find, on the records of the judicial tribunal to which this court has succeeded, a decree, which does not appear ever to have been complied with. The duty of a judge to carry into effect the decrees of his predecessor is clearly pointed out by the *partidas*. It is true this cannot be called a final decision or judgment of the matter in dispute between the parties; yet, as far as it goes, it is *res judicata*, (or thing judged by the competent tribunal,) and remains only to be carried into effect, although, after being carried into effect, something may still remain to be done before a final close to the proceedings. The decree must either be executed or rescinded; the latter can only take place after examining the grounds on which it was entered up; and that we have a right to do this, we think at least doubtful, and certainly would not, unless gross injustice or contradiction appeared on the face of the decree itself. If a decree wanting those substantial requisites known to all laws should be made, it would be a nullity: as if pronounced without a citation to the defendant, or his being before the court, such would be looked upon as no decree. And all decrees can be set aside on the ground of fraud, or where corruption is shown in obtaining them. But where the decree stands unrescinded, it must be executed. Such, also, is the English law of equity: a decree must be first obeyed and performed; as if it be for land, the land must be first given up; if it be for money, the money must be paid; if for evidences, the evidences must be brought in; and the like in other cases. (Cooper's Equity, page 90.)

The decree under consideration embraces three distinct subjects:

1st. The deposite admitted to have been intrusted to the house of Forbes & Co., which the defendant represents; and this deposite is declared by the decree not to have been legally and regularly accounted for.

2d. The land at Baton Rouge, sold at the instance of Forbes, and which the decree now declares to be left open between the parties as the subject-matter of a distinct suit.

3d. The sale of property at New Orleans; moneys said to have been received at Madrid and elsewhere, and not accounted for.

As to the first, it was a subject within the control of the court at any time; that is, to compel the restoration of the deposite, or to account for its disbursement. The law on this point is clear, taking it for granted that the deposite has been made, that the depositary is, *quoad hoc*, under the control of the court. If it be notified to the depositary *that it is the will and pleasure of the court that the deposite be brought into court*, it is all he can ask or require. It would be absurd to say that the court should institute a suit, make up the pleadings, join issue, &c. in such a case, and that, too, when the deposite was placed by the order of the court in the hands of the depositary for safe keeping, always subject to its order.

The court are of opinion that the certificate of the clerks of the office that the decree of the late court was made known to John Innerarity, the defendant, is sufficient evidence of the fact. Great stress was laid by the defendant's counsel on the circumstance that a part of the certificate is contradicted by inspection of the paper, viz: that the defendant has affixed his signature, as evidence of notice to him; when, in reality, he has not. But we say that the certificate ought not to be impeached on this ground, because it cannot deceive; and if they had in reality acted corruptly in office, they would not have certified that as a fact which the certificate itself disproves. The affixing the signature of the party notified does not appear to be an essential formality, and is more frequently dispensed with than required. The *substance is notice to the party;* and this we think is sufficiently proved by the certificate of the clerks. As respects the decree to make the deposite, we think the defendant had sufficient notice. That part of the decree relative to the land, from its nature, is not before the court; it amounts to nothing more than declaring the subject open for the parties to prosecute their claims according to law.

The second is merely a decree to account to the court for property belonging to the estate sold in New Orleans and elsewhere. The decree to account is, in most instances, granted as of course. It follows the plaintiff's petition, and we can see nothing irregular in giving the defendant notice of both at the same time, particularly as no injury could result to him from this course.

Again: even supposing all these formalities necessary, taking into view all the circumstances of the case, it is an act of comity due from one court to another to presume that all the necessary preliminary steps were taken before the decree was made, unless the contrary be made most clearly to appear, which the defendant has failed to do in this case. Knowing that, even where citations are necessary, it is a principle of law that appearance will do away the necessity of process, or cure all its defects, is it a violent presumption to suppose he did appear? We think not; and the law, by which the court is bound, would clearly presume the fact. The petition before the court would, of itself, be sufficient to ground a decree similar to the one which is prayed to be enforced. It is not alleged that an account has been rendered of the property seized, and sold by Forbes & Co. in New Orleans; and it appears by a former decree that Forbes was expressly ordered to raise the attachment he had laid on the property, and proceed to make sale of it, and render an account. But, independently of this view of the subject, we conceive that the defendant was before the court as a party interested in the settlement of the estate of Vidal. This is not the case of a lawsuit between A and B; the subject is the complete and final adjustment of the estate of a deceased person, to affect the interest of all in any way concerned, to wit, the creditors, heirs, executors, administrators, and depositary. According to the Spanish law, as well as the law of equity in the United States and England, the court will not suffer the matter to go out of their hands, and be finally at rest, until complete justice be done to all concerned.

The affairs of the estate do not appear to have been finally closed when the first petitions were presented by the heirs. Although the petitions of Caroline and Mercedes Vidal had, in the first instance, nothing in view but to coerce the production of the papers relative to the estate in the hands of the defendant, yet the object was evidently to compel him to account, if, on examination of the papers, there should be any thing due them; and, in one of the petitions presented for the production of the papers, interrogatories are put to John Innerarity, the defendant, touching the very matters for which the decrees following the petitions, subsequent to their production, are rendered. To these interrogatories the defendant puts in a plea, in the nature of a demurrer, and his counsel has taken great pains to show he was not bound to answer them. This is not the question. It is, whether, by appearing, he is not to be considered as before the court in the particular demand of the heirs, as well as in the testamentary proceedings in general.

The defendant's inexplicable conduct in keeping back the papers, and producing them at last on compulsion, with the excuse that they were discovered by a "most extraordinary accident," does not incline the court to make any very violent presumptions in his favor.

The defendant is in the situation of a party brought before a court of chancery on a bill of discovery; being once before the court, justice will be done the parties on a view of the facts disclosed. In the Spanish courts, as well as in our courts of equity, the remedy does not exclusively follow the prayer; but the court will give such relief, and make such decree, as the nature of the case and justice may require. Again: we are of opinion that the court could order or decree that the depositary should bring the deposite into court, without being cited to hear the *dictamen* ordering him to do so, and could inform him of it in any manner the court thought proper. It is also our opinion that the decree to account for the proceeds of the property intrusted to him by the court is *ex parte*, and did not require a citation to hear it, as, in the matters under consideration, he was acting in a trust confided to him by the court, and is in that respect to be considered and viewed in the light of an officer of the court.

The court, for its own satisfaction, has compared the decree before them with the testamentary proceedings to which it refers, and are satisfied that the judge's *dictamen* is, in the main, fully supported. That the testamentary proceedings have been irregular, is self-evident; a complete inventory of the whole estate was never made. Three of the creditors, of whom Forbes was the principal, administered on the property found in this place, and afterwards, on the order of the court, handed it over to the executor, who made sale of the same. No inventory or appraisement appears ever to have been made of the real estate, and nothing but a loose and imperfect one was made of the effects in New Orleans.

The land was seized and sold under a mortgage made to Arroyo, in a manner so evidently irregular that we would be warranted in saying that it was fraudulent. The same tribunal, a year afterwards, annulled the sale, and ordered the property to be sold a second time. By a decree of Don José Callava, late Governor of this province, the second sale is declared void and illegal; and, by the *dictamen* now under the consideration of the court, the subject is again opened, and Forbes and others are admitted to make defence.

The proceeds of the sales of personal property were drawn from the hands of Annas, the executor, on the petition of Forbes, and placed in the public treasury; and afterwards, on application of Forbes, drawn out of the treasury, and placed in the hands of Forbes & Co. in the character of a deposite.

The second sale of the real property at Baton Rouge was ordered at a meeting of the creditors, of which Forbes appears to have been the principal; and the money in deposite is said to have been appropriated, on an order of the court, to the payment of the debt due Arroyo, for which the lands were sold in the first instance; and the proceeds of the second sale were placed in the hands of Forbes & Co. as a deposite.

The decree on which we are now acting, whether it be considered as relating to the first or second deposite, declares that the disbursement of the sum deposited has not been accounted for in a satisfactory manner.

The Spanish tribunal has thought proper to review the whole of the proceedings in the testamentary affairs of Vidal. We take it for granted it had a right to do so. Whether this court would have acted in this manner, or proceeded in a different way, is not the question. The court will take up the record as they find it, and, unless the *dictamen* is glaringly unjust on the face of it, or void of all the essential formalities, it must be substantially enforced.

The testamentary affairs were not closed; and we find, from every part of the proceedings, the former tribunal considered itself at liberty to retrace its steps when supposed to be in error. But when decrees are made, they must be executed; for it cannot be supposed that a court could be guilty of so much levity as to make them to-day, only to be rescinded to-morrow. From the pains evidently taken by the judge in examining the grounds and making up his decree, it cannot be presumed, as intimated by the defendant's counsel, that he intended merely to amuse the plaintiffs, and that the approbation and signature of the Governor were obtained by *legerdemain;* this would cast a most gross imputation on the tribunals to which we have succeeded. The present case is one where the former tribunals have reviewed their own decrees; and is it for us to say that they had no right to do so, especially when we find that the same thing has been done in various instances in the progress of this testamentary proceeding? Although we might consider ourselves restrained from reviewing and re-examining their decrees, (except on the grounds before stated,) yet this is very different from saying they have no right to correct their own proceedings. We find them in the present case thus corrected, and are called upon to execute the last *dictamen.* We will do so substantially.

Therefore, it is ordered, adjudged, and decreed by the court, that John Innerarity, the defendant, produce exact accounts, supported by legal documents, within twenty days from this day, according to the decree of Suares and Callava, dated Pensacola, 30th of June, and 1st of July, 1820, before such auditors as this court shall appoint. And it is ordered, adjudged, and decreed, that the said Innerarity hypothecate, before the notary public of Pensacola, unincumbered real property situate in the city of Pensacola, to be valued at $8,500, within five days from this time, to secure the deposite and interest thereon, for the purpose of satisfying any final decree this court may pass against him on account of said deposite. And it is further ordered, adjudged, and decreed, that, in case the said Innerarity should fail to comply in giving the security ordered on the sixth day, the petitioners may have execution for the sum of $8,500. Said execution is first to run against the personal property of the said Innerarity; after that is exhausted, it may run against his real property; and, after that is exhausted, his body may be taken in execution.

And it is further ordered, adjudged, and decreed, that the said sum, or such part of it as may be made, shall be brought into court, and be subject to its further order; and that the execution be returnable in thirty days from the day it issues. And, lastly, it is further ordered, adjudged, and decreed, that the heirs of Vidal may prosecute their claims relative to the 16,000 acres of land, as authorized in the *dictamen* of Suares of the 30th of June, 1820, and confirmed on the 1st of July, 1820, by Callava.

JOHN C. MITCHELL.

Approved:

ANDREW JACKSON, *Governor of the Floridas, &c.*

To F. H. Nisbet, J. De la Rua, and William Davidson, Esqrs.

HEIRS OF VIDAL
vs.
JOHN INNERARITY.

WEST FLORIDA, EXECUTIVE CHAMBER, *September* 17, 1821.

In virtue of a decree this day rendered in the above case by Major General Andrew Jackson, Governor of the Floridas, &c. and John C. Mitchell, Esq., sitting as the supreme court of judicature in this province, you are hereby appointed auditors to arrange and settle the said estate; and you will appear before me at the Executive Chamber to take the requisite oath for the faithful discharge of the duties assigned you.

JOHN COPPINGER CONNOR, *Clerk of the Executive Court.*

SEPTEMBER 18, 1821.

The above-named auditors appeared before me this morning, and, having taken the oath prescribed, were considered as qualified to enter upon their duties.

The said auditors then appointed Edward A. Rutledge, Esq. as secretary to the board.

Test: JOHN COPPINGER CONNOR, *Clerk of the Executive Court.*

III.

Secretary of State to Governor Jackson.

SIR: DEPARTMENT OF STATE, WASHINGTON, *October* 26, 1821.

I have had the honor of receiving your letters of 30th July, 26th August, and 1st September, with their respective enclosures, which have been submitted to the consideration of the President of the United States.

I now enclose a copy of a letter which I have, by his direction, written to Judge Fromentin, informing him that it was understood and intended that his jurisdiction should be confined to the execution of the only laws of the United States which, by act of Congress, had been extended to the territories of Florida, namely: the laws relating to the revenue and its collection, and to the slave trade. In the execution of these laws, which are of a nature entirely distinct from those of Spain, operating in the provinces, the President is of opinion that he should be amenable only to the Government of the United States.

I enclose, also, translations of a letter from Mr. Salmon, the chargé des affaires of Spain, and of a statement by Colonel Callava, relative to the arrest and detention of his person, and of the forcible seizure and abduction, under your authority, of certain papers which were in his possession, with a copy of the answer given to the letter of Mr. Salmon. Before an ultimate answer shall be given to the Spanish minister upon this complaint, the President has thought it proper to transmit these documents to you, with the purpose of receiving any remarks, either in relation to the facts alleged, or to the principles asserted in them, which you may think the occasion requires.

Appreciating, as the President does, the sense of duty under which you felt yourself compelled to resort to these measures, and the objects of high and impartial justice to which they were in your estimation rendered indispensable, I am directed particularly to invite your attention to the following circumstances represented in these papers:

1. That Colonel Callava claimed as of right the immunities, with reference to his person, to his dwelling-house, and to his papers, which, by the customary laws of nations, belong to public commissioners appointed to negotiate or to execute treaty stipulations between nation and nation.

2. That you had transacted business with him in the capacity of a public commissioner as late as the 3d of August, three weeks after the day on which the surrender had been made of the territory.

3. That the papers finally seized by your orders had never been officially demanded, and that he had offered to deliver them, or give adequate security that they should be delivered, if they should prove to be of the description of papers stipulated by the treaty to be left in the territory.

4. That, at the time when he was forcibly brought before you, and required to submit to examination upon interrogatories, neither the questions asked of him, nor his answers, were correctly interpreted.

It is proper to apprize you that, in the opinion of the President, so far as Colonel Callava could justly claim the rights of a commissioner for the surrender of the territory, he was entitled to all the immunities which might be necessary for the execution of his trust, and which the laws of nations recognise as belonging to public ministers. As authority for this opinion, I refer you to Vattel, book 4, ch. 6, § 75, and ch. 9, § 125.

A different sentiment appearing, from your letter of the 26th August, to have been entertained by you, it would be satisfactory to learn upon what grounds it had been taken up; or, if the privileges incident to this immunity had in your view ceased, it is desirable to know the considerations upon which you had so deemed of them; the view taken of them in the answer to the note of Mr. Salmon admitting the right only in general terms, and inferring that they had ceased by the act of surrender, and of reasonable time for departure, as well as by the limitation of the time for the surrender stipulated in the treaty.

I shall reply as early as possible to the other subjects of your letter; and, in the mean while, have the honor to be, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

ANDREW JACKSON, Esq., *Governor of Florida.*

IV.

Governor Jackson to the Secretary of State.

SIR: NASHVILLE, *November* 13, 1821.

I arrived at this place on the 5th instant, and have deferred writing you until the present moment, indulging the expectation that I should in the mean time have received some communications of interest from the Floridas; in this calculation, however, I have been disappointed, in consequence of the irregularity of the mails between this and that place. There has been no arrival, bringing any thing of a later date than that of my departure from Pensacola.

From the National Intelligencer I have discovered that a publication has appeared in the Charleston Patriot, purporting to give the substance of a correspondence between Judge Fromentin and myself, with accompanying strictures upon the same; and stating that "detailed accounts of the whole affair," with copies of said papers, had been transmitted to Washington; that they "have been confided to individuals, and are circulated privately." On referring to my former communications, I do not find that a copy of that correspondence has been forwarded to the Department of State; and believing, as I do, from Judge Fromentin's disregard to truth, that he has secretly circulated it, without the accompanying certificates, for the purpose, if possible, of forestalling public opinion, I herewith enclose copies of all the documents touching the transaction, with a request that they may be laid before the President, and, should it be deemed necessary, to be communicated for the information of the Congress of the United States. This *exposé* furnishes a satisfactory view of the whole ground in dispute, and incontestably proves that Judge Fromentin has been guilty of wilfully and wickedly fabricating the most palpable falsehoods. The evidence of such unblushing depravity and corruption should be placed in the possession of the President, and, in strict justice, deserves to be exposed to the execration of the whole American people. When an officer of such high responsibility under the Federal Government manifests such baseness and obliquity of heart, it ought to excite our alarm, and stimulate the proper authority to apply the most speedy and efficient remedy.

When Judge Fromentin appeared before me, in obedience to the citation served upon him, and made what I conceived to be a sufficient apology for interfering with my jurisdiction, by issuing the writ of *habeas corpus*, and having explicitly and positively promised that he would not again do any act to impede the exercise of my prerogative, I was perfectly willing that the affair should here be put to rest, and, if possible, be buried in oblivion. With this view alone, I barely required his signature to so much of the proceedings between us as was absolutely necessary for my own justification, and to show that he had granted the writ without petition or affidavit, agreeably to law, and that he did not recollect to whom or to which of the applicants it had been delivered!

Although the judge, in the publication referred to, asserts that our interview and its results were the topics of conversation in the town of Pensacola for a week after they transpired, I can confidently state that they never did become the subject of remark where I was present, except on the evening subsequent to his discharge. On that occasion there appeared to be a universal concurrence of opinion that the judge's apology, as made in the presence of several respectable gentlemen, was a correct and prudent measure on his part, and that it was an act of leniency and forbearance on mine, in thus terminating this hasty and indecorous attempt to embarrass the administration of justice; inasmuch as the instructions and duty of the judge enjoined it upon him to co-operate with me in the administration of the Government, and in distributing justice equally to all. A general surprise was also expressed at the circumstance of his sympathies being exclusively enlisted for the relief of Colonel Callava! With respect to poor Domingo Sousa, and Fullarat, the steward, the law was to be permitted to take its course, and, although the servile instruments of Callava, they were to be left to their fate! For them, Judge Fromentin seems to have had no bowels of compassion. They might have perished, and rotted in prison, before he would have stepped forward, with the sanction of his authority, for their deliverance. The fact was, they had no wealth or influence, and the judge was not, consequently, clothed with the power to issue a writ of *habeas corpus* for their relief. Agreeably to his principles, the laws of the United States are only made for the punishment of the humble and pennyless; but, whenever opposed to wealth and power, they must either remain inoperative, or, if enforced, it must be done with great delicacy and respect. This course of proceeding may very well comport with the corrupt and inquisitorial system of former Spanish tribunals, but they are clearly and palpably unjust, and merit the unqualified reprobation of every honest and intelligent American. I can assure you that, so far as I have been enabled to collect an expression of public sentiment relative to the conduct of Judge Fromentin, it has evidently rendered him so odious and contemptible, that his name is only mentioned in genteel circles to be deprecated and despised. It is considered so flagrant and flagitious a departure from justice and propriety, as seriously to impair his standing, and rather to produce disaffection than inspire respect and confidence in the American authorities in Florida.

Situated as Judge Fromentin was, I did not anticipate that he would have had the hardihood and temerity to revive this transaction, and make it a subject of public investigation. Good sense, as well as the best policy, would certainly have dictated a very different procedure. After his concessions and open acknowledgments that he had acted hastily, and without a due consideration of the case, it could not have been expected that the most abandoned and profligate would have denied the facts, particularly when those declarations were made in the presence of several gentlemen of the most unimpeachable integrity. The man who could thus prostitute his signature for the propagation of such glaring and barefaced falsehoods evinces an effrontery almost without a parallel, and a destitution of principle very incompatible with the character of one selected to administer the laws as judge of the United States. Elevated as he was, I had hoped that I should meet with a manly feeling and lofty integrity corresponding with his honorable station; but I sincerely regret to say that he has displayed a want of honesty and candor only becoming an apostate priest, and which is enough to suffuse the cheek of depravity itself with a blush. I may, perhaps, express my indignation upon this subject with too much freedom. If the language is harsh, I am willing to acknowledge that it does not altogether become me, but I am not convinced that it is not merited in its application.

Upon a perusal of the whole correspondence and accompanying documents, and after a mature consideration of the subject, I am induced to believe that the President will be entirely satisfied of Judge Fromentin's having acted regardless of principle and duty, and that he is altogether unworthy of the confidence reposed in him as a judicial officer of the United States. To communicate the testimony necessary to establish this fact, I have been impelled by the imperative obligations which I feel myself bound to discharge in justice to myself and our common country.

With every assurance of respect and esteem, I am, &c.

ANDREW JACKSON, *Governor of the Floridas.*

P. S. Doctor Bronaugh will hand you several depositions and reports in the case of Callava, which I have forwarded in addition to those heretofore transmitted upon the same subject. It is my desire that they should be submitted to the President, and, if called for, to be laid before Congress. Altogether, they demonstrate the falsehood of Callava's statement, and show how little regard he had to truth in making it.

ANDREW JACKSON.

Ho J. Q. Adams, *Secretary of State.*

No. 1.

Judge Fromentin to Governor Jackson.

Sir: Pensacola, *September* 3, 1821.

I am informed that it is rumored in town that, in the interview between your excellency and myself, in the afternoon of the 24th ultimo, I had apologized to your excellency for issuing a writ of *habeas corpus* in the case of Colonel Callava. I hope your excellency will not hesitate in enabling me effectually to contradict that report.

Your excellency cannot have forgotten that, from the beginning to the end of the conversation, I insisted, not only on the right, but on the duty of a judge of the United States to grant that writ; and that, among other things, upon being questioned by your excellency whether I would order a writ of *habeas corpus* to be served upon the Captain General of the island of Cuba, I told you *no;* but that I would not hesitate, if the case should require it, and if I had the necessary jurisdiction, to issue one to be served on the President of the United States. To this you answered, that the President was only liable to impeachment; I added that I was confident that, in my place, you would have issued a writ of *habeas corpus.*

I have the honor to be, &c.

ELIG. FROMENTIN,
Judge of the U. S. for West Florida, &c.

His Excellency Governor A. Jackson.

No. 2.

Governor Jackson to Judge Fromentin.

Sir: Pensacola, Executive Chambers, *September* 3, 1821.

Your note, by Mr. Scott, has just been handed to me; and I am truly astonished at its contents, and, in answer, state, that when you appeared before me in the Executive Chamber on the 24th ultimo, you did then and there state, and acknowledge, that you had acted hastily, without due consideration, and without proper information as to the facts of the case, upon the importunities of John Innerarity and some other Spanish gentlemen; and that, had you been apprized that Colonel Callava had been committed by me for contempt of my authority, you certainly would not have interfered; and you further acknowledged that you had called upon me several times in a friendly way to advise with me as to your jurisdiction, and that I had always told you that it was my opinion you had no other jurisdiction, except as far as the laws of the United States had, by the act of Congress, been extended over these provinces; and that, when I showed you the powers which had been granted to me by the President of the United States, you declared that there was no necessity for your being here, and that you might as well return to New Orleans; and that I replied that you had jurisdiction over the revenue and the infraction of the laws of Congress prohibiting the importation of slaves. And you did then declare that, hereafter, you would in no way attempt to interfere with my authority.

There was likewise some conversation in relation to the powers of a judge of the United States to issue a writ of *habeas corpus* in the States, except in particular cases; and I stated to you that, if you were in the States, you would have no right to interfere in the manner which you had attempted here, and referred you to the laws of Congress. If this, sir, was not an apology, I know not what is. I received it as such, and dismissed you accordingly, under the citation by which you were brought before me to show cause, &c.

I am, sir, with due respect, &c.

ANDREW JACKSON, *Governor of the Floridas, &c.*

Eligius Fromentin, *Judge, &c.*

No. 3.

Judge Fromentin to Governor Jackson.

Sir: Pensacola, *September* 3, 1821.

If your excellency has been astonished at my letter, I may assure your excellency that I have been not less so at reading your answer. I "acknowledge that I had acted hastily, without due consideration, and without

proper information as to the facts of the case, upon the importunities of John Innerarity and some other Spanish gentlemen; and that, had I been apprized that Colonel Callava had been committed by you for contempt of your authority, I certainly would not have interfered!" Never, sir, never! my blood recoils at such a statement. Its last drop will flow before I subscribe to it.

Give me leave, sir, to put your excellency in mind that you began the conversation, and I could scarcely find time to place a word; nor did you hear me mention Mr. Innerarity's name, nor any other name, until your excellency asked me who were the persons that had applied for the writ; and then I mentioned Mr. Innerarity's name, with the names of the other gentlemen who, jointly with him, had applied for it. The conversation then turned on the verbal application for the writ, when Doctor Bronaugh entered, and reduced that part of it to writing. The extent of your powers was the next topic, and you read the act of Congress, and began to read one of your commissions. But neither then, nor at any time before, did your excellency favor me with an entire perusal of your several commissions.

On that occasion, as on every other preceding occasion, when our respective powers and duties were the subject of conversation, you insisted on my being confined to the two cases stated by your excellency; and, as that had already been referred to the President, it was unnecessary for me to insist.

It is most assuredly true that I said that I never had, nor ever would interfere with your authority; nor indeed, sir, the anthority of any other man. But, sir, does it follow that I am disposed to surrender the authority vested in me? Assuredly not. Legal authority is one thing; illegal authority is another thing. Upon that we differ. A higher tribunal than yours or mine must of course pronounce.

I have the honor to be your excellency's obedient servant,

ELIGIUS FROMENTIN.

His Excellency Governor ANDREW JACKSON.

No. 4.

Governor Jackson to Judge Fromentin.

SIR: PENSACOLA, *September* 3, 1821.

I have this moment received your second note of this day. The first excited my astonishment, it is true; but the second my indignation and contempt; for I did not suppose, until your note now before me furnished conclusive evidence, that you were capable of stating a wilful and deliberate falsehood. That you have done so in your note of this evening, I do assert, as the enclosed certificates of Dr. J. C. Bronaugh (who was directed by me to pay particular attention to our conversation) and Mr. Rutledge fully prove. That you have the hardihood to deny that, when you called at my house, I did not send for my book to the office containing the record of my commissions and instructions, and that I did not read the whole of them to you, shows that you are regardless of truth; and in this I do pronounce that you have stated another deliberate falsehood.

I have barely to add, that I recommend to you to keep within your legal jurisdiction and powers. Whilst you do this, all your proceedings will be supported, and all my aid given that may be necessary to carry them into effect; but when you attempt to transcend them, and interfere with my legitimate powers, recollect the admonition I gave you when before me on the 24th ultimo, and attend to it, or you will be treated and punished as you deserve, regardless of your boasts of blood flowing, &c., which pass by me as the fleeting breeze.

Here, sir, on this subject, our communication closes, as I am too much engaged to read yours.

I am, sir, yours, &c.

To ELIGIUS FROMENTIN, Esq. A. JACKSON.

[The following are the certificates alluded to in the foregoing.]

No. 5.

SIR: PENSACOLA, *September* 3, 1821.

Agreeably to your request, I have the honor to state that I was present when the conversation took place between Judge Fromentin and yourself on the 24th ultimo, on the subject of his having issued a writ of *habeas corpus* in the case of Colonel Callava, and that I paid the most particular attention to every thing which occurred on that occasion, and that you have correctly stated the substance of that conversation in a letter of this date, which I copied, addressed to Judge Fromentin.

After some remarks made by you in relation to his improper and indecorous interference in a case where your authority was attempted to be set at defiance, and that, too, by force of arms, and while sitting in your judicial capacity treated with contempt, Judge Fromentin did acknowledge that he had acted hastily, without due consideration, and without a proper knowledge of the facts, and that he had issued the writ of *habeas corpus*, having been urged to it by a number of individuals; and, being requested to name them, mentioned Innerarity, La Rua, Brosnaham, and some others; and declared that, had he been informed that you had committed Colonel Callava for contempt of your authority, while sitting in your judicial capacity, the writ of *habeas corpus* would not have been issued; and that, for the future, he should in no way attempt to interfere with your authority and powers.

I have the honor to be, very respectfully, sir, your most obedient, humble servant,

J. C. BRONAUGH.

To His Excellency ANDREW JACKSON,
Governor of the Floridas, &c.

No. 6.

I have attentively read the foregoing certificate of Dr. J. C. Bronaugh, and, being present during the interview alluded to, do certify that it is minutely and substantially true.

ROBERT BUTLER.

No. 7.

SIR: PENSACOLA, *September* 3, 1821.

In compliance with your request that I would explain to you my understanding of that part of the conversation which took place between your excellency and Judge Fromentin, upon the appearance of the latter before you, agreeably to citation, on the 24th ultimo, relative to these points: whether Judge Fromentin did or did not say that, had he been aware of the circumstances of Colonel Callava's commitment, he would not have issued the writ of *habeas corpus* in his favor, as he had done; and whether he did or did not declare that, in the future exercise of his functions, he would carefully avoid interfering with the lawful subjects of your excellency's jurisdiction, I have the honor to state as follows: that I was present during the whole of the conversation; and, although

neither a retentive memory, nor particular attention paid at the time to the words used by Judge Fromentin, warrant me in referring to them, yet the impression which remains upon my mind, from the conversation above mentioned, is clearly this: that Judge Fromentin, after hearing the act of Congress, one of your excellency's commissions, and some other documents, read, endeavored, by adducing the peculiar circumstances under which the writ had been issued, to offer something equivalent to an apology for the course he had pursued, and gave your excellency distinctly to understand that he was determined not to interfere in future with any of the branches of your administration.

I have the honor to be, respectfully, sir, your excellency's most obedient servant,

E. A. RUTLEDGE.

To His Excellency ANDREW JACKSON,
Governor of the Floridas, &c.

No. 8.

NASHVILLE, *November* 12, 1821.

I certify that I was present when Eligius Fromentin, shortly after he had received his commission as judge in West Florida, called upon Andrew Jackson, Governor of the Floridas, &c. &c. with the view of consulting with him (as he stated) upon the nature and extent of the powers with which he (Fromentin) was clothed as judge of the United States. He expressed himself as being absolutely at a loss to discover what duties he had to perform, and desired that Governor Jackson would candidly advise him as to the course he ought to pursue. The Governor, in plain and friendly language, told him that the only United States laws extended to the Floridas by the act of Congress were the laws regulating the revenue and prohibiting the importation of slaves, and that he therefore believed his jurisdiction could reach no further than to cases arising under those laws. The Governor further told him that, if he could gather any light on the subject from a perusal of his commissions and instructions, they were at his service for perusal; and that, as the executive clerk was then busily engaged, if he would call on some future occasion, he would read him all his powers.

After this conversation Judge Fromentin retired, and accordingly called the next morning. Governor Jackson was at that time engaged, not in his house. The judge retired, and about one o'clock of the same day returned. After some conversation of the same purport with that before stated, the Governor requested me to go for the record book containing his commissions and letters of instructions. I returned with Mr. Connor, the executive clerk, who brought and handed the book to the Governor. The Governor then read his commissions and letters of instructions, and handed the same to Judge Fromentin, with permission to read.

The three commissions given by the President of the United States to Governor Jackson, and containing all his powers and instructions, were before Judge Fromentin, who, after expressing his satisfaction, having read, closed, and returned them, with some remarks which left no doubt upon my mind of his entire concurrence with the view taken of the subject by the Governor, left the room, saying that he "had as well be off to Orleans," there being little for him to do, or words to that effect.

The above detail gives only the substance of the conversation between the individuals named; the undersigned does not certify that he has given the precise language used by them.

ANDREW J. DONELSON, *2d Lieut. Eng. Corps.*

No. 9.

OFFICE OF THE EXECUTIVE OF FLORIDA,
PENSACOLA, *August* 23, 1821.

Present: His Excellency the Governor.

The order for the discharge of Colonel Don José Callava, Domingo Sousa, and Antoine Fullarat, being under the consideration of his excellency, the same being written, but not issued, Captain Wager, the officer of the day, presented to his excellency the following communication, viz:

SIR: PENSACOLA, W. F., *August* 24, 1821.

I have the honor to state that the within paper from Judge Fromentin was handed to and served upon me as officer of the guard stationed at the calabouse on the 23d instant, by a person who I have reason to believe was Dr. Brosnaham of this place, who stated that he served it as a friend, and who, on being informed that no notice would be taken of the within paper, retired.

Very respectfully, &c.

G. W. MOUNTZ, *Lieut. 4th U. S. Infantry.*

To His Excellency ANDREW JACKSON, *Governor of the Floridas, &c.*

The within paper was handed, immediately on its receipt, to Captain Wager, officer of the day.

G. W. MOUNTZ, *Lieut. 4th U. S. Infantry.*

The United States to Lieutenant G. W. Mountz, of the 4th regiment U. S. infantry, greeting:

You are hereby commanded that you forthwith have the body of José Callava, late Governor of the province of West Florida, now in your custody, as is said, together with the day and cause of his caption and detention, by whatever name he may be known, before the judge of the court of the United States for West Florida, and for that part of East Florida which lies westward of the cape, at his chambers in the city of Pensacola, to do, receive, and submit to whatever the said judge shall consider in that behalf; and have you then and there this writ, with your doings thereon.

Witness, Eligius Fromentin, judge of our said court, this twenty-third day of August, in the year of our Lord eighteen hundred and twenty-one.

I allow this writ:

ELIGIUS FROMENTIN,
Judge of the United States for West Florida, and for that part of East Florida which lies westward of the cape.

Whereupon, it was ordered by his excellency the Governor that Captain Wager report to Mr. Fromentin that the prisoners were confined for an open contempt of his excellency's orders and decrees, and that he would keep them confined, agreeably thereto, until released by his excellency's orders. And his excellency the Governor issued the following further order, viz:

Eligius Fromentin, Esq. will, forthwith, be and appear before me to show cause why he has attempted to interfere with my authority as Governor of the Floridas, exercising the powers of the Captain General and Intendant of the island of Cuba over the said provinces, and of the Governors of said provinces, respectively, in my judicial

capacity as supreme judge over the same, and as chancellor thereof; having committed certain individuals charged with a combination to secrete, and with having attempted to secrete and carry out of the territories ceded to the United States the evidence of individual right to property within the said territories, which has been secured to each individual under the second article of the late treaty with Spain, and in open contempt of the orders and decrees made by me; and that the said Eligius Fromentin, Esq. be and appear before me at my office, at 5 o'clock, P. M., in Pensacola, to make known the above cause, and to abide by and perform such order and decree as the undersigned may of right deem proper to make of and concerning the same.

Given under my hand, at Pensacola, this twenty-third day of August, 1821.

ANDREW JACKSON, *Governor of the Floridas, &c.*

To Colonel GEORGE WALTON, Secretary of West Florida, to make known and execute the above, and to furnish a copy of the above, if required, returning this original, and in writing make known how he has executed the same.

Upon which order Colonel Walton made the following return, viz:

AUGUST 23, 1821.

By virtue of the above order, I have summoned Eligius Fromentin, Esq. personally to appear at the office of his excellency Major General Andrew Jackson at 5 o'clock this afternoon, and, at his request, have furnished the said Eligius Fromentin with a copy of the above order, certified under my hand as Secretary of West Florida; and the said Eligius Fromentin, in answer to the said summons, declared his perfect willingness to obey this and every other order of his excellency the Governor; but asserts that he is unable, through indisposition, to attend this afternoon, as above he is required.

GEORGE WALTON, *Secretary of West Florida.*

Whereupon, it is ordered by his excellency that further time, till to-morrow afternoon at 3 o'clock, be given to the said Eligius Fromentin to appear and show cause as above he is required.

OFFICE OF THE EXECUTIVE OF FLORIDA, PENSACOLA, *August* 24, 1821.

In obedience to the orders of his excellency the Governor, Judge Fromentin appears and acknowledges that he granted the writ of *habeas corpus* without the affidavit of any person, and that it was granted upon the *verbal* application of a number of individuals; and, upon being questioned as to the individuals who made the application, named La Rua, Innerarity, Brosnaham, and Father Coleman. Upon being asked to whom he delivered the writ to be served upon the officer who had in custody Colonel Callava, he replied that he delivered it to one of the persons who made application for it, but to which he does not know.

ELIGIUS FROMENTIN.

NOTE.—The word *verbal* interlined in the original by Judge Fromentin.

Whereupon it was ordered by his excellency that the said Eligius Fromentin be dismissed without day, &c.

V.—*Papers left at the Department of State by Dr. Bronaugh.*

No. 1.

Lieutenant Mountz to Governor Jackson.

SIR: PENSACOLA, *September* 24, 1821.

In compliance with your order of the 22d instant, I have the honor to make the following detail of facts which transpired on the night of the 22d of August ultimo, all of which came under my immediate observation: About seven o'clock on the evening above mentioned, I was detailed to take command of a guard of twenty men, with orders to report to your excellency, which I accordingly did; and, after receiving written instructions from you, proceeded, in company with Colonel Butler, Dr. Bronaugh, and Judge Brackenridge, to the house of Colonel Callava, the late Spanish Governor. On my arrival at the outer gate of his residence, I brought my guard to a halt; admittance was demanded by some one of the gentlemen above named, but no response was made; upon which the bolt or latch was removed, and we entered. When we reached the dwelling, admission was again asked for, in the name of the Governor; but no reply was made from within. A few minutes after this reiteration, some one stated that entrance might be gained at the other side of the house. I then marched my guard round, and took post in front of the house; Colonel Butler, &c. also went round and ascended the stairs to the piazza, where a number of persons were sitting. The darkness of the night prevented me from distinguishing who or what they were, there being no light, apparently, in the house. After a candle was procured, I was ordered, with my guard, into the house. Colonel Butler soon after informed me that Colonel Callava refused to deliver up the papers which your excellency demanded of him, and requested me to put the orders I had received into immediate execution. I accordingly told Colonel Callava, through Judge Brackenridge, that his refusal to comply with the aforesaid demand compelled me to consider him my prisoner. He replied, through the same organ, that he would go with me as a prisoner, but represented that he was very unwell, and that I would be accountable for taking him from his sick bed at that time of night. I rejoined that I had no discretion on the subject, being in the discharge of my official duties. He then dressed himself, and, after proffering me his sword and cane, (which I refused,) proceeded with me to your excellency's office, where I delivered him up. Before leaving the house, a corporal and three men were left, by order of Colonel Butler, to prevent any person from passing in or through the house. After the fulfilment of your excellency's order to convey Colonel Callava to the calabouse, the guard under my command was dismissed. Nothing indecorous or improper, on the part of the guard, or of any of the gentlemen commissioned by you, or of other persons, took place during the evening, to the best of my knowledge.

With respect to the occurrences of the succeeding day, (23d,) I have to state that I was officer of the guard, at the calabouse, on that day; and that, on the receipt of the order to release Colonel Callava, I handed it to his secretary, who, after conveying the contents to Colonel Callava, said that he wished Judge Fromentin to be sent for, in order that he might accompany him to his house, (for what purpose I know not.) He was told that the judge was sick, and could not come, but that some justice of the peace would answer as well. What reply he made to this, I am not able to say; he soon after left the prison in company with the officer of the day and a number of Spanish officers.

This statement comprises all the information on the subject which I am possessed of.

Given at Pensacola, West Florida, this 24th day of September, 1821.

Very respectfully, &c.

G. W. MOUNTZ, *Lieutenant United States Army.*

To His Excellency ANDREW JACKSON, *Governor of the Floridas, &c.*

True copy: J. C. BRONAUGH.

No. 2.

Captain Dade to Governor Jackson.

SIR: PENSACOLA, WEST FLORIDA, *September* 25, 1821.

In compliance with your request, made to me this morning through Colonel Walton, I have the honor to state, that, on the 22d ultimo, Domingo Sousa, a Spanish officer, was delivered to me, then the officer of the day, as a prisoner, by your excellency, with written instructions to keep him in custody until he should produce, or cause to be produced and delivered, to the alcalde, certain documents and papers therein enumerated. That I went with Domingo Sousa to see Colonel Callava, in whose possession he said the papers were, and to whom he wished to apply for them. We found him at the house of Colonel G. M. Brooke, in company with Mr. Innerarity and several Spanish officers. He was informed that Domingo Sousa was a prisoner in my custody; the instructions given me were produced, and his secretary, Lieutenant Cruzat, explained them. Colonel Callava, having directed Domingo Sousa to put on the uniform and surrender himself prisoner, said, as well as I could understand from Lieutenant Cruzat, that he (Domingo Sousa) was an officer acting under his orders, and that any papers your excellency might want must be required of him, as commissioner, when they should be delivered. I returned with Domingo Sousa to the Executive Office, and made report to your excellency.

I am, respectfully, your most obedient servant,

F. L. DADE, *Captain 4th Infantry.*

His Excellency ANDREW JACKSON.

A true copy: J. C. BRONAUGH.

No. 3.

Affidavits of Scott and Mitchell.

On the evening of the 22d of August, 1821, Mr. Scott and myself were walking on the public square, and, hearing Lieutenant Jackson (adjutant of the 4th regiment) order twenty men to be paraded immediately, with twenty rounds of ball cartridges, we were induced to go up to him and inquire what was the matter. He informed us that he was ordered to have the men before the Governor's house, to await his orders.

The soldiers were placed under the command of Lieutenant Mountz.

Mr. Scott and myself, after the men left the Governor's, followed them to Colonel Callava's; when the party arrived there, they found the gate fastened. It was opened by some one of the party—whom, we do not know. Some persons went up to the door, and shortly after the party were ordered up to the door of Callava's house, and admittance was demanded, after knocking very loud, but no answer was returned. Admittance was then demanded by authority of the Governor, (as we understood, in Spanish;) but not knowing the language, we cannot say any thing positive on this point; however, no answer was returned. Colonel Butler then ordered the door to be broken down; but, before the order was attempted to be executed, it was reported that the house was open on the other side; the party went round, and we saw on the portico several gentlemen dressed in Spanish uniform, with their side arms on. Colonel Butler asked in Spanish, through an interpreter, where Colonel Callava was; their answer, as translated into English, was, they did not know.

Candles were then ordered to be sent for; but, before they were brought, some of the party went into a room where a candle was burning, and brought it into what might be called the hall.

Colonel Butler then ordered Lieutenant Mountz to send up a party of his men with their bayonets; they, with others, went into the room from which the candle was taken, and Colonel Callava made his appearance with his coat off.

Colonel Butler and Dr. Bronaugh then stated, through the medium of an interpreter, (Judge Brackenridge,) that they came for the papers he had promised to deliver, and that they must have them, or take him before the Governor. Colonel Callava (as was interpreted) answered that they might murder him, but he would not leave his room alive; and as to the papers, they might break open the seals and boxes, and take them, but he would not give them up. Colonel Butler and Dr. Bronaugh refused to take them in this way, not having authority to do so, (as they said;) but told Colonel Callava that he might consider himself in duress, and give them up, and they would receipt for them. Some time was consumed in persuading Colonel Callava to comply; but he refused.

Colonel Butler then requested Colonel Callava to go with him to the Governor, stating that he did not wish (as we understood) to have his person outraged, and that he might consider force as applied; but Colonel Callava still refused, (as we understood,) declaring that he would not leave his room alive (as it was interpreted.)

It is but justice here to remark, that every indulgence and consideration was extended to Colonel Callava that the nature of the case could justify.

Colonel Butler then ordered Lieutenant Mountz up into the room, and reported to him that Colonel Callava had refused to deliver up the papers. On receiving the report, Lieutenant Mountz told Colonel Callava he was his prisoner, and must go with him to the Governor. Colonel Callava put on his coat and went. We did not see any of the enclosures torn down, nor did we hear either of the gentlemen of the commission say they would send Colonel Callava to jail.

ALEXANDER SCOTT, JUN.
J. C. MITCHELL.

WEST FLORIDA, *Pensacola, ss.*

Personally appeared before me, the undersigned, J. C. Mitchell and Alexander Scott, jun., who made oath that the above statement is true, to the best of their knowledge and belief.

H. M. BRACKENRIDGE, *Alcalde.*

True copy:

J. C. BRONAUGH.

Continuation of the statement of Alexander Scott, Jun. and John C. Mitchell.

Colonel Callava went with the party to the Executive Chamber, where we found Governor Jackson sitting in his judicial capacity. Colonel Callava was received with every mark of respect. Immediately on his entrance, the Governor requested him to be seated, and informed him that he had received official information that certain papers relative to the rights of individuals to property in this territory were seen in the possession of a certain Domingo Sousa, who had declared that he had delivered them into the hands of Fullarat, (his steward,) and that

it was incompatible with the treaty between Spain and the United States for any one to withhold from the American authorities any papers relating to the property of individuals in this Territory, or words to that effect.

Colonel Callava requested permission to write an answer in Spanish, which was granted by the Governor. Whereupon, Colonel Callava began to protest against the powers of the Governor to call upon him in this way, asserting what he considered his privileges as a Spanish commissioner, &c. (as we understood from the interpreter.) Governor Jackson then declared he would not recognise him in any other light than that of a private individual; and required him to answer whether the papers alluded to were, or were not, in his possession. Colonel Callava then requested that his secretary might be permitted to write down his answer, which was granted. He again commenced dictating a protest to his secretary, as we understood from the interpreter. Governor Jackson immediately declared that such a course was inadmissible, and that he must answer positively whether or not the aforementioned papers were in his possession. Colonel Callava positively refused to answer unless permitted to do so in his own way.

The Governor was then about to commence the examination of Fullarat, when Colonel Callava (as we understood from the interpreter) objected to his being examined, on account of his minority; the Spanish law requiring a person to be twenty-five years of age before he is *legalis homo;* which objection was overruled, and Fullarat, on his examination, admitted that boxes containing the aforementioned papers were delivered to him by Sousa, and were then in Colonel Callava's house.

The Governor then stated to Colonel Callava that he would send an officer, with such other person as Colonel Callava might designate, to bring the boxes containing the aforesaid papers, and that they could be taken out in his presence; which, after being done, he would dismiss the whole of them. But Colonel Callava refused.

The Governor then committed Colonel Callava, Sousa, and Fullarat to the common jail.

It is not true, as stated, that the Governor snatched away papers out of the hands of Colonel Callava.

ALEXANDER SCOTT, JUN.
JOHN C. MITCHELL.

WEST FLORIDA, *Pensacola, ss.*

Personally appeared before me, the undersigned, Alexander Scott, jun. and John C. Mitchell, who, after being duly sworn, declared the above statement to be true, in substance, to the best of their knowledge and belief.

H. M. BRACKENRIDGE, *Alcalde.*

A true copy: J. C. BRONAUGH.

No. 4.

Affidavit of John Coppinger Connor.

In compliance with the request of Major General Andrew Jackson, Governor of the Floridas, &c. &c. &c., I proceed to give my statement of facts as they occurred on the evening of the 22d of August last.

Being at that period engaged in the office of the Governor, I was present when Domingo Sousa was brought before him to answer for a contempt of his orders, in refusing to deliver up certain papers which had been demanded of him; and, on being interrogated, he stated that the papers in question had been handed over by him about eleven o'clock that morning to Fullarat, the major domo of Colonel Callava, at the colonel's house; that said papers related to property in this country and in Louisiana; and that the said papers were then in the house of Colonel Callava. The Governor told him that he would permit him to go to Callava's house, accompanied by Captain Dade, in whose custody he was, and that, if he procured and delivered the papers, he should be dismissed; otherwise, he must stand committed. He replied, that a Spanish officer could not be put in prison; when the Governor told him, with considerable warmth, that the papers he would have, and that he would commit Sousa, Callava, and all concerned, for seven years, or until the papers should be forthcoming. These occurrences took place in the forenoon of the 22d August.

I was not a witness to any thing which followed, until Colonel Callava was brought before the Governor, on the night of the 22d. About the hour of ten o'clock he appeared at the Executive Office, accompanied by his secretary, Mr. Cruzat, and several Spanish officers, in full uniform, with their side arms. A seat was handed to Colonel Callava opposite the Governor, who immediately informed him, through the interpreter, that he was brought before him on a charge of having in his possession certain papers which appertained to the rights of individuals, and which papers did of right belong to the office of the alcalde, and could not properly be held in the possession of any other person; and handed to Judge Brackenridge a written interrogatory to translate to Colonel Callava, which was in the following words: "Were, or were not, the papers mentioned in a schedule handed to you by H. M. Brackenridge, Esquire, alcalde for Pensacola, delivered at your house this day, by Domingo Sousa, to Antoine Fullarat, your major domo, &c.; if so, at what time of the day?" This question being put, Colonel Callava rose, looked at his watch, and for a moment addressed the audience; then (as was interpreted) asked permission to write his answer himself, which was granted; after writing two or three words, he asked that his secretary be allowed to write for him, his eyes being weak; which was granted. A gentleman near the Governor observed to him that Colonel Callava was dictating to his secretary a solemn protest against the whole proceedings as a violent measure, and stating that he was a commissioner, &c. He was stopped there, and told that such a course could not be permitted; that he was required to answer directly to the question put—yes or no. The Governor then asked Mr. Cruzat, the secretary, for the paper on which he had been writing, which was handed to him by Mr. C., (not violently snatched or wrested from him,) and the Governor passed it to the alcalde, the interpreter, to put the interrogatory again, and to demand an immediate and direct reply. But he positively refused to reply.

Fullarat was then interrogated, and fully corroborated the statement made in the morning by Sousa, and added that said papers were at that moment in the house of Callava.

The Governor, with considerable warmth, again demanded of Colonel Callava the delivery of the papers, stating, at the same time, that if he would acknowledge the papers to be in his possession, Fullarat and Sousa should be discharged. Colonel Callava objected to the testimony of Fullarat, saying he was a minor, and his servant; and, turning round, addressing the audience in a loud and earnest tone of voice, dwelt for some time on his right as commissioner, &c. When all this was explained to the Governor by the interpreter, he (the Governor) ordered that it should not be named again that he was a commissioner; that he was before the Governor as an individual charged with combining with others to secrete and carry away certain papers, which were the evidence of the right of property of individuals in this country, and which papers were alleged to have been stolen from the office of the alcalde, they having been missing from said office, and no receipt being on record there for them; that the papers he must and would have; and that, if Colonel Callava persisted in his refusal, it would be considered as a contempt of his authority sitting in his high judicial capacity, and that he must abide by the consequences which would result to him. The Governor several times cautioned and warned Coonel Callava of his situation, and called upon his

friends who were present to explain it to him. All efforts having been unavailing, and Colonel Callava still persisting in his refusal either to deliver the papers or to answer the interrogatories, except in his own way and as commissioner, after about two hours were spent, the Governor using every exertion to obtain the papers, but in vain, the Governor filled up a blank commitment, which he had drawn in case of necessity, and Colonel Callava, Domingo Sousa, and Antoine Fullarat were committed to the calabouse.

JOHN COPPINGER CONNOR.

PENSACOLA, *September* 22, 1821.

Signed and subscribed before me, this 3d October, 1821.

H. M. BRACKENRIDGE, *Alcalde.*

A true copy: J. C. BRONAUGH.

VI.

Governor Jackson to the Secretary of State.

SIR: NASHVILLE, *November* 22, 1821.

I have the honor to acknowledge the receipt of your letter of the 26th of October, with its several enclosures; and, pursuant to your request, I herewith submit to you the consideration which influenced me in the measures taken in relation to Colonel Don José Callava.

By the 2d article of the treaty, Spain was bound to deliver over, with the territories, &c., all archives and documents which relate directly to the property and sovereignty of said provinces; and, in the language of the treaty, "the said archives and documents *shall be left* with the commissioners or officers of the United States duly authorized to receive them."

On the 17th of July possession was delivered to me, by the Spanish commandant, Don José Callava, of the provinces, fortifications, &c., together with what he represented to be all the archives and public documents relating to the property and sovereignty of the soil, and which by the treaty he was bound to deliver.

On the 21st of August, I received a note from the alcalde of the city of Pensacola, in which he states, "I learn, from the most satisfactory evidence, that a number of documents relating to estates in this place, and to suits instituted here, are in the possession of an individual of the name of Domingo Sousa. These papers properly belong to this office, but were not included in the inventory delivered by the late Governor. Some of the circumstances attending the affair are of a peculiar nature; but as the necessity for obtaining possession of the documents is urgent, I must defer making a report respecting them to some other period. At present, I must request your excellency to authorize some one to make a regular demand of the said documents, and to ascertain precisely what they are."

Upon this information, I immediately issued a commission to my secretary, Colonel George Walton, and associated with him Henry M. Brackenridge and John Miller, Esqrs., directing them to proceed to the house of said Domingo Sousa, and to make a demand of such documents as ought to have been delivered under the treaty.

The demand being made by the commissioners, pursuant to their instructions from me, they returned, and delivered to me, in answer thereto, a letter from the said Domingo Sousa, in which he admits there are in his possession certain papers boxed up, which had been delivered to him for safe keeping by Colonel Callava.

The first effort to obtain from Sousa the papers sought for having failed, the application and demand was reiterated by the same gentlemen, under my order. They say to him, "We do not claim any papers in your possession, or that of any other, relating to the military tribunals, or to the revenue of the Spanish Government; but we are certain that no individual, no matter what office he may have held under the Spanish Government, has any right to retain possession of archives and documents which relate directly to the sovereignty and property of this province, &c.; and we again make a positive demand of the papers mentioned in our note of yesterday, to wit, the documents in the case of Don Nicolas Maria Vidal and Eugene Sierra; also, a proceeding against Manuel Bonfay and Carlos de Ville, and the documents in the case of Peter Guilkes and Tomas Villaseca. These papers are known to be in your possession, and we demand to know by whose authority, as no person has the right to authorize you to detain them."

Upon the second demand, the aforesaid commissioners reported to me that Domingo Sousa had exhibited to them certain boxes of papers for examination, and that, among them, were the papers before enumerated; papers by which the right of individuals (some of whom were orphans) to a property of great value in the Floridas could alone be established; papers which, being indispensable to the establishment of right and title to property in the Territory, ought to have been delivered over with the archives and public documents, as by the treaty Spain had stipulated, and the Spanish commandant was bound to do. Sousa, however, refused to deliver them, and returned them to the house and keeping of Colonel Callava, from whom he had received them. If the papers related to the property and sovereignty of the soil, Colonel Callava had no more right to detain them than had his subaltern Domingo Sousa. His functions having ceased by the delivery of the province, he stood, in relation to our Government, in the same capacity that any other *private* individual would have done. He owed the same obedience to the laws, and was subject to the same punishment for an infraction of them.

That I have never considered Colonel Callava as clothed with any diplomatic powers from the Government of Spain, is, as you have inferred from my letter, most certainly true; because he had not only never exhibited to me any credentials or testimonials vesting such powers in him, but, on the contrary, when I proposed to him a reciprocal exhibition of our respective authorities, he waived the ceremony. In a letter to me of the 19th of June, to which I refer you, he remarks: "I repeat the assurances I have made you in other communications, *of my being furnished with orders*, under the same treaty, to *evacuate* this province, *and give possession of it* to the commissioners or officers of the United States lawfully authorized to receive it." "Your excellency expresses also a wish that I would concur in fixing a day, as early as possible, and to suit the mutual convenience of both parties, for an interview and exhibition of our credentials. In reply, I have the honor to acquaint your excellency that in *your quality of commissioner* you may, when it suits your pleasure, and in the manner you may deem most expedient, exhibit *your credentials* to *me as the existing commandant of the province.* And I have already told your excellency that I am authorized to enter into arrangements for its being evacuated by His Catholic Majesty's troops, and delivered to your excellency, agreeably to the stipulations by our respective Governments."

From the foregoing extract, you will be convinced I never could have considered Colonel Callava as possessing any powers in regard to the treaty but such as he derived from the Captain General of the island of Cuba, and by virtue of his office of Governor of West Florida. Nor can you fail to draw the conclusion that Colonel Callava did not consider *himself* competent to the exercise of any other powers, duties, or privileges, under the treaty, than those enumerated in his letter to me, to wit, the evacuation of the province, and the surrender of it to the

American authorities; and even these he did not claim to exercise as *commissioner*, but says "you may exhibit your credentials to me *as the existing commandant of this province*," in which capacity "I am authorized to enter into arrangements for its being evacuated by His Catholic Majesty's troops, and surrendered agreeably to the stipulations of the treaty." It had been reported to me by Colonel Forbes, the American agent charged with the delivery of the royal order to the Captain General of Cuba, that he had arrived at Pensacola on the 9th of June, accompanied by Don Alva, the Spanish commissioner for delivering the provinces of East and West Florida to the American authorities appointed to receive them. This information I communicated to Colonel Callava; and, for the considerations growing out of it, I proposed to him, as I have before stated to you, a reciprocal exhibition and recognition of our respective credentials. This he declined, as you have seen. I then plainly foresaw that he wished to draw me into a delay of the time for the delivery of the country; for, if I had refused to recognise him as the agent authorized by the Captain General of Cuba to make the transfer, I must either have submitted to a tedious, embarrassing, and injurious procrastination of the surrender of the provinces to the United States, or have been driven to the necessity of taking it by force. And as there was no express stipulation for a formal delivery, I deemed it better to receive the territories of him, as the agent of Spain, acting under orders which he *professed* to have received, than to submit either to the delay which must otherwise have ensued, or to resort to force to obtain that for my Government which Spain was bound, by all good faith, under an existing treaty, to put into its possession amicably and without delay. Having viewed Colonel Callava, then, merely as an agent, invested with no other powers than a surrender of the province and a withdrawal of the Spanish forces, I regarded him, in the consummation of these duties, as entitled to all the privileges and immunities guarantied to such agents by the laws of nations; but, sir, the moment the surrender was made, and the soil and sovereignty of the territories became vested in the United States, my duties as commissioner ceased, and my functions as Governor commenced. He, too, having accomplished all that had been assigned him to do, was bound, by the express stipulations of the treaty, to have withdrawn himself from the ceded province. Neglecting so to do, no other privileges could appertain to him than such as attach to every individual.

"The faith of treaties," says Vattel, "is holy and sacred between nations, whose safety and repose it secures; and he who violates it, at the same time violates the laws of nations. And if the people are true to themselves, infamy will ever be the fate of him who violates his faith."

By the second article of the treaty which I have before quoted, all archives and documents relating to the property and sovereignty of the country ceded were to have been delivered with the territories. I would ask, then, were not the papers which were secreted and attempted to be carried away (and which were the cause of his imprisonment) of the description contemplated, and expressly provided by the treaty to have been delivered? Did they not appertain to the private property of the ceded country? Were they not in *themselves* private property? If so, was not the attempt to carry them away not only a flagrant violation of the treaty, but a larceny upon the individuals whose property they were, and from whom he was clandestinely taking and carrying them off? And, sir, as a proof that the papers were of the description contemplated by the treaty to be left in the province, and that Colonel Callava intended to carry them out of the country, permit me here to make an extract from the deposition of Mercedes Vidal Palao, taken before Henry M. Brackenridge, Esq., alcalde of the city of Pensacola. She testified "that her father, Nicolas Maria Vidal, left her by his will one of his heirs, and that he died about the year 1806 possessed of a large real and personal estate: that the will of her father, with the inventories of his real and personal estate, had been for several years missing from the public archives of Pensacola, having been by some person unknown withdrawn from the same: that repeated applications were made by her to the authorities then existing there to compel the restoration of the said papers and documents, as they were, and still are, necessary to enable her to prosecute her said claim under the said will: that the said papers were finally restored under a decree." The deponent further states that, "a few days before the change of government, she demanded them of Colonel Callava, who informed her *that he could not give them up, as he was obliged to take them to the Havana.*" The deponent further states that said papers relate to property in this country and in Louisiana.

Inasmuch as treaties contain promises that are perfect and reciprocal, if one of the contracting parties fail in his engagements, the other may constrain him to fulfil them. If this is a clear principle of national law, the right to imprison the Spanish agent would not be in the least affected by the termination or continuation of his immunities as agent; nor will the right of the United States to compel Spain to a faithful execution of the treaty be disputed. If, then, Spain was liable so to be coerced, how much more is he subject to such compulsion who is merely her agent; an agent, too, in whom we are bound to believe she reposed the most implicit confidence; one to whom she had intrusted, and from whom she expected, a faithful and honorable discharge of the high obligations she had assumed with the United States?

I have thus, sir, gone through the principal considerations which governed me in the imprisonment of Colonel Callava, and have added a few of the facts that made this course indispensable; from all of which you will perceive that, in all my intercourse with him, I have viewed him in no other (nor could I view him in any other) light than that of military agent of Spain, appointed by the Captain General of Cuba to deliver over the province, and all things appertaining thereto specified by the treaty to be delivered; which duty being complete, his immunities of exemption from the ordinary process of law immediately ceased. Admitting that he had received any diplomatic powers from his Government, his obstinate refusal to exhibit them precluded me from the possibility of appreciating them. Letters of credence are the instruments which authorize and establish a minister in his character; and, whether he be considered as minister or agent, he could only be received in the quality attributed to him in his credentials. "But," says Vattel, "a more particular protection is due to agents than to other foreigners or citizens, and some regard in consideration of the prince whom they serve." This regard was most punctiliously observed towards Colonel Callava, until the termination of his immunities as agent; after which, in his private capacity, he violated the treaty, the laws of nations, and the sacred privileges and rights of individuals entitled to the protection of the United States, and over whom I had been placed to administer the laws; to secure justice to whom it had now become indispensably necessary to punish him for his perfidiousness, and for his contempt of my judicial authority.

The time limited by the treaty for the delivery of the country, and the withdrawal of the Spanish officers and troops, had expired; and his pretence that he remained to await the decision of the two Governments in relation to the artillery, is a vile subterfuge, which claims no consideration or remark. His being permitted to remain was a mere act of courtesy, extended to him as a military officer of the Spanish Government.

In my letter to you of 26th August I remark, Colonel Callava's powers having ceased here with the surrender of the country, it was only a display (and so considered by me) of pompous arrogance and ignorance in his claiming the privileges of diplomacy, which in fact he never possessed; and his power having ceased, his commission accomplished, the pretence which he set up was an insult to the meanest understanding.

Having, as I hope, explained to your satisfaction that, at the time of Colonel Callava's imprisonment, he could claim no exemption from civil process by virtue of any commission he then held under the Spanish Government,

and believing, too, that I have clearly explained and proved to your satisfaction that he never did exhibit any credentials, which alone could have entitled him to the privileges and immunities of a commissioner, I shall proceed to explain some other points to which you have directed my attention. It is alleged by Colonel Callava, as well as by Mr. Salmon, that it was necessary Colonel Callava should continue in Pensacola, because the cannon belonging to the fortifications were reserved for future negotiation between the two Governments, and that, in the mean time, they were kept under his (Colonel Callava's) care. I would ask you, sir, how could Colonel Callava exercise any care or keeping over them? They had formally been delivered over to, and receipted for by me, and the Government of the United States made responsible to the Spanish Government for all that had been delivered, to await their respective decisions. Mr. Salmon, as well as Colonel Callava, has asserted what, in this respect, is not the fact. The language of Mr. Salmon, throughout, is exceptionable and insolent; but he claims this privilege, on this occasion, because "His Catholic Majesty had determined to give a new pledge, among many others, of his particular regard for the interests of the United States *in the permission which he has granted them of keeping in Mahon a deposite of provisions and naval stores, which they may introduce free of duties.*" Then, according to Mr. Salmon's rule of estimating favors, because His Catholic Majesty has granted this permission to the United States of introducing provisions and naval stores into Mahon *free of duties*, the United States ought, on her part, to have permitted His Catholic Majesty's officers to transport from without the United States any archives and documents which they might have chosen to secrete, *free of molestation.*

The allegation that I had, nineteen days before his imprisonment, written him a letter acknowledging his commissarial character, is unfounded, and cannot be sustained by any proofs he can adduce. I did write him a letter on the 3d of August, remonstrating against his conduct in withholding a receipt which he had previously solemnly stipulated to give; and which, according to his arrangement with me, was to have been given on the 17th of July, the day on which the province was surrendered to the United States. In consideration of his leaving the ordnance in the fortifications, I agreed to supply, and did supply, His Catholic Majesty's troops with provisions to subsist them to the Havana, and furnished transportation for their civil officers, families, and servants, and for the families and servants of the military officers; all which was not stipulated to be furnished by the treaty, but for which we were to pass mutual receipts, and leave them for the future settlement of our respective Governments. These receipts were to have been reciprocally interchanged on the 17th of July, as above; but on that day he pleaded indisposition, and, on his sacred pledge of honor, I indulged him until that indisposition should be removed. I repeatedly called on him, through Major Stanton, of the United States army, for a fulfilment of his agreement, (having on my part receipted for the cannon on the 17th of July.) I now ordered Doctor Bronaugh to accompany Major Stanton, and demand the receipt; and directed them to inform him, distinctly, if he did not then comply, I would report the same to my Government, and that the receipt I had given him for the ordnance should be considered null and void, inasmuch as the condition upon which it was given had failed by his refusal to receipt to me for the provisions and transportation furnished by the United States. I complained to him, in this letter of the 3d of August, of his signal breach of faith, in thus evading, on the plea of indisposition, the performance of a stipulated promise, which was to have been consummated on the 17th of July, before the surrender, "but which he afterwards refused to fulfil at all." I expostulated with him for his infidelity in thus violating his pledge of honor wantonly and corruptly, in first failing in, and afterwards refusing to perform, that which he was bound in honor and by the most sacred agreement to have performed, but which he was permitted to delay until his alleged ill health should be restored.

You will therefore clearly perceive, sir, that this letter merely refers to what was agreed to have been done on the morning of the 17th of July, whilst his official capacity as agent aforesaid existed, and not to any thing which occurred after that day.

It is alleged that I did not call officially upon Colonel Callava to deliver the papers; to this I would reply, that our official correspondence had, of necessity, ceased by the termination of his powers as agent, and by the expiration of the time limited by the treaty for the delivery of the country. Sitting as the representative of my Government in my judicial capacity, administering laws that know no distinction between the rich and poor, the great and ignoble, I could not extend to him any privileges or indulgence which the laws did not guaranty; nor could I debase my representative character, or the majesty of these laws, by such a condescension, to gratify the vanity of a Spaniard, charged with being engaged in a fraud upon the rights and property of individuals living within the immediate limits of my jurisdiction.

The misinterpretation of which he complains will be explained, by the documents submitted to you, to be a falsehood, invented and propagated by himself. Indeed, his protest throughout is a tissue of wilful and corrupt misrepresentations and falsehoods, and, being sworn to, are absolute and premeditated perjuries, of which I feel no hesitation in believing you will be thoroughly convinced by a perusal of the evidence already forwarded to you, and of that which accompanies this communication.

In conclusion, permit me to request you, sir, to call on Mr. Salmon for the *originals* of his *faithful* documents. If they appear in the form of affidavits sworn to, they are forgeries, or John Innerarity has perjured himself, as you will see from his deposition, which I have forwarded to you, and to which I would on this point particularly refer you.

With sentiments of sincere regard and esteem, I have the honor, sir, to be your obedient, humble servant,

ANDREW JACKSON, *Governor of the Floridas, &c.*

Hon. J. Q. Adams, *Secretary of State, Washington.*

No. 1.

Affidavit of H. M. Brackenridge.

About ten days after the delivery of this province, I was applied to by a free woman of color, of the name of Mercedes Vidal, natural daughter of Nicolas Vidal, formerly the auditor or judge at this place. She informed me that her father had made a will, leaving his real and personal estate to herself and sisters; that it consisted of lands at Baton Rouge, and moneys in the hands of John Innerarity, of this place, as the representative of the house of John Forbes & Co.; that the lands had been fraudulently and illegally sold, and that the money and personal property were unaccounted for. She at the same time placed in my hands a record of a proceeding to compel the restoration of the will and testamentary papers, which had been taken from the office some time before 1817, and were alleged to be in the hands of Innerarity, who, it appeared, had at length, after seven petitions, and many decrees, been compelled by the late Governor to restore them; which proceedings also contained two decrees, signed by Colonel Callava, annulling the sale of sixteen thousand acres of land at Baton Rouge, and ordering Innerarity to pay between $6,000 and $7,000 into the national treasury, being a deposite in his hands of money belonging to the estate. On inquiring of Mercedes Vidal by what means these papers had been taken out of the office, she

said it had been done by a friend of hers, in a clandestine manner; that, as the other papers would be taken away, she thought herself justifiable in doing so for her own security. On inquiring of the clerks who had been employed in the alcalde's office, they informed me that they did not know what had become of the testamentary proceedings, and could not tell in whose possession they were at that time; a few days after, I was informed by Mercedes Vidal they were in the possession of Colonel Callava, and that she had obtained permission to take them in separate pieces, in order to have them copied, but under the injunction that they should be placed in the hands of a confidential person. She accordingly obtained one of the pieces, and brought it to me; it contained the original will, the inventories and sales of the personal property. I then learned that they were not in the actual possession of Colonel Callava, but in the custody of a person of the name of Sousa, who had formerly been a clerk in the office. The first piece thus obtained was returned, and three others obtained from Sousa, and all exhibited to me, and a note taken of them. The latest proceedings were in 1810, on which there appeared a decree against the house of Forbes to pay a large sum of money in their hands as a deposite, which had not been complied with; but, from that time until 1817, nothing appeared to have been done. I was satisfied that the papers were such as ought to have been delivered under the second article; and the unexecuted decrees could produce no other conviction in my mind than that the papers were necessary to enable the heirs of Vidal to prosecute their right of property in this country.

Being at a loss myself what course to pursue, considering the connexion of Colonel Callava in the affair, I communicated it verbally to the Governor. He replied that, if I had sufficient proof to warrant it, an application made to him in writing should be attended to. On this I filed the petition, which will be seen by reference to the proceedings. The order was then issued to Colonel Walton, Colonel Miller, and myself, to proceed to the dwelling of Sousa, and to make a demand of the papers before mentioned, and of such others as ought to have been delivered to us under the treaty. We accordingly waited on him, and, when the demand was made, he appeared to be somewhat confused; declared that he had papers in his possession, but had no control over them, as he was the mere keeper of them for Colonel Callava. He produced two open boxes, which he permitted us to examine, with the exception of the papers enumerated in the list which was made by me; the boxes contained nothing but proceedings in courts-martial, trials of soldiers, &c., and a few unimportant admiralty proceedings, but without any thing else relating to the property of the province. A demand of the papers was then made in writing, on which Sousa refused, for the reasons before stated. According to our instructions, the refusal was reported to the Governor. In the evening of the same day, Sousa informed Colonel Miller that he had waited on Colonel Callava to receive his instructions; that he had been absent from town the greater part of the day. He then delivered us a note, signed by himself, in answer to our written demand, which note we presumed had been dictated by Colonel Callava. The order was then issued on the following day for the sequestration of the papers demanded of Sousa, but which in the mean time had been conveyed to the house of Colonel Callava.

According to the instructions to Colonel Butler and Colonel Miller, Domingo Sousa was summoned to appear before the Governor, to answer interrogatories. He accordingly accompanied us, and entered the office about one o'clock. The examination which appears in the proceedings took place, in which he acknowledged the fact of the papers having been taken to the house of Colonel Callava. The officer of the day, Captain Dade, who had the charge of the prison, was sent for, and ordered to take Sousa into custody, under a commitment; but he was instructed to treat him with every possible indulgence, and Sousa was permitted to go to Colonel Callava, in company with Captain Dade, and inform him of his situation; that if the papers were restored to him, he would be set at liberty on delivering them to such persons as the Governor should appoint. Sousa accordingly went, and returned with Captain Dade about three o'clock, who reported that they had found Colonel Callava dining at Colonel Brooke's; that Sousa had had an interview with him, the result of which was, that the papers would not be delivered to Sousa. The order directed to Colonel Butler and Dr. Bronaugh was then made out, and about half after four o'clock we proceeded to the house of Colonel Callava, which is situated a few doors below that of Colonel Brooke. We were informed that he was not at home; that he had not returned from the dinner party. We then proceeded down the street, and in about half an hour returned, when, on inquiry at the gate, we received the same answer as before. It was then determined that I should go to Colonel Brooke's, and request Colonel Callava to step to his house, as there were some gentlemen there who wished to speak to him on business of importance. I accordingly went, and found a number of gentlemen sitting in the dining room, and in the porch fronting the bay, after having risen from dinner; Mr. Cruzat, the Governor's secretary, was called out at my request, who immediately anticipated the object of my errand, and in a passionate manner called to Colonel Callava, who came instantly, and began with warmth to assert his rights as commissioner of Spain, and to talk of the laws of nations. They soon after withdrew, together with the Spanish officers. In the mean time, Colonel Butler and Dr. Bronaugh had come to the gate, and, on being invited by Colonel Brooke, stepped in, just as the Spanish officers and Colonel Callava were going out. After remaining in the yard but a few minutes, we all returned and proceeded to Colonel Callava's house, and entered the back porch, where these gentlemen had just had time to be seated. I introduced Colonel Butler to Colonel Callava, and, after some commonplace conversation, Colonel Butler then directed me to state the object of our visit. This was fully explained to him by me, in presence of his secretary and interpreter, and of Mr. Innerarity, all of whom were well acquainted with the Spanish and English languages, and who occasionally assisted. The utmost delicacy was observed by Colonel Butler, but Colonel Callava expressed himself in a very vehement and passionate manner, being naturally of a choleric temper. An hour, at least, was taken up in this conversation; every thing was fully explained; the written order from the Governor, containing a specification of the papers, the declarations of Sousa that they had been delivered to his steward, and repeated demands were made of them. He insisted on his alleged rights as commissioner; he said, if the papers were demanded of him in that capacity, or as late Governor, and by writing, he would reply. He said he did not know that the papers were in the boxes; that Sousa was only his servant in the affair; that he was responsible; that the papers were in his possession in the capacity of late Governor, and not as an individual.

After every effort was made, without success, to obtain the papers, the part of the order requiring him to appear before the Governor to answer interrogatories was explained. When this was made known, Mr. Innerarity exclaimed "the die is cast!" and Colonel Callava positively refused. He was told by Colonel Butler that his conduct would be considered as setting the authority of the Governor at defiance. He said that such was not his intention, but that he could not be proceeded against as a private individual. When we were about to withdraw, he said that, if Colonel Butler would deliver him a list of the documents, and they should be found in the boxes, they would be delivered. This was interpreted aloud by me to Colonel Butler and Dr. Bronaugh, and in the presence of the persons before mentioned; if there was any mistake, it most probably proceeded from Colonel Callava, who omitted to add the words he had so often repeated before, *if demanded of him as commissioner, or late Governor.* We then withdrew, and in about a quarter of an hour I returned with a list of the papers headed as appears in the proceedings. I found Colonel Callava surrounded by a number of his friends, making unusual preparations, packing up boxes; and he said to me, himself, that he was making out a protest against the proceedings, and taking such pre-

cautions as would be taken by a person who expected every thing he possessed would be forcibly carried away. He talked of his public and private correspondence, his papers, and effects, as if he thought he was about to be deprived of every thing. On presenting him the list, I informed him that nothing was wanted except the few papers therein specified, which could be found in ten minutes if in the boxes; that Colonel Butler and Dr. Bronaugh would return in two hours, and then expect to receive them. He said that the paper must be translated, and, if the demand was made of him as commissioner, and in a proper manner, he would give an answer. The list was left with him, and I reported the circumstance to the Governor.

About nine o'clock, accompanied by a guard, Colonel Butler, Dr. Bronaugh, and myself went to the house of Colonel Callava. Leaving the guard at the gate and in the street, we entered the garden in front of the house, after removing the bar by which the gate was fastened. The house was shut up; the door locked. On our entering the porch, we heard a bustle inside resembling the rattling of arms. Admittance was three times demanded by me in Spanish, but no answer was returned. I then went round, and discovered several persons in the porch on the side fronting the bay. The guard was ordered round, and formed in front of high steps which lead up to the porch; they had a short time before been ordered into the garden, and had been drawn up before the front door. On ascending the steps, inquiries were made for Colonel Callava; they all remained silent: on the question being repeated, it was observed by some one that he did not know. The only light was a candle burning in one of the rooms. Colonel Butler ordered a candle to be brought from some of the neighboring houses. After waiting fifteen minutes, it was resolved to enter the hall, and some one brought out the candle. Two or three of the soldiers were then ordered up; we then entered the room where the candle had been burning, and Colonel Callava rose from a bed, with his coat off, and expressed great surprise at our entering his house at that time of night. The papers were then demanded of him, as is stated in the report of Colonel Butler and Dr. Bronaugh. He persisted in the same reason which he had before repeatedly alleged. Every possible means was used to induce him to surrender the papers; the boxes containing them were in view, and he was told that if he would break them open we would take them. He was at length told, that, having refused to deliver the papers, he must go before the Governor, who was then sitting in his office and waiting our return. He at first said that he might be assassinated or murdered, but that he would not leave his house alive. Colonel Butler told him repeatedly that he might consider himself as taken forcibly from his house, and hoped he would not render it necessary to use actual force. It was impossible to have used greater delicacy to any one under similar circumstances. When the guard was at length ordered up, and the officer ordered to take him into custody, he consented to go; more than half an hour having passed from the time of our entering the house.

On entering the Governor's office, he was invited to take a seat, which he did at the table, fronting the Governor, while I was seated at one end of it, in the capacity of interpreter. The Governor then requested me to say to Colonel Callava that he was brought before him to answer interrogatories touching certain papers which had been delivered at his house by Domingo Sousa, in boxes, according to the confession of Sousa; and a list of the papers was read. This was fully and faithfully interpreted to him, in the presence of Mr. Rutledge and Mr. Cruzat, the secretary of Colonel Callava, both of whom understood the Spanish and English languages well. Colonel Callava on this rose, and, looking at his watch, said that it was then 10 o'clock; that at that hour he had been violently taken from his house; that he protested against the proceeding; that he was commissioner of Spain, and was not answerable as a private individual. When this was interpreted, the Governor declared that he would hear no protest against his authority while sitting in his judicial capacity; that he could not know him as commissioner; and then ordered me to propound the question set forth in the proceedings, and which he had just written. Colonel Callava repeated, in substance, what he had said before, but with more prolixity and warmth; after some time passed in this way, he said he would yield to compulsion, but would answer only in his own language, and in his own way. When this was granted, he began to write, and, after writing a few lines, complained that his eyes were weak, and requested that his secretary might write; which was granted. He then dictated to Mr. Cruzat something in the shape of a protest, as a preliminary, as I understood, to his answering the question. After writing five or six lines, it was observed by H. Bigelow, Esq., who happened to be standing near the Governor, that he was dictating a protest. The Governor, on this, with considerable warmth, striking on the table, and addressing himself to me, said, "Why do you not tell him, sir, that I will not permit him to protest?" and which was intended as a reprimand to me for suffering Colonel Callava to proceed in this way, when he was repeatedly told that such a course would not be allowed. Colonel Callava then stopped, and his secretary left off writing in the middle of a word. I was now called upon to put the interrogatory, and to say that none but a direct answer would be received. I called upon Mr. Cruzat to assist in interpreting, feeling great anxiety that there should be no misunderstanding, but he declined. The question was then repeated in the manner I have certified in the proceedings. It was fully and clearly explained to him. Much was said by way of enforcing the question on the one side, and of the objections on the other to answering, all of which I did not consider myself called on to explain; and, in fact, it was not possible: there was considerable warmth on both sides, and there was frequently not sufficient interval between what was said to enable me to convey more than the substance of what was thus spoken by way of argument, while much of it consisted of repetitions. When, at last, Colonel Callava found that he would not be permitted to answer in the manner he thought proper, he declined answering at all.

The steward, Fullarat, was then called up, and Colonel Callava objected to his being examined, on the ground that he was not of sufficient age. Some time was also employed with this examination; he answered that the boxes spoken of by Sousa had been delivered to him, and were then in Colonel Callava's house. The Governor, after the close of Fullarat's testimony, said, in a very deliberate and impressive manner, "that the papers had been seen in the possession of Sousa; that Sousa had acknowledged that they were delivered to the steward in the same boxes, and, by his declaration, were proved to be in Colonel Callava's house." The proof was therefore complete that the papers were in Colonel Callava's possession, and he was there called upon to deliver them: he was told that an officer would be sent with some one he should name, and bring the boxes; that he might open them in the presence of the Governor, and the papers specified surrendered.

This was distinctly made known to Callava by me; and the Governor called upon Callava's friends, among whom was Mr. Innerarity, and who were acquainted with both languages, to explain it well. I was occasionally assisted by Mr. Rutledge, and every pains was taken that this part of the subject should be clearly explained. His answer proved that he did understand it. He repeated what he had said before—that he could not deliver the papers unless demanded of him as commissioner, or late Governor; that they could not be in his hands as a private individual; that he could not say whether they were in his possession or not; enforcing the same positions with a variety of other reasons, and of which I interpreted as much as I could; among them, he said that he could only be tried by a *tribunal de residencia*, which, at first, I did not exactly comprehend, until explained by Mr. Innerarity, at my request, to mean a court specially appointed to try Governors of provinces, &c., not amenable to the ordinary tribunals. The Governor, in the same manner, enforced his demand of the papers by a variety of reasons; he observed, they were such papers as were contemplated by the second article of the treaty, which was

read to him; that it was his duty to see, for the safety of the inhabitants, and the protection of their rights, that all papers relating to the property of individuals should be left. The conversation, as is natural, was warm on both sides, and some expressions were softened by me in the interpretation, and others, tending only to irritate and provoke, omitted altogether. These were principally the appeals of Colonel Callava to the by-standers, which were frequent, loud, and inflammatory; and, on the part of the Governor, strong expressions against what he considered a combination between him and others to withdraw the evidences of the right of property required by individuals; which combination I understood, and so expressed it, to be between Colonel Callava, Sousa, and the steward Fullarat, but which seemed to excite some indignation, as he said "Sousa is my domestic, my servant; he is nothing in this business." The Governor did at one time remind him of the fact that the testamentary papers of Vidal had been, by his own decree, ordered to be restored to the office, whence, as he expressed it, "they had been *stolen*." As this expression had no allusion to Colonel Callava, and as I was not particularly called upon to interpret it, I supplied its place by a milder term. I considered the expression as dictated by a high sense of the injustice said to have been done the heirs of Vidal in withholding the papers, and as expressive of astonishment that Colonel Callava, who had compelled the restoration of those very papers to the office whence they had been taken, should think of carrying them out of the country after he had obtained possession of them. In the course of these remarks, the Governor reminded Colonel Callava of his having promised to deliver the papers if found in the boxes. Here Colonel Callava exclaimed "it is false!" meaning that he had never made any such promise, but which was mistaken by the by-standers. I stated that Colonel Callava denied the promise, and that it was possible that I might have misunderstood him, which drew from the Governor an expression of displeasure. In a strong tone of voice, he asked, "Why then, sir, were you not more cautious?"—words which proceeded only from the irritation of the moment, while he was almost sinking with fatigue. It was then midnight, and he had been sitting, with scarcely any interval, from ten or eleven o'clock in the forenoon. After the lapse of two hours the Governor rose from his seat, and called upon me distinctly to state that Colonel Callava must deliver the papers, or abide by the consequences; he, at the same time, called upon the friends of Colonel Callava who understood English to explain to him his situation. It was fully explained to him. This was several times repeated, and, at length, a blank commitment, which had been prepared in case of necessity, was signed, and Colonel Callava committed to prison. The next day I presented a petition to open the boxes and seize the papers, which was accordingly done, as will be seen by the reports.

H. M. BRACKENRIDGE.

Sworn and subscribed before me, this twenty-second October, 1821.

JOHN MILLER, *Mayor.*

No. 2.

Mr. Hannum's certificate.

I certify that I was in the alcalde's office on the evening of the 22d of August, when Colonel Callava, the late Spanish Governor of West Florida, was brought before General Andrew Jackson, the present Governor of the provinces of the Floridas. Colonel Callava entered the door, bowed, and took a seat which was handed to him, opposite to General Jackson, who was seated near a table used in the office. A short time after Colonel Callava had taken his seat, General Jackson stated to him, through his interpreter, Judge Brackenridge, the nature of the allegations exhibited against him, and requested him to answer the following interrogatory, viz: Were, or were not, the papers mentioned in a schedule handed to you by H. M. Brackenridge, alcalde of the city of Pensacola, delivered by Domingo Sousa at your house, this day, to Antoine Fullarat, your major domo; and, if so, at what time of the day? General Jackson informed Colonel Callava, through his interpreters, that those papers had been in the possession of Domingo Sousa, who had stated to Judge Brackenridge and others that he (Sousa) had delivered them, enclosed in a box, to the servant of Colonel Callava, at the colonel's house. Colonel Callava disclaimed the question at that time, and often afterwards, during the investigation, declaring that he was shielded by his diplomatic character as commissioner for the surrender of the country. General Jackson answered that his official functions had ceased, as all matters touching the surrender of the country were submitted to their respective Governments; and again put the interrogatory to him, but couched in a different phraseology from the first interrogatory. Colonel Callava then asked permission to write his answer, which was granted. He commenced writing, and wrote but a few words; he then asked permission for his secretary, Cruzat, to write for him, which was granted; Mr. Cruzat then took a seat on the left of Colonel Callava; the colonel began to dictate a protest. Mr. Cruzat had written but a few lines, when General Jackson discovered that he was protesting against the proceedings. General Jackson then informed him, through his interpreters, that the question put to him was a plain proposition, and that he must give a direct answer to it. A long altercation then ensued: the colonel claiming his privileges as commissioner; General Jackson denying his right to such protection. Being sensible, from the stubbornness manifested by Colonel Callava, that he was determined to resist the authority of General Jackson, and likewise being satisfied, from the known character of General Jackson, that the colonel would be compelled to bow to the law, I left the room before the colonel was committed, and before the examination of Sousa or Fullarat. I am certain that no paper was wrested from Colonel Callava during my stay in the room.

WAS. LE HANNUM.

October 15, 1821.

No. 3.

Affidavit of John Miller.

I do certify that I was present on the evening of the 22d of August last, when Colonel Callava was brought before the Governor for refusing to deliver up the testamentary papers of the estate of Vidal, and that I attended to the conversation that took place on that occasion. I distinctly recollect that it was stated by General Jackson, that if Colonel Callava would send a person with an officer, and bring the papers and deliver them up, he should be released. No such expressions as that Colonel Callava "might protest before God, if he pleased," I am confident, were used by General Jackson. No papers were wrested from the hands of Colonel Callava; and, though there was occasionally some warmth in the general's manner, it was such as would be very naturally excited by the circumstances of the transaction. Towards the close of the examination, General Jackson rose, and observed to some gentlemen near him, (I think Mr. Innerarity and Mr. Cruzat,) "Gentlemen, you understand English; tell Colonel Callava, if he does not deliver up the papers, I will send him to the calabouse."

Given under my hand, October 22, 1821. JOHN MILLER.

We were present during the whole of the above examination, and fully concur with Colonel John Miller in the facts contained in the above statement.

D. SHANNON,
F. H. NISBET.

October 22, 1821.

VII.

The Secretary of State to Governor Andrew Jackson.

SIR: DEPARTMENT OF STATE, *January* 1, 1822.

I have had the honor of receiving your letter of November 22, with its enclosures.

Translations are now transmitted to you, by direction of the President of the United States, of two letters received from the minister of Spain, the definitive answer to which will be deferred until I shall have the opportunity of receiving your reply to this letter, with any remarks which you may think proper to make on the letters of the minister. You will observe that, in that relating to the seizure of the papers at St. Augustine, he dwells with much earnestness on the agreement which had been made between Colonel Butler and the late Governor Coppinger concerning these papers. If that agreement was known to you at the time when you issued the order for demanding and securing the papers, will you have the goodness to state the particular grounds on which you judged it necessary to resort to compulsory measures for obtaining possession of them?

I have the honor to be, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

[Documents communicated with the President's message of the 28th of January, 1822.]

Correspondence with, and papers received from, Judge Fromentin.

I. Secretary of State to Eligius Fromentin, June 27, 1821.

(Enclosure.)—Commission.

II. Mr. Fromentin to the Secretary of State, August 12, 1821.

III. Mr. Fromentin to the Secretary of State, August 20, 1821.

IV. Mr. Fromentin to the Secretary of State, August 26, 1821.

(Enclosures.)

No. 1. Writ of *habeas corpus*, August 23, 1821.
2 Recognizance of José Callava.
3. P. Wager to Judge Fromentin, August 23, 1821.
4. Governor Jackson to Mr. Walton, August 23, 1821.
5. Judge Fromentin to Governor Jackson, August 23, 1821.

V. Mr. Fromentin to the Secretary of State, August 28, 1821.

(Enclosure.)—Mr. Fromentin to Governor Jackson, September 3, 1821.

VI. Mr. Fromentin to the Secretary of State, September 6, 1821.

(Enclosures.)

No. 1. Alexander Scott, jun. to Judge Fromentin, September 3, 1821.
2. Governor Jackson to Judge Fromentin, September 3, 1821.
3. Governor Jackson to Judge Fromentin, August 25, 1821.
4. Mr. Rutledge to Governor Jackson, September 3, 1821.
5. Judge Fromentin to Governor Jackson, September 3, 1821.
6. Governor Jackson to Judge Fromentin, September 3, 1821.
Dr. Bronaugh to Governor Jackson, September 2, 1821.

VII. Mr. Fromentin to the Secretary of State, September 8, 1821.

VIII. Mr. Fromentin to the Secretary of State, September 21, 1821.

IX. Mr. Fromentin to the Secretary of State, October 28, 1821.

(Enclosure.)—Extract.—Strictures.

X. Secretary of State to Judge Fromentin, October 26, 1821.

XI. Judge Fromentin to Secretary of State, November 22, 1821.

(Enclosures.)

No. 1. Decree by Hernandez.
2. Opinion of N. S. Suares.
3. Petition of Mercedes Vidal.
4. Petition of Mercedes Vidal.
5. Petition of Mercedes Vidal.
6. Petition of Mercedes Vidal.
7. Minute of proceeding in the case of Vidal.
8. Petition of John Innerarity.
9. Plea of John Innerarity.
10. Petition of John Innerarity.
11. Order to auditors.
12. Statement presented to auditors.
13. Statement presented by John Innerarity.
14. Statement presented by John Innerarity.
15. Forbes & Co. *vs.* Vidal.
16. Account of sales of Vidal's estate.
17. Account of sales of Vidal's estate.
18. Report of auditors.
19. Plea of John Innerarity.
20. Petition of John Innerarity.
21. Innerarity's exceptions to the auditor's report.
22. Plea of John Innerarity.
23. Decree in the case of Vidal.
24. Extract from the Spanish records.

XII. Judge Fromentin to the Secretary of State, December 2, 1821.
(Enclosure.)—Judge Fromentin to Captain Henley.
XIII. Judge Fromentin to the Secretary of State, December 9, 1821.
(Enclosure.)—Exposition, &c
XIV. Judge Fromentin to the Secretary of State, December 17, 1821.
(Enclosure.)—Opinion in case of Vidal *vs.* Innerarity.

I.

The Secretary of State to Mr. Fromentin.

SIR: DEPARTMENT OF STATE, WASHINGTON, *June* 27, 1821.

The President having appointed you judge of the United States for West Florida, and that part of East Florida which lies westward of the cape, I have the pleasure, herewith, to transmit your commission, and to add the expression of my wish that the appointment should prove agreeable to you. In that case, it will be necessary for you to repair, with all convenient despatch, to Pensacola, to enter upon the duties of the office, there being reason to believe that the Spanish authorities will have delivered over the actual possession of both the Floridas to General Jackson before this communication reaches you; and, towards the organization of the temporary Government under his direction, it may be important that the judiciary department should be put into operation immediately.

I am, &c.

JOHN QUINCY ADAMS.

ELIGIUS FROMENTIN, Esq., *New Orleans.*

[Enclosure in I.]

JAMES MONROE, *President of the United States of America, to all who shall see these presents, greeting:*

Know ye, that, reposing special trust and confidence in the wisdom, uprightness, and learning of Eligius Fromentin, of Louisiana, I do appoint him judge of the United States for West Florida, and for that part of East Florida which lies westward of the cape, to reside at Pensacola; and do authorize and empower him to execute and fulfil the duties of that office, according to the constitution and laws of the United States; and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining unto him, the said Eligius Fromentin, during his good behavior, and until the end of the next session of the Senate of the United States, and no longer.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed. Given under my hand, at the city of Washington, the eighteenth day of May, A. D. eighteen hundred and twenty-one, and of the independence of the United States of America the forty-fifth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS.

II.

Mr. Fromentin to the Secretary of State.

SIR: PENSACOLA, *August* 12, 1821.

Having anticipated that it might be necessary for me to repair without delay to Pensacola immediately upon receiving my commission, I left New Orleans early in July for Pensacola, where I received yesterday, from New Orleans, my commission and your letter of the 27th of June last.

I thank you, sir, for the expression of your wish that the appointment may prove agreeable to me.

I am now ready to enter upon the duties of my office.

The attorney of the United States has not yet arrived; and the marshal has left this place for St. Augustine without appointing a deputy.

With great respect, I have the honor to be, sir, your most obedient servant,

ELIGIUS FROMENTIN.

The Honorable J. Q. ADAMS, *Secretary of State.*

III.

Judge Fromentin to the Secretary of State.

SIR: PENSACOLA, *August* 20, 1821.

The time which was to intervene between the moment when I received your letter of the 27th June last, and the moment when I was informed my answer should be deposited in the post office, was so short that I could not then touch upon the topic which is to be the subject of my present communication.

When I first was informed of my appointment as judge of the United States for West Florida, &c., I understood it to be an appointment to the office of a Territorial judge, with the additional jurisdiction vested in the judges of such Territories where no district court of the United States has been established by the act entitled "An act to extend jurisdiction in certain cases to the Territorial courts," passed March 3, 1805.

Upon receiving my commission and your letter of the 27th June last, I was rather confirmed in that opinion by the concluding paragraph in your letter, in the following words:

"And towards the organization of the temporary Government under his [General Jackson's] direction, it may be important that the judiciary department should be put into operation immediately." I may be mistaken, but it

seems to me that if the court to which I am appointed is to be confined, as General Jackson contends, to the revenue laws of the United States and to the act respecting people of color, it could hardly be denominated the judiciary department, with reference to the organization of the temporary Government under the direction of General Jackson. However, I deemed it my duty to communicate my commission and your letter to General Jackson, who communicated to me, in return, such parts of his several commissions as he conceives admit of a construction entirely at variance with that which I put upon my commission and your letter.

It was then already too late for me to urge any objections; the Territorial court, consisting of five judges, created by General Jackson, (the presiding judge of which, by the bye, is not of age, according to the Spanish law, which he administers, being only twenty-two years of age, and the law requiring, for that office, that he should be at least twenty-five years,) having been already in session one week before my commission reached me.

I told the general that I would write to you on the subject. He told me that he had either written to you already, or would write to you likewise. In the mean time, things must of course go on as I found them established on my arrival here, until I learn from you the precise intentions of the President respecting the extent of the powers vested in me. This representation, I beg you to believe, is not prompted on my part by the remotest desire of assuming a jurisdiction not intended to be given, but by a solemn obligation which I deemed to be imposed upon me, to inform you of the difficulties in which I am placed, and to desire you to transmit to me, as early as possible, the necessary information.

I have heard nothing of or from the marshal, or any deputy appointed, or to be appointed, by him, since the date of my last. I feel very uneasy on the subject, as the public service must necessarily suffer from the absence of that indispensable officer, there being no authority here by which the deficiency may be supplied.

The 27th section of the act of September 24, 1789, prescribes the amount and the mode of the security to be given by the marshal and his deputies, and the form of the oath to be taken by them; and, unless Judge Duval should now be in St. Augustine, to have those necessary forms complied with, I know not when I am to expect here a deputy marshal duly qualified. I say a deputy, because I understand that the marshal himself contemplates making St. Augustine the place of his habitual residence.

I took the oath of office before General Jackson. The attorney of the United States has not yet arrived.

I have the honor to be, &c.

ELIG. FROMENTIN.

Honorable J. Q. Adams, *Secretary of State.*

IV.

Judge Fromentin to the Secretary of State.

Sir: Pensacola, *August* 26, 1821.

At the same time at which this will be delivered to you, you will receive, no doubt, from General Jackson himself, a full detail of the outrage by him committed on the person of Colonel Callava. My unavailing efforts to have the colonel released only brought upon me a part of the same contumelious treatment. I am not sufficiently acquainted with all the circumstances attending the transaction to be able to give you a complete history of it. I will then confine myself to giving you an account of the conduct which I pursued, and which, now that passion has somewhat subsided, I think, upon mature reflection, is the only conduct which my duty permitted me to pursue.

Early in the morning of the 23d instant I was informed that Colonel Callava had been arrested the preceding night in his own house, and carried to jail. Soon after, my house was filled with people of all descriptions and languages. By degrees the crowd retired, and it was not until about eleven o'clock that Messrs. Lama, Innerarity, Dr. Brosnaham, and Father Coleman returned to my house. The first three applied to me for a writ of *habeas corpus.* I knew that it was in vain, having no marshal to execute my orders, to send an individual, who could have no authority to demand it, for a copy of the warrant in virtue of which Colonel Callava was detained; and that, as that copy would, and perhaps ought to have been refused by an officer of the army to that individual who could have no legal character to demand it, I could not, from an affidavit of a refusal to deliver the copy of the warrant under those circumstances, find myself more authorized after than before such a refusal to issue the writ; and, indeed, could a legal demand have been made with success, in the absence of a marshal, from an officer of the army? Could anybody have obtained from either General Jackson, or the officer in whose immediate custody Colonel Callava was, a copy of the warrant? It is enough to have a right to trample under foot every law, to place the officers charged with their execution in the impossibility of complying with the requisites of the law. Would not the same uncontrollable temper which manifested itself at the issuing of the writ, have manifested itself at the application for a copy of the warrant, which would have prevented the issuing of the writ, because nobody then could have been found to serve it? I felt anxious, sir, after the application was made to me, that the only judicial officer of the United States in West Florida, although with the consciousness of not being able to accomplish it, should do every thing in his power to liberate Colonel Callava from confinement. Is it fair to apply to me, under the most extraordinary circumstances of difficulty, the severity of the forms intended to be complied with in a state of undisturbed tranquillity?

Besides, there are no indispensably necessary formalities absolutely required previous to the granting of that writ. The form of it may vary a little, according to the laws of the several States. Some may require security for costs, if the writ should be improperly applied for; others may require security that the party in the act of bringing him before the judge shall not escape; others may require other things; but there is not, that I know of, any particular prerequisite commanded by the laws, or adopted by the courts of the United States, which, I believe, follow, in that respect, the particular forms prescribed by the laws of the State in which an application is made for the writ. I was then, in that respect, bound by no precedent, and I was forced to adopt the only mode which I had it in my power to pursue.

The common law, by allowing that particular writ to be served by anybody, and upon anybody, seemed to have anticipated the peculiar difficulties in which I was placed. The only question, then, for me to examine, after a formal, though verbal, application was made to me, was, whether I had a right to issue the writ. With that view I consulted my commission. I find myself there styled a judge of the United States, authorized and empowered to execute and fulfil the duties of that office according to the constitution and laws of the United States. I need not say that I consulted the constitution; but I consulted the acts of Congress, and, in the 14th connected with the 13th section of the act of September 24, 1789, I find that all the above-mentioned courts of the United States have a right to issue the writ of *habeas corpus*, and all other writs *not specially provided for by statute*, which may be necessary for the exercise of their respective jurisdiction, and agreeably to the principles and usages of law.

But again, says General Jackson, the writ of *habeas corpus* is not extended by law to this Territory, and I must confine myself to the jurisdiction given by the act of Congress in the only two cases mentioned in the act, to wit, the revenue laws, and the importation of people of color; and could not I, in return, ask General Jackson by what act of Congress grand juries, and, in criminal matters, petty juries, have been established in this Territory? The general has established them. He has done right; I thank him for it. But is it more necessary for the protection of the liberties of the people that they should be tried in criminal matters by a jury, than it is that they should have a remedy against the wild ravings of ungovernable tyranny? Let the events of the 22d, and I might add of the 23d and 24th days of this month, answer the question. God grant that before long a still more eloquent answer be not furnished to the question!

Yet, sir, determined as I was, as far as lay in my power, to endeavor to have justice done to Colonel Callava, I was not less determined to have justice done to the country. I feel as deeply as any American any attempt, on the part of the agents of foreign Governments, to disregard the rights of the United States. I once had an opportunity of expressing my opinion to you in writing on that very subject, and I may safely appeal to what I wrote then for a correct expression of what I must feel in every similar case; and, although I do not believe a word of what is attempted to be laid in the charge of Colonel Callava, yet, in consequence of the state of agitation in which the whole country was thrown, I deemed it a duty, under the discretionary power vested in all the judges, who have a right to grant the writ of *habeas corpus*, to require security; and I informed the friends of Colonel Callava, who applied to me for the writ, that I would, before setting Colonel Callava at liberty, require security for the production before me of the papers said to be in his possession. Security was offered to any amount. I mentioned forty thousand dollars—Colonel Callava himself in twenty thousand, and the two securities in ten thousand dollars each. Mr. Lama and Mr. Innerarity agreed to become securities. I then issued the writ marked No. 1, and delivered it, to be served on the officer who had the guard of the prison where Colonel Callava was confined, to Dr. Brosnaham, another of the friends of Colonel Callava, who had joined in applying for the writ. In the mean time, I prepared a rough draught of the recognizance, a copy of which is sent, marked No. 2. The rough draught of that recognizance was on my table when Colonel Walton came to bring me the order from General Jackson to be hereafter mentioned, and I gave it to him to read.

I was engaged in making some necessary alterations in the draught of that recognizance when I received, from the officer of the day, the letter marked No. 3, in answer to the writ I had issued. I dropped the unnecessary labor of putting the recognizance in a better shape. The soldier who brought me the letter of the officer of the day had scarcely left my house, when Colonel Walton entered it with the written order above alluded to, from General Jackson to me, marked No. 4. After some conversation with Colonel Walton, in the course of which I mentioned to him what I had done and intended to do in this business, I gave him to read, as before stated, the rough draught of the recognizance. I then desired him to furnish me with a certified copy of the written order which he had given me to read, and he agreed to call on me at 5 o'clock for my answer. He returned in about half an hour, and gave me the written copy I had applied for. In the mean time, having reflected on the strange message of General Jackson, I determined upon writing to him the letter, a copy of which accompanies this, marked No. 5. About 5 o'clock Colonel Walton returned, according to promise; and I gave him to read the letter which I had prepared in answer to the written communication of General Jackson. After reading it several times, he advised me not to send it, and observed that, as he himself knew that I was then suffering from a severe rheumatism, which prevented me from walking, he would state the fact in his return, and that I could thus further advise what I thought best to do. This letter was not, of course, sent to General Jackson. We had some further conversation; and, at parting, I told the colonel that, in the situation in which I was, nothing but force would compel me to leave my house.

The colonel made his return. I did not see him again that day; and, when night came, I anticipated a renewal of the scene of the day before, and prepared myself for the consequences; however, nobody came to disturb me. The next day, about noon, the colonel returned, and observed that both the general and myself must be desirous of making a report of this affair to the Government by the next mail; that there was no time to be lost; and that it was the general's wish that I should call at his office the next day, in the morning. After the colonel had withdrawn, I reflected that the state of things was now somewhat different from what it was the day before: a reason was assigned for my having an interview with the general, the force of which I felt; and, ultimately, a longer resistance would only end in affording General Jackson the scandalous triumph of once more trampling upon the laws of his country. I determined to go there that very afternoon; and accordingly, at about 4 o'clock, P. M., I went to the office of General Jackson. The conversation, as you may suppose, was nearly all on one side, not unmixed with threats of what he said he had a right to do for my having dared to interfere with his authority. He asked me whether I would dare to issue a writ to be served upon the Captain General of the island of Cuba? I told him no; but that, if the case should require it, and I had the necessary jurisdiction, I would issue one to be served upon the President of the United States. Ultimately, he wished to know the names of the persons who had applied for the writ of *habeas corpus*. I unhesitatingly told them to him. Then he wished to know whether they had made the usual affidavit, stating that they had been refused a copy of the warrant upon which Colonel Callava was confined. I told him no; that the application to me was a verbal one. General Jackson then required me to sign what I had just declared. I told him I was ready to do it, and I did it accordingly; Dr. Bronaugh, who was present at the conversation, having reduced that part of it to writing.

Much more was said by the general respecting the extent of his powers, the happy selection made of him by the President, the hope that no living man should ever in future be clothed with such extraordinary authority, how fortunate it was for the poor that a man of his feelings had been placed at the head of the Government, &c. &c. &c.; the whole intermixed with, or rather consisting altogether of, the most extravagant praises of himself, and the most savage and unmerited abuse of Colonel Callava and of myself, for doing my duty, in attempting to set him at liberty.

The first time the authority of General Jackson is contested, I should not be surprised if, to all the pompous titles by him enumerated in his order to me, marked No. 4, he should superadd that of grand inquisitor, and if, finding in my library many books formerly prohibited in Spain, and, among others, the constitution of the United States, he should send me to the stake.

I had taken the liberty, in the course of my conversation with him, to contest some of the powers he assumes as Governor and Intendant, &c.; of which legal powers, both previous to and since the adoption of the Spanish constitution, he appears to me not to have the remotest knowledge. As to the Spanish constitution, he will not hear of it, although it was solemnly sworn to here about sixteen months ago; nothing will do for him but the laws which were in force in Spain on the 19th of February, 1819. So that the first initiation of the inhabitants of Florida in the enjoyment of liberty must be by a retrograde step from a state of comparative liberty to a state of absolute slavery. I attempted to represent, but he would not let me go on; ultimately, I was permitted to depart without having suffered but in my feelings as an American.

The American flag, it is true—the flag of liberty—waves on our forts; a treacherous sign in Florida. Sir, the bohon upas tree of slavery overshadows our town.

Sir, it is reluctantly that I speak of a man whom I once delighted to honor; but I owe you the truth, and, painful as the task may be, I must discharge my duty.

I have the honor to be, with great respect, sir, your most obedient, humble servant,

ELIG. FROMENTIN.

Hon. JOHN Q. ADAMS, *Secretary of State.*

No. 1.

The United States to Lieutenant Mountz, of the 4th regiment United States infantry, greeting:

You are hereby commanded that you forthwith have the body of José Callava, late Governor of the province of West Florida, now in your custody, as is said, together with the day and cause of his caption and detention, by whatever name he may be known, before the judge of the court of the United States for West Florida, and for that part of East Florida which lies westward of the cape, at his chambers, in the city of Pensacola, to do, receive, and submit to whatsoever the said judge shall consider in that behalf; and have you then and there this writ, with your doings thereon.

Witness, Eligius Fromentin, judge of our said court, this twenty-third day of August, in the year of Lord eighteen hundred and twenty-one.

[Endorsed as follows:] I allow this writ.

ELIGIUS FROMENTIN,
Judge of the United States for West Florida, and that part of East Florida which lies westward of the cape.

No. 2.

José Callava, principal, acknowledges to owe to the Government of the Floridas the sum of $20,000, and ——, as sureties, acknowledge to owe, each of them, $10,000 of their estate, real and personal, to be levied to the use of the said Government, upon this condition: that, if the said José Callava shall personally be and appear before the judge of the United States for West Florida, and that part of East Florida which lies westward of the cape, whenever required so to do; and further, that the said José Callava shall not depart from the city of Pensacola without the leave of the said court, nor send away, remove, or otherwise dispose of, unknown to the said court, any papers now in his possession, which, by the late treaty between Spain and the United States, ought of right to be delivered to the United States, which said papers are represented to me now to be under seal in one or more boxes or trunks, with other papers in the house of the said Callava, then this recognizance shall be void; otherwise, it will remain in full force.

No. 3.

SIR: PENSACOLA, *August* 23, 1821.

Your writ of *habeas corpus*, demanding the body of Don José Callava, has been received and referred to his excellency the Governor, Andrew Jackson, by whose order he was confined, and who still directs that he be detained in confinement, until released by his orders.

I have the honor to be, &c.

P. WAGER, *Captain and officer of the day.*

Hon. Judge FROMENTIN.

No. 4.

Eligius Fromentin, Esq. will forthwith be and appear before me, to show cause why he has attempted to interfere with my authority as Governor of the Floridas, exercising the powers of the Captain General and Intendant of the island of Cuba over the said provinces, and of the Governors of said provinces, respectively, in my judicial capacity as supreme judge over the same, and as chancellor thereof; having committed certain individuals charged with a combination to secrete, and with having attempted to secrete and carry out of the territories ceded to the United States, the evidence of individual right to property within the said territories, which has been secured to each individual under the second article of the late treaty with Spain, and in open contempt of the orders and decrees made by me; and that the said Eligius Fromentin, Esq. be and appear before me, at my office, at five o'clock, P. M., in Pensacola, to make known the above cause, and to abide by and perform such order and decree as the undersigned may of right deem proper to make of and concerning the same.

Given under my hand, at Pensacola, this twenty-third day of August, eighteen hundred and twenty-one.

ANDREW JACKSON, *Governor of the Floridas, &c.*

To Colonel GEORGE WALTON, Secretary of West Florida, to make known and execute the above, and to furnish a copy of the above, (if required,) returning this original, and in writing making known how he has executed the same.

A copy: GEORGE WALTON, *Secretary West Florida.*

No. 5.

SIR: PENSACOLA, *August* 23, 1821.

I would at all times have complied very willingly with any request of yours, although I am at present so much indisposed that I could not now have it in my power personally to wait upon you.

Of the nature and extent of your powers, you now are the best judge; nor do I pretend to interfere with your authority.

In granting the writ which was applied for this morning, I obeyed the duty which I conceived to be imposed upon me by the 14th taken in connexion with the 13th section of the act entitled "An act to establish the judicial courts of the United States," passed September 24th, 1789.

I have the honor to be, with respect, your most obedient, humble servant,

ELIGIUS FROMENTIN.

His Excellency Governor JACKSON.

V.

Judge Fromentin to the Secretary of State.

SIR: PENSACOLA, *August* 23, 1821.

I intended to have accompanied my last with written references to several elementary writers on the common law of England, in support of the principles by which I was governed in granting a writ of *habeas corpus* in the case of Colonel Callava. Upon reflection, I thought it best to refer to them all generally, and to refer at the same time to all the laws of the several States and Territories of the Union on the subject of issuing writs of *habeas corpus;* and, likewise, to the code of laws prepared by the authority of Congress for the District of Columbia.

Now, I might ask by which of those laws was my conduct to be regulated? None of the formalities required or advised by either the English or American writers on the subject is indispensable. Otherwise, the same invariable practice must, of necessity, prevail both in Great Britain and in all the States and Territories of the United States. None of them can be said to be even necessary, since either the one or the other of these formalities which may be required in England, in Massachusetts, or in Georgia, may not be requisite in Vermont, in New York, or in Kentucky. And is it for me, by prescribing any (no matter what) formality for the obtaining of this writ, which formality has not been prescribed by the United States, to pretend to abridge, or to encumber with any previous obligations, the right vested by the constitution in every citizen of the United States, to this invaluable writ? *The prescribing of those formalities is the right of legislative authority.* I took, and I was obliged to take, the common law writ of *habeas corpus*, naked and unencumbered with the restrictions which it has received, either from the often contradictory decisions of the several courts of justice in England, with which I have nothing to do, or from the statute law either in Great Britain or in the several States and Territories of the Union; none of which indubitably can be considered as applicable to the Floridas. My only duty, in which all the writers and the uniform practice of the United States and Great Britain agree, was, to see that no possible injury could result to the public from granting the writ; and against this I had amply provided, by requiring security for the production of the papers in the sum of forty thousand dollars. Further than that I could not go, without *usurping* an authority which was not delegated to me.

AUGUST 31, 1821.

Another part of my conduct may require a more detailed explanation than I could possibly give it in my last letter. I allude to the determination I took of repairing to the office of General Jackson. Sir, if General Jackson had been, or rather had professed himself to be, as I believe he is, only a military chief and an executive officer, I should have resisted his authority to the last. The worst then that could have happened would have been an imprisonment, more or less protracted, more or less severe. For that I was prepared. But, sir, be it remembered that General Jackson contends for unlimited powers. He is a Captain General; he is an Intendant; he is a Governor; he is a supreme judge; he is a chancellor; he is ——— what is he not? What he may claim a right to do, nobody knows; nobody can tell. And in all these multifarious characters, if he had been able to dissemble, like Tiberius, and had not dragged me before his own tribunal, I have little doubt but that, upon the slightest pretence, he would have transferred me before the tribunal of his own creation, not less his own; to which tribunal, contrary to all principles recognised by our Government, he assigned a jurisdiction extending to death, graciously, however, manifesting his tender mercies to the people of these provinces, by declaring, as he does in his ordinance published in the first number of the Floridian, that there shall be no execution for a capital offence until the warrant of the Governor be first had and obtained. Sir, that man must get rid of me in some way or other to make room for a Mr. Hayward, or Haywood, from Tennessee, whom he told me himself he had recommended to the President for the office which I now hold.

I understand that, with this view, a memorial has been sent by the last mail to the President, purporting to be signed by persons who call themselves members of the bar. What the precise purport of that memorial is, I know not. Of all the persons who profess themselves to be lawyers in this place, I know nobody even by name, but Mr. Brackenridge, with whom, for fifteen years, I have been on terms, if not of intimacy, at least of familiar acquaintance. Whether he has signed that memorial or not, I am not informed. But if he has, it affords an additional proof of what rapid progress the gangrene of the most abject slavery can make, even in a few hours, when the *vultus instantis tyranni*, by striking terror in every soul, compels men to do that which, under every other circumstance, they would hold most in abhorrence. Such are the inextricable mazes of the labyrinth in which tyranny involves itself, that, in order the better to conceal the bastard origin of this memorial, it is not improbable but the memorialists, agreeing in the main point with their master, were made there to hold a language somewhat at variance with what are generally known to be the opinions of the man under whose auspices I cannot doubt the memorial originated.

And now, sir, I have done with talking to you of myself on the subject of this detestable affair. I am sensible that I owe an apology for consuming so much of your time. Yet I could not have said less, in duty to the Government by which I was appointed, and in duty to myself. I now leave the case to the judgment of my country; and, anxious as I must feel for a favorable issue, I must be permitted to add, that I had rather fall in the cause which I defend, than triumph in that supported by my adversaries.

I have, &c.

ELIG. FROMENTIN.

N. B. When, in the line before the last of the third page of this letter,* I say that *I should have resisted his authority to the last*, I simply allude to my consenting to go to his office, under the circumstances detailed in my letter of the 26th ultimo, and not to any improper concessions, which I have never made, and never shall make.

SEPTEMBER 2, 1821.

Some less vague information, just obtained, of a report prevailing in town that I had apologized to General Jackson for issuing the writ of *habeas corpus* in the case of Colonel Callava, will necessitate, on my part, an application to General Jackson for a solemn denial of the atrocious charge. Of what may pass on the occasion, I will advise you by the next mail.

The following is a copy of the letter which I will send to General Jackson, as soon as I shall have closed the letters I intend to forward by this day's mail:

SIR: PENSACOLA, *September* 3, 1821.

I am informed that it is rumored in town that, in the interview between your excellency and myself, on the afternoon of the 24th ultimo, I had apologized to you for issuing a writ of *habeas corpus*, in the case of Colonel

*The fourth line of this letter *as printed*, (see above.)

Callava. I hope your excellency will not hesitate in enabling me effectually to contradict that report. Your excellency cannot have forgotten that, from the beginning to the end of the conversation, I insisted, not only on the right, but on the duty, of a judge of the United States to grant that writ; and that, among other things, upon being questioned by your excellency whether I would order a writ of *habeas corpus* to be served upon the Captain General of the island of Cuba, I told you no; but that I would not hesitate, if the case should require it, and if I had the necessary jurisdiction, to issue one to be served on the President of the United States. To this you answered, that the President of the United States was liable only to impeachment. I added, that I was confident that, in my place, you would have issued a writ of *habeas corpus*.

I have the honor to be, &c.

His Excellency Governor A. JACKSON.

VI.

Judge Fromentin to the Secretary of State.

SIR: PENSACOLA, *September* 6, 1821.

By the last mail I had the honor to forward to you a copy of the letter which I told you I contemplated addressing to General Jackson on the 3d instant. I sent it to him accordingly, a little after twelve o'clock, by Mr. Alexander Scott, jun. The verbal answer of General Jackson, as delivered to me in writing by Mr. Scott, is forwarded with the present, marked No. 1.

Before I proceed in the narrative, give me leave to submit a few observations on the statement made by Mr. Scott.

"He requested me," says Mr. Scott, "to inform you that the declaration which you signed, promising in future not to interfere with his authority, he deemed an ample apology."

Sir, I signed no such declaration, nor was I ever asked to sign any such thing; nor would I, if asked, have ever consented to sign it; the words "*in future*," which are here inserted, being intended, no doubt, to have a reference to the writ I had issued, which I never could have done, since I insisted on the contrary all the time, (as I hope to be able to prove by General Jackson himself,) both for the right and duty in me to issue the writ. Sir, if there be such a declaration in existence, it is a forgery. Yet a statement to the same effect was mentioned to me this morning, as having been made by a Mr. Connor, a gentleman in the family of General Jackson. I shudder at the bare suspicion of such a foul deed. But the fact having been mentioned by General Jackson himself, I could not help thus far, for the present, animadverting upon it.

I will at once take up the letter of General Jackson, (marked No. 2,) which is next in order. In that letter, I pass over all that relates to the general's opinion of the extent of my jurisdiction, &c., which has nothing to do with the question now before you.

The first thing which strikes me in this letter is not so much what is, as what is not in it. It forcibly puts me in mind of the passage of Tacitus, describing the funeral pomp of Junia: "*Præfulgebant Cassius atque Brutus eo ipso quod effigies eorum non videbantur.*" The first thing I looked for in that letter was an account of the pretended declaration, said to be signed by me, as the general himself told Mr. Scott not two hours before I received his own answer. There must be such a declaration, since he said so; and if there be, there is no need of any thing else. This must be damning proof. Why not state it? Why not tell me of it? Did this avowal escape the general prematurely, in an unguarded moment? Has not the time arrived yet to make use of it? Does he intend to keep it back, to fall upon me unawares, when I may be supposed not to be prepared to repel the charge? or has it found its way to Washington, in support of the memorial of the persons who call themselves members of the bar here? Or, after answering the holy purposes of the general, has a timely fear of discovery, owing, perhaps, to some blunder in the execution, (I wish I could add, perhaps a timely remorse,) led to the destruction of the precious document? What has become of it? It once was in existence, or else why did General Jackson mention it to Mr. Scott? Why did Mr. Connor mention it to another person? Where is it? I say again, where is it? General Jackson states in his letter that I then declared "that hereafter I would in no way interfere with his authority." That is something, to be sure, considering the effect he attempts to give to it, by the insertion of the potent *hereafter*, and by the constructive apology he derives from it afterwards. But, sir, how weak, how watery, compared with this more than fourth proof evidence signed by myself!

I now turn to the accusing part of General Jackson's letter. "I acknowledged that I had acted hastily, without due consideration, and without proper information as to the facts of the case."

Upon endeavoring to recollect the whole conversation, I think General Jackson, in his usual mild way, made use himself of those words, or some others to the same effect. But that I acknowledged the truth of those facts, remains to be proved; and I will prove the very reverse, by the evidence supplied by General Jackson himself.

"Upon the importunities of John Innerarity and some other Spanish gentlemen." But General Jackson forgets that he states himself, to me, in his note of the 25th, marked No. 3, that it was *expressed* by me that the writ was issued on the verbal *application*. A vast difference, general, between *application* and *importunities*.

And now let me pause a moment and consider. General Jackson insists that I must sign a declaration stating that I issued a writ of *habeas corpus* on a verbal application—a venial sin, under all possible circumstances, sir, in comparison with the atrocious crime. And he does not ask me, who am so submissive, so compliant, whom he could so easily frighten into an irresistible submission by the dread of confinement—he does not ask me to put the infamous sign of my henceforward infamous name to the revolting catalogue of crimes, which, thank God, have no existence but in General Jackson's own imagination.

Is it possible, sir—is it credible—that if I had made the concessions stated in General Jackson's letter, the general would not, under the malevolence towards me which he has betrayed in every part of his conduct since my arrival here, in the same proportion in which I myself evinced moderation—is it possible, I say, to believe that he would not have had that part of our conversation too reduced to writing by Dr. Bronaugh? and if he has not had it reduced to writing, under those circumstances, is it not a most irrefragable proof that such a conversation never passed? Another proof, of no less weight, is the statement made by Mr. Rutledge, a young gentleman who lives in General Jackson's family, who was present at the whole of the conversation, and yet does not state any of the facts above enumerated. [See Mr. Rutledge's letter to General Jackson, No. 4.]

"And that, had I been apprized that Colonel Callava had been committed by him for contempt of his authority, I certainly would not have interfered."

Sir, it was unnecessary for me to enter into a discussion as to the judicial authority of General Jackson; for, as I before observed, the case had already been referred to the President. But, without insisting upon that point, I contended that I had a right to interfere in the case here, at the same time that I granted I should have no right to

interfere if Governor Jackson, instead of being the Governor of a Territory, was the Governor of an independent State; but that, Governor as he was, Colonel Callava was, of course, detained a prisoner under color of the authority of the United States, and that, in that case, it was my right and duty to interfere.

But why do I say any thing myself on the subject? Sir, be so good as to turn to the last paragraph but one in General Jackson's first letter of the 3d September, marked No. 2. There you read as follows: "and I stated to you, that if you were in the States, you would have no right to interfere in the manner which you had attempted here; and referred you to the laws of Congress."

Sir, can there be a more ample confirmation of the truth of that part of the conversation above stated than those very words of General Jackson? for to what else than my own observations on the subject could those remarks of the general apply? But, sir, it is not all. Those words of General Jackson contain a positive admission that I had here the right to interfere, although I might not have had it in the States. What, sir! It was with his eyes open, and with the consciousness that I had the right to do what I did, that General Jackson rendered himself guilty of the many outrages offered to me in my official character! Oh, my country! Oh, the liberties of America!

Give me leave now, sir, to take a retrospective view of my letter to General Jackson, to which the one which I have just done analyzing is an answer; and what does it contain? A positive assertion on my part, that, from the beginning to the end of the conversation with General Jackson, I insisted both on the right and duty of a judge of the United States to grant that writ. Does General Jackson deny that fact in his letter, sir? Yet this cannot be true, if I held the language attributed to me by General Jackson. And we shall see, presently, in what style General Jackson answers, when General Jackson writes under the real or affected impression that the facts which he is going to refute are not true. Thus much, now, by anticipation, to confirm, by the silence of General Jackson, the truth of the facts contained in my first letter to him of the 3d instant, which I had the honor to send you by the last mail.

The next document in order is my second letter of the 3d September to General Jackson, marked No. 5, in reply to his answer. This letter contains scarcely any thing but a respectful denial of the charges made against me by General Jackson in his first letter of the same day, conveyed in as decorous language as my knowledge of it permitted me to use, and some further comparatively immaterial statements of facts, which sufficiently explain themselves, and require, of course, no comment from me. Let the letter speak for itself. I will only observe, that I sent this letter by Mr. Scott, within less than half an hour after receiving General Jackson's first letter of the 3d September; but, owing to General Jackson being otherwise engaged, Mr. Scott had no opportunity to have the letter delivered to him until between six and seven o'clock of the same day, P. M. The next morning, September the 4th, at about eight o'clock, A. M., I received, from the hand of Mr. Connor, above mentioned, the second letter of General Jackson, marked No. 6, dated September 3d, in answer to my second letter, which has drawn upon me the indignation and contempt of General Jackson. The indignation and contempt of General Jackson!

I beg pardon, sir, for the scandalous, indecorous, and disgusting scene which I am now compelled to open to your view. But, sir, because my enemy, like the swine, which delight in nothing as much as but filth, has thought it convenient to seek a refuge in the quagmire of Billingsgate abuse, shall I let go the hold I have of him? No, sir, covered with dirt, it is true, but nobly covered with dirt, which, coming in contact with such an enemy, I cannot protect myself from, I will still hold him—still drag him before the tribunal of his country—of his much injured country.

Sir, I must again beg pardon. I shudder at entering on the subject; but I must. I cannot help commenting upon every line—upon every word—of this most infamous document. The letter runs thus: "Sir, I have this moment received your second note of this day. The first created my astonishment, it is true; but the second my indignation and contempt. For I did not suppose, until your note now before me furnished the conclusive evidence, that you were capable of stating a wilful and deliberate falsehood."

What, sir! General Jackson, before he received my second note, did not suppose that I was capable of stating a wilful and deliberate falsehood! But, sir, what is my first letter, which did not create the indignation and contempt of General Jackson, but a wilful and deliberate falsehood, if the accusation contained against me in General Jackson's first letter be well founded? Is it possible, sir, that the man who, from the beginning of the conversation to the end, could have insisted upon his rights and duties as a judge of the United States, could have made the concessions stated in General Jackson's first letter? and, if the two statements are irreconcilable, why, after reading my first letter, did not General Jackson pour upon me the whole flood of his indignation and contempt? No; it was not until after he read my second letter that he thought me capable of stating a wilful and deliberate falsehood. Does it not then necessarily follow, sir, from General Jackson's own confession, that the facts stated in my first letter to him are true; and, if true, that the accusation against me by General Jackson must be ——? I will not, sir, out of respect to you, say what it must be. Let any honorable friend of General Jackson himself fill up the vacancy I have left.

Let us proceed: "That you have done so in your note of this evening, I do assert." I had, then, not done so in my note of the morning; otherwise, why does he not assert it likewise?

"—— as the enclosed certificates of Doctor J. C. Bronaugh (who was directed by me to pay strict attention to our conversation) and Mr. Rutledge fully prove."

If any thing was wanting to establish the spirit of personal hostility to me, with which the whole of this business was undertaken and managed by General Jackson, is there not an abundant proof of his motive afforded in the dishonorable confession he makes—he, too, acting, as he says, in the highest possible judicial capacity—that Doctor J. C. Bronaugh was directed by him to pay a strict attention to our conversation? For what purpose, sir? To state the truth impartially? Why, then, did he not give his directions to Doctor Bronaugh in my presence? Why did he not notify me, since he himself had taken one, to bring a second likewise? No, sir, I was not called upon to fight a fair duel. Assassination had been resolved on—assassination in the dark. I was to be entrapped; and an American general is the author of the foul deed. Have we, have the American people, become prematurely decrepit in the short space of a few lustres, during even the lifetime of the worthies; of many yet, thank God, of the worthies, who, by their arms in the field, or their labors in the cabinet, succeeded in erecting the stupendous fabric of our liberty, the sheet anchor of the liberties of the world—have we, I say, reached, already, the degenerate age of the Caligulas, of the Neros, of the Domitians, of the Heliogabaluses? Is the open profession of a spy—this most disgraceful of all professions—to receive amongst us the dishonorable honor of being publicly countenanced? Is any respect due to the testimony of a man who thus professes himself to be the tool of an employer, and that employer a supreme judge, and a chancellor sitting in his judicial capacity? Is our reputation, is our standing, is our liberty, to be placed at the disposal of men, who, although armed with unlimited authority, do not blush to descend to the low, mean, dirty artifices of the tyrants who, before them, have disgraced their age and country, and do not hesitate, unblushingly, to confess the disgraceful act? With that man, Doctor J. C. Bronaugh, I shall have nothing to do. I have nothing to say to him. The part which he descended to act is the best refutation of his testimony.

Yet, before I dismiss him, I cannot help observing how useless it was for General Jackson to have taken the trouble to direct that man to pay strict attention to our conversation; for the general himself seems no bad hand at recollecting. Both recollect very nearly the same thing; except, however, as to the word *importunities*, which is replaced in Doctor Bronaugh's letter by the words *urged by;* words, by the bye, of not exactly the same import, if I understand any thing of the English language. The entire conformity in the deposition of Doctor Bronaugh may, however, originate from the circumstance of his having, as he says, copied—not written, no, by no means—copied the answer of General Jackson to me; a new mode, to be sure, in our country; but (who knows?) perhaps a very good one for a witness to refresh his memory.

The next witness produced by General Jackson is Mr. Rutledge, to whose testimony, marked No. 4, I have already referred. Who can read Mr. Rutledge's letter to General Jackson, and not be struck with the hard struggle in the conscience of the honest young man? We see no such workings in the round statement of the first witness. It is true that Mr. Rutledge states "that I endeavored, by adducing the peculiar circumstances under which the writ had been issued, to offer something equivalent to an apology for the course I had pursued." Now, sir, I do believe that Mr. Rutledge has stated what he candidly believed was the truth; only Mr. Rutledge (and who in his situation might not have been similarly impressed?) makes use of the word *apology* for the word *justification*. What Mr. Rutledge alludes to, must be that part of the conversation in which General Jackson contended for the powers belonging to the Governor of an independent State; in which case, I freely confessed that if Colonel Callava had been confined by a State authority, I should have had no right to issue the writ; but that, in the present case, whether confined by the Captain General, or the Intendant, or the Governor, or, or, or, or, he still was confined by the authority of a person deriving his powers from the United States, and that, in that case, I had a right to interfere.

Mr. Rutledge further states "that I gave General Jackson distinctly to understand that I was determined not to interfere, in future, with any of the branches of his administration."

Sir, I have said so many times in answer to General Jackson, who (upon what ground God only knows, unless it be on the principle of the wolf in the well known fable of the wolf and the lamb,) has been complaining of my interfering with his authority ever since my arrival here, that I never had, never intended, and never would interfere with his authority; that, I dare say, Mr. Rutledge heard me say so again on that occasion. But, sir, Mr. Rutledge is mistaken when he adds the words *in future*, if he understands these words as having a reference to the course I had pursued in granting the writ of *habeas corpus* in the case of Colonel Callava.

And here, sir, ends the testimony triumphantly produced by General Jackson. I may be permitted here to ask, why Mr. Rutledge did not give testimony as to the other heads of accusation contained in General Jackson's letter? Mr. Rutledge states that he was present at the whole of the conversation. Strange, indeed, that he should make no mention of the "importunities of John Innerarity; of my having confessed that I had acted hastily, without due consideration, and without proper information as to the facts of the case."

Sir, although Mr. Rutledge may not boast a retentive memory; although he did not pay, at the time, a particular attention to the words I used; yet, if I had held such or similar language, it is impossible that Mr. Rutledge should not have recollected something of it. What, then, are we to think of his silence? That the language attributed to me, or any similar language, was never held by me.

It may, perhaps, be said (for what may not be said?) that Mr. Rutledge answered only such interrogatories as were put to him. But, sir, who put the interrogatories? Mr. Rutledge is not a witness for me. He is produced by General Jackson; and can it be believed that, if General Jackson had anticipated from Mr. Rutledge an answer favorable to his views, he would have abstained from putting the questions to him? No, sir. That he did not put them, is conclusive evidence that he could not expect that Mr. Rutledge would prove them; and, as far as Mr. Rutledge is silent upon those points, his testimony cannot be interpreted otherwise than as a positive denial of the charges made against me by General Jackson.

Parting respectfully from Mr. Rutledge, again, sir, I must sum up courage to follow General Jackson himself through the muddy road which he has selected; again, I beg pardon for quoting his indecorous language. But what can I do?

"That you have the hardihood to deny that, when you called by appointment at my house, I did not send for my book to the office containing the records of my commissions and instructions—" The man is mad: I never denied any such thing. "And that I did not read the whole of them to you, shows that you are regardless of truth; and in this I do pronounce that you have stated another deliberate falsehood."

It might be difficult to rebut such a charge, when attempted to be propped up by such a broad assertion. But, fortunately for me, before I could possibly anticipate any such difficulties as now exist between General Jackson and myself, and at a time, of course, when I could have no possible interest in dissembling the truth of a fact, by no means of any importance compared with the odious accusations of General Jackson, to wit: in my letter to you, sir, under the date of August the 20th—I say, that "General Jackson communicated to me such parts of his several commissions as he conceives admit of a construction entirely at variance with that which I put, both upon my commission and your letter." As to his instructions, I never thought of asking for a communication of them. Since that time no communication of the kind took place between us, until, as stated by Mr. Rutledge in his letter, in our interview on the 24th of August, in his office, he again read either part or the whole of one of his commissions. The fact, however, is comparatively of so little importance, that it is still more to be regretted that General Jackson should have indulged in such foul language on the occasion.

The last paragraph of General Jackson's letter needs not to be transcribed. I refer you to the copy of it which I enclose, marked No. 6. It requires but few comments. In that paragraph the general, for the first time, to my knowledge, speaks of his *legitimate* powers. Would to God he never had exceeded them! The whole country would not now be thrown into a state of confusion and anarchy, calculated to imprint indelible disgrace on the American name.

One or two more observations, sir, suggested by this last paragraph, and I wash my hands of all the impurities necessarily contracted by the indispensable obligation in which I was to hold any communication with General Jackson.

"Recollect," says he, "the admonitions I gave you," &c.—See his letter, No. 6. But, sir, to what purpose, I may ask, did the general give me the admonitions referred to, if it be true that I had apologized to him in the manner by him stated? Could the man who should have thus degraded himself by the humblest submission have required admonition? Sir, the uniform system of all tyrants before, whether republicans, emperors, kings, or generals, has been "*Parcere subjectis et debellare superbos.*" Who, then, is this Moloch, to be neither conquered by resistance, nor propitiated by compliance?

No, sir, the admonitions were necessary, in the opinion of General Jackson, because I could not be driven from the stand which I had taken. Had I been disposed to abandon it, sir, those admonitions would have been useless; and the best proof that I did neither act nor speak in the way in which General Jackson attempts to represent it, is, that he deemed those admonitions necessary. The truth is, sir, that, tyrant as he is, General Jackson, at the

very beginning of the conversation, before Doctor Bronaugh had joined us, had relieved me from any immediate apprehension of confinement, (if this apprehension could have had the effect of making me swerve from my duty,) by telling me that "if I had gone one step farther he would have committed me."

I appeal to Mr. Rutledge for the truth of this statement. What the general meant by saying if I had gone a step farther, I know not. I went as far as I could. He knew that I had no marshal, and that, of course, had I been so disposed, no attachment could have issued. But, be this as it may, I had the word of General Jackson that he was not, at that time, disposed to commit any outrage. To what purpose, then, could I have been induced to make concessions of a nature to disgrace me forever, when thereby I could obtain no additional certainty of relief which was not already secured by the word of General Jackson, if there be any security in the word of a tyrant? A tyrant, did I say? Sir, the word is disgraced by being coupled with that of General Jackson. The word *Jackson*, in future, shall be used instead of the word *tyrant*, whenever a correct idea shall be attempted to be conveyed of those portentous crimes, gratuitously committed, which throw in the shade the former crimes, prompted, at least, although not excused, by the passions of the Jacksons who have preceded him.

"Regardless," says General Jackson, in his last paragraph "of your boast of blood flowing," &c.

Perfectly in character, sir; what tiger, before General Jackson, was not regardless of blood flowing? and why not tiger Jackson, too?

I have emerged at last from the mire in which I was obliged to plunge in pursuit of General Jackson; and here, for the present, I must stop. I feel too much oppressed to go on, and, although uncertain whether my liberty will be spared to allow me time to finish this letter, I must rest a little from my fatigue, before I can resume the noble and erect attitude of a man walking on the plain road of honest truth, in the garb of becoming decency.

SEPTEMBER 8, 1821.

Give me leave now, sir, to recapitulate the material facts arising from the evidence which is under your eyes. I have myself no witness. My only defence is to be found in my very indictment. The only arms I have used have been forged by my enemies themselves. It is out of their own arsenal that I have been supplied with the only weapons for combatting their rage—very limited means of defence, sir, against such a powerful combination; yet, I still hope, not ineffectual. Sir, the outrage committed on the person of the former Governor had struck terror and dismay among the ancient population of Pensacola. "Is this," they said, (addressing me, when they assembled at my house early in the morning after the arrest of Colonel Callava,) "is this the liberty you promised to us? If our former Governor is thus treated, protected as he ought to be by his character and by his virtues, what are we to expect ourselves? Nothing remains for us to do but to leave a country where neither our liberty nor our property is respected, notwithstanding the solemn stipulations of a treaty."

Those, sir, are the very expressions by which both my ears and my heart were lacerated. The loudest consternation was, however, soon assuaged into a more dreadful silence still, by the fear of instant punishment. They were told that they had still a protector in me; that I had both the authority and the disposition to stop the Governor in his mad career of despotic frenzy. With what success I did it, you have seen. Under the impressions created by that state of things, in a newly acquired territory, I went to General Jackson's office, as I had before the honor of writing to you, in a spirit of conciliation. I carried with me my commission, which I showed him, and, by reference to the laws of the United States, I insisted, as above said, on the right of doing what I had done. I selected to go to his office an hour when I supposed that, not being expected, I would find him surrounded by fewer persons, and, of course, more disposed to listen to reason: for I knew it is principally when there is a crowd around him that, in order to show his superiority, General Jackson takes a particular pleasure in using the coarse, vulgar language, which is calculated, in his opinion, and in the opinion of his adherents, and of that class of spectators who, on those occasions, crowd around him, to bring into contempt the persons he addresses; and the higher the station of those persons, the coarser, of course, is the abuse. In any other part of the United States, the results from such an unbecoming course are comparatively innocuous. Things are soon there replaced upon a correct understanding. The case is vastly different here, for reasons too obvious to require a statement from me. I went, then, to General Jackson's. True, I did know, at that time, that Jackson was possessed of the infernal secret of causing the most poisonous waters to flow from the purest source.

In that character of a magician, he has exhibited against me a most atrocious charge. I think I have satisfied you that the evidence arising from his own letters entirely disproves the charge. If it cannot be said to be disproved by his first witness, (Dr. Bronaugh,) I am sure nobody can tell that the charge can receive any support from his parasite testimony. And as to Mr. Rutledge, silent with respect to the most important part of the accusation, he only gives an opinion as to what he conceives I intended to do. The very terms which he uses, "endeavored to offer something equivalent to an apology," proves that Mr. Rutledge, as I before hinted, used the word *apology* there instead of the word *justification*. A man may endeavor to justify; no endeavors are necessary to apologize.

There still remains, however, the bugbear of the declaration which General Jackson told Mr. Scott I had signed, promising in future not to interfere with his authority. Sir, on this occasion I can tell General Jackson, in the language of Shakspeare,

"Sir, spare your threats;
The bug which you would fright me with I seek."

Seek! I do seek it, indeed, sir. General Jackson said there was a document; one of his numerous secretaries said the same thing. Thousands, perhaps, have seen it. Everybody, sir, has seen it but myself; and shall I not be gratified by a sight of it? I have a right to demand it; and, if it be not produced, is there, sir, a name in the English language fit to be applied to the wretches who, despairing to conquer, have not blushed to resort to such vile arts to destroy a man who, in this whole business, can, so far as he himself is concerned, regret nothing except placing too much confidence in a man who, under his own signature, proclaims himself to be equally destitute of truth, of decency, of humanity, and of honor?

I have the honor, &c.

ELIGIUS FROMENTIN.

Hon. J. Q. ADAMS, *Secretary of State.*

No. 1.

SIR: PENSACOLA, *September* 3, 1821.

In answer to the communication from you to his excellency Andrew Jackson, he stated that he was then engaged, but would reply to it in due time.

He requested me, at the same time, to inform you that the declaration which you signed, promising in future not to interfere with his authority, he deemed an ample apology, you not having the right to issue the writ of *habeas corpus;* in doing which, you exempted yourself from that punishment which he would have inflicted on any private

individual attempting to oppose him in the exercise of his judicial functions. He further stated that your jurisdiction extended only to the revenue laws, and the laws prohibiting the importation of slaves, which you had admitted; and that, if you presumed to issue another writ of *habeas corpus*, contravening his decisions as supreme judge, he would instantly have you committed to prison; that he would not go beyond his province in the discharge of his duties, and was determined not to submit to that indecorous conduct of which you were guilty in issuing a writ in opposition to his authority, instead of aiding him in enforcing the laws.

I have the honor, &c.

ALEXANDER SCOTT, Jun.

The Hon. Eligius Fromentin.

No. 2.

Sir: Pensacola, Executive Chamber, *September* 3, 1821.

Your note, by Mr. Scott, has just been handed to me, and I am truly astonished at its contents; and, in answer, state, that when you appeared before me in the Executive Chamber, on the 24th ult., you did then and there state and acknowledge that you had acted hastily, without due consideration, and without proper information as to the facts of the case, upon the importunities of John Innerarity and some other Spanish gentlemen; and that, had you been apprized that Colonel Callava had been committed by me for contempt of my authority, you certainly would not have interfered. And you further acknowledged that you had called upon me several times, in a friendly way, to advise with me as to your jurisdiction, and that I had always told you that it was my opinion you had no other jurisdiction, except so far as the laws of the United States had, by the act of Congress, been extended over those provinces; and that, when I showed you the powers which had been granted to me by the President of the United States, you declared that there was no necessity for your being here, and that you might as well return to New Orleans; and that I replied that you had jurisdiction over the revenue, and the infraction of the laws of Congress prohibiting the importation of slaves. And you did then declare that, hereafter, you would in no way attempt to interfere with my authority.

There was likewise some conversation in relation to the powers of a judge of the United States to issue a writ of *habeas corpus* in the States, except in particular cases; and I stated to you that, if you were in the States, you would have no right to interfere in the manner which you had attempted here, and referred you to the laws of Congress.

If this was not an apology, I know not what is. I viewed it as such, and dismissed you accordingly, under the citation by which you were brought before me to show cause, &c.

I am, sir, with due respect, yours, &c.

ANDREW JACKSON, *Governor of the Floridas, &c.*

Eligius Fromentin, Esq., *Judge, &c.*

No. 3.

Executive Office, Pensacola, *August* 25, 1821.

Major General Andrew Jackson, &c., with compliments to E. Fromentin, Esq., informs him that, in looking over the memorandum of yesterday, the word " verbal" has been omitted in the same. It being expressed by you, and understood by me, that the writing issued by you, styled a writ of *habeas corpus*, in the case of the confinement of Colonel Don José Callava, for a contempt of my judicial orders and decree, was issued by you on the *verbal* application of sundry persons, without petition or affidavit in writing, that every thing may appear as it was transacted, Colonel Walton waits upon Judge Fromentin to ask him to insert in the said memorandum the word " verbal," in the proper place.

ANDREW JACKSON, *Governor of the Floridas, &c.*

E. Fromentin, Esq., *Judge of the U. S.*

No. 4.

Sir: Pensacola, *September* 3, 1821.

In compliance with your request that I would explain to you my understanding of that part of the conversation which took place between your excellency and Judge Fromentin, upon the appearance of the latter before you, agreeably to citation, on the 24th ultimo, relative to these points:

Whether Judge Fromentin did or did not say that, had he been aware of the circumstances of Colonel Callava's commitment, he would not have issued the writ of *habeas corpus* in his favor, as he had done? and whether he did or did not declare that, in the future exercise of his functions, he would carefully avoid interfering with the lawful subjects of your excellency's jurisdiction?—

I have the honor to state as follows: That I was present during the whole of the conversation, and, although neither a retentive memory nor a particular attention paid at the time to the *words* used by Judge Fromentin warrant me in referring to them, yet the impression which remains upon my mind, from the conversation above mentioned, is clearly this: that Judge Fromentin, after hearing the act of Congress, one of your excellency's commissions, and some other documents, read, endeavored, by adducing the peculiar circumstances under which the writ had been issued, to offer something equivalent to an apology for the course he had pursued, and gave your excellency distinctly to understand that he was determined not to interfere, in future, with any of the branches of your administration. I have, &c.

E. A. RUTLEDGE.

His Excellency Andrew Jackson, *Governor of the Floridas.*

No. 5.

Sir: Pensacola, *September* 3, 1821.

If your excellency has been astonished at my letter, I may assure your excellency that I have been no less so at reading your answer. I " acknowledge that I had acted hastily, without due consideration, and without proper information as to the facts of the case, upon the importunities of John Innerarity, and some other Spanish gentlemen; and that, had I been apprized that Colonel Callava had been committed by you for contempt of your authority, I certainly would not have interfered!" Never, sir, never! My blood recoils at such a statement; its last drop will flow before I subscribe to it. Give me leave to put your excellency in mind that you began the conversation, and I could scarcely find time to place a word. Nor did you hear me mention Mr. Innerarity's name, nor

any other name, until your excellency asked me who were the persons who had applied for the writ; and then I mentioned Mr. Innerarity's name, with the names of the other gentlemen who, jointly with him, had applied for it. The conversation then turned upon the *verbal* application for the writ, when Dr. Bronaugh entered, and reduced that part of it to writing. The extent of your powers was the next topic, and you read the act of Congress, and began to read one of your commissions; but neither then, nor at any time, did your excellency favor me with an entire perusal of your several commissions. On that occasion, as on every other preceding occasion, when our respective powers and duties were the subject of conversation, you insisted on my being confined to the two cases stated by your excellency; and as that had already been referred to the President, it was unnecessary for me to insist.

It is most assuredly true that I said that I never had nor ever would interfere with your authority, nor, indeed, sir, with the authority of any other man. But, sir, does it follow that I am disposed to surrender the authority vested in me? Assuredly not. Legal authority is one thing; illegal authority is another thing. Upon that we differ. A higher tribunal than yours or mine must of course pronounce.

I have the honor, &c.

ELIG. FROMENTIN.

His Excellency Governor ANDREW JACKSON.

No. 6.

SIR: PENSACOLA, *September* 3, 1821.

I have this moment received your second note of this day. The first excited my astonishment, it is true; but the second my indignation and contempt; for I did not suppose, until your note now before me furnished the conclusive evidence, that you were capable of stating a wilful and deliberate falsehood. That you have done so in your note of this evening, I do assert, as the enclosed certificates of Dr. J. C. Bronaugh (who was directed by me to pay strict attention to our conversation) and Mr. Rutledge fully prove. That you have had the hardihood to deny that, when you called by appointment at my house, I did not send for my book to the office containing the record of my commissions and instructions, and that I did not read the whole to you, shows that you are regardless of truth; and in this I do pronounce that you have stated another deliberate falsehood. I have barely to add, that I recommend to you to keep within your legal jurisdiction and powers. Whilst you do this, all your proceedings will be supported, and all my aid given that may be necessary to carry them into effect. But when you attempt to transcend them, and interfere with my legitimate powers, recollect the admonition I gave you when before me on the 24th ultimo, and attend to it; or you will be treated and punished as you may deserve, regardless of your boasts of blood flowing, &c., which pass by me as the fleeting breeze.

Here, sir, on this subject, our communication closes, as I am too much engaged to read yours.

I am, sir, &c.

ELIGIUS FROMENTIN, Esq. ANDREW JACKSON.

No. 7.

SIR: PENSACOLA, *September* 2, 1821.

Agreeably to your request, I have the honor to state that I was present when the conversation took place between Judge Fromentin and yourself, on the 24th ultimo, on the subject of his having issued a writ of *habeas corpus* in the case of Colonel Callava, and that I paid the most particular attention to every thing which occurred on that occasion; and that you have correctly stated the substance of that conversation in a letter of this date, which I copied, addressed to Judge Fromentin.

After some remarks made by you in relation to his improper and indecorous interference in a case where your authority had been attempted to be set at defiance, and that, too, by force of arms, and, while sitting in your judicial capacity, treated with contempt, Judge Fromentin did acknowledge that he had acted hastily, without due consideration, and without a proper knowledge of the facts; that he had issued the writ of *habeas corpus*, having been urged to it by a number of individuals; and, being requested to name them, mentioned Innerarity, La Rua, Brosnaham, and some others; and declared, had he been informed that you had committed Colonel Callava for contempt of your authority, while sitting in your judicial capacity, that the writ of *habeas corpus* would not have been issued; and that, for the future, he should in no way attempt to interfere with your authority or powers.

I am, sir, &c.

J. C. BRONAUGH.

His Excellency ANDREW JACKSON, *Governor of the Floridas.*

VII.

Mr. Fromentin to the Secretary of State.

SIR: PENSACOLA, *September* 8, 1821.

Owing to the departure of the mail from this place two days sooner than the regular mail day, of which I was not apprized until this evening, I am very reluctantly compelled to postpone until next week sending you the copies of the correspondence between General Jackson and myself on the subject of his most atrocious calumny. I am not certain that there has not been even forgery in this business. All I ask is a suspension of opinion until I may be heard; when I pledge myself that there shall not remain the least doubt of my being innocent of the crime of apologizing for issuing a writ of *habeas corpus.*

I have the honor to be, &c.

ELIG. FROMENTIN.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

VIII.

Judge Fromentin to the Secretary of State.

SIR: PENSACOLA, *September* 21, 1821.

My situation and the situation of the country become more and more desperate every day. When, after receiving my commission, on the very day on which the pretended county court created by General Jackson adjourned, I wrote you that things, of course, would remain *in statu quo* until I should hear further from you, I was

under the impression that the court would not sit again for three months to come, and that it would be as easy in six weeks from the time when I wrote, when I expected your answer; and supposed, too, I should have a marshal to remedy the evil already done, with the co-operation of General Jackson himself, who, I believed then, honestly mistook the nature and extent of his powers, and for whose conviction only I wanted to hear further from you, under the hope of being able then to repair the mischief with as little scandal as possible: but the evil is making every day such rapid progress, that I am seriously alarmed at the immense number of suits, both civil and criminal, which are every day tried here, *coram non judice*. The county court holds adjourned sessions every month; and the general is engaged in hearing trials himself, more or less, every day. What his views are, I cannot tell; but I feel serious anxiety when I see him from the bench, which he has usurped, pressing indiscriminately into his service truth and untruth, fair and unfair. No American (much less one who once had such a reputation) could dare to trust his fame of honesty and sense upon the publication of such a rhapsody as was delivered the other day from the bench presided by General Jackson, and published in the Floridian of the 15th instant, under the head of "important judicial decision."

I was flattered a few days ago with the hope of being able at last to make an effort to put an end to this horrid state of things. A Mr. Saltonstall called upon me to inform me that he had been appointed a deputy marshal by Mr. Forbes. But, unfortunately, upon an examination of the documents, it does not appear that Mr. Forbes has given the security required by law, or taken the oath, &c.; so that, not being qualified himself, he cannot qualify anybody else. I recommended Mr. Saltonstall immediately to write to Mr. Forbes, and urge him to comply with the requisites of the law, and send me duly authenticated copies of the whole, accompanied with a new commission for Mr. Saltonstall. When this will arrive, I know not. But, upon reflection, what will it avail the public or me, in the present state of things? I can exercise no jurisdiction. The portion of the army here is under the orders of General Jackson. The *posse comitatus* would be inefficient. If my life was the only sacrifice to be risked, the law should be obeyed. But, under our government of laws and freedom, the most revolting system of inquisition prevails; and I am compelled to desire, as preferable to what exists here now, even the despotism of Algiers, Tunis, or Morocco. This place re-echoes with the most outrageous and impious vociferations, and that, too, from a place called a bench of justice, against everybody who will dare to question the supremacy of the Governor. I am credibly informed that commissions have been, or are to be, sent to New Orleans, in order to find out, by depositions there, the name of the writer here whose description of the scenes which have taken place at Pensacola does not exactly tally with the account given by the general and his friends. I write to you with a rope round my neck. I can afford protection to nobody here, much less to myself.

I have the honor to be, &c.

ELIG. FROMENTIN.

Hon. J. Q. ADAMS, *Secretary of State.*

The attorney of the United States has not yet arrived.

IX.

Judge Fromentin to the Secretary of State.

SIR: PENSACOLA, *October* 28, 1821.

I have the honor to send you, enclosed, some strictures upon the opinion delivered by the court presided by General Jackson, on the question of jurisdiction in the case of the heirs of Vidal *vs.* Innerarity. If I had animadverted upon every thing which is objectionable, without opinion, I should have been under the obligation of writing a book. I attached myself only to a few prominent parts of such gross absurdity and perversity as necessarily imposed upon me the duty of a few observations. The rest is so very, very despicable, that it must be left to refute itself.

You will receive, at the same time, an extract from some more copious notes which I have taken to answer such contingencies as future events may possibly create. In the mean time, this extract may not be useless, as it contains some more minute details of the motives of my conduct than I had it in my power to give in the hurry in which all my letters to you giving an account of the transactions here were written, immediately after they had taken place.

The blank left in the extract I send is filled up in the original notes by a narration, in all its essential parts, similar to what is contained in my former letters, and which I deem unnecessary to repeat here.

Allow me, in conclusion, to declare that, had I to go the same ground over again, I would again do what I have done. More than two months' reflections have confirmed me in the correctness of the course I pursued. I am desirous of the approbation of my country; but I am more desirous of the approbation of my conscience; and, turn things as they may, I have secured that approbation.

I have heard yet neither from the marshal nor from the attorney of the United States.

I have the honor to be, &c.

ELIGIUS FROMENTIN.

The Hon. J. Q. ADAMS, *Secretary of State.*

[EXTRACT.]

There is to be observed in the conduct of every man a motive of action, which may be called radical, and which, when correctly ascertained, gives to an accurate observer the key of actions apparently not to be accounted for by any known rules. This is strongly exemplified in the conduct of General Jackson. From the moment he was appointed Governor of the Floridas, he seems to have been entirely overpowered by the madly gratifying belief that he was to be then omnipotent. And, indeed, to hear him speak, and to test his speeches by his deeds, one would be apt to think that this omnipotency was the *sine qua non* condition of his condescending to accept of the office. Mr. Brackenridge told me, himself, that the general was raving when he first saw the list of appointments which had been made for both the Floridas. His resentment knew no bounds, and the gratification at his own appointment was lost for a while in the mortification he experienced at the non-appointment by the President of the characters he had recommended for the several offices in these provinces. He accordingly lost no time in taking such steps as could enable him, when the opportunity should offer, and when necessity, in his opinion, should require it, to secure to himself that absolute despotic authority for which he panted, entirely regardless of that portion of authority vested by the President in the officers who were, jointly with him, to administer, in its several branches, the Government under his direction. His advisers on the occasion, he himself told me, were H. M. Brackenridge and Abner L. Duncan, esquires—Abner L. Duncan, the friend and adviser of all the tyrants, be they who they may. The notorious Abner L. Duncan, who, in New Orleans, in 1807, advised General Wilkinson to a perjury, was pre-eminently entitled to become, in 1821, the adviser of the unconstitutional, iniquitous, and tyrannical measures but too faithfully pursued since by General Jackson. * * * *

The 22d day of August arrived. On that day I had been informed that the county court created by General Jackson was to meet again on the 1st of September, and, anticipating the fatal consequences necessarily to follow from the suits which were to be tried before that pretended tribunal, without any legal jurisdiction, not only for the parties themselves, but even for the judges and other officers of the court, and for the general himself, (all answerable to the parties in damages,) I had determined on that day again to call on General Jackson, once more to endeavor to open his eyes to the impropriety of the course which he had adopted, and which he seemed determined to pursue. The prevention, by all possible means in my power, of a continuance of usurpation pregnant with so many irremediable evils, scarcely left room in my mind for any other idea. Unable to administer justice myself, both because my jurisdiction was not acknowledged, and because the necessary officers of my court, through whom I might have attempted to enforce my jurisdiction, had not arrived, I thought it my most imperative duty, imposed by my commission, to neglect nothing at least that could put a stop to the scandalous and calamitous usurpation of my jurisdiction. The events of that day prevented my visiting General Jackson. I retired early to my house. In the night Colonel Callava is arrested: the next day I issue a writ of *habeas corpus* upon the application of some of his friends: the general refuses to permit it to be obeyed. All at once the volcano, where the jarring elements of an overwhelming destruction had been for some time working in silence, makes its eruption: the general sends me his celebrated order of the 23d of August: the constitution of the United States, the laws of Congress, the commissions of the President, are all trampled under foot. The revolution is complete; and the Jacksonian* Commonwealth, which till that time had tried to worm itself into a sort of a miserable hanging life on the walls of our town, is actually spewed into existence.

General Jackson has now crossed the Rubicon. The country was invaded—conquered. Whether the usurper be a foreigner or an officer of the commonwealth, does not alter the question, except so far only that, in the present instance, it makes the usurper more guilty. The flag of the United States, still permitted to wave here, and the uniform of the United States, still worn by the soldiers of the garrison under the orders of General Jackson, only add the crime of profanation to the crime of usurpation of the tyrant. But, although exercised in the name of the United States, still usurpation, still oppression, still tyranny, still terror, still Jacksonism, rule uncontrolled and uncontrollable over this ill-fated land.

Such were the circumstances in which I found myself placed when I was summoned, *in the name of the law*, to appear before General Jackson. And what law? And by what judges, and under what auspices, was the application of that law to be made? I confess it, I have no courage against the hangman. I knew that resistance was vain, and that it would be construed as rebellion, and perhaps treason. I was still haunted by the hope that, possibly, I might, by going, find an opportunity of exhibiting before his eyes, in glowing colors, the calamities likely to result to the people of this country, whom I still supposed he could not wish gratuitously to oppress, from the assumed jurisdiction of the county court created by him. This hope I must give up if I should absolutely refuse to go, and should suffer myself to be dragged there by force—the only alternative I had left; and yet, under the peculiar situation in which I was placed, the performance of that duty was almost the only thing for me to do, not to prove myself undeserving of the high office to which I had been appointed, not for the furtherance of my own views of self-dignity and importance, but for the good of the people, in the best possible way in which I could promote it; and if there was an occasion when the promotion of that good called for an abrogation of self, and for the severe and difficult obligation of fulfilling a hard duty, notwithstanding the obloquy which its performance might subject me to, this indubitably was the occasion. Better, however, be, than appear to be right. In order, then, to try to accomplish my object, I endeavored to steer a middle course. I did not go, in compliance with the order of General Jackson, on the day or on the hour appointed by him, sure as I was that I could obtain nothing from him when surrounded by a crowd. But the next day I determined to go at a time when, not being expected, I hoped I might find him alone. Vain hope! I ought to have recollected that the shark is never to be met with unaccompanied by its pilots.

But is it true that, correct as my motives and right as my conduct may be, still it wears the appearance of weakness? What! the man who issued the writ of *habeas corpus* in the case of Colonel Callava is a weak man! The man who entered the den of the ferocious Jackson with a determination, and who, in this most unequal conflict, did maintain all his rights, is a weak man! The man who, being informed, after more than a week, of the calumnies circulated against him by the minions of Jackson, applies to him for a prompt denial of the charges, is a weak man! The man who, struggling alone against a most unrelenting despotism for more than two months, has borne with becoming equanimity the (to him) honorable neglect of the men in office in Pensacola, from the highest to the lowest, each of whom, in the days of Jacksonian terrorism, strove to manifest his guilty zeal by becoming the willing executors (my ignorance had nearly betrayed me in writing the willing executioners) of the arbitrary will of their master, is a weak man! The man who, without the assistance of any of the officers of his court, in a small town where there could exist not even the protection of a public opinion; where none were to be seen but oppressors and oppressed; whose silent and impotent pity was the only comfort to be expected; and that town, too, at such a distance from the seat of Government, that, the possibility of preventing evil being entirely out of the question, he was left with no other but the desperate resource that possibly those evils might be revenged—the man, I say, who, thus situated, notwithstanding he is informed of the steps daily taken by the tyrant, by illegally, and I might say inquisitorially, screwing witnesses to find a pretence to accuse and destroy him, still remains at the post assigned to him by his commission, unprotected but by his courage and the strength he derives from a steady adherence to what he deems his duty—that man is a weak man! Well, be it so; my opponents are welcome to the reputation of courage, most nobly manifested in their unanimous support of the many acts of oppression and tyranny of their apostle, in the sacrifice they have made of their own sense of right and wrong, of their understanding, of their probity, of their virtue, of their independence, and, as far as their influence could go, (not far, thank God!) of the independence of their country, at the shrine of their idol. Each and all of these sacrifices required, indeed, a courage which I did not possess. Most noble, thrice noble, high-minded republicans; brave, generous, undaunted freemen; who have had the courage (a rare courage in America, I hope,) of dancing by the sound of the music of their chains; of ringing a whole night those chains in the ears of their master—a sweet music in the ears of a tyrant; of offering up libation after libation in honor of their deity.

Indignation recoils with horror at such prostitution. Thus, after Nero had assassinated his mother, he was called the savior of Rome; the brave of the day ran to kiss his parricidal hand, and all the people flocked to their temples to return thanks to their gods.

I am not unwilling to admit that, in the number of persons who joined in the dinner intended as a homage to General Jackson, there are some who enjoy, and probably deservedly, a reputation of honesty. Still it is beyond my weak understanding to comprehend that (to make use of the most indulgent expressions) indifference for injustice is not bordering upon cowardice and treason; still I cannot believe that it is not the duty of every honest

*Since the taking possession of Pensacola, all the play-bills were headed Jacksonian Commonwealth. I send one enclosed.

American to oppose and resist oppression, to execrate and unmask tyranny; and I never can be made to subscribe to the suicidal doctrine of an unhallowed alliance between allegiance and usurpation, any more than to the country-cidal right claimed by some, of remaining neutral between them.

Be it recollected that this man, still reeking with the blood of his victims, had snatched from me the sword of the law—the last outrage of despotism; putting on the garb of justice the better to disguise its tyranny. It is an abuse of words to contend that by going to his office under those circumstances I recognised his jurisdiction over me. As well might it be said that travellers yielding to superior force recognise the legality of the authority of the highway robbers by whom they have been plundered. This is not the case of a man abusing a power legal in itself for the purpose of committing an illegal act in a Government in other respects regular. This is the case of an entire subversion of the government prescribed by the Congress of the United States for these provinces. This is the usurpation of a man who recognises no authority but his own; and this authority has no limits but such as his rage, sometimes perhaps weary, but never satiated, prescribes to him.

What military chief, what executive officer, before General Jackson, ever dared to refuse to acknowledge the authority of the judges, whose mandate they sometimes have refused to obey? What military chief, before General Jackson, ever dared to assume the authority of those very judges, and to claim the right of judging his judge? The abuses of which those military chiefs, in a well-regulated community, could make themselves guilty, had limits, the extent of which might be calculated beforehand. But who will be bold enough to assign limits to the crimes of which General Jackson may render himself guilty?

Whenever a military chief acted the tyrant in the United States anterior to the tyranny exercised here by General Jackson, there existed an independent population, which secured an independent jury. But here, under General Jackson, there are independent judges! *There* was a bar, the greater number of the members of which, if not all, were independent. But *here!*—

This mention of the bar leads me naturally to a single reflection upon the conduct pursued here, with respect to me, by persons calling themselves (by what right I know not) members of the bar of Pensacola. Who they are, with the exception of one only, with whom I have been long acquainted, I know not. One of them, named H. Bigelow, the man who, I am informed, wrote and caused to be signed the petition to the President, has lately become one of a band of strolling players, and has left the country. What that man is, can easily be ascertained by that fact alone. What the others are, (not to travel out of the record,) is, I think, abundantly made out by their own conduct towards me; and I might say towards themselves, if they have any self-respect. Strange as it may appear, it is nevertheless true, that those men, (I speak of those who signed the petition,) one and all, have acknowledged and maintained the authority of General Jackson in these provinces as the supreme judge of the land; that they have argued causes before him, and before the court created by him; that the most absurd pretensions, the most extravagant doctrines, by which they conceived the supremacy of their patron could be supported, have been zealously maintained by them; that they, one and all, condemned me for issuing the writ of *habeas corpus* in the case of Colonel Callava. Supposing, then, that they were determined upon lodging a complaint against me, one would have believed that they should have denounced me for issuing the writ. Not at all. General Jackson takes that part of the business upon himself. His faithful auxiliaries, persuaded that it is better to have two strings to their bow, imagine another crime, and, apprehensive lest I may not be crushed by the accusation of usurpation, regardless of the reproach of disgraceful inconsistency to which they make themselves liable, they wheel about and admit, but only to answer their nefarious intentions, (ready, after accomplishing their guilty purpose, to return to their former idolatry,) that the judicial authority was actually vested in me, in order to accuse me of having acknowledged, as they say, that I had no right to issue the writ in question. What predominates in such conduct, whether knavery or stupidity, I am at a loss to determine.

Some strictures on a document published in the Floridian, at Pensacola, on the 15th of September, 1821, *under the head of "important judicial decision."*

The pretended important judicial decision which is the subject of the following strictures, having been delivered from the bench by a pretended court, of which General Jackson was president, I have inserted every where the name of General Jackson instead of the word "court."

I pass by unnoticed the long introduction, and what is given as the argument of counsel, in order to come at once to the reasoning of General Jackson.

He first refers to an act of Congress entitled "An act to carry into effect the treaty between the United States and Spain," which says "that all the military, civil, and judicial powers *exercised* by the officers of the *existing* Government shall be vested in such *person and persons*, and shall be exercised in such manner, as the President of the United States shall direct;" and he logically concludes, from the words of the act, "vested in *such person and persons*," that, of course, all the military, civil, and judicial powers are vested in *one* person. In support of this position he reads one of his commissions, in perfect conformity with the law. According to the words of that commission, the powers and authority given are to be exercised "under such circumstances as have been, or may hereafter be, prescribed to him by the instructions of the President, and by law." What the instructions of the President were, I, of course, do not know; but that those instructions tally perfectly with the law, I do not doubt; and what the law is, we have already seen. The whole of the powers cannot be accumulated on the same head. They are to be divided; they are to be vested in such *person* and *persons*, &c.

Now, to what powers and authority do the law and the commission given by the President refer? No doubt to those in existence at the time the law was passed, on the 3d March, 1821. And what were the powers and authority *exercised* by the officers of the *existing* Government of the Floridas on the 3d March, 1821, and likewise at the time of delivery of the country to the United States? Undoubtedly, the powers and authority arising under the laws originating in the Spanish constitution. "There is no stipulation in the treaty," says General Jackson, "that the sovereignty of Spain over the Floridas should continue in force one moment after the signing of the treaty, and certainly not after the time limited by it for its ratification. In morals and good faith, the sovereignty was from that time in the United States *de jure*, and Spain had only the government *de facto*."

What the general means here, I confess I do not very clearly understand. Does he mean to say that, from the 22d day of February, 1819, to the 17th day of July, 1821, when West Florida was taken possession of by the United States, no law made by the proper authority in Spain for the government of the Floridas could be enforced in the Floridas? This is quite a new doctrine; and if any thing can be more surprising still than the doctrine itself, it is the manner in which it is attempted to be supported. Granting, for the sake of argument, that the sovereignty, from the time of signing the treaty, was *de jure* in the United States, and that Spain had only the government *de facto*: is General Jackson now to learn that the authority which exercises the government *de facto* has a right to enact and to enforce laws for the country over which it exercises that government *de facto*? The United States claim the sovereignty in virtue of a treaty, not only signed, but duly ratified, over all that portion of West Florida

west of the Perdido, from 1803 till 1813. Was it ever contended that the Spanish laws enacted during that long period, which were applicable to that portion of West Florida, ought not to have obtained in that country, as long as that country remained under the government of Spain *de facto*, notwithstanding the government *de jure* had been for ten years vested in the United States?

"The act of Congress to carry into effect the treaty," says General Jackson, "has relation back to that time, as is fully expressed in the ratification not only of Spain but the United States; and the United States are only bound to maintain the inhabitants of the ceded country in the enjoyment of their liberty, property, and religion."

How the act of Congress has relation back to the time of signing the treaty, except by referring to the date at which it was signed for an identification of the instrument, I know not. The King of Spain, in the ratification made by him, more than fourteen months after it ought to have been ratified according to the 16th article of the treaty, was obliged to state, as he does, that "the present ratification should be as valid and firm, and produce the same effects, as if it had been done within the determined period." But what were the effects here alluded to to be produced? Indubitably, the cession of the country to the United States, under the clauses and conditions originally stipulated in the treaty.

But does the general mean that this late ratification must now have the effect of preventing the introduction in the Floridas of any law enacted by Spain posterior to the time when the treaty ought to have been ratified by Spain, after those laws had been actually introduced in the Floridas? Or does he mean that it must have the effect of having possession delivered to the United States on the 22d of August, 1819, although actual possession was not delivered until the 17th of July, 1821? This last position is more glaringly absurd, but not more so in reality, than the first. The general may make his choice. But, if his sentence has any meaning at all, I cannot guess at any other it can have.

General Jackson goes next into a long history to prove that the constitution of Spain is not in force in this country. If the general means that the Spanish constitution, as a political rule of government, is not now in force in this country, nobody will pretend to advance any thing to the contrary; but if he means to assert that the laws introduced under the Spanish constitution, as long as the Floridas remained under the government of Spain, were not introduced in the Floridas, no person in his senses can give assent to such a proposition. Everybody in the United States knows that, after the expiration of the time within which the treaty was to have been ratified, to wit, after the 22d day of August, 1819, no alteration whatever could have been made by the Spanish Government in the constitution and laws of the two Floridas. Did not the right of Spain to legislate again for those two provinces revive after the 22d day of August, 1819, when the treaty ceased in fact to have any existence at all, no matter by whose act this non-existence was produced? Can it be contended that, when there was no longer any obligation on the part of the United States to receive the Floridas on the conditions stipulated in a treaty which had ceased to be binding upon them, the two Floridas were to remain without any Government at all? or with a Government entirely at variance with the form of government devised by the Cortes for the Spanish empire, of which the Floridas were a part? General Jackson acknowledges that the treaty was ratified by Ferdinand VII. by the consent and authority of the General Cortes of the nation, requisite but for that clause of the Spanish constitution which prohibits the King of Spain, without the consent of the Cortes, from alienating, transferring, or exchanging any province, city, town, village, or indeed any portion whatever, be it ever so small, of the Spanish territory. And am I to be told that when the Cortes agreed to the alienation of the two provinces of Florida by the King of Spain, in favor of the United States, the constitution, in virtue of which the alienation took place, was not in force in the ceded territories, which had uniformly acknowledged and submitted to the several forms of government of Spain during the long protracted conflict for authority in that distracted kingdom? Am I to be told that the Cortes stipulated that the inhabitants of Florida, in order to make them more acceptable to the United States, should, previous to the cession of the country, be politically emasculated, that they should be disfranchised of all the rights which had been secured to them by the Spanish constitution, and delivered over to the United States, bound hand and foot, loaded with chains and fetters? Am I to be told that the United States themselves, in giving their agreement to the cession to themselves of the country, under the clause that the ratification on the part of Spain "should be as valid and firm, and produce the same effects, as if it had been done within the determined period," exulted in the triumphant idea that, although the people of the Floridas had been emancipated in the intermediate time, still they might receive and treat them as slaves; that they insisted, as an indispensable preparation for the admission of the Floridians into the grand family of American freemen, that they should first reassume the disgraceful badges of the slavery which they had thrown off? Such an idea could not germinate but in the head of a Jackson—I should have said in the heart, if a Jackson had a heart.

But General Jackson does not confine himself to reasoning on the subject. He likewise states facts in support of his opinion. Hear him.

"The constitution of the Cortes," says General Jackson, "was only promulgated in the island of Cuba some time in the month of January, 1821, about three months after Spain had parted with the sovereignty of the Floridas; and if it was ever promulgated in these provinces, it must have been after that time, and long since Ferdinand VII., in ratifying the treaty by the consent and authority of the General Cortes of the nation, had parted with the sovereignty."

A bold assertion this, indeed! and which I should not have expected even from General Jackson! It is the first, I am sure, and I hope it will be the last time, when an American judge, whether *de jure* or *de facto*, shall have stated from the bench facts positively the reverse of truth, and the falsity of which was known to him. For myself, I had repeatedly put him in mind of the time at which the Spanish constitution was sworn to, both in Havana and in Pensacola. What! in the hearing of the American people, an American judge dare to assert from the bench that it was only in the month of January, 1821, that the constitution of the Cortes was promulgated in the island of Cuba, when, by a reference to all the public papers of the day in the United States, it will be found that it was promulgated in the Havana on the 16th of April, 1820? The same constitution was duly promulgated and sworn to in Pensacola, in the midst of rejoicings and illuminations, which lasted from the 26th to the 29th of May, 1820. I have in my possession the proclamation of the Spanish constitution in the Havana, and an official copy of the oath administered here in Pensacola, to Governor Callava, on the 26th of May, 1820, when the Spanish constitution was promulgated here. Hundreds were ready to give testimony on these facts at the trial in which this opinion was delivered, but every application to introduce testimony on that subject was overruled; and in the hearing of thousands in Pensacola, who witnessed the celebration of that event on the days above stated, an American judge dares to assert from the bench, that, if the Spanish constitution was ever promulgated in Pensacola, it must have been after the month of January, 1821. Expressions are wanting to characterize such proceedings. Let us throw a veil over them. But what veil, of sufficiently impenetrable materials, can completely conceal from the public eye the turpitude of the unwarrantable assertion? And if it be not completely concealed, what mountain sufficiently high will the perpetrator of the unheard-of deed call upon to fall upon him, to hide him, to cover him, to protect him from the indignant wrath of the offended majesty of the American people?

Shocking, however, as the above is, still I wish the evidence against the usurper could stop here. But what are we to think, what are we to say, when, in addition to the above, notwithstanding the many attempts at reasoning the Spanish laws under the constitution out of existence in the Floridas; notwithstanding the positive assertion that the laws under the Spanish constitution are not in force here, we find that General Jackson himself has acknowledged that those very laws were in force here, and has made appointments to offices created by that very constitution? Under what authority but under the authority derived from the Spanish constitution has General Jackson appointed in Pensacola a mayor and aldermen? Under what authority but under the authority derived from the Spanish constitution has General Jackson an alcalde, and that alcalde, too, (Mr. Brackenridge,) the very champion who, in support of General Jackson's doctrine, contends that the Spanish constitution was never promulgated until Spain had parted with the sovereignty of the country? By referring to the date of the commissions of his predecessors in that office, Mr. Brackenridge might have ascertained very easily when the old form of government, and when the Spanish constitution in Pensacola, ceased. The (till now) pure white mantle of justice would shine still in all its lustre. It would not be, as it now is, sullied by a stain—and what a stain!

The last argument of General Jackson squares admirably with all that precedes. He grants that the President has appointed a judge for West Florida; but, says he, the judge is expressly required, by instructions contained in his commission, to consider himself as governed by the laws of the United States. Wonderful discovery, indeed! And what judge of the United States (except, however, General Jackson, who is to be governed by no law,) is not governed by the laws of the United States? Is not the act of Congress to carry into effect the treaty between the United States and Spain, under which the judge is appointed, a law of the United States? and, under that law, is not the judge of the United States for West Florida vested with a jurisdiction extending to all civil and criminal matters arising under the general provisions of that law, as well as with the jurisdiction specially given in the same act, in all cases of revenue and of importation of people of color?

The judge (says again the general) must show the instructions he may have from the President of the United States. The judge is not bound to show any instructions. The instructions of a judge are to be looked for in his commission. But, in the present case, General Jackson has not even the miserable resource of screening himself behind this feeble intrenchment. The judge showed to General Jackson the letter which he received from the Secretary of State at the same time with his commission; and what follows is an extract from that letter:

"It will be necessary for you to repair with all convenient despatch to Pensacola, to enter upon the duties of the office, there being reason to believe that the Spanish authorities will have delivered over the actual possession of both the Floridas to General Jackson before this commission reaches you; and, towards the *organization of the temporary government under his direction, it may be important that the judiciary department should be put into operation immediately.*"

Could any instructions connected with the commission of a judge be more positive, if a settled plan of usurpation had not previously been fixed upon? Here I stop; yet, before I part with General Jackson, let me heave a sigh—a heavy sigh. *Quantum mutatus ab illo!*

X.

Copy of a letter from the Secretary of State to Eligius Fromentin, dated

SIR: DEPARTMENT OF STATE, WASHINGTON, *October* 26, 1821.

I have had the honor of receiving your letters of the 20th, 26th, and 28th August, 6th, 8th, and 21st September, with their respective enclosures; all which have been submitted to the President of the United States.

I am directed by him to inform you that the laws of the United States relative to the revenue and its collection, and those relating to the slave trade, having been the only ones extended by act of Congress to the territories of Florida, it was to the execution only of them that your commission as judge of the United States was considered and intended to apply. The President thought the authority of Congress alone competent to extend other laws of the United States to the newly acquired territories; nor could he give to the judge a jurisdiction which could only be conferred by them. There being an essential difference between the nature of the powers heretofore exercised by the Spanish authorities in those provinces, which were continued in force by the act of the 3d of March last until the end of the next session of Congress, unless a temporary government should be sooner established over them, and of the laws of the United States, which were extended to those provinces by that law, the President considered it his duty to intrust the execution of each branch to officers specially appointed for the purpose. In the execution of those laws, in your judicial capacity, the Governor has been informed that you are considered amenable only to the Government of the United States.

In the different view which you have taken of the subject, he is persuaded that your motives and intentions were entirely pure, though he deeply regrets the collision of authority and misunderstanding which has arisen between the Governor of the Territory and you.

I have the honor to be, very respectfully, sir, your humble and obedient servant,

JOHN QUINCY ADAMS.

No. XI.

Judge Fromentin to the Secretary of State.

SIR: PENSACOLA, *November* 22, 1821.

Notwithstanding all my exertions, I could not obtain, until it was too late to have it forwarded by the last mail, a complete copy of the proceedings had in the case of the heirs of Vidal *vs.* Innerarity. I now send them, (24 numbers.)

Upon further reflection, I concluded that it was more proper for me to abstain from all observations on the subject; and I have, accordingly, confined myself to giving you a short, concise abstract from the Spanish records, to enable you to understand the case.

I will only add, how unaccountable it appears to me that the statement of the auditors appointed by General Jackson should be said to be unanimous, when that statement is accompanied by a protest signed by one of them; and how much more surprising still it is, that the judgment of the court themselves should be predicated upon the unanimous opinion of the auditors, in the very teeth of that protest; and more so, still, in the very face of the objections, whether right or wrong, made by Innerarity to the report of the auditors, and bottomed upon the disagreement of one of them; which said objections were overruled by the court.

I have deemed it unnecessary to have the proceedings copied, which have been published in nearly all the newspapers. I have the honor to be, &c.

ELIG. FROMENTIN.

Hon. J. Q. ADAMS, *Secretary of State.*

No 1.

DECREE.—*Let it be done as the Auditor thinks proper.*

AUDITOR'S OPINION.

Considering the character of a deposite in which this party (Innerarity) has the sum belonging to this meeting, and his not being able to claim any more than falls to his share, even were his objections to the account which has been drawn up entitled to weight, as also his inability to retain in his possession, under the motive he has stated, any other sum exceeding his credit: It is my opinion that you can grant him a month's time for the prolix and fruitless examination which he proposes; but on the previous condition that he makes a delivery of the two thousand six hundred and forty-five dollars and two bits, destined for the distribution amongst the other creditors, because he still remains in possession of the part which belongs to him, and because the tribunal has no legal authority to allow him, against the will of those, (the other creditors,) to continue in the enjoyment of a sum which can, by no title whatsoever, belong to him; much less when it is claimed by the rightful owners, and when he still retains it without having accounted for the proceeds of the effects remaining in New Orleans, the sale of which was intrusted to him by this same tribunal more than three years ago.

You will have the goodness to determine upon all this matter in the manner you think most regular.

CARLOS HERNANDEZ.

PENSACOLA, *November* 20, 1810.

Seeing that Mr. John Innerarity has not complied with the delivery which has been ordered from him, let the present be made known to him for his compliance; or, in defect thereof, let the present be brought back, that the proper order may be taken.

HERNANDEZ.

COLLET.

Passed November 26, 1810.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 2.

SIR: PENSACOLA, *June* 30, 1820.

In these proceedings, the forms of procedure in all testamentary judgments have not been followed, nor has the still more necessary step of having a meeting of the creditors been taken; but, by making a confused mixture of the one and the other, a perfect labyrinth has been formed of the testamentary acts of the late Mr. Nicolas Maria Vidal, late auditor of war of this province, and assessor general of this Government, which may result from the malice of some individuals, and, also, in a great measure, from the parties interested not having had any lawyer to direct them.

An inventory was not made, as soon as said auditor died, of all his goods, with the formality which ought to have been practised; both because his instituted heirs were minors, and also because a part of his creditors were absent. All the moveable effects and slaves that remained amongst the property of said deceased, being once sold by the executor, who was Cristoval de Armas, it was determined, by the decree passed on the 27th of August of the past year, (1806,) that a meeting should take place in the study of the assessor of the intendency, for the purpose of taking such steps as justice might direct with regard to the recognizance, legitimacy, and graduation of their respective credits, and on the other points on which this decree turns. But neither did such a meeting of the creditors take effect, nor was any other point discussed, at that time, than the alienation of the sixteen thousand arpents of land, situated at Baton Rouge, and that of the furniture, moveables, and other effects which Mr. Vidal, deceased, had in New Orleans, contained in twenty-seven boxes, which he had deposited in the convent of the Ursuline nuns in that city.

This proceeding was followed by sundry incidents, more or less legal, and more or less important to the estate, of which there is no occasion to make any mention for the present.

At this very time, when Cristoval de Armas had not relinquished his charge of executorship, he was ordered, by a decree of the 18th of September, 1806, and its concordat of the 20th of the same month and year, to deliver into the office of the Secretary of State the proceeds of the sales which he had made; which he did, accordingly, to the amount of four thousand one hundred and sixty-six dollars, in cash, as appears from the proceeding entered on leaf 78 of the third piece of this transaction; as, also, of one thousand six hundred and sixty-five dollars ninety-four cents, (6½ reals,) as an *abonare* of Mr. John Forbes & Co., the amount of various effects adjudged at the auction of the property of the late Mr. Vidal, aggregated at leaf 65; adding, that there remained in favor of the estate the debts of Mr. John Anthony Doneau and Mr. José Maria de Peña, by reason of the same adjudication.

At the instance of said Forbes it was determined, by the decree of the 7th of March, and its concordat of the 11th of the same month, in the year 1807, that the money belonging to this estate, which was found deposited in the treasury, should be transferred to the orders of the house of Forbes & Co. in the same quality of deposite, (Forbes's receipt $3,066 62½, as appears from the record above referred to.)

He was likewise authorized, by a decree of the 11th of September, in the year 1819, extending to leaf 128 of the above-recited third piece of these proceedings, to receive from Savino Perrin the amount of the adjudication of the sixteen thousand arpents of land, sold to him at vendue for the sum of four thousand one hundred and twenty-nine dollars eighty-seven cents, (six reals.)

Now, the heirs of Mr. Vidal establish, in their petition foregoing, the plea of nullity of the sale of the sixteen thousand arpents of land; and, on the other hand, pray that the house of Forbes & Co. render an account, within a peremptory term, of the sums which it has received of the credits which remained in favor of this estate at Madrid, and in the province of Antioch; as likewise of the proceeds of the furniture, moveables, and effects sold at New Orleans.

To avoid confounding and perplexing this transaction any more, I am of opinion that two separate suits be formed: one, on the nullity claimed by the heirs of the late Mr. Vidal; and the other, for the production, by the house of Forbes & Co., of the accounts, supported by documents, which is solicited on the part of the heirs.

The first ought to consist of the foregoing instance, and of the decision and decree which may be passed; of the documents contained between leaf 100 and 121 of the third piece of the testamentary proceedings, the comments of which were extracted for this purpose, except the taxation of costs found on leaf 111, being thus marked by the

assistant witnesses; of the testimony of the acts of the meeting, leaf 58 and 94, the proceeds of leaf 20 and of leaf 99, as well as of the instance of leaf 128; the decree following, and proceeding of the leaf 133 and of 153 of the above-recited third piece of this meeting or testament.

Before a resolution and provision is passed in justice, on the nullity of the sale of the sixteen thousand arpents of land adjudged at Baton Rouge, it will be proper to hear the party that ordered their sale, which was Messrs. John Forbes & Co., which company is at the present moment represented by Mr. Innerarity; and, therefore, it is my opinion that, the suit being once commenced, the latter gentleman be informed of the foregoing instance, made in the name of the heirs. As to what regards the account requested by the latter of Mr. John Innerarity, and which he was ordered to produce by the two acts, on the 9th March and 20th November, of the year 1810 past, without their ever having been carried into execution, I am of opinion that he be notified to produce, within the necessary and unproroguable term of ten days, the exact account, supported by documents, which is claimed of him, being warned previously of the consequences which, on the part of justice, will result in case of his failure to comply.

It is also my opinion that, until the legitimacy of the respective credits of the creditors, (who have presented accounts against the estate by mere private papers, which, in themselves, have no value in law,) be ascertained, he be likewise notified to deposite, within five days, in the national coffers, the sums above mentioned, placed to his orders in the character of a deposite, and the one thousand six hundred and sixty-five dollars ninety-four cents (6½ reals) of the *abonare* of leaf 65; and that, in the mean time, a proper suit be opened on the case, to begin with the testimony of the two *otro si*'s of the foregoing instance, and of this opinion, and the decree that may ensue.

NICOLAS SANTOS SUARES.

To His Excellency the GOVERNOR.

PENSACOLA, *July* 1, 1820.

I acquiesce in the opinion foregoing, and be it fulfilled in all its parts.

JOSE CALLAVA.

DOMINGO SOUSA.
JOSE CARO.

We this day, 3d July of the present year, notified Mr. Severino Palao, and his wife, of the foregoing decree; in proof of which notification, witness their signatures below, with our attestations.

SEVERINO PALAO,
MERCED. VIDAL.

DOMINGO SOUSA.
JOSE CARO.

On the same day we notified likewise Mr. John Innerarity; as an evidence of which he affixed his signature, which we attest.

DOMINGO SOUSA,
JOSE CARO.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 3.

To His Excellency Major General Andrew Jackson, exercising the powers of the Captain General and of the Intendant of the island of Cuba, and of the Governors of the provinces of the Floridas, respectively.

The petition of Mercedes Vidal Palao, lawful wife of Severino Palao, for herself, and in behalf of other heirs of Nicolas Maria Vidal, deceased, respectfully represents: That, by the annexed decrees of Don José Callava, late Governor of this province, a certain John Innerarity, of the house of John Forbes & Co., and which he represents, was ordered, within five days from the 1st of July, 1820, to place in the national treasury the sum of $4,163, in money, being a deposite placed in the hands of the said John Innerarity, and appertaining to the estate of the said Vidal; and it was also further decreed, that the additional sum of $1,665, the property of the said estate, and in the hands of the said Innerarity, should be deposited as above specified; and it was at the same time further decreed, that the said Innerarity should, in ten days from the said 1st day of July, produce an exact and documented account of certain goods belonging to the estate of the said Vidal, sold by the said Innerarity in the city of New Orleans.

Your petitioner further states, that, by another decree of the late Governor Callava, bearing date the 10th of July, 1820, the property of the said Innerarity, real and personal, was placed under an interdict, until the execution of the foregoing decrees.

But, notwithstanding the positive and imperious nature of the decrees above specified, the said Innerarity neither paid into the public treasury the amount above mentioned, nor has he exhibited an account of the sales of the property at New Orleans.

Your petitioner having reason to believe that the said Innerarity is about to withdraw his person and effects from the jurisdiction of this court, without answering the demands against him, she therefore prays that your excellency may cause the said Innerarity to appear before you, and show cause (if any he has) why the decrees of the late Governor, hereunto annexed, should not be carried into execution. And your petitioner further prays that the said Innerarity be held to give security for the faithful compliance with the decision of your excellency, or that of such tribunal as this case may be referred to.

And your petitioner will ever pray, &c.

MERCED. VIDAL.

WEST FLORIDA, PENSACOLA, EXECUTIVE OFFICE, *August* 28, 1821.

According to the prayer of the foregoing petition, let John Innerarity be cited to appear before me, at eleven o'clock to-morrow morning, to show cause (if any he has) why the decrees recited in the said petition should not be put in force against him.

ANDREW JACKSON, *Governor of the Floridas, &c.*

To J. C. CRAIG, Esq.
Alguazil Mayor, or Sheriff, for the city of Pensacola and county of Escambia, to execute and return the same.

AUGUST 28, 1821.

Executed, by citing John Innerarity, and leaving a copy of the foregoing petition and citation.

J. C. CRAIG, *Alg. Mayor and Sheriff.*

EXECUTIVE CHAMBER, PENSACOLA, *November* 19, 1821.

The defendant in this cause having requested me to designate, in my certificate, the different handwritings in which it appears, I do hereby certify that the original petition in this cause appears to be in the handwriting of R. K. Call, one of the counsel for the plaintiff; and the order, in the handwriting of H. M. Brackenridge, the other counsel for the plaintiff; and it is signed by Governor Jackson, with his own hand.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court of West Florida.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court of West Florida.

No. 4.

Petition of Mercedes Vidal.

I, Mercedes Vidal, the lawful wife of Severino Palao, and heir legally constituted by her father, the late Don Nicolas Maria Vidal, lieutenant governor and auditor of war of this province, present myself, with due respect, before you, and state that, in August, one thousand eight hundred and seventeen, my sister Caroline, whose agent I am, filed several petitions in the tribunals of the then Governor of the place, Colonel José Mazot, to obtain the papers relating to the will of my above-named father, retained by Mr. John Innerarity; which petitions, when applied for by me in the tribunal of your excellency, in March, eighteen hundred and nineteen, had no other effect than a continued opposition, supported by malicious contradictions; until, at last, said Mr. John Innerarity, constrained by my petitions and your superior orders, delivered the documents aforesaid, in appearance complete, which we had so long desired in order to bring forward with positive data our right and most just claims, which evidently appear from their examination, and operate in our favor the following incontrovertible injuries:

On the eleventh leaf of the second bundle there appears a decree ordering the aforesaid Caroline Maria Salome, my sister, to choose a guardian *ad litem*, which was not effected, naming by a feigned notification Don José Peña, as it is evident from his signature not being affixed, as would have been the case in a real proceeding; and subsequently that tribunal, disregarding the preference of my mother with respect to my guardianship, named one for me of its own accord, in the said Peña; from which it appears that our representation was irregular and illegal.

At page 61 of the third book, the executor is deprived of the most honorable part of his trust, obliged as well by this violent procedure, as by having before and afterwards abused him, by asserting that he was settled in New Orleans, which I called to your excellency's attention, that, at that time, the inhabitants of the province of Louisiana had not been deprived of their privileges as Spanish subjects by His Majesty, but, on the contrary, favored their emigration, by presenting the greatest advantages to their interests; and, in fine, the creditors of my deceased father have assembled and have determined what was necessary and proper in relation to our inheritance, which is sixteen thousand acres of land in the district of Baton Rouge, in the terms expressed from page 113 to 123, maliciously asserting the estate of my deceased father to be insolvent, and in this way fraudulently charging it with his debts, although those from beyond sea are not properly authenticated, and remaining silent with respect to the sum (*abonare*) which the tenth clause of his will expresses.

Our persecutors, not yet satisfied with so many nullities, evade with the greatest subtlety the account to which they ought to be called for the safeguard of the minors, and that information so strongly recommended by law and necessity, and without which every thing will continue, as at present, to be done by our enemies, null: therefore, we pray that, on a view of the foregoing, as appears on the records, you will please to revoke and annul whatever may have been done in the aforesaid testamentary proceedings, and sale of the property of our before-mentioned father, and which in justice ought to be done, &c. Also, as soon as the executor (Armas) was deprived of the privilege of his office, to obtain this object, John Forbes renders himself liable to the various demands which he ought to have fulfilled, and they are those set forth in page 3 in book 7; for which reason we pray that John Forbes, and his representative John Innerarity, produce the proper discharges, admitting no excuses or evasions that may still further injure our inheritance, which from the beginning has been so unfortunate. Also, it having appeared on record that the said Forbes seized a deposite in the convent of the Ursulines, in New Orleans, consisting of twenty-four boxes of effects, and two jars of China ware, without having ever given any account of the proceeds, as is proved by the order at page 154 of No. 3 of said acts, it is therefore prayed that Forbes, or his representatives, exhibit an account of the distribution of its proceeds.

SEVERINO PALAO,
MERCED. VIDAL.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 5.

Petition of Mercedes Vidal.

SOR. GOVERNOR:

Mercedes Vidal, lawful wife of Severino Palao, in the proceedings which follow in the testamentary acts of her deceased father, Don Nicolas Maria Vidal, auditor of war, and former lieutenant governor of this province, before your excellency, with due respect, presents herself, and says that, by order of the first of the present month, your excellency was pleased to decree that John Innerarity make the deposite specified, in the national chest; the amount of the credits which were presented against the estate of her said father (by simple private papers, which in law have no avail whatever without the proper authentication,) be ascertained; and, also, to add to this deposite the one thousand six hundred and seventy-five dollars six and a half reals, the sum (*abonare*) set forth on page 65; but, as the fifth day fixed by your excellency for this effect was completed yesterday, the petitioner has not been informed that the said Innerarity has taken any step in the matter; and taking into view (with all respect be it said) his past conduct, exhibited in the decrees subsequently wrought at her instance, and that of her sister, Maria Salome, and whose premeditated ——— caused improper delays in her just demands, she prays and supplicates that your tribunal may judge it fit to issue an order of execution against the goods of the said John Innerarity, in those which may be

necessary for the accomplishment of what has been decreed, preferring, as far as possible, the moveable and personal property. Therefore, she prays that it may be ordered according to her petition; and that hers is just, &c. Also, in order to secure the rights of the petitioner, that all the property of the said John Innerarity be interdicted until the exhibition of the account, which he is bound to produce, of the effects sold in New Orleans, and reclamations beyond seas, as is expressed in the superior decree of your excellency, the first of the present month; and the petitioner prays that the same may accordingly be done.

PENSACOLA, *July* 10, 1820.

As to the principal subject of the petition, let John Innerarity be forced to comply with the same, as provided; and the other, let the prayer of the petitioner be executed, in case that Innerarity shall not perform what has been decreed.

SUARES.

CALLAVA.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 6.

[TRANSLATION.]

Petition of Severino Palao and Mercedes Vidal.

SOR. GOVERNOR: Mercedes Vidal, lawful wife of Severino Palao, in the proceedings which follow in the testamentary acts of her deceased father, Don Nicolas Maria Vidal, auditor of war, and former lieutenant governor of this province, before your excellency, with due respect, presents herself and says: That, by order of the 1st of July last past, at the 4th folio of the 2d parcel of her ulterior claims, your excellency was pleased to ordain that John Innerarity should present an exact and proved account, which he had formerly, in March and November of the year 1810, been ordered to give, depositing at the same time in the national chest the sums mentioned in the said order of your excellency of the 1st of the past month; which having been seen by John Innerarity, with the usual delay which he has always manifested in this business, doubtless (with due respect be it said) for the purpose of paralyzing it, as, unfortunately, he has succeeded in doing prior to my presenting the writing which corresponds to the 6th folio of the cited parcel, granting the interdict of the effects of Mr. Innerarity; upon which the superior decree issued of the 10th of the said July, which commands that, as the order has not been complied with by Mr. Innerarity, the said interdict to be of force; which, also, not having been complied with by Mr. Innerarity, all his effects are, as they ought to be, immediately interdicted. Wherefore, I pray that your excellency will be pleased to order, without delay, the constitutional acalde of this town, after being duly informed, not to permit the effects of Mr. Innerarity to be transferred or removed from this place, nor those that are in his power, belonging to Don John Forbes, until, as he ought, he fulfils what has been ordered, &c.

SEVERINO PALAO,
MERCEDES VIDAL.

PENSACOLA, *August* 11, 1820.

The petitioners, by Brackenridge and Call, their attorneys, further pray, that your excellency may cause the said Innerarity to appear before you, and show cause (if any he has) why the decrees of the late Governor, hereto annexed, should not be carried into execution, and such other further relief extended in the case as may accord with right and justice. And it is further prayed, that the foregoing petition be taken as part of the petition of Mercedes Vidal, and that a copy thereof be served on the said Innerarity.

BRACKENRIDGE & CALL, *Attorneys for the heirs.*

EXECUTIVE OFFICE, PENSACOLA, *August* 29, 1821.

The prayer of the above and within petition is granted.

ANDREW JACKSON, *Governor of the Floridas, &c.*

To J. C. CRAIG, Esq.,
Alguazil Mayor, or Sheriff, for the city of Pensacola and county of Escambia, to execute and return the same.

AUGUST 30, 1821.

Executed, by leaving a copy of this petition with John Innerarity.

J. C. CRAIG, *Sheriff.*

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court of West Florida.

No. 7.

FLORIDAS, *Pensacola, ss.*

THE HEIRS OF NICOLAS MARIA VIDAL
vs.
JOHN INNERARITY.

EXECUTIVE CHAMBERS, *August* 29, 1821.

John Innerarity appeared this day at 11 o'clock A. M., agreeably to citation, before Major General Andrew Jackson, Governor of the Floridas, &c. and John C. Mitchell, Esq., (appointed by him to sit with him during the hearing of the case, in the room of Presiding Justice D. Shannon, Esq., who could not attend from indisposition;) and the said Innerarity, on being asked by the court to show cause (if any he had) why the decrees of the late Governor of West Florida, Don José Callava, against the said Innerarity, according to the petition of Mercedes Vidal, in behalf of herself and her sister Caroline Vidal, and other heirs of their deceased father, should not be carried into effect; when he, the said Innerarity, made answer that he objected to the petition of Mercedes Vidal, it being in the name of the wife, without the signature and consent of her husband, and, as such, that she had not the right to sue, &c. This objection was, for the present, overruled, on the ground that this suit had been instituted by the heirs of Nicolas Maria Vidal, deceased; that this petition was filed not to institute a suit, but merely to have carried into effect the decrees already made in their behalf, and which have not been carried into effect. That this petition of Mercedes Vidal has been filed, as well for her sister Caroline, whose agent she is, as for herself

and the other heirs of her deceased father; and, sitting as a court of chancery, we cannot permit the combination or laches of others to prejudice the heirs, particularly to prevent this decree from being carried into effect, to the prejudice of Caroline Vidal, one of the heirs legally represented by her sister. If this could have been taken advantage of, it ought to have been done before the decrees had been made, by plea in abatement; that it is now too late to make this objection, when one of the heirs is legally before the court, praying, as the other heirs have often done before, that these decrees may be carried into full effect; and particularly when the petition of Severino Palao (husband) and Mercedes Vidal, his wife, under date of the 11th of August, 1820, is presented to the court, and which has not been acted on, and which the counsel for the heirs of Nicolas Maria Vidal, deceased, (Henry M. Brackenridge and R. K. Call, Esqrs.,) pray may be received as an amendment to the petition of Mercedes Vidal, in behalf of herself and sister Caroline, and other heirs of Nicolas Maria Vidal, deceased; which amendment is granted. The said Innerarity then prayed the court for a continuance of this cause for a longer period of time, in order that he might make a full defence and objection, and show cause why the decrees against him should not be carried into effect; and, in compliance with the prayer of the said Innerarity, the court granted to him an extension of time to the sixth day of September next, at ten o'clock A. M., at the Executive Chambers, where this cause will again be heard, and to which day this cause stands continued. The said Innerarity then prayed that he might be suffered to take with him, for perusal and examination, the papers or books relating to this case, on his giving to the alcalde of the city of Pensacola (H. M. Brackenridge, Esq.) a proper receipt for the same, and for their return; (which papers or books are specified in the receipt;) and, the said Innerarity having executed such receipt, the court granted his prayer.

Done at the Executive Chambers, and in open court, the 29th August, 1821.

Test: JOHN COPPINGER CONNOR,
Clerk of the Executive Court.

No. 8.

Petition of John Innerarity.

May it please your Excellency:

Don Juan Innerarity, a Spanish citizen, and resident of Pensacola, reserving to himself the plea at law of *coram non judice*, and every other plea, special and general, *de jure*, under the ægis of your excellency's proclamation, in answer to the prayer of Messrs. Brackenridge and Call, subjoined as an *addendum* to the copy (which has been served on me) of a petition of Severino Palao and his wife, Mercedes Vidal, free people of color, purporting to be addressed to the late Governor of this province, Don José Callava, and to bear date so far back as the 11th of August, 1820, and without the slightest shadow of notarial or other evidence that the same was ever presented to the said ex-governor in his capacity of military judge, or in any other whatever, most respectfully represents: That the said Messrs. Brackenridge and Call have not legalized their representation as attorneys for the said Severino Palao and Mercedes Vidal, agreeably to the Spanish laws, contained in the laws of the Partidas, lex 10, tit. 5, p. 3, and in Febrero Adicionado, tom. 3, part 1, cap. 14, art. 15, which states that "no one can appear at law for another, unless under a power of attorney *in scriptis*, excepting in the following cases: the husband for the wife; the relation for the relations of the nearest consanguinity, as far as the fourth degree; or for his servant or kinsman; or by reason of the manumission of slaves, who can appear at law *ille pro illis*, without a power of attorney from the party interested, unless the latter should resist the proceedings. Heirs, also, who possess undivided property, and partners of a firm, can also appear at law, provided to their so appearing at law they shall previously give bond and security, under a penalty that the parties whom they represent shall consider as valid all that may be done and performed in the suit, and, if they should not adhere thereto, they and their securities shall pay to the contending party the penalty imposed on them; but the bond and security ought to be exacted previously to the showing cause, or to the reply in defence." Your exponent could cite several other orthodox authorities; but, as they are all to the same purport, he considers that it would be a work of supererogation.

Your petitioner, therefore, most respectfully begs that Messrs. Brackenridge and Call may qualify their representation *in forma legis*, by proper instruments *in scriptis*, and that the security required by the Spanish laws may be given, and notarial copies thereof annexed to the proceedings, giving to your petitioner a *traslado*, or sight of every thing had or done in the premises, on the ground that what is not done in proper legal form is not done at all in the eye of the law. With this evidence, and that of the eventual indemnity provided by law, your petitioner will then answer to the unfounded claim of the plaintiffs, and show cause why the interlocutory decrees referred to in your excellency's citation should not be enforced. All which he most respectfully submits, and claims the protection of the laws and of your excellency, as the guardian in your high capacity of superior political chief of the Floridas.

For the purposes which your petitioner will hereafter show, he begs leave to advert to the circumstance of the claimants' having affixed a date to their memorial, for which they have furnished no precedent in their other occult petitions; nor is it the *modus operandi* at law.

Rogo ut ante.

JOHN INNERARITY.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 9.

JOHN INNERARITY, *ads.* MERCEDES VIDAL.

Plea of John Innerarity.

And this defendant, by protestation, not confessing or acknowledging all or any of the matters and things in the petitioner's said petition contained to be true, in such manner and form as the same are therein alleged and set forth, for plea unto the said petition, saith: That this honorable court hath no jurisdiction of the subject-matter of said petition, and cannot lawfully take any cognizance thereof, nor pronounce any decree, or enter up any judgment in the premises, that will or can be binding or obligatory on the parties. All which matters and things this defendant is ready to aver, justify, maintain, and prove, and humbly prays judgment whether this honorable court will take further cognizance of the complaint in said petitioner's petition contained, and to be hence dismissed with his reasonable costs by him in this behalf sustained.

SAMUEL ACRE, *Attorney for the defendant.*

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 10.

Petition of John Innerarity.

To His Excellency Major General Andrew Jackson, exercising the powers of the Captain General and Intendant of the island of Cuba, and of the Governors of the provinces of the Floridas, respectively.

John Innerarity, on whom a rule has been served to show cause why the decrees recited in the petition of Mercedes Vidal should not be put in force against him, respectfully shows, by way of answer to said petition, and why the said decrees ought not to be enforced, that the said decrees have no operative force, and are not binding in law:

1. Because the said decrees are founded on a suit to which the said John Innerarity has never received any citation to appear, and of the institution and pendency of which he has never been notified, as required by law.

2. Because the said decrees themselves have never been notified to him after the making and entering up thereof, as required by the Spanish laws; and, therefore, for this reason, are null and void.

3. Because, by the laws of Spain, simple decrees are never final until they have progressed to the definitive sentence, three times solemnly adjudged in the manner prescribed by law, in the presence of the parties thereto, after due notification.

And the said John Innerarity further shows to this honorable court, that if the said decrees had been clothed with the necessary *legal* formalities, still, *in foro conscientiæ*, they ought not to be enforced:

1. Because the subject-matter of the suit in which they are entered up had, long previously thereto, to wit, in the year 1810, been settled and put at rest, by the competent tribunal, upon due examination and deliberate consideration, and after ample notice to all the parties interested or in anywise concerned therein.

2. Because all the deposites which have been made with Mr. John Forbes have been paid over to the proper persons appointed to receive them, under the orders or decrees of the proper tribunal; and because the particular deposites specified in the said decrees have, in truth and in fact, never been made.

3. Because the goods belonging to the estate of Vidal, in the said decrees alleged to have been sold by John Forbes in New Orleans, and of the sale whereof the said John Innerarity is by said decrees required to render an account, were not, in truth and in fact, sold by the said John Forbes, nor by the said John Innerarity, but were sold by the sheriff of the city of New Orleans, under a judgment of the superior court of the Territory of Orleans, as will more fully appear by the record of the said judgment herewith accompanying, marked A, and which the said John Innerarity prays may be received by this honorable court as a part of this his showing.

And, moreover, the said John Innerarity shows, that all the deposites which have been made with the said John Forbes, of moneys belonging to the estate of Vidal, were made with him in his own individual capacity, and not with the house of John Forbes & Co.; that he, the said John Innerarity, was, at the time of said transaction referred to in said decree, a minor, and not one of the firm of Forbes & Co., nor in anywise interested therein; hence not responsible, as he humbly conceives, for the liabilities (if any) of John Forbes, over whose conduct he had no control.

And the said John Innerarity further shows to this honorable court, that it is in his power to prove, if permitted, that the motives which led to the institution of the suit whereon said decrees are founded are dishonorable in the extreme, and that they spring from considerations involving the subversion of every moral principle; and hence, that said decrees ought not to be enforced in equity and good conscience, even if they had been invested with every requisite formality.

All which matters and things the said John Innerarity doth aver, and will prove, when and where to this honorable court it shall seem meet.

SAMUEL ACRE, *Attorney for John Innerarity.*

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 11.

Order to Auditors.

HEIRS OF VIDAL,
vs.
JOHN INNERARITY.

WEST FLORIDA, EXECUTIVE CHAMBER, *September* 17, 1821.

In virtue of a decree this day rendered in the above case by Major General Andrew Jackson, Governor of the Floridas, &c., and John C. Mitchell, Esq., sitting as the supreme court of judicature in this province, you are hereby appointed auditors to arrange and settle the accounts of said estate. And you will appear before me at the Executive Chamber, to take the requisite oath for the faithful discharge of the duties assigned you.

The auditors are expected to appoint their secretary, and (through him) to give due notice to the parties of the period when they will be prepared to enter upon the duties of their office.

The parties, respectively, are to lay before the said auditors a statement, in writing, of their demands or defence, or to appear before them, if they should be thereto required; and the said auditors to have power to call for and compel the production of books and papers, and to require the attendance of witnesses, if the same should be deemed necessary.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

To F. H. NISBET, J. DE LA RUA, and WM. DAVIDSON, Esqs.

FLORIDAS, *Pensacola, ss:*

THE HEIRS OF N. M. VIDAL,
vs.
JOHN INNERARITY.

EXECUTIVE CHAMBER, *September* 6, 1821.

This cause was brought up on the 29th day of August last, on citation served upon the defendant to attend and show cause (if any he had) why the decrees in favor of the heirs should not be carried into full effect. The

defendant, having made an objection, which was for the present overruled, prayed time to prepare his defence to this 6th day of September, which was granted him for that purpose. On the prayer of Mr. Acre, who appeared this day as the attorney for the defendant, for further time to prepare his defence, it was allowed him to Monday next, the 10th instant, at 9 o'clock, A. M.

ANDREW JACKSON,
Governor of the Floridas, &c.

Attest:

JOHN COPPINGER CONNOR,
Clerk of the Executive Court.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 12.

Statement presented to Auditors by Plaintiffs' Counsel.

Brackenridge and Call, attorneys for the heirs of Vidal against John Innerarity, submit the following statement, on behalf of the said heirs, to the auditors appointed by the Governor to adjust and settle the accounts of the estate:

John Forbes, with three others, administered on the estate at this place in June, 1806, and afterwards attached the effects at New Orleans for a debt due to his house.

Forbes became responsible for $1,600 purchased at the sale of effects at this place.

On the petition of Forbes, security was demanded of Armas, the executor; and from that time, we believe, *the proceedings will show that the estate was placed under the control of Forbes.*

The deposite was withdrawn from the treasury, and placed in the hands of Forbes; and the papers will clearly show that, as to his own debt, he always had more than its amount in his hands. The deposite in the treasury was transferred to him; and when this was applied to the payment of Arroyo's mortgage, the amount of sales at Baton Rouge was placed in his hands by way of deposite in its place. The whole proceeding shows great management, and clearly proves that the affairs of the estate were conducted pretty much at the will and pleasure of Forbes.

By a decree of September, 1806, he was ordered to raise the attachments laid on the effects in New Orleans, and proceed to make sale in the manner pointed out. With this decree he never complied. The property was sold by the sheriff, in pursuance of the improper and illegal seizure which had been made.

The last decree of 1810 recognises that of 1806, as does also that of 1820. This proves that he had never accounted, in a satisfactory manner, to the tribunal; and the probability is, that the record from New Orleans had been uniformly rejected. The property was no doubt sold at a sacrifice; the record can only furnish evidence that it was worth at least the amount there specified. They object to the allowance of any thing but a reasonable commission, and claim the balance, with interest from 1806. No other disbursements were, or could be, authorized by the court.

We refer the auditors to the decree of Governor Folch, in November, 1810. It is positive that Mr. Innerarity pay over to the court the amount then in his hands, having become a party, as the representative of the house of Forbes. No discretion of authority is given to make a distribution. This is evidently reserved by the court for itself.

An exact translation of that decree is important. Taken with the decree which follows, we are convinced that there can be no doubt of the intention of the courts that the money should be paid into the treasury. Any payments made afterwards by Innerarity were made in his own wrong, and unauthorized; and the receipt of individuals ought not to be allowed. Such appears to have been the decision of the auditor in 1820; for we cannot doubt that he refers to such when he speaks of *simple private papers.* That decree declares these papers to be inadmissible: they prove payments made in direct opposition to the decree. We therefore claim at *least* the balance remaining in the hands of Mr. Innerarity in 1810, with interest from that date, at 5 per cent.

In the account made by Leiba, there is said to be an error of $500 in favor of the estate. Domingo Sousa is acquainted with this fact. Errors of this kind can be corrected at any period.

We refer to the decree of the Governor, as confirming that of Suares. We object to the admission of any payments not expressly and specially sanctioned by the tribunals; and we contend that the record from New Orleans can prove nothing, excepting that the property sold for *at least* a certain amount, and may serve as evidence against the defendant as to its value.

The deposite in the hands of Mr. Innerarity is declared to be unaccounted for in 1820; as also the amount of property sold in New Orleans. The decree of 1820 required the payment of the deposite into the treasury as a preliminary to the settlement of the accounts; and that part of the decree which states that certain papers had been rejected shows that no credits were allowed, except those which *appear in the testamentary papers.* We object to all unauthorized payments, although it should appear that the debts have been recognised by the tribunal.

BRACKENRIDGE & CALL, *for the Plaintiffs.*

PENSACOLA, *September* 20, 1821.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

The counsel for the heirs of Vidal except to the report of the auditors appointed to adjust and settle the accounts of the estate, for the reasons following:

1st. Because, by a positive decree passed in November, 1810, John Innerarity was expressly ordered to pay over to the tribunal the balance, amounting to $2,645, then in his hands; and no authority was given him to pay to the creditors their dividends out of this sum. They were paid by Innerarity in his own wrong, and so it was decreed by Suares in 1820. The utmost he can claim from the *equity* of the court is the power to compel those whom he has paid to enter satisfaction on the judicial proceedings, and for which a reasonable time may be allowed.

2d. The record from New Orleans can serve but for one single purpose—to prove the value of the property sold. By a decree of September, 1806, Forbes was expressly ordered to raise the attachments, and dispose of the

effects by private sale. This decree appears to have been repeated several times in the course of the proceeding, without any alteration, down to 1810, and is also recognised by Suares, in 1820. An account of sales made in the manner *forbidden* by the tribunal, and a disposition of the proceeds in a manner never sanctioned, is no compliance with the decree of 1806. He is responsible for the whole amount, and with interest from the time of sale.

BRACKENRIDGE & CALL.

PENSACOLA, *October* 6, 1821.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 13.

Statement presented to the Auditors by John Innerarity.

To the Auditors appointed by the Supreme Judicial Court of West Florida for receiving and auditing the accounts against, and in favor of, the estate of the late N. M. Vidal.

John Innerarity, in obedience to the decree of the said court, submits the following statement of the deposites of moneys belonging to said estate, and of the sums paid to the creditors thereof, to whom the same were adjudged by the judicial contador, as the dividend to which they were respectively entitled out of the funds belonging to said estate, it having been previously ascertained to be insolvent, viz:

Amount of assets declared by the tribunal to be in our hands in November, 1810, of which sum we are ordered by the said tribunal to pay - - - - -		$2,645 2
To Euphrosyne Hisnard, as per her receipt herewith, - - -	$1,379 0	
To Terence Le Blanc, paid by our agent, W. Simpson, in New Orleans, -	209 2½	
To Miguel Eslava, paid by our house in Mobile, as per our books, - -	432 0	
To the clerks of the court, by order to pay Nicolet's dividend and costs, as per their receipt herewith, - - - - -	512 0½	
		2,532 3
		112 7
Amount recovered of the *sheriff* of New Orleans, - - -	$188 6	
Less, cost of record herewith, - - - -	5 3	
		183 3
Amount remaining in our hands as an offset against $453⅜ still due, as declared by the tribunal,		$296 2
By the above statement, it will be seen that the assets of the estate amounted to - -		$7,054 6½
The claims against it to - - - - - -		6,101 4
And that the creditors yet have a demand against the same for - - -		$953 2½

consequently, the estate having been unable to pay the accredited demands which had been allowed against it, there can possibly remain nothing for the legatees or heirs; and hence *they* have no demand against the house of Forbes. If there are any demands against that firm, it is the creditors alone who can make them. Let us examine how the matter stands with them. By the settlement of the estate in 1810, to each creditor was assigned by the judicial contador a dividend proportioned to his claim, and to the quantum of assets to meet the same; and, by a decree of the same year, found on the last page of the proceedings, this respondent, as agent of said house, was ordered to pay over the sum of $2,645⅜, the remainder of the deposite, to the creditors; which was done, as above shown, and by the papers herewith presented, and marked Nos. 1, 2, 3, 4, and 5.

It will be remarked that the decree above mentioned orders us to pay, after two months from the date thereof—not into the court, as Messrs. Brackenridge and Call supposed—but to pay the money, because the tribunal had no discretion over the claims of creditors in giving a longer time, (*no hoy arbitrio en este tribunal.*)

The claims of these creditors were satisfied, as by the receipt of E. Hisnard for the share or dividend allowed her, and that of the clerks of the court for the sums allowed the persons therein mentioned, amply appears. Mr. Forbes, being recognised as the attorney of Don Miguel Eslava, of Mobile, was authorized as such to retain his share or dividend in his own hands, and to settle with him when called upon; which was done, as will appear by an inspection of the original entries in our books.

The record from New Orleans shows how the property in that city belonging to Vidal's estate was disposed of. Mr. Forbes, perceiving that the estate in Florida was not sufficient to pay the debts, brought suits before the superior court of that Territory for the recovery of so much of his debt as the goods might cover, and thus acquired a preference over other creditors as to the value of those goods, he being the first who attached them; however, they not being sufficient to pay his claim against the estate, he came in for an equal dividend of the assets in Florida, which was allowed him in the settlement of the estate by the tribunal here.

The suit being brought in New Orleans for the recovery of a just debt, due by note of hand, this tribunal could have no control over the proceedings of the court there, nor direct in whose favor the judgment should be given; hence, the order referred to by Messrs. Brackenridge and Call has no weight; and, if Mr. Forbes recovered any thing from that source independent of the other creditors, it was a good fortune, procured by his diligence in discovering property in another jurisdiction, to whose courts he had applied for justice, as far as it could be obtained from the means within their power.

It will be remarked, that this suit was defended by the executor of the estate, who seems to have been satisfied with the judgment of the court; therefore, no blame can attach to the conduct of Mr. Forbes in this particular. He was in pursuit of his claims wherever he could find property, and, with all his art and industry, did not find enough to meet his demands; so that, so far from his firm having any thing in their hands belonging to the estate of Vidal, his legal and just claims against the same remain yet unsatisfied.

All whereof is respectfully submitted.

JOHN INNERARITY.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 14.

To the Auditors appointed for the investigation of the accounts, &c. of the estate of Don Nicolas Maria Vidal.

GENTLEMEN:

In relation to the recognition and payment of the debts due to Eslava and Le Blanc, I beg leave to state, that the debt of $500 due to Eslava was first virtually recognised by the executor, Don Cristoval de Armas, as appears by the proceedings. In the various stages of those proceedings, Mr. Forbes was admitted by the tribunal as the representative of the said debt. It was further formally recognised at the judicial meeting of the creditors, and finally and definitively recognised by the tribunal itself, in the formation of the judicial account by the auditor appointed for the purpose, who assigned $432 as the *pro rata* share in the distribution of the assets. I repeat that Mr. Forbes acted throughout as the attorney of Eslava, and the proof of the payment is on the face of the books of John Forbes & Co. in the most authentic form; and regular mercantile books, agreeably to the Spanish laws, are admitted in all tribunals as *bona fide* evidence of the first grade.

The evidence of the payment of Le Blanc's debt, or the *pro rata* share assigned to him by the tribunal, (say $209 2½) is to be found in the books of the late William Simpson, a partner of John Forbes & Co., and who managed their establishment in New Orleans. I have not in my possession either the books or papers of the said Mr. Simpson; part of them are in New Orleans, and a part in Mobile. Had I had any anticipation of the present course of proceedings, I would have been prepared. A strong collateral proof of its payment is, that no other demand has been made of the same; and all that can be required of me is to satisfy the parties, if, by any remote contingency, we should be legally called on. Any thing beyond this would be travelling out of the record, and overstepping the rubicon of the law.

I have only further to observe, that, if any exceptions should be taken to any thing had or done touching the accounts of said estate, Messrs. Brackenridge and Call pledged themselves to my counsel, Mr. Samuel Acre, to afford me sufficient time to give him information thereof, so that he may come forward and set every thing in a legal point of view. He has also pledged himself immediately to come here, and would have remained but for his full conviction that every thing was in proper form. I doubt not that I shall be allowed the full benefit of Messrs. Brackenridge and Call's pledge, because it would be dealing very harshly with me to deprive me of the aid of my counsel, who was obliged to return on family affairs. He expressed his conviction that his return here would not be necessary, but, in the event of my giving him information of its being requisite, promised that he would come to my relief *instanter*.

One more observation, gentlemen, and I have done. You have borne testimony to the very regular and elegant manner in which the books of John Forbes & Co. appear to be kept. As to the basis of good faith on which the whole of the transactions rest, I flatter myself you cannot have a shadow of doubt. All which is most respectfully submitted by, gentlemen,

Your most obedient servant,

JOHN INNERARITY.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

To the Auditors appointed by His Excellency the Governor to investigate the accounts of the estate of Don Nicolas Maria Vidal.

GENTLEMEN:

As it has recurred to my memory that some observation was incidentally made by your board in relation to the $200 paid to Mr. Livingston, it becomes my duty respectfully to state to you, that the said sum was paid by an order of court, on motion of Mr. Livingston that all the expenses, costs of court, and charges of office, should be paid, and deducted by the sheriff, and the nett proceeds delivered over by him. This was done accordingly, as appears by the sheriff's account; the balance ($188 75) was paid by him into the hands of Mr. William Simpson, the partner of Mr. Forbes, and the director of his house in New Orleans. Had it been otherwise, Mr. Livingston would have applied to Mr. Simpson for his fees, and not to the sheriff.

I again beg leave to impress on your attention that the sum in question was not paid by the volition or act of Mr. Forbes, because, in my humble opinion, here the line of distinction is to be drawn. Let us examine how Mr. Forbes would be affected by another construction of this transaction; *exempli gratia:* Suppose it be said Mr. Forbes shall have the benefit of what was received in New Orleans, which was - - - $188 6
But he shall bear Mr. Livingston's charges, - - - - - 200 0

Difference against Mr. Forbes, - - - - - - $11 2

Thus, instead of being benefited for all his trouble, or receiving any thing from this source, he would, by this *modus operandi*, actually sustain a loss of $11 2. Such a recovery would be an *Iricism*, and such a mode of procedure an inversion of all justice; but far be it from me, gentlemen, to interfere with your province, and still further to suppose that such a course could for a moment meet your sanction. Language has no sign or equivalent to characterize such an anomaly.

This mode of stating the case is so palpably obvious, that I have to beg your pardon for thus burning candles by daylight, gratuitously discussing intuitive truth which requires no illustration.

I have the honor to be, very respectfully, gentlemen, your most obedient servant,

JOHN INNERARITY.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 15.

TERRITORY OF ORLEANS, *to wit:*

Be it remembered, that, on the 7th day of July, in the year of our Lord 1806, into the superior court for the Territory aforesaid, came John Forbes & Co., of Pensacola, in West Florida, by their attorney, Edward Livingston, and filed their petition in the words following, to wit:

To the honorable the Superior Court of the Territory of Orleans:

The petition of John Forbes & Co., of Pensacola, in West Florida, humbly showeth: That Nicolas Maria Vidal, late auditor of war in the province of West Florida, was, at the time of his death, indebted to your petitioners in the sum of $3,361 50, for money lent, and for goods, wares, and merchandise delivered to him in his lifetime, as appears by the annexed account and affidavit. And your petitioners show that they have not been able, in West Florida aforesaid, or elsewhere out of this Territory, to discover any assets sufficient to pay or secure their said debt, but that they have been informed, and verily believe, that sundry valuable effects belonging to the said Nicolas Maria Vidal were, previous to his departure from this place, deposited in the Ursuline convent, in this city, where the same now are. Your petitioners, therefore, humbly pray that the said effects may be seized and attached by the sheriff of the city and county of New Orleans, and that the same may be sold, according to law, to satisfy your petitioners' debt, with interest and costs. And your petitioners, &c.

EDW. LIVINGSTON, *Of counsel for plaintiffs.*

Edward Livingston, attorney in fact, by substitution of John Forbes & Co., being duly sworn, doth depose and say: That he has been informed, and verily believes, that there are in the convent in this city several trunks of effects belonging to the estate of the within-named Nicolas M. Vidal, under the care of Mrs. Xavier, the superior of the said convent.

EDW. LIVINGSTON.

Upon which said petition the following endorsement was made, to wit:

"Let an attachment issue accordingly. July 7, 1806."

"J. B. PREVOST."

Here follow the documents referred to in the foregoing petition:

Estate of Don Nicolas Maria Vidal, late auditor of war in this province, to John Forbes & Co. Dr.

1805.	December 14th.	For this sum lent him, - - - - -	$3,000 0
	June 18th.	For amount of sundry merchandise furnished him before his death, -	361 4
		Errors excepted:	$3,361 4

JOHN FORBES & Co.

Pensacola, *June* 18, 1806.

Before me, Don Vicente Folch y Juan, Governor General of His Majesty's province of West Florida, &c. personally appeared John Forbes, a partner in the house of John Forbes & Co., of this place, who, being duly sworn, by placing his hands on the holy Evangelists, deposeth and saith: That the above sum of $3,361 and 4 reals is truly and justly owing by the estate of the late Don Nicolas Maria Vidal to the said John Forbes & Co., as appears by their mercantile books, regularly kept. In testimony whereof, he signs these presents, before me and two assistant witnesses, (for want of a notary public, in Pensacola,) this 18th day of June, 1806.

VICENTE FOLCH.

Witnesses present:

Pablo Larin,
Fran. Xav. Navanno.

Know all men by these presents, that we, John Forbes & Co., of West Florida, merchants, have made, ordained, constituted, and appointed, and by these presents do ordain, make, constitute, and appoint, Mr. George Pollock, of New Orleans, merchant, our true and lawful attorney, for us, and in our name and stead, and to our use, to ask, demand, sue for, levy, recover, and receive all and every such sum and sums of money, debts, rents, goods, chattels, wares, dues, accounts, and other demands whatsoever, which now is, or are, or hereafter may become, due, owing, payable, or belonging to us, or detained from us, in any manner of ways or means whatsoever, by any person or persons residing or being in the district of New Orleans, or in Louisiana; and more especially to attach, sue for, and take into his possession, all property, real or personal, belonging to the estate of Don Nicolas Maria Vidal, deceased, and to hold the same for our account, or so much thereof as will pay the annexed account, with charges of attachment, or otherwise secure us; giving and granting unto the said attorney, by these presents, full and whole power, strength, and authority, in and about said premises, to have, use, and take all lawful ways and means in our name for the recovery thereof; and upon the receipt of any such debts, dues, or sums of money aforesaid, acquittances, or any other sufficient discharges, for us and in our name to make, seal, and, deliver, and, generally, all and every other act and acts, thing and things, device or devices in the law, whatsoever, needful and necessary to be done in and about the premises, for us and in our name to do, execute, and perform, as fully, largely, and amply, to all intents and purposes, as we might or could do, if we were then and there personally present, or as if the matter required more special authority than is herein given, and attorneys one or more under him, for the purposes aforesaid, to make and substitute, and again at pleasure to revoke and displace; hereby ratifying, allowing, and holding for firm, valid, and effectual, all and whatsoever our said attorney shall lawfully do or cause to be done in and about the premises, by virtue hereof. In witness whereof, we have hereunto set our hands and seal, at Pensacola, in West Florida, this 18th day of June, in the year of our Lord 1806.

JOHN FORBES & Co.

Sealed and delivered in the presence of
T. B. Mitchell,
R. P. Johnson.

On the day of the date hereof, before me, John Lyna, notary public for the Territory of Orleans, dwelling in the city of New Orleans, duly qualified and commissioned, personally appeared Thomas B. Mitchell, of Pensacola, in West Florida, who, being by me duly sworn according to law, did solemnly swear and say that he was present at the execution of the within letter of attorney; and that John Forbes, one of the firm of John Forbes & Co., of Pensacola aforesaid, executed the same; and that this appearer, along with R. P. Johnson, did then and there sign their names thereto as witnesses.

T. B. MITCHELL.

In testimony whereof, I have hereunto set my hand, with the said appearer, and have affixed my seal of office, this 24th day of June, A. D. 1806.

JOHN LYNA, *Notary Public.*

And afterwards, to wit: At a superior court held for the Territory of Orleans, at the principal, in the city of Orleans, on the 1st day of September, in the year of our Lord 1806:

On certificate of the sheriff, that the property attached in this case is of a perishable nature, it is "ordered that the same be sold, and the proceeds thereof retained until the further order of this court."

And afterwards, to wit: At a superior court held for the Territory of Orleans, at the principal, in the city of Orleans, on the 10th day of September, in the year of our Lord, 1806:

Ordered, that Messrs. Rodriguez and De la Rua be appointed, on behalf of the estate of Vidal, appraisers of the property attached, in conjunction with two others to be appointed on behalf of Forbes & Co. by the sheriff of the county of Orleans.

And afterwards, to wit: At a superior court held for the Territory of Orleans, at the principal, in the city of Orleans, on the 25th day of November, in the year of our Lord 1806:

On the motion of Mr. Livingston for the plaintiff, with consent of Mr. Rodriguez, of counsel for the executor of N. M. Vidal, it is ordered, "that the moneys received by the sheriff, on the attachment in the cause, be paid to the plaintiff's attorney; and, that after deducting the costs and expenses attending the suit, as well on the part of the plaintiff as the defendant, the balance be remitted to the proper officer of the Spanish Government, at Pensacola, having charge of the said succession."

I do hereby certify that the foregoing is a true copy of the original record on file in the clerk's office of the superior court for the Territory of Orleans.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office, this twenty-fifth day of July, in the year of our Lord one thousand eight hundred and seven.

J. W. SMITH, *Clerk.*

No. 16.

George T. Ross in account with the estate of Nicolas Vidal.

Dr.					Cr.
	To amount of sale of property, -	$877 12½	1806. Dec. 29,	Cash paid Cristoval de Armas, by order of superior court, - -	$57 50
				Cash paid J. Rodriguez, by order of superior court, for services rendered N. Vidal and his estate, -	290 00
				Cash paid E. Livingston, - -	200 00
				Overcharge on sales, - -	15 00
				Sheriff's fees, including commission, advertisements, and storage, cartage, &c., - - - -	125 87½
				Balance, paid W. Simpson, Esq.,	188 75
		$877 12½			$877 12½

New Orleans, *September* 26, 1807.

I certify the above account to be just and true, and that the money paid J. Rodriguez was in consequence of an order from the superior court directed to me, and for services performed by him as an attorney.

GEO. T. ROSS, *Late Sheriff.*

No. 17.

Account of sales of Maria de Vidal's property.

Purchasers' names.	Merchandises.	For what sold.
Bowzu, - -	1 lot of china, - - - - -	$6 75
Joseph Nicholas, -	1 pair of sweetmeat pots, - - - -	10 00
Edward Livingston, -	3 pairs of sweetmeat pots, - - - -	21 00
Labother, - -	1 set of mantelpiece ornaments, - - - -	3 75
Michell Yardell, -	3 saints, - - - - - -	18 50
Bertoulin, - -	2 looking-glasses, - - - - -	17 00
Michell Yardell, -	2 saints, - - - - - -	5 00
Joseph Nicholas, -	1 pair of shades, - - - - -	11 00
Joseph Nicholas, -	1 pair of shades, - - - - -	10 00
Bertoulin, - -	1 pair of shades, - - - - -	13 50
Kenu, - -	2 sweetmeat pots, - - - - -	8 00
Geo. T. Ross, -	1 glass tumbler, - - - - -	2 75
Bowzu, - -	1 pair of glass candlesticks, - - - -	1 12½
Rodriguez, - -	1 lot of china, - - - - -	11 00
Bowzu, - -	1 small toilet case, - - - - -	20 50
Labrouer, - -	4 tumblers, with covers, - - - -	9 50
Cenas, - -	6 blue glasses, - - - - -	3 00
Cenas, - -	4 lions, - - - - - -	2 25
Labostru, - -	2 glass globes, - - - - -	3 00
Joseph Nicholas, -	2 glass globes, - - - - -	7 00
Joseph Nicholas, -	1 glass globe, - - - - -	20 00
Armitage, - -	1 large glass globe, - - - - -	15 00
Jobert, - -	1 large glass globe, - - - - -	20 00
Millaudon, - -	1 large glass globe, - - - - -	12 00
Morel, - -	1 fountain, - - - - - -	7 50
De la Rua, - -	1 small benita, - - - - - -	78
Bertoulin, - -	1 lot of glass table ware, - - - -	18 50
James Carrick, -	1 chamber pot, - - - - -	5 50
Joseph Nicholas, -	1 cylinder, - - - - - -	5 00

No. 17—Continued.

Purchasers' names.	Merchandises.		For what sold.
Aug. McCarty,	1 pair of lanterns,		$7 50
De la Rua,	1 pair of lanterns,		6 00
Kina,	3 counsels,		1 50
Md. Lamauriau,	1 Bonaparte,		7 00
Geo. T. Ross,	1 Washington,		10 00
Geo. T. Ross,	1 fine print,		2 50
Geo. T. Ross,	1 bidet and syringe,		14 00
Edward Livingston,	2 china urns,		93 00
Perullac,	2 spitting boxes, and 2 heads,		1 50
Bernard Genoi,	2 lustres,		93 00
Sauve,	1 set of harness,		200 00
Dubourg,	1 secretary,		105 00
Kalergue,	2 card tables,		10 00
Kenu,	1 wash hand stand,		3 50
Cenas,	1 table,		6 25
Marion,	1 table,		5 50
			$862 12½
Expenses:			
Cartage and crier,		$4 00	
Storage,		35 00	
Advertisements,		20 00	
		59 00	
			803 12½
Sheriff's fees:			
Service of attachment,		$2 00	
Order for sale,		2 00	
Discount on $862 12½,		24 50	
Order for appraisements, and appraisements, &c.,		10 00	
		38 50	
			764 62½
Urquhart's attachment, sheriff's fees, and expenses,			13 37½
			751 25
Cash paid Rodriguez, by order of superior court,		$290 00	
Cristoval de Armas,		57 50	
James Carrick,		15 00	
Edward Livingston,		200 00	
		562 50	
			$188 75

Errors and omissions excepted:

GEO. T. ROSS, *Sheriff of Orleans.*
EDWARD LIVINGSTON.

NEW ORLEANS, *March* 24, 1807.

STATE OF LOUISIANA, *City of New Orleans:*

I, Greenbury Ridgely Stringer, notary public in and for the said city of New Orleans, duly commissioned, do hereby certify that I have this day carefully read and compared the foregoing written document with a certain original document purporting to be an account of sales by the late George T. Ross, as sheriff of New Orleans, dated March 24, 1807, recorded in my current register for this year at page 350, under date of this day; and that the foregoing is a true and faithful copy of the said original, recorded as aforesaid.

In faith whereof, I grant these presents under my notarial firm and seal, at New Orleans aforesaid, this 12th day of September, in the year one thousand eight hundred and twenty-one.

G. R. STRINGER, *Notary Public.*

I, the before-named Greenbury Ridgely Stringer, notary public, &c., do hereby further certify, that I was well acquainted with the late George T. Ross, of this city, and for some time sheriff of this parish; that the handwriting and signature of the said George T. Ross is well known to me; that I have examined the signature of "*George T. Ross, sheriff of Orleans,*" to the original recorded document, of which I have certified the foregoing to be a copy; and that I do verily believe the said signature to be the handwriting of the said late George T. Ross, deceased.

In testimony whereof, I grant these presents, under my notarial firm and seal, at the city of New Orleans, this twelfth day of September, one thousand eight hundred and twenty-one.

G. R. STRINGER, *Notary Public.*

UNITED STATES OF AMERICA, *State of Louisiana:*

By THOMAS BOLLING ROBERTSON, *Governor of the State of Louisiana:*

These are to certify, that G. R. Stringer, Esq., whose name is subscribed to the instrument of writing hereunto annexed, was, at the time of signing the same, and is now, a notary public in and for the city of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand, and seal of the State, this thirteenth day of September, one thousand eight hundred and twenty-one, and of the independence of the United States the forty-sixth.

In the absence of the Governor,

P. DERBIGNY, *Secretary of State.*

No. 18.

The undersigned, auditors appointed by the supreme judicial court in the case of the heirs of Nicolas Maria Vidal against John Innerarity, as by commission bearing date September 17, 1821, to arrange and settle the accounts of said estate, respectfully report:

That, conceiving the end of their appointment could only be attained by a strict examination of every particular from the commencement of the proceedings, they have examined the documents throughout with great care and attention, and believe they have obtained a correct knowledge of every thing connected with the subject; and believing a detailed statement would be more satisfactory to the court than any other mode, they beg leave to submit the following as the result of their investigation:

Shortly after the decease of the testator, and before a will was known to exist, an inventory was taken of the effects in this place, which were deposited in a warehouse belonging to John Forbes & Co., and were afterwards sold by Cristoval de Armas, the executor. Upon a petition of John Forbes & Co., in behalf of themselves and others, De Armas was ordered to give security, or relinquish his trust.

Armas, upon relinquishing his control over the property, submitted the following account, which we find correct, and to embrace every thing up to the time it was made.

Amount of sales of property at auction,			$7,313 1
Amount of money found in house,	$224 4½		
Expended by Millan Carreras, in whose hands it was placed, for expenses of funeral, &c.	192 0		
		32 4½	
Omission in sales: two quires paper,		1 2	
			$7,346 7½
Paid for paper $2 and $3 4,	$5 4		
Crier and drummer at auction,	21 0		
Baker's bill,	6 0		
House rent,	33 2½		
McVoy, house carpenter, by order,	101 1		
Father Coleman,	30 0		
Francisco Joute, for corn,	50 0		
José de Clouet, for wood,	225 0		
Doctor Herrieda, assessor,	19 6		
Taylor, for articles at funeral,	3 3		
For hauling two loads,	6		
Verification of will,	19 4		
Commisions, 5 per cent. on amount received,	367 2½		
		912 5	
			$6,434 2½
Due from Casa Luenga, for goods at sale,	$292 0		
Due from La Peña,	85 7		
Due from J. Doneaud,	69 2		
Due from Vincent Folch,	77 0		
John Forbes & Co's. due bill, viz:			
Bought by them at sale,	$319 3		
Bought by Carrera, assumed by them,	670 0		
Bought by Arroyo,	507 2½		
Bought by Calderon,	159 1		
Paid by De Armas to La Peña, presumed included,	10 0		
	$1,665 6½		
Amount deposited in money,	4,166 0		
		$6,355 7½	
Retained by De Armas, under sanction of the tribunal,		78 3	
Amount retained by tribunal from deposites,		1,100 0	
First taxation of costs,	$913 3		
Second taxation of costs,	187 2		
Paid La Peña,	$97 0		
Due by him, per Armas's account,	$85 7		
Paid him by Armas, and included in Forbes's note,	10 0		
	95 7		
	1 1		
Paid J. Doneaud,	150 0		
Due by him, per Armas's account,	69 2		
	80 6		
		1,182 4	
Due tribunal for costs,		82 4	
In the hands of John Forbes & Co. received from the Royal Treasury, 14th March, 1807,		$3,066 5	
In the hands of John Forbes & Co. amount their due bill for purchases of effects at auction, and debts assumed by them, deducting $10 for La Peña,		1,655 6½	
In the hands of John Forbes & Co. amount sales three negroes,	$1,200 0		
Paid Millan Carrera by order of tribunal, he to refund should the estate prove insolvent,	500 0		
		700 0	
Paid Millan Carrera, proceeds of sales of land at Baton Rouge,		4,129 6½	
Due from Casa Luengo,	$292 0		
Due from Cristoval de Armas,	78 3		
In office of the secretary, amount due from Vincent Folch,	77 0		
		447	

In order to ascertain the proportion due to each creditor, it is necessary to add the amount paid Carrera as above, he being obliged to come in the same as the others,		500 0
Making the gross assets of the estate, at the time the former judicial account was formed,		$10,499 5
From this sum of 10,499 dollars and five-eighths must be deducted:		
Balance due the tribunal,	$82 2	
Charge for making out the accounts by De Leyva,	245 0	
Reserved for future costs,	70 7	
		398 1
		10,101 4
From this deduct amount of mortgage to Arroyo,		4,000 0
To be apportioned to creditors,		$6,101 4

Statement of demands against the estate, and dividends agreeably to the above.

John Forbes & Co.	$3,361 4	dividend	$2,907 2
Millan Carrera,	538 0	do.	465 2½
Miguel Eslava,	500 0	do.	432 0
Juan Lacoste,	44 1	do.	38 0
Manuel Garcia,	36 3	do.	31 3
Terencio Le Blanc,	242 0	do.	209 2½
Juan B. Nicolet,	600 0	do.	518 4
Cristoval de Armas,	138 6½	do.	121 0
Euphrosyne Hisnard,	1,590 0	do.	1,379 0
	$7,054 6½		$6,101 6
		Deficit,	953 0½

The above statements correspond with the judicial account formed in 1810, which is correct in every respect; and, although by it the estate appears insolvent, it is evident that it would not have been so had it not been burdened with so great an amount of costs, which, including the charge for the account and the $70 reserved, amount to $1,315 5; but even with the addition of the proceeds of the property in New Orleans, there was not sufficient to discharge the mortgage without the sale of the lands.

The amount of funds in the hands of Mr. John Innerarity, as the representative of John Forbes & Co. at the formation of the account in 1810, per statement on page 3 of this report,			$9,552 2
Amount of Arroyo's mortgage,	$4,000 0		
Amount of dividend on their claim, per statement page 4,	2,907 2		
		6,907 2	
		$2,645 0	
Paid Sousa and others acting under the authority of the tribunal:			
Dividend to Juan B. Nicolet,	$518 4		
Less, due from Casa Luengo,	292 0		
		226 4	
De Leyva's charge for account,	245 0		
Balance due the tribunal,	82 2		
Reservation for costs,	70 0		
	397 2		
Less V. Folch's account,	$77 0		
Amount overpaid Carrera in $500,	34 5½		
	111 5½	285 4½	
Paid Euphrosyne Hisnard, in full of her dividend		1,379 0	
			1,891 0½
			753 7½

Juan La Coste and Manuel Garcia, whose dividends together amount to $69 3, were paid, Mr. Innerarity represents, from the $70 reserved for future costs by the tribunal.

Cristoval de Armas was entitled to receive a dividend of $121, less $78 3, retained by him for his account on 2d page of this report, leaving $42 5, but received $57 50 in New Orleans; of course he was not entitled to this.

Amount of dividend to Miguel Eslava charged as paid by John Forbes & Co's house in Mobile, but no receipt produced,		432 0
Amount in hands of John Innerarity,		321 7½
Amount of dividend to Terencio Le Blanc, asserted to have been paid by Mr. Simpson, partner of John Forbes & Co. at New Orleans, not charged in Mr. Innerarity's book, and no receipt produced,		209 2½
Leaving unexpended of the $2,645, being amount of dividends to Cristoval de Armas, Manuel Garcia, and Juan La Coste, which were paid from other funds, as stated in last page,		112 5
The property attached in New Orleans was sold, per sheriff's account, submitted to the auditors by Mr. Innerarity, for	$877 12½	
Paid Cristoval de Armas, by order of the court,	$57 50	
Paid J. Rodriguez, by order of court, for services in behalf of estate, which should be allowed, as he is recognised by Armas in his account,	290 00	
Paid E. Livingston, Forbes's attorney,	200 00	
Paid sheriff's fees, &c.	125 87½	
Deducted for errors in sales,	15 00	
	688 37½	
		188 6

To this add the amount deducted from sales as paid Mr. Livingston, which appears to be his charge for suing out the attachment, and cannot be considered a charge against the estate, - 200 0

501 3

Making five hundred and one dollars and three-eighths, which the auditors unanimously find existing at this time in the hands of Mr. John Innerarity in his character of depositary, should the payments said to have been made to Eslava and Le Blanc be recognised as correct by the court.

But should the court determine the said payments to Eslava and Le Blanc to be illegal, or not properly substantiated, their accounts must be added, - - - - 641 2½

$1,142 5½

No charge is made in the account submitted by John Innerarity of five dollars and three-eighths paid for copy of record in respect to the property in New Orleans, which should be credited, and will reduce the amount absolutely stated against him to - - - - $496 0

And the provisional amount to - - - - - - $1,137 2½

Annexed to this report is a statement of the account, marked No. 1, in the form of an account current, showing the same balance of four hundred and ninety-six dollars. Also the account submitted by Mr. John Innerarity, which is an exact copy from the books of the house, marked No. 2, stating a balance against the estate, without including the payment said to have been made to Le Blanc of $677 5½. This difference arises from the whole debt against Vidal at the time of his decease remaining charged as a matter of course; and the omission to credit the $670 assumed by them for Carrera, which it appears they have not recovered, together with $100 short credited for sale of negroes, less some small items already credited to estate by Armas, and for which they no doubt accounted with him: all which will plainly appear by reference to statement marked No. 3, which, assuming the balance of $677 5½ as a basis, and charging, in addition to the foregoing items, the $200 paid E. Livingston in New Orleans, and the difference between the actual demand of Forbes & Co. and the dividend assigned them, produce the same balance in favor of the estate—four hundred and ninety-six dollars.

Although this sum exists in the hands of Mr. Innerarity, in favor of the estate, he is entitled to receive a proportion towards the payment of four hundred and fifty-four dollars and a quarter, the difference between the actual amount due the house of John Forbes & Co. and the dividend assigned them; and, in case the payments to Eslava and Le Blanc are not allowed him, then to retain the full sum of $454 25; as the amount, in that case, would be sufficient to pay the other creditors in full.

All which is respectfully submitted to the court.

F. H. NISBET.
W. DAVIDSON.
JUAN DE LA RUA.

PENSACOLA, *October* 6, 1821.

Test: EDWARD A. RUTLEDGE, *Secretary to the Board.*

Remarks of Mr. Juan De la Rua, one of the Auditors.

El abaxo firmado, uno de los auditores, en las diligencias de los herederos de Nicolas Ma. Vidal contra Juan Innerarity, respetuosamente expone: Que no obstante de que ha firmado el informe hecho, y que aparece en lo antecedente, difiere con los otros dos auditores en lo siguiente. En 1° lugar, en quanto á los creditos de Miguel Eslava y Terencio Le Blanc, los que halla á su juicio plenamente reconocidos, fundandose en lo que aparece en la 3a pieza, de f. 88, hta. 90, f. 133, f. 140, f. 147, hta. 152, y de f. 153, hta. la 154, todo de la misma pieza, mandandox por el ultimo decreto, que la distribucion se hiciese. En 2° lugar, que considera bien probado el pago hecho á Eslava por constar de los libros de comercio de la casa de los Señores. Forbes y Ca., no hallanda prueba de que se halla verificado el de la quota de Terencio Le Blanc. Que discierne ó descordo con los otros dos auditores en el cargo que se hare de los doscientos pesos pagodos á Livingston, segure aparece en la cuenta del sheriff de la Nueva Orleans, puis considera que arguellos justos dros que deban pagarsele deben abonarsele por cuenta de la sucesion, ignorando quales deban ser y por consiguiente quel deban ser el cargo ó abona contra uno y á favor del otro: rayado, discierne en rale.

JN. DE LA RUA.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 1.

John Forbes & Co. as depositaries of the estate of Nicolas Maria Vidal.

DR.			
To amount received from the Royal Treasury, March 14, 1807, - - - -			$3,066 5
To amount goods bought by them, and debts assumed, - - -	$1,665 6½		
Deduct either an error in addition, or $10 paid La Peña by Armas, and deducted from his claim when paid by tribunal, - - - - -	10 0		
			1,655 6½
To amount sales three negroes at auction, in Pensacola, - - -	$1,200 0		
Deduct paid Carrera out of this sum, by order tribunal, - - -	500 0		
			700 0
To amount sales of lands at Baton Rouge, received by them, - - -			4,129 6½
			$9,552 2
To balance remaining unexpended, - - - - -			$112 5
To nett proceeds, per sheriff's account of property sold at New Orleans, - - -			188 6
To this sum paid from said sales to E. Livingston, Forbes & Co.'s attorney, - - -			200 0
			$501 3

No. 1—Continued.

	Cr.			
By amount of mortgage to Don Francisco G. Arroyo, - - - - -				$4,000 0
By dividend due them per former judicial account, - - - - -				2,907 2
By dividend paid Juan B. Nicolet, - - - - -			$518 4	
Deduct amount Casa Luenga's account, - - - - -			292 0	
				226 4
By amount paid for making out accounts, - - - - -			245 0	
By amount balance due tribunal, - - - - -			82 2	
By amount reserved for costs, - - - - -			70 0	
			397 2	
Less Vincent Folch's account paid into secretary's office, - -		$77 0		
Less overpaid by order of tribunal to Carrera, - - -		34 5½		
			111 5½	
				285 4½
By amount paid Euphrosyne Hisnard, in full, her dividend, - - -				1,379 0
By dividend charged as paid to Miguel Eslava at Mobile, - - -				432 0
By dividend said to be paid at New Orleans to Terencio Le Blanc, - - -				209 2½
By balance carried down, - - - - -				112 5
				$9,552 2
By balance remaining in hands of John Innerarity, as depositary, - - - -				$501 3
Deduct paid for copy of records at New Orleans, - - - - -				5 3
				$496 0

Pensacola, *October* 6, 1821.

No. 2.

Estate of Don Nicolas Maria Vidal, Auditor of War.

1806.	Dr.			
June 7,	To amount of his note of hand to our partner, Mr. James Innerarity, for cash lent him,			$3,000 0
	To sundries supplied him from the store, as per account presented to the Governor, -			360 4
June 11,	To amount paid for thirty-three trips of a cart with his effects, - - -			8 2
June 20,	To amount paid Governor's order for expenses of funeral, - - -			150 5
August 15,	To amount paid Millan Carreras, per Mr. Forbes' order, as per judicial proceedings, -			35 1½
1807.				
August 7,	To amount paid by W. Simpson, of New Orleans, for copy of record in suit against his property in New Orleans, - - - - -			5 3
December 10,	To amount paid Don Francisco G. de Arroyo, for this sum ordered to be paid him by court out of the moneys belonging to the estate deposited in our hands, being amount of his mortgage on the lands at Baton Rouge, - - - -			4,000 0
1810.				
November,	To amount paid to the tribunal, the following: Don Juan Nicolet's dividend, $220 4; former judicial costs, $88 2; this sum assigned to Don Francisco Leyva in forming the accounts of the estate, $245; final judicial costs, $70, - -		$623 6	
November 4,	To amount paid Euphrosyne Hisnard, in part claim against the estate, for $1,594, as per receipt in chest, - - - -		1,100 0	
			1,723 6	
	Less this sum to be paid at the secretary's office, - -	$77 0		
	Less this sum to be paid by Carreras, - - -	34 5½		
			111 5½	
				1,612 0½
December 11,	To amount paid Euphrosyne to complete the sum of $1,739, being the amount of the final dividend assigned to her by tribunal, for amount of her claim against said estate, -			279 0
	To amount paid Don Miguel Eslava by our house at Mobile, being amount of dividend apportioned to him on said estate, - - - - -			432 0
				$9,883 0
	To balance, - - - - -			$677 5½
1806.	Cr.			
June 9,	By cash received of the depositary, Mr. Forbes, - - - -			$206 2½
July 8,	By cash received of Carreras for an asesoria, - - - -			18 0
August 29,	By sundry books purchased at the auction of his effects, - - -			276 1
	By sundries purchased at the vendue, of which we have assumed the payment, -			479 5
	By pickles and brandy fruits, $16 2; one bidet, $5 2; one silver sugar dish, $16 2, -			37 6
	By two plated breadbaskets, $15 4; two boxes wine, $13 2½; one mahogany escrutoire and bookcase, $122, - - - - -			150 6½
	By thirty-two volumes of books, - - - - -			50 0
	By one doctor's cap purchased at vendue, - - - -			1 4
1807.				
March 14,	By cash received of Mr. Forbes as a deposite, - - - -			3,066 5
June 30,	By amount recovered by W. Simpson of the sheriff in New Orleans on this account, as per account returned for explanation, (see our letter book, September 16, 1807,) -			188 6
October 26,	By two negro wenches, Maria and Juana, bought by Manuel Alvirez of the estate, -			600 0
1819.				
November 8,	By amount received of Andrew Monton, for lands sold at Baton Rouge, - -			4,129 6½
	By balance, - - - - - - -			677 5½
				$9,883 0

Compared with the books of the house, and found to agree. F. H. N.

No. 3.

John Forbes & Co. in account with the estate of Nicolas Maria Vidal.

Dr.			Cr.		
To overcharged account due them,	$3,360 4		By balance stated against the estate, per account rendered,		$677 3½
Dividend allowed,	2,907 2		By this sum, already to credit of the estate in Armas's account,	$224 2½	
		$453 2	Fees charged against this amount:		
Amount due by Carrera, assumed by them, not credited,		670 0	Hauling goods, $8 2		
Short credit on sale of negroes, viz:			Funeral expenses, 150 5		
Amount of that sale,	$1,200 0		Paid Carrera, 35 1½		
Amount paid Carrera,	500 0			194 0½	
	700 0				30 2
Sum credited,	600 0		By this sum paid La Peña,		10 2
		100 0	Dividend said to have been paid to Terence Le Blanc,		209 2½
Sum received by E. Livingston, for sale of effects at New Orleans,		200 0	Balance, same as report,		496 0
		$1,423 2			$1,423 2

Pensacola, *October* 6, 1821.

No. 19.

Innerarity *vs.* Mercedes Vidal.

Plea of John Innerarity.

The said defendant respectfully represents, that, by a decree of your excellency, dated the 17th ultimo, (September,) he was allowed twenty days to furnish proofs in the said suit, which term does not expire until to-morrow, (Sunday, the 7th October;) and, as he hourly anxiously expects to receive material evidence from New Orleans, he throws himself on the justice of your excellency, not to debar him from receiving the full measure of the time granted him; praying your excellency to take into consideration the immense expense and trouble to which he has already been put in defending this suit. On Monday, the 8th, the defendant will, *Deo volente*, be ready to receive the *traslado* of the report of the auditors appointed by your excellency, agreeably to the Spanish laws guarantied to this province by your excellency's proclamation; and humbly craves that this plea may be admitted.

JOHN INNERARITY.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

Innerarity *vs.* Mercedes Vidal. *Plea.*

The said defendant respectfully represents to this honorable tribunal, that, previous to the cession of these provinces, in all cases in which he was or might be concerned, he had a right of appeal; and he humbly hopes that this honorable court will not now deprive him of so sacred a right, by causing him now to appear and abide by the decision of the supreme court, *en dernier resort*, without his having been previously heard in a court of the first instance, agreeably to the Spanish laws, of which he claims the benefit under his excellency's guardianship; humbly craving that this plea may be admitted.

JOHN INNERARITY.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 20.

Petition of John Innerarity, with reference to laws.

May it please your Excellency: Pensacola, *October* 6, 1821.

John Innerarity, defendant in the suit brought against him by Mercedes Vidal, respectfully represents: That he was this day, at twelve o'clock, notified to appear before your excellency at five this afternoon, in order to hear the report of the auditors appointed by your excellency to investigate the accounts of the estate of Don Nicolas Maria Vidal. Placing the most sacred reliance on the guaranty contained in your excellency's proclamation when these provinces came under your ægis, he humbly hopes that your excellency will condescend to give him a *traslado* of the said report, agreeably to the Spanish laws, of which he annexes to this petition such authorities as are analogous, and as the short space of time allowed would permit him to translate. He trusts that all the benefits therein set forth may be extended to him; and, as he has already suffered great expense, loss, and trouble, from the estate of Vidal and this suit, he humbly hopes that your excellency will show towards him all the indulgence which the merits of the case may authorize. He fervently trusts that this appeal to the justice and impartiality of your excellency will be graciously received.

JOHN INNERARITY.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

Translations referred to in the above petition.

Colon. tom. i. p. 323.

As soon as the auditors shall have signed their report, it is to be delivered to the secretary, *(escribano,)* who consecutively certifies its delivery by the auditors, and that it is the adjustment made by them of the assets or property of the deceased; which certificate is equivalent to the intervention of the secretary at its formation.

This certificate being subscribed, it is to be annexed to the records in continuity, and the judge consecutively orders a transfer *(traslado)* to be given to the parties interested, for the term of three days, in order that they may

make such allegations as they may deem expedient, under pain that, after the expiration of the said term, the report may be approved of, as far as conformable to law; and, after such expiration of the term of three days, which is to be given to each party interested, in order that they may avail themselves of the privilege granted to them, in case they make no allegation, or express their conformity, the judge proceeds to decree.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

Curia Felipica, page 402, arts. 40, 41, 45.

ARTICLE 40. When the accounts are made up, they must be presented to the judge, who is to order a transfer (*traslado*) of them to be given to the parties for their cognizance, in order that they may see and examine them within a certain and definite time, which he must signify to them; and after they are notified thereof, if they do not comply within the said term, after the expiration thereof the judge may approve and confirm them.

41. After the accounts are examined, within the term of examination, a transfer or sight is given to the parties, in order that, with a due knowledge of every thing relative to the case, they may follow up the proceedings in the ordinary courts until their conclusion. And it is to be observed, that the examinant or claimant of any losses on the face of the accounts, or what may be connected therewith, who is silent as to the other items, is to be held as having consented to the said items against which he has taken no exception, agreeably to the decision of Geneva and Escobas, who affirm that such is the rule.

45. After the accounts are reported on, and presented finally, the parties cannot reiterate the proceedings, or retract, unless they contain an error, and then only relative to that error, and nothing further.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court of West Florida.

No. 21.

INNERARITY, *vs.* MERCEDES VIDAL.

Exceptions to the report of the Auditors.

PENSACOLA, *October* 6, 1821.

John Innerarity, defendant in this suit, respectfully represents: That, inasmuch as the auditors appointed by your excellency to investigate the accounts of the estate of Don Nicolas M. Vidal, as contained in the Spanish records, and the books and documents in possession of this defendant, have disagreed among themselves in their report, he prays that your excellency will order and proceed therein agreeably to the Spanish laws, of which he annexes a translation (marked A) of the most orthodox quotations therefrom, as are applicable, and the rule of action in similar cases; begging and claiming always the undeniable privilege of the *traslado*, as laid down in the authorities in question, in order that he may furnish the umpire, or *texer en discordia*, (whether named by your excellency or elected by the said auditors,) with such further proofs and illustrations as he may deem necessary. All which is strictly conformable to law, *et in verbis legis non est recedendum.*

He therefore invokes your excellency as the guardian of the laws in your executive capacity.

JOHN INNERARITY.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

A.

Translations referred to in the above petition.

Curia Felipica, page 401, art. 36.

If there shall be any disagreement between the auditors, the judge shall name an umpire, who must give his opinion only as relates to the matter wherein they do not agree. And the parties concerned must be duly notified of the nomination, in order that they may lay before him such information as they may deem necessary. And, although both parties should concur and be satisfied with the nomination for settling the difference and contrariety between the auditors, he (*el texer en discordia*) ought to confine himself to the opinion of one or the other auditor, without making any deviation therefrom. But if he should be appointed by the judge, he may deviate from the opinion of either, because it is his duty to make his report agreeably to law.

The costs to the auditors and umpire must be paid equally by both parties, as well by the one as by the other; and the judge is to tax what he thinks reasonable.

Febrero, page 142, art. 34, tom. 4.

If it should appear that the contadors appointed do not agree in opinion, they can, according to law, be compelled to elect an umpire. Although there is no doubt of this, it has been thought proper, and it is the practice of the courts, for the judge to name one officially, in order to avoid the disputes which might accrue between them as to the election. And although two of the three should agree, yet the *traslado*, or transfer of the proceedings to the parties concerned, must not be omitted, in order that they may either consent or set forth their wrongs; and they must be heard in the ordinary courts, because the judge cannot proceed to pronounce summarily until the formalities of the law be complied with: because the parties must be heard fully; the proofs which they may produce must be weighed, in order to ascertain whether the wrongs on the grounds which they allege have any existence in reality. The judge can then pronounce sentence, from which an appeal may be taken within five days.

A true copy from the original on file in my office.

JOHN COPPINGER CONNOR,
Clerk of the Executive Court, West Florida.

No. 22.

Plea of John Innerarity.

May it please your Excellency:

PENSACOLA, MONDAY, *October* 8, 1821.

John Innerarity, defendant in the suit instituted against him by Mercedes Vidal, begs leave most respectfully to state, that the twenty days granted to said defendant for furnishing proofs to the auditors appointed by your ex-

cellency expire to-day, and the term of *traslado*, or transfer of the proceedings *in corpore*, for taking exceptions to the report of the said auditors, and showing the legality of the evidence furnished, or any other benefit granted by the laws, will consecutively commence so soon as your excellency may pass the necessary decree for this purpose. This is the uniform march, or *modus operandi*, of the Spanish law, as the defendant has shown from the latest and most orthodox authorities cited in the pleas and memorial presented to your excellency. That admirable code, the Laws of the Indies, states, also, (tom. 3, lex 1, tit. 16, under the head of "term for pronouncing sentence when every requisite is concluded,") that, when all the arguments are finally closed, and every formality complied with, the judge gives until six days to pronounce an interlocutory, and until twenty a definitive sentence. The defendant again entreats and implores that these sacred oracles may not be disregarded or overruled. These are the laws in which he has been nurtured. *Hic bonus esse.* They lead to safety and security. They are a pavilion in the time of danger, and the defendant's only refuge in the hour of need. Your excellency's proclamation solemnly guaranties the boon of the continuance of the Spanish laws; it is a pledge too precious to be parted with; it is the plank to which the defendant clings when he sees all the elements warring around him. It is his ark of safety, a sanctuary in the season of distress. He is now in that extremity. He has been told by your excellency that you sit as his judge in the first instance, and *en dernier resort, ne plus ultra*, without any other resource or means of redress, inasmuch as all power is combined in your excellency.

The defendant humbly hopes that he will be permitted to say, with all possible respect, that such a situation is critical, nay, awful indeed! It is without a solitary precedent in modern annals; at least, if they do furnish one, it is far beyond his ken, or the utmost range of his reading or experience. He is not even allowed time to call his counsel. He is, in a word, without hope, without confidence, except as to the justice of his exceptions to the report, which he will make if he is granted the privilege of the law; and, if not, then he must yield to force: in which case, he most respectfully begs that this may be considered as his reverential protest. It is under all these alarms, and under circumstances of far greater weight than any which he has hitherto mentioned, but which, through profound respect to your excellency, remain enshrined in his own bosom, that he most humbly approaches your excellency, fervently praying that this appeal may be graciously received.

JOHN INNERARITY.

THE HEIRS OF VIDAL, *vs.* JOHN INNERARITY. } No. 23.

The report of the auditors in this case displays great skill and judgment, and the court are highly satisfied with it. Although, in a strictly legal point of view, vouchers may have been received, and credits allowed, which could not be warranted by the strict letter of the law; yet, from the apparently great attention devoted by them to the subjects submitted to their investigation, and after examination of the report, it is believed by the court that substantial justice may be done by carrying it into effect, especially as the counsel for the plaintiffs have withdrawn their legal exceptions.

The auditors, in the first place, unanimously find a balance of $496 in the hands of the defendant as a deposite, and submit the question to the court whether there is sufficient evidence to allow the payments said to have been made to Eslava and Le Blanc; and if the court should be of opinion that there is not sufficient evidence, then the amount of $641 31 to be added to the sum of $496 absolutely found, making altogether the sum of $1,137 31.

The court are perfectly satisfied that there is not sufficient legal evidence to allow the payments said to have been made to Eslava and Le Blanc, and therefore adopt the provisional amount specified in the report, to wit, $1,137 31.

The court further adopt and allow that part of the report which states that, if the court do not allow the payments said to have been made to Eslava and Le Blanc, to suffer the defendant to retain in his hands the full sum of $454 25, it being the full amount of the balance due the house of Forbes & Co., as the amount, in that case, would be sufficient to pay all the creditors, which will leave a balance of $683 06. As to the exceptions of the defendant to the report, the court do not think them well taken. The first is, that the auditors did not allow the $200 paid to Mr. Livingston, as a fee for suing out an attachment against the effects of Vidal. The court are of opinion that the auditors acted rightly in not allowing this charge; for it appears that the attachment was taken out after the will was duly proved by De Armas, the executor, and, consequently, could not lie; which was virtually the decision of the court to which we have succeeded.

The other exception, that the auditors ought to have allowed the payments said to have been made to Eslava and Le Blanc, the court have already, in the first part of this opinion, disposed of.

To the amount of $683 06, is to be added legal interest, according to the laws of Spain, to wit, five per centum per annum, from the 20th day of November, 1810, the time that the money ought to have been paid over by Forbes & Co., in compliance with a decree of the Spanish tribunal of that date, making the sum of $1,027 19.

Therefore, it is ordered, adjudged, and decreed, that John Innerarity, the defendant, pay over to the alcalde of the city of Pensacola, in thirty days from this day, the said sum of $1,027 19, and, in case of his failure to comply, execution may issue at the expiration of said thirty days, and the money made to be paid over into the hands of the alcalde of the city of Pensacola. And it is further ordered, adjudged, and decreed, that the said alcalde must give public notice in the Floridian, for the term of sixty days, to the creditors of the estate of Vidal, deceased, to come forward, make known their claims, and receive the amount; and if no creditors should come forward within the time limited, or, after having come forward, fail legally to substantiate their claims, then the said alcalde is required to pay over the money in his hands to the heirs of Vidal.

Given under our hands, this 8th day of October, 1821, and of the independence of the United States the forty-sixth.

JOHN C. MITCHELL,
ANDREW JACKSON,
Governor of the Floridas, &c.

The court, being informed that H. Bigelow, Esq. is indisposed, appoint Mr. Shannon to tax the costs of the former and these proceedings, from the filing of the petitions of the heirs of Vidal in this court to this date; and that the defendant is hereby decreed to pay the same; and if he fails, after due notice in writing of the costs taxed, that execution issue for the same.

Given under our hands, at Pensacola, in the Executive Chamber, this 8th day of October, 1821.

JOHN C. MITCHELL,
ANDREW JACKSON,
Governor of the Floridas, &c.

Attest:

JOHN COPPINGER CONNOR,
Clerk of the Executive Court.

No. 24.

Extract from the Spanish records in the case of Vidal's estate.

On the 25th of May, 1806, Nicolas Maria Vidal, auditor of war in Pensacola, died suddenly. Colonel Folch, then Governor of the province, caused the necessary seals immediately to be affixed, inventories to be made, and all other requisite formalities to be practised as *ab intestato*, as no will was found among his papers.

On the 30th June of the same year, (1806,) Cristoval de Armas presented himself in Pensacola, and exhibited to the military tribunal a will of the deceased, made in New Orleans on the 4th of May, 1798, before Peter Pedesclang, notary public, in which he recognises and names as his natural heiresses, in the event of there being any thing to divide after the payment of his debts, four natural daughters: two of whom he had in Carthagena, one by a negro woman, and the other by a mulatto woman; and two in New Orleans, by a mulatto woman named Euphrosyne Hisnard. He names the said Cristoval his executor and administrator, with power to act without judicial intervention, and to sell his effects, realize his property, and pay his debts. This will was declared valid by the court in New Orleans, and also by the military tribunal of Pensacola, which accordingly granted letters of administration to the said Cristoval. He immediately proceeded to the appraisement and sale of the effects of the deceased, which were already inventoried. He examined, recognised, and declared valid all the notes and obligations of the deceased; as, also, the accounts against the estate presented by the different creditors; of all which the original Spanish proceedings contain the most detailed evidence.

On the 18th of September, 1806, Mr. J. Forbes petitioned, in his own name, and that of the other creditors, for the sale of sixteen thousand arpents of land situated in the district of Baton Rouge, declared in the will to be mortgaged to Francisco Gutierez de Arroyo, for the payment of $4,000, and, inasmuch as the said Cristoval resided in a foreign country, that he might be ordered to give security, or deposite the amount of the effects sold. After some time, Cristoval applied to the tribunal to be exonerated from the charge of executor, which was granted. The tribunal considered it useless to name another administrator, as it was then ascertained that the estate was insolvent. The creditors continued acting and petitioning, each in his own behalf, although the court had decreed a meeting of creditors to treat and determine on every thing relative to the estate.

A meeting afterwards took place, at the request of the representative of the minors, for the special purpose of treating of the sale of the lands at Baton Rouge. They had been previously sold for cash. But, on the urgent remonstrances of the representative of the minors, the tribunal decreed the nullity of the sale, and ordered that they should be sold in fractions, and at one year's credit. A new sale accordingly took place. During the interval carrying into effect the decision of the court, Arroyo petitioned that the mortgage which he held for $4,000 should be paid in preference to the other creditors; which was accordingly done out of the moneys in deposite, in order to release the lands from this encumbrance; and Arroyo, in consequence, cancelled the mortgage.

In the mean time, Mr. Simpson, the agent of Mr. Forbes in New Orleans, having discovered some property there belonging to Vidal, had recovered, by a decree of the superior court of the Territory of Orleans, (a foreign country, in 1806, with respect to Pensacola,) the sum of $188. When the lands were sold, and after the terms of credit had expired, Mr. Forbes, in the name of the creditors, solicited the tribunal in Pensacola to authorize him to claim and to receive the sums for which the lands had been sold, and he accordingly received $4,129, the total amount thereof; and this sum was deposited with him until the formation of the accounts of the assets, and the *pro rata* share was assigned to each of the creditors by the judicial accountant appointed by the tribunal.

By the order of the tribunal, and agreeably to the judicial account, the *pro rata* shares were paid to the creditors, in obedience to the decree marked No. 1, receipts given, and the business considered at an end. Mr. Forbes, it appears, had no more agency throughout than as one of the creditors and as depositary of the funds of an insolvent estate. He neither claimed nor received any commission.

Things remained in that situation until, it seems, some time in 1817, a petition was filed by one of the minors to recover the original papers.

On the 20th of June, 1820, another petition was filed, by Mercedes Vidal, in her own name, and as agent of her sister Caroline, impugning the proceedings of the tribunal by whose order the estate of Vidal had been settled, and requiring John Innerarity, as attorney of the former house of John Forbes & Co., to furnish a statement of the accounts, &c., as may be seen by a reference to the petition itself, and the decree accompanying it. This decree, although purporting to have been notified to, and even to be signed by, the said John Innerarity, has never been notified to him, and is not signed by him, as may be ascertained by consulting the document No. 2.

This petition was followed by another, at the foot of which we find a decree which has been permitted to lie dormant from the 11th of August, 1820, until the 29th of August, 1821, without ever being notified to either party. In the mean time, auditor Suares, who had rendered those decrees, returned himself the whole of the proceedings to be packed up with the other military papers, to be delivered to the superior military tribunal at Havana, under the custody and responsibility of the military Governor of this province, and then left this country. General Jackson, &c. *Cætera desunt. Utinam!*

XII.

Judge Fromentin to the Secretary of State.

SIR: PENSACOLA, *December* 2, 1821.

I have had the honor of receiving, last night, your letter of the 26th of October.

That the President is pleased to be persuaded that my motives and intentions were entirely pure, requires from me, as an individual, the most heartfelt gratitude. In any other official situation but that of a judge, my duty ought, perhaps, to be confined to the simple expression of that gratitude. But, under my present circumstances, I humbly presume that I may be permitted not to disregard the important obligations which I conceive devolve on me as judge of the United States for West Florida. The necessity of settling, as far as in my power lies, subject to the control of higher authority, the abstract principle of right or wrong, not less than a due regard for the individuals, both the old and new inhabitants of West Florida, whose rights to their liberty and property are guarantied by the treaty, and who are deprived, some of their liberty, others of their property, by what I conceive the arbitrary and unauthorized judgment of incompetent tribunals, calls upon me most imperiously again to enter into the most minute investigation of the organization of the several courts of justice, which have assumed in West Florida a jurisdiction which I deem illegal, whether that illegality proceeds from a misinterpretation of powers conferred by the President; or from the illegality of the powers themselves, although actually given by the President; or from the unconstitutionality in some of the provisions of the act itself, in virtue of which the President granted those powers.

My very high respect for the President and for yourself does not permit me to send you, this day, a hasty, indigested sketch, upon a question of so much importance to the people of this country, and, indeed, to the United

States at large, and in which it is now my misfortune to differ in opinion with men with whom it would be my pride at all times to agree. What my opinion now is, and the reasons upon which that opinion is grounded, I fairly and candidly stated *sparsim* in several of my preceding communications. What, after a thorough investigation of the whole subject, my opinion will be, I will likewise state with the same frankness; and, whatever may be the result of that re-examination, I hope it will be received with an indulgence equal to the very profound respect with which it is offered.

On the 29th ultimo, the United States ship Hornet, Captain Robert Henley, with her prize the brig Centinella, carrying sixteen guns, arrived at Pensacola. Captain Henley communicated to me all the circumstances connected with the capture by him of the brig Centinella, and of the brigantine La Pensée, a prize to the Centinella, having on board two hundred and forty Africans. Why I declined assuming jurisdiction in these cases, you will see by a reference to my letter to Captain Henley, written before I had the honor of receiving your letter of the 26th of October; a copy of which letter, together with a copy of the letter of Captain Henley to me, I have the honor of sending you, enclosed. My declining to assume jurisdiction in this case has created here not a little excitement. My doing too little now, as they think, has subjected me to the same acerbity of reproach as my doing too much, as they conceived, on another occasion; and, no wonder: although the cases are different, the motives for displeasure in both cases are the same.

I have the honor to be, with great respect, your most obedient, humble servant,

ELIG. FROMENTIN.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

[Enclosure in XII.]

Mr. Fromentin to Captain Henley.

SIR: PENSACOLA, *December* 1, 1821.

In compliance with the desire expressed to me in your letter of this morning, I have no hesitation in giving you, in writing, the reasons by which I am induced to decline assuming jurisdiction in the case of the brig Centinella, a prize to the Hornet, and of the provisions on board of her.

The act of Congress for carrying into execution the treaty between the United States and Spain has extended to the territories of West Florida the laws of the United States relating to the revenue and its collection, and the laws relating to the *importation* of persons of color; by which word *importation*, I must understand importation within the limits of West Florida, and that part of East Florida which lies westward of the cape. This is not the crime for which the Centinella was captured by you, and brought in for adjudication. I understand from you that the captain and crew of the Centinella have been brought in by you as guilty of the crime of piracy, committed in or near Cumberland harbor, in the island of Cuba. Had the crime of piracy, connected with and inseparable from the act of importation of people of color, been committed within the limits of the jurisdiction assigned to me by my commission, the question would have been different; but it is not now necessary to examine that point. In the present case, I am satisfied that, under the provision of the act of Congress above recited, extending to the ceded territories the laws relating to the importation of persons of color, I have no jurisdiction.

How can I claim and assume jurisdiction in virtue of the Spanish laws declared to be still in force in this country, under the general judicial powers vested in me by the above-recited act, and by my commission under it? If no other consideration should induce me to hesitate, the summary mode of proceedings prescribed by the Spanish laws in cases of piracy does not agree with my idea of the obligations imposed upon a judge of the United States in a trial for a capital offence; and, under my full conviction that (the act of Congress to the contrary notwithstanding, by which the Spanish laws are maintained in force,) all the laws of Spain which are in manifest opposition with the security warranted to the accused by the constitution of the United States cannot be included in the catalogue of the Spanish laws remaining in force in this country, (because Congress, not having the right to pass laws abridging that security, cannot of course have the right to adopt or maintain those laws, not for half an hour, much less for months, in any part of a territory become a part of the United States,) I could not reconcile it to myself, under any circumstances, to apply the principles of the Spanish laws to the case of the Centinella and her crew. Besides, if ever I had jurisdiction, I could not now exercise it. There is in Pensacola neither a marshal nor attorney of the United States. What irresponsible officer, if the law did allow it, ought, or would be willing, to take it upon himself to secure one hundred and twenty men accused of a capital crime, in a place which does not afford the means of properly securing a dozen petty offenders?

Under these circumstances, I am of opinion that the Centinella ought to be sent, without delay, to New Orleans; that an express be sent immediately, either by land or by water, to Commodore Patterson, in New Orleans, to desire him to send down to the Balize a ship or steamboat, with a sufficient guard to receive the prisoners now on board the Centinella; or to send a sufficient number of men to man the Centinella, if she can be got over the bar; so that the officers and men of the Hornet, now on board of the Centinella, may be returned, without delay, on board of the Hornet. It will be necessary that either yourself, or some of the officers of the Hornet, thoroughly and legally acquainted with all the facts, should go at the same time with the Centinella to New Orleans, in order there to give the information to the attorney for the district of Louisiana, and to make the necessary affidavits, &c.

I have the honor to be, with great respect, sir, your most obedient, humble servant,

ELIG. FROMENTIN.

ROBERT HENLEY, Esq., *Of the U. S. ship Hornet.*

XIII.

Judge Fromentin to the Secretary of State.

SIR: PENSACOLA, *December* 9, 1821.

In compliance with the engagement in my last letter to you, dated the 2d instant, I have the honor of sending to you, enclosed, an exposition of my motives for still adhering to the construction I originally gave to the act for carrying into effect the treaty between the United States and Spain.

If, after the serious, and, I may fairly add, disinterested re-examination of this question, I have come still to a wrong conclusion, I ought not to dissemble from you my stubborn incapacity. I am unwilling to be valued more than I am worth. I will not add, either by unfounded pretensions, or by a system of studied concealment of the reasons by which I act, to the number of swindlers of reputation.

I have the honor to be, with great respect, sir, your obedient servant,

ELIGIUS FROMENTIN.

The Hon. J. Q. ADAMS, *Secretary of State.*

Exposition, &c.

In expounding a law, I deem it all-important to ascertain, if practicable, the motives of the Legislature in enacting it. This once done, the construction of the law is stripped of all its difficulties.

The act for carrying into effect the treaty between the United States and Spain does not admit, in its construction, of the slightest doubt. The Legislature itself declares, in the second section of the act, that it has created certain offices for maintaining the people of the ceded territories in the enjoyment of their liberty, property, and religion, in conformity with the clause in the sixth article of the treaty, which secures to those people the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

Now, where shall I look for those privileges, rights, and immunities? In the only place in which they are to be found—in the constitution of the United States. But here I am to be stopped at once. The constitution is not, I am to be told, extended in express terms to the Floridas; and it is not to be construed as being extended by implication. But does the act of Congress create, in express terms, the office of Captain General of the island of Cuba? Does it create that office even by implication? and, if it did, is it only the doctrine of oppression which is to be received, in a country under the Government of the United States, by implication? Are a Captain General of the island of Cuba, a Governor of the same island, an Intendant, a Supreme Judge, &c., with whose undefined duties and authority (that prolific nursery of despotism) no person in the United States, it seems, was acquainted, to be unblushingly smuggled into the Floridas under the auspices of the star-spangled banner? And when, in obedience to the imperious call made upon him by the same act, the valiant, the legitimate knight of American liberty, the bold asserter of American freedom, the writ of *habeas corpus*, presents himself, he is to be refused admittance! Away, away!—We know him not. Crucify! crucify!—Yes, sir, if in this most sacred cause, (sacred next to the cause of religion itself,) I may be allowed to use the words of the Scripture, "He came unto his own, and his own received him not."

Great, no doubt, and imposing, are the names of some by whom that doctrine is advocated. But still, both in my judicial capacity, and in my character of an American citizen, I must beg leave, most respectfully, but most unequivocally, to protest against the liberticidal doctrinal.

Sir, the Captain General and Governor of the island of Cuba had no duty to perform in the Floridas, except a sort of general honorary rather than efficient right of superintendence, in receiving, in their capacity of superior military officers, occasional reports from the Governors of the two provinces of Florida, and making their report accordingly to their Government; which general duty of superintendence, from the moment of the transfer of the Floridas, I humbly presume, necessarily devolved on the administration of the Federal Government. You, sir, in that respect, are the proper Captain General of the island of Cuba. This duty of superintendence, with the occasional obligation of appointing temporarily a Governor in either of the two provinces of Florida, in case of the death or other disability of either of the incumbents, constituted the whole of the authority of the Captain General and Governor of the island of Cuba over these provinces. Unless, then, it can be contended that the Captain General and Governor of Cuba was appointed for the purpose of enabling the Governor of the Floridas to report to himself as Captain General and Governor of the island of Cuba, or after his death to appoint another Governor in his place, it is impossible for me to conceive what we have to do here with a Captain General of the island of Cuba.

The duty of the Intendant of the island of Cuba is confined to the superintendence of the royal revenues, and to the management of the royal domains. But, in this same commission, which creates General Jackson Intendant of the island of Cuba, he is expressly prohibited from interfering with either the revenue or the dominions of the United States; thus, it seems, we have no more to do with the Intendant than with either the Captain General or Governor of the island of Cuba.

However, deriving, as General Jackson does, his high judicial authority from his title of Captain General of the island of Cuba, let us see how these pretensions agree with the Spanish law on the subject. Under the old form of government, the Captain General of Cuba was *ex officio* president of the *real audiencia*, sitting at Port Principe, in the island of Cuba, where, I believe, he never attended. But, if he had attended in his capacity as president, he only had the casting vote in case of an equal division of the judges, not less than fifty or sixty in number. But that right of presidency *ex officio* (a mere honorary right) did not vest in him, to be exercised singly, a particle of judicial authority in civil or criminal matters. Except when on that bench, he neither claimed nor exercised any judicial functions but in military matters, where he presided in the court of appeals in Havana. This, so far as respects the judicial functions of the Captain General and Governor of the island of Cuba, was the state of things under the old government of Spain. Things have been radically changed by the proclamation of the new constitution of Spain, in the spring of 1820, both in Havana and in Pensacola. Under the new constitution, both the Captain General and Governor of the island of Cuba, and the Governors of the two provinces of East and West Florida, who, with the assistance of the auditor of war, exercised, under the old form of government, each in their respective provinces, judicial functions, have been deprived of *all* judicial authority, except in military affairs; and those duties are now to be discharged by judges expressly to be appointed for that purpose. Upon what foundation, then, does General Jackson rest his claim to the high dignity of a supreme judge, a chancellor, &c.? which high offices, it seems he would give us to understand, have been smuggled in the same package with the Captain General and Governor of the island of Cuba.

It is, then, very evident that General Jackson, under his commission as Captain General, &c. of the island of Cuba, cannot claim and exercise in this country any judicial authority. This ought to be a sufficient answer to General Jackson himself, who, ostensibly at least, does not claim any judicial power but under his commission as Captain General of Cuba. But let us examine that question further, and see whether, under the act of Congress for carrying the treaty into effect, he cannot possibly be vested by the President, in virtue of an additional commission, which nobody has seen, with judicial powers.

The act for carrying the treaty into effect says that the "military, civil, and judicial powers shall be vested in such person and persons," &c. Let us then inquire, first, whether, under that law, he can be vested with the judicial authority; for if he cannot be, we must necessarily conclude that he is not: and if, notwithstanding under the law he could not be vested with those powers, still it should turn out that he was vested with them, the result would be the same: the appointment would be an illegal one, and, of course, null and void; and, in my judicial capacity, I should feel bound to resist it.

Now, then, was the civil power, as contradistinguished from the judicial power, vested in General Jackson? Most indubitably. You would laugh at me if I were seriously to ask whether the military power was vested in him—I mean whether he exercised it; for whether vested or not, if he exercised it, my argument holds equally good; the object of the act of Congress being to prohibit the exercise of those three powers by the same person. Whence it follows, evidently, that the judicial power could not be vested in him; or, if it was, it was vested improperly; and I deem it my duty to consider it as not vested at all.

So far, then, as respects any judicial powers exercised in the Floridas by General Jackson himself, I have no hesitation in pronouncing them—no matter in virtue of what commission he may contend he had a right to exercise those powers—a usurpation, not only not warranted, but expressly prohibited, by the act for carrying into effect the treaty between the United States and Spain.

Another question, and a most important one, is now to be examined. Is there in the law any authority, which, by the most far-fetched mode of reasoning, can be construed so as to vest in him, or to authorize the President to vest in him, legislative powers; and thus to authorize him to create courts of justice, to assign them a jurisdiction unknown in the country, and to give him the right to vest in others any judicial authority—any authority differing essentially from the authority *exercised* by the officers of the *existing* Government of the ceded territories?

Those rights, then, not being explicitly given, recourse must be had to this, in favor of oppression, only favorably-to-be-received doctrine of right by implication. Again we must draw upon this inexhaustible Captain General and Governor of Cuba, &c. &c. &c. &c. But even that resource fails. Neither under the old government of Spain, nor under the present Spanish constitution, has the Captain General, or any of his twin brother officers, all incorporated in the person of General Jackson, ever had the right of creating a court of justice. If, then, the right of creating a court of justice be not derived from the powers appertaining to the Captain General of Cuba, &c., whence is that right derived? Certainly not from the act of Congress, which, so far as respects judicial powers, vested in the President alone the right of appointing a judge, who is to be a different person from the civil and military officer or officers, and who is to exercise his duty in such manner as the President of the United States shall direct. Now, all this has been done. The President has done me the honor to appoint me, and in my commission he has prescribed the manner in which I am to execute my duty. The law is satisfied.

I have, I think, demonstrated above that the law did not authorize the President to confer any legislative powers upon General Jackson. On the other hand, (which, by the bye, would by no means alter the illegality of the trust,) those legislative powers assumed by General Jackson cannot be traced to even the illegitimate source of any legislative powers enjoyed either under the old government of Spain, or under the present Spanish constitution, by any of the many offices, the rights and duties of which General Jackson conceives did centre in him. The creation of this court, then, is an unwarranted assumption of undelegated powers; and the persons who pretend to sit as judges under the appointment of General Jackson are guilty of usurpation, and, under the laws by which this country is at present governed, responsible to the parties in damages.

There is, sir, a particular feature in this transaction, which, if I understand your letter correctly, strikes me, and I am sure must, upon reflection, strike both the President and yourself, as a most extraordinary one. When I first was informed that the President had done me the honor of conferring on me the appointment of judge of the United States for West Florida, I was induced to give to myself an account of the probable motives of the selection made of me; and, understanding that the Spanish laws were provisionally maintained, I came to the conclusion that the President had deemed it proper and convenient to select, for administering the Spanish laws in Pensacola, a judge from among the members of the bar of a country where the same laws, so far as they are not contrary to, or repugnant with, the constitution of the United States, are still in force, and who, of course, was supposed to be acquainted with those laws which he was to administer. An additional motive, perhaps, I thought, in appointing me (a stranger by birth) to that high office, in a country which, I am sure, it was the intention of the President to conciliate, might have been to satisfy the people of that country, by my example, that the promises held out to naturalized citizens by our free constitution were not vain and empty promises, but real substantial benefits and advantages, which the extreme liberality of our political institutions threw open to them as well as to the natives of the United States, from the moment that the Government of the United States, by taking possession of the Floridas, had recognised them as citizens of the free American republic.

Judge, then, sir, what must have been my astonishment, when I read in your letter that the general commission sent me is considered and intended to apply only to the execution of the laws respecting the revenue and the importation of people of color! and that the President considered it his duty to intrust the execution of the Spanish laws, declared to be still in force in this country, to officers specially appointed for that purpose! I am lost in amazement. What officers have been specially appointed for the purpose? None have been appointed by the President. General Jackson, I have proved, had not the right to appoint any; and yet now Pensacola exhibits the strange, very strange spectacle, indeed, of a court of unlimited jurisdiction in both civil and criminal matters; of a court without the assistance of a jury in civil matters; of a court without appeal—which court consists of three or four men, professedly not understanding a word of the language in which the laws which they are sworn to administer are written; men who have never before lived under the administration of those laws, and not prepared, by a previous education, to draw the information they are deficient in from the original sources in the Latin language, from which many of those laws are derived. Good and true men, sir, who indubitably mean well. But still, sir, suppose them angels: is not their ignorance of the language in which the laws are written an insuperable bar to their appointment? Only think, sir, of the Governors of Virginia and Massachusetts appointing as judges of a court of unlimited jurisdiction, without appeal, four Spaniards entirely unacquainted with the language in which the laws of Massachusetts and Virginia are written! Or, indeed, if this appears to you rather too shocking, suppose the Governor of Pennsylvania should appoint to administer the laws in Philadelphia four Germans from the county of Lancaster, who do not understand a word of the English language! You smile at the comparison; yet let the difference be pointed out. Is this justice, sir? Is it not, on the contrary, the prostration of all justice? There must be some misunderstanding. I cannot believe, sir, that the President or yourself can be acquainted with the facts which I have detailed. It cannot be, sir, that the administration of the Government of the United States can sanction such proceedings. The American people will shudder when they hear of it; and posterity, disposed always to believe almost every thing, will refuse to believe that. The more I reflect on the subject, the more I am bewildered; and yet, if General Jackson had a commission from the President authorizing him to act as he has done, how is it, since he thought proper to exhibit another commission, that that commission was not exhibited by him on the occasion of the celebrated question of jurisdiction in the case of the heirs of Vidal *vs.* Innerarity? Why, on that occasion, exhibit a commission under which he certainly can claim no part of the extraordinary judicial powers which he has exercised here? Why the many elaborate efforts to establish, by unavailing reasonings and by false facts, a jurisdiction, which even an illegal and unconstitutional commission, if he had exhibited it, would have established so as to answer, at all events, all his then purposes? Sir, has the generous zeal of the President betrayed him, in order to save a man who once * * * *, but who now, I fear, cannot be saved except by the sacrifice of the country, in now assuming upon himself a heavier responsibility than he has really incurred? I hope the suggestion may be forgiven. It would be the fanaticism of charity, and Mr. Monroe will pardon me for believing that he is capable of it.

The question, however, in any state of things, still recurs: Are the judicial powers exercised by General Jackson in West Florida, either by himself, or by persons appointed by him, (no matter from what source they spring,)

legal powers? To that question, after the most solemn and dispassionate examination of the case, my conscience answers—no. As long, then, as I shall be permitted to retain the commission with which I have been honored by the President, I must continue to consider myself as the only judge in Pensacola. Indeed, every appointment to a judicial office in West Florida, anterior to mine, derived from a commission for particular purposes from the President, I must consider as entirely superseded by my commission, which is expressed in the most general terms, and which commission is predicated upon an act of Congress, recognising in the Floridas the existence of a particular code of laws, which it would be strange, indeed, if a general and unlimited commission under that very act should not reach.

I hope, sir, my zealous examination of, and the earnest and free expression of my sentiments on, this question, will not be attributed by you to motives taking their impure source in committed or disappointed self-love. No, sir; self, I assure you, has never been further from me than, since I am in Pensacola, in almost every stage of this very extraordinary, and to me very disagreeable business; self would have dictated a line of conduct very different from the line I pursued. I consider this question only with reference to the rights secured to the people of this country by the treaty, and to the obligations assumed by the Government towards those people by the same treaty.

When I reflect that not less than one hundred suits, both civil and criminal, have been already tried—tried? no; I ought to have said decided—by the court appointed here by General Jackson, I am struck with terror at the rapidity of the torrent of endless litigation which is likely to overwhelm in a common ruin the honest citizens of this country, who have not been the victims of the other tyrannical measures pursued here by General Jackson. And can this be the accomplishment of the expectations held out by a law expressly passed for maintaining the inhabitants of the ceded territories in the free enjoyment of their liberty, property, and religion?

Sir, conscious, as from what precedes you must be sensible I am, that the President has no right to constitute a North court, such as existed in Great Britain under Charles I.; or a court of exchequer, which I do not conceive created by a law which I understand as giving (as is done every day) jurisdiction in matters of revenue to a court created for the general purposes of a court of justice in the United States; or a prevotal court, such as was occasionally established in France; and that the words of the section of the act, "and shall be exercised in such manner as the President of the United States shall direct," cannot relate but to the manner of exercising the given powers, not to the right of vesting those powers; that the words of the law are intended to prevent the continuation of possible abuses supposed to exist, not to create new and unheard of-abuses—that, for instance, with respect to the judiciary, if a practice had prevailed, as many persons supposed it still did, of taking the evidence of witnesses in private, the President should, under that clause of the law, direct it to be taken in open court; conscious, further, that if, *per impossibile*, the President could originally claim the right, under the words of the act I have quoted, of dividing the judicial duties to be performed, some by some under the Spanish laws, others by others under the two acts of Congress mentioned in the law, yet, after giving a general commission which embraces the constitution and the laws of the United States, (of which laws the act for carrying into effect the treaty between the United States and Spain, under which I am appointed, is one,) the President cannot have the right afterwards of abridging that jurisdiction—I am bound, and, of course, must here declare, with unfeigned and profound respect, my determination to maintain the right vested in me of administering here the laws of Spain, which, being neither in opposition to nor repugnant with the constitution of the United States, are still in force in the Floridas; and, under the powers thus vested in me, since the right is refused to introduce the writ of *habeas corpus* in the Floridas under the protection of the American, I will introduce it under the protection of the Spanish constitution.

Flectere si nequeo superos, Acheronta movebo. I regret it, sir—bitterly regret it; the Genius of American history will drop a tear in penning the page which is to record this singular political phenomenon. But if the people of the Floridas cannot be protected in their liberty and property, as of right they ought to be, by the constitution of our country—by the constitution of their country—they shall be protected, as far at least as my weak powers may avail them, by the constitution of Spain—by the constitution of their former country. Give me leave, sir, to refer you to the 11th section of the 172d article of the Spanish constitution; and further, among many others containing an analogous doctrine, to the articles 247, 251, 254, 287, 295, 299, 306, 312, and 371 of the same instrument.

By these several articles, sir, as fundamental laws still in force here, *mutatis mutandis*, test the conduct of General Jackson here; and, instead of making him simply a Captain General of the island of Cuba, &c., suppose him King of all the Spains, if you will; and even then he must be crushed under the ponderous weight of the loudly accusing authorities against his unprecedented despotism; and by the same authorities I must be supported in my strenuous exertions to screen the victims of his fury. And whether I used, in order to enforce my authority, the forms of what we call in the United States a writ of *habeas corpus*, or whether I issued any other order which a Spanish judge might have issued under similar circumstances, for the purpose of obtaining the same end, I feel, and I sincerely hope, sir, the President and yourself will, upon reconsideration, feel satisfied, likewise, that I have done every thing in my power to enforce obedience to the law, and that, in doing so, I have not gone beyond, but have kept myself strictly within, the limits of the legitimate authority intrusted to me by the President.

Sir, this communication being likely to close our correspondence on the subject of the difficulty between General Jackson and myself, (believing, as I do, that Congress will have legislated for the Floridas probably before this reaches you,) it may not be improper, perhaps, for me to add here a few observations in support and in vindication of the severe language I have been compelled to use in speaking of the conduct here of General Jackson. Sir, I am no miniature, no water-color painter. What I strongly feel, I must express strongly; and, accordingly, I reflect with pride on the strong expressions of gratitude which, in common with every American citizen, I bestowed on the achievements of General Jackson. Not one of the members with whom I had the honor to serve in the Senate of the United States will accuse me of having been deficient, so far as my feeble, very feeble, exertions and my vote could go, in the manifestation, in every possible shape and form, of the national gratitude to the man in particular under whose auspices the British had been obliged disgracefully to withdraw from the shores of invaded Louisiana.

When, on a later occasion, General Jackson made himself amenable to the severity of the laws of his country, for the perpetration of crimes—the forerunners of the crimes which he has since committed here—the measure of my gratitude to the conqueror at New Orleans was not yet exhausted. I rejoiced in my heart that the tribunal before which he was arraigned, and of which I was a member, could not, in my opinion, constitutionally take cognizance of the crimes with which he was charged; and thus, reconciling the imperious obligations of my conscience with the next to that imperious duty of my gratitude to the man who had rendered an essential service to my country, upon the ground of want of jurisdiction, I was found in the foremost ranks, and, if not among the ablest, I am sure among the most zealous, defenders of General Jackson.

Ever since, both in my public and private character, General Jackson's name was never pronounced by me but with the high respect his past services called for. I was proud to be associated with him in the pleasing and honorable task of initiating our new brethren of the Floridas into the enjoyment of the privileges, rights, and immunities of the citizens of the United States.

Even, sir, since my arrival in Pensacola, although a more intimate acquaintance with the man, whom I knew before principally from the rumors of fame, had, in a great measure, sunk the hero; notwithstanding I had heard his frequent imprecations, and his repeated determination to rule by the bayonet—by the bayonet!—a people the most devoted the most honest, the most inoffensive—of not one of whom, during his stay here, I venture to assert, he had the slightest reason to complain, and in point of numbers, too, the most insignificant; still, such was my blind infatuation, that, contrary to the dictates of my sounder judgment, my gratitude took the lead, and succeeded in persuading me that such language, improper as it was, was nothing more than the evaporating ebullitions of an overboiling temper, which never were to be followed by any dangerous results.

What, then, must have been the conduct of the man who, in spite of all those favorable prejudices, has wrested from me expressions of execration and abhorrence, which, upon now reviewing his acts, appear to me too feeble and too nerveless for the nefarious occasion! I hate tyrants in every shape; but I know of no words to express my detestation of an American tyrant. Sir, by my masters in the art of portrait painting, I have been taught that, in the delineation of characters, the writer ought to take into consideration not the acts only, but the motives, the occasion, the aggravating or extenuating circumstances, the provocation, the policy, the real or apparent necessity—in fact, all and each of the reasons by which men may be induced to act. All those circumstances, then, connected with the acts of General Jackson here, I took into consideration—his birth, his education, his pursuits, his civil and military employments, his long life under a republican Government, his glory—yes, sir, his glory; a noble, once, now the worst, very worst, feature in his character—his glory, which concatenated him with the glory of his country by an adamantine chain; well, even that adamantine chain of glory he has in sunder rent.

What consideration of comparatively frigid duty can check in his mad career the man who could not be checked by the glowing enthusiasm of his own noble deeds? I say nothing here of his former crimes; they would load the canvass, without adding to the effect of the picture. Those crimes, the disgustingly rich subject of another picture, themselves are without physiognomy alongside of the sacrilegious profanation of his own fame. And for what have these invaluable sacrifices been made? That he might play the tyrant over his fellow-citizens—his fellow citizens whose happiness had been intrusted to him by the President of the United States, whose happiness he had sworn to promote.

One word more, and I have done. The question now to be decided is not the insignificant and unimportant question of the difficulty between General Jackson and myself. It is a question of country or no country; constitution or no constitution; liberty or slavery. The despotism which attacks the liberty of one of the meanest of the inhabitants of this country, makes an attack upon the liberty of all. Every tyrant began his career by rendering eminent splendid services to his country. Cæsar had conquered the Gauls, subdued a part of Germany, and even pointed out Great Britain to the ambitious cupidity of his countrymen, before he turned his parricidal arm against Rome itself. I speak not this now with reference only to the present occasion. But, sir, tyrants beget tyrants. Beware!

N. B. It appears I was in error in stating the number of suits decided. From a reference to the docket of the court, it seems the whole number of suits filed is one hundred and twenty, of which between sixty and seventy only have been decided. Appeals, it seems, are still carried on before the acting Governor.

XIV.

Mr. Fromentin to the Secretary of State.

SIR: PENSACOLA, *December* 17, 1821.

I have the honor of sending you, enclosed, the opinion of Mr. Acre, the very able and upright counsel of Mr. Innerarity.

In my last communication to you, I made a mistake in stating the number of the judges who constitute the *real audiencia* at Fort Principe. Although I have no positive means here of ascertaining the real truth, yet, from information obtained since I wrote, I believe that I greatly exaggerated their number.

I omitted, likewise, to state that the Governor of Cuba, assisted by the auditor of war, enjoyed, under the old Government of Spain, the same judicial powers, to be exercised within the country under his immediate jurisdiction, which were enjoyed by the Governors of both East and West Florida.

This mistake of mine on one side, and omission on the other, do not, however, affect in any way my reasonings, nor the conclusions I have come to with respect to the jurisdiction of the Captain General and Governor of the island of Cuba, so far as the jurisdiction claimed by General Jackson here is concerned.

I have the honor to be, sir, with great respect, your most obedient servant,

ELIG. FROMENTIN.

The Hon. J. Q. ADAMS, *Secretary of State.*

[Enclosure in XIV.]

HEIRS OF VIDAL, *vs.* JOHN INNERARITY. } *In the Supreme Judicial Court of West Florida.*

OPINION.

At the request of the defendant, I have examined the report of the auditors, to whose investigation the merits of the above-entitled cause were submitted, and, having given the best consideration I am capable of, I now proceed to offer my views of the law on the points whereon the auditors have differed. The question thus made for the consideration of the court is, whether there is sufficient proof of the payment, by the house of Forbes, of the sums adjudged by the tribunal to Eslava and Le Blanc, as the dividends of the claims against the estate of Vidal. This question must be answered by the rules of evidence established by the laws of Spain, and recognised by her tribunals of justice. By that law, mercantile books, regularly kept, prove their contents, and are evidence of the claims of the merchant against his debtors to any amount, provided they appear to have been fairly kept, and contain in themselves nothing so suspicious as to counteract the *prima facie* evidence which the civil law, or law of Spain, declares them to be; and the courts of justice will always enter up judgment for the amount thus by them appearing to be due. In Louisiana, this rule of the civil law is modified and narrowed by statute, which requires that the merchant books should contain the *parafe* of the merchant on the margin of each page, made every Saturday night before a notary public, in order to make them evidence. And even by the common law, which is more strict in its rules than any other system of jurisprudence, the entries in the books of merchants can be proved by the clerk

who kept them; and, if he be dead, or beyond the jurisdiction of the court, proof of his handwriting is always admitted, and is conclusive as to the correctness of the entries, and to the truth of their contents. Testing the question made by the report of the auditors by the rules of evidence, either of the civil or the common law, how does it stand? It appears by the books of the house of Forbes, which, according to the civil or Spanish law, if regularly and fairly kept, prove the truth of their contents, that there are long accounts current, and to considerable amount, with Le Blanc and Eslava, and that these two gentlemen are credited by the amount of the dividends assigned them by the tribunal of 1810: hence, the claims of the house of Forbes against them are less by the amount of those sums put thus to their credit, and, consequently, they have received and have had the full benefit of those sums, inasmuch as they have gone to the lessening of the amount due by them to the house of Forbes. And if, at common law, they were sued by the house of Forbes for the amount of their accounts, proof of the handwriting of the clerk (if dead) who made the entries would be received, and judgment entered against them for the amount appearing to be due after deducting the credits; and if those credits would be allowed them in a suit brought on their account, it follows, as a natural consequence, that they have received the full benefit of those credits from the moment they were given; or, in other words, that the amounts with which they have been credited were paid to them the moment they were put as an offset against their debts. Therefore, in every point of view in which I have been able to consider this case, whether I test it by the rules of evidence acknowledged by the Spanish law, or by those recognised by the English law, my mind is led to the inevitable conclusion that there is sufficient and ample proof that the sums of money assigned to Eslava and Le Blanc, as the dividends of their claims against the estate of Vidal, have been paid to them, and that, therefore, they can have no claim against that estate for those dividends they have thus received; and, consequently, neither that estate, nor any one interested therein, can have any claim against the house of Forbes for these moneys. Such is certainly the law, and such, it is humbly conceived, ought to be the judgment of the court made upon this point by the auditors.

It will be remarked that all I have hitherto said is predicated on the supposition that the books containing the entries in question have been regularly kept. To ascertain this fact, (and it is an important one, as on it depends, I consider, the means of arriving at truth, and coming to a correct decision,) perhaps it might be proper to submit them to the inspection of intelligent merchants, and to receive their report as proof of the fact.

On the subject of the $200 paid to E. Livingston, of New Orleans, for professional services, my mind, on the first impression, was induced to concur with the report of the auditors, and to believe that it ought not to be allowed to the house of Forbes in the settlement of their accounts with the estate of Vidal, inasmuch as every client is responsible to his counsel for his conventional fees; but, on reflection and mature consideration of the matter, I am pretty well satisfied that, in this particular, I was mistaken, and am now inclined to think that this sum too must, according to law, be allowed. I am brought to this conclusion from the following facts and reasons arising thereon:

The suit instituted by Mr. Forbes was brought by attachment against the goods of Vidal, in New Orleans, in the State of Louisiana, where the civil law has been adopted; whereby the defendant, when judgment goes against him, is considered *in delicto*, *i. e.* in fault, and, therefore, is decreed to pay all the costs and charges which by that fault have been incurred in compelling him to do right; and the practice of the courts of Louisiana has uniformly been, I believe, in all suits against absentees, to appoint counsel to defend them, and, out of the proceeds of the property attached, to decree a sufficient sum for the payment of all the expenses incurred in the suit on both sides.

By the record in this case it appears that the sum paid to Mr. Livingston was paid to him by the sheriff, under an order by the court, out of the funds produced by the sale of the goods attached; and this order was, no doubt, entered in conformity to the practice of the court on similar occasions. If such is the law, and such the practice of the courts of Louisiana, it is evident that the payment of these $200 was an act of the court, over which Mr. Forbes had no control, and, therefore, he ought not now to be called on to pay, from his own funds, a sum of money which a court, having jurisdiction of the matter, had ordered to be paid by another party. The record of that cause imports absolute verity as to the facts contained in it, and the judgment of the court rendered on those facts cannot be inquired into by the tribunals of another jurisdiction. That judgment is, that the estate of Vidal should pay the charges, viz: $200, incurred in compelling it to pay its debts; and how can a court now, of a different jurisdiction, possessing no powers of review, reverse the judgment of that tribunal, and make a different order as to the subject-matter it had under consideration?

No judgment whatever can be legally given in this case in favor of the devisees of Vidal, (for they are not heirs, as erroneously called in their petition and proceedings in this case,) because, from the distribution of the assets of his estate, in 1810, as well as from the report of the auditors recently made, it is evident that the estate is insolvent, and, therefore, that nothing is left for the devisees, who can never take any thing in prejudice to the creditors; it being a maxim of law, as well as a very commonplace one of morals, that "a man must be just before he is generous;" in other words, he must pay his debts before he gives legacies; and if judgment cannot be given in favor of the devisees or petitioners, it is conceived that the cause cannot be taken up for the benefit of the creditors, because they have not asked it, and are fully satisfied, as is manifest from their putting in no claim. And it would be a strange anomaly, and a most singular phenomenon in jurisprudence, to see a court voluntarily and gratuitously pursuing the *fancied* interests and enforcing the *imaginary* claims of persons who have not said they have any, and who have certainly never asked its interference.

Having considered the report of the auditors, I proceed to offer some remarks on that part of the judgment of the court which decrees interest on the sum of $683 06, from the 20th November, 1810, on the supposition that, at that time, a final settlement of the estate of Vidal took place, and the house of Forbes was ordered to pay over the deposite in their hands, which the court supposes to be the sum above mentioned.

In decreeing interest, under the circumstances of the case, I am clearly of opinion that the court acted *unadvisedly*, and that a review of the facts, as they appear on record, would lead to a very different judgment.

The following statement of facts, verified by the record, will place the question of interest in a clear light:

In the year 1806, Don Nicolas M. Vidal, then late auditor of war of West Florida, leaving considerable of real and personal estate and many debts behind him, died in Pensacola.

By his will, he devised his property, after the payment of his debts, to two mulatto children, who are the present petitioners, styling themselves heirs.

His executor, Christoval de Armas, of New Orleans, sold his personal property, and, after the payment of mortgages on his real estate, there remained $2,645 25; which sum he having failed to give security for, as by law was required of executors residing out of the jurisdiction of the province, it was ordered by the tribunal, exercising the powers of a court of probates, to be deposited with the house of Forbes for safe keeping, for the benefit of the creditors, and until they should verify their claims against the estate.

A meeting of the creditors having been had, and the affairs of the estate deliberated on by them, the tribunal, in 1810, after having assigned to each one his dividend, ordered Mr. John Innerarity, the attorney of the house of

Forbes, to pay, within two months, to the creditors, the sums that had, by the judicial contador, been assigned to them as their dividends, viz:

To Euphrosyne Hisnard, - - - - - -	$1,379 00
To Terence Le Blanc, - - - - - -	209 31½
To the officers of the court, (collectively,) - - - -	512 06¼
To Miguel Eslava, - - - - - -	432 00
	$2,532 37¾

These sums, paid to the creditors according to the order of the court, deducted from the sum of $2,645 25 deposited, leave a balance in the hands of the house of Forbes of $112 87½; to which add the sum of $183 37½, received from New Orleans belonging to the estate, and the sum of $296 25 will remain of the deposite, against which the house of Forbes have a claim (which was allowed by the tribunal, in the distribution to the creditors, and which was a balance due on a note of hand given by Vidal to that house for borrowed money) amounting to $453 25; leaving a balance due by the estate to the house of Forbes of $157. Hence, there is neither principal nor interest belonging to the estate of Vidal in the hands of John Innerarity, the attorney of Forbes. And even if it were admitted that the sum of $645 25 was really in the hands of the defendant, as supposed by the court, it is evident that interest cannot be exacted on it, inasmuch as it is admitted to have been a deposite of the simple kind, which, being for the benefit of the depositor, and as a favor to him, does not draw interest until after a demand and refusal; and this sum belonging to creditors, who, if they have not received it, certainly have not demanded it, the court cannot, at the instance of third persons, having themselves no claim, decree interest to persons really entitled, who have not asked it.

It may be said that, if any injury has been done to the defendant, he is without remedy, and must submit to his fate, inasmuch as judgment has been entered, and the court cannot recall it. I answer that, though there is no court in this province having appellate powers, yet, as this is a tribunal acting under the forms of the civil law, and governed by the rules of practice, it is competent to the same court to review its own decisions. The same power which did the injury can repair the wrong. *Dissolvitur eodem ligamine quo ligatur.*

At common law, the court has control over its judgments during the term they are entered, and, if satisfied that complete justice has not been done in any cause tried during the session, the practice is to grant a new trial, and, on application to the discretion of the court, under such circumstances, has never been known to fail. And even if, after the end of the term, it is discovered that more complete justice would be attained by a new trial, though the court of common law cannot grant it, the same judge, exercising chancery powers, will, in his character of chancellor, award an injunction, and, on proof of the allegations of the bill, (reasons for a new trial,) will grant relief.

A court sitting under the authority of the civil law *has no terms; it is always open;* hence, it has the same control over its judgments, *at all times* before final execution, that a court of common law has during its terms. It also combines in its very constitution chancery and common law powers; so that a court thus constituted is competent to do whatever both courts, in the fullest exercise of their jurisdiction, could do. I therefore infer, from this view of the powers of the court, governed, as this is, by the rules of the civil or Spanish law, that there will be no hesitation in granting a rehearing. The petitioners cannot complain, because, if they are entitled to any thing, their right will not be diminished by justice being done; and, if they are entitled to nothing, they cannot, in common honesty, expect any thing. But, above all, when *justice* is the question, no technical questions, nor reasoning founded in fiction, should be suffered to impede her course; no considerations of *delicacy to predecessors* should restrain the hand that dispenses right. *Fiat justitia ruat cœlum.*

SAMUEL ACRE.

MOBILE, *December* 10, 1821.

[Documents communicated with the President's message of January 28, 1822.]

Papers received from Colonel Butler.

No. 1. Adjutant General Butler to Governor Coppinger, May 26, 1821.
2. Governor Coppinger to Colonel Butler, May 26, 1821.
3. Governor Coppinger to Colonel Butler, June 8, 1821.
4. Butler to Coppinger, June 8, 1821.
5. Coppinger to Butler, June 9, 1821.
6. Butler to Coppinger, June 10, 1821.
7. Coppinger to Butler, June 11, 1821.
8. Return of officers, &c.
9. Butler to Coppinger, June 13, 1821.
10. Coppinger to Butler, June 14, 1821.
11. Butler to Coppinger, June 15, 1821.
12. Coppinger to Butler, June 16, 1821.
13. Butler to Coppinger, June 18, 1821.
14. Coppinger to Butler, June 19, 1821.
15. Butler to Coppinger, June 20, 1821.
16. Coppinger to Butler, June 21, 1821.
17. Butler to Major T. Cross, June 22, 1821.
18. Butler to Lieutenant Baird, June 22, 1821.
19. Butler to Coppinger, June 22, 1821. (A.) Documents in the foregoing communication.
20. Coppinger to Butler, June 23, 1821.
21. Butler to Coppinger, June 26, 1821.
22. Coppinger to Butler, June 28, 1821.
23. Butler to Coppinger, June 29, 1821.
24. Coppinger to Butler, June 30, 1821.
25. Butler to Coppinger, July 2, 1821.
26. Coppinger to Butler, July 3, 1821.
27. Butler to Coppinger, July 3, 1821.
28. Coppinger to Butler, July 4, 1821.
29. Butler to Coppinger, July 5, 1821.
30. Coppinger to Butler, July 6, 1821.
31. Butler to Coppinger, July 8, 1821.
32. Coppinger to Butler, July 8, 1821.
33. Butler to Coppinger, July 9, 1821.
34. Memorandum signed by Butler and Coppinger, July 6, 1821.
35. Certificate of Robert Butler, July 13, 1821.
36. Act of cession of East Florida, July 10, 1821.

No. 1.

Adjutant General Robert Butler to José Coppinger, Governor of St. Augustine.

SIR: ST. AUGUSTINE, *May* 26, 1821.

I had the honor to inform you on the 24th instant of my arrival at this place, and of the powers with which I have been vested by the Government of the United States. It affords me much satisfaction to find, from the

short conversation I had on yesterday with your excellency, that our sentiments so well accord, and that our exertions will be mutual in affording every possible facility to a speedy and satisfactory termination of the official intercourse *anticipated* between us. In strict accordance with my instructions, it becomes necessary to ask officially of your excellency whether you have been furnished with any orders from the Governor General of Cuba authorizing the delivery of the province under your command to the commissioner appointed for its reception on the part of my Government. I beg leave to add, in conclusion, that I am prepared to commence the negotiation, and to comply with the stipulations of the treaty touching this subject in its full extent.

I have the honor, &c.

ROBERT BUTLER, *Adjutant General and Commissioner.*

To His Excellency JOSE COPPINGER, *Governor, &c., St. Augustine.*

No. 2.

The Governor of St. Augustine to Adjutant General Butler.

[TRANSLATION.]

ST. AUGUSTINE, FLORIDA, *May* 26, 1821.

In answer to the note of this date which you have been pleased to send me, I have to state that I am sincerely desirous that the business for which you have been appointed by your Government should be arranged in the most uniform and satisfactory manner to our Governments and to ourselves. I ratify, as I mentioned in our visit of yesterday, my being without the orders of my Government necessary to our treating on the delivery of this province, under my care, according to the treaty concluded by the United States and Spain; but which, while it impedes the opening a communication on the subject, can in nowise embarrass or straiten our individual relations. I will take the earliest opportunity of informing his excellency the Captain General of Cuba and the Floridas, on whom I immediately depend, of your arrival and mission, in order to the most speedy attention to your charge; assuring you, in the mean time, of the best wishes and attention within my power.

God preserve you many years.

JOSE COPPINGER.

By order of His Excellency:

GEORGE I. F. CLARKE.

ROBERT BUTLER, *Adj. Gen. and Com. U. S.*

No. 3.

[TRANSLATION.]

SIR: ST. AUGUSTINE, *June* 8, 1821.

I received yesterday despatches from his excellency the Captain General of the island of Cuba and the two Floridas, with competent orders to proceed to the delivery of this province to the commissioner authorized by the Government of the United States to receive it; and, as you have been pleased to inform me that you have come vested with that commission, I now give you notice of it, in order that the intended end may be accomplished.

Your obedient servant,

JOSE COPPINGER.

ROBERT BUTLER, *Adjutant General of the United States.*

No. 4.

Colonel Butler to the Governor of St. Augustine.

SIR: ST. AUGUSTINE, *June* 8, 1821.

I had the satisfaction to receive your note of this morning, in which you are pleased to inform me that you have received "competent orders" to arrange the delivery of this province to the commissioner authorized by the Government of the United States to receive it. As we now are the mutually declared authorities touching this business, and as, I presume, you are, as I am, satisfied in this official recognition, I shall at once conform to my instructions, by opening the subject generally, that no unnecessary delay may arise.

To enable me to comply with the provisions of the seventh article of the treaty lately ratified by our respective Governments, it becomes necessary to call on your excellency for a statement of the number of officers, both civil and military, and troops, for which I am to provide transportation to the Havana, and also to arrange the provisions for their subsistence; which, although not expressly mentioned in the treaty, yet the liberal construction which my Government is disposed to give to that instrument has induced the arrangement. It is desirable, also, to have a distinction drawn between those officers who have families and those who have not, as I feel disposed to afford as much comfort as possible, without departing from my instructions, in the arrangement of the transports. As this information is important to the immediate consummation of my preparatory duties, I hope you will give me early advices, to enable me to place myself subject to your wishes in the final arrangement.

To evince my respect for you personally, as well as officially, and feeling, as I do, every friendly disposition towards cultivating the happy understanding which exists between our respective Governments, I am induced to ask your excellency to embrace, in the form of a projet, 1st. *Your wishes* with regard to the manner and probable time of delivery of the province under your command; 2d. The subject islands dependant on said province; 3d. Public lots and squares; 4th. Public edifices; 5th. Fortifications, with their appendant defences; 6th. Barracks and other buildings, which are not private property; and, 7th. The archives and documents which relate directly to the property and sovereignty of said province, accompanied with a schedule of the property contained under the 2d, 3d, 4th, 5th, and 6th heads. The arrangements which may relate to the embarcation of our troops I shall leave out of view for the present, as I desire on this head to consult your wishes, in a conference, previous to entering of record and preliminaries touching that point; believing as I do that we can more satisfactorily meet each other's views by a conference than by written communications. As the projet which I have requested is, when complete, to be in the character of a general arrangement, destined to be passed for the information of our respective Governments, as an acquittal of the duties required of us, I feel the more solicitous that you should submit it, as the most particular evidence of the friendly disposition of the Government which I have the honor to represent.

I renew to your excellency the assurances of my distinguished consideration.

ROBERT BUTLER.

Governor COPPINGER.

No. 5.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

SIR: ST. AUGUSTINE, *June* 9, 1821.

Before satisfying each of the particulars contained in the note which, under date of yesterday, you did me the honor of sending me, I have thought it convenient to inform you, that, in the expedient that must be formed, to proceed to the delivery of the province under my charge, there must be inserted authentic copies of the treaty concluded between our respective Governments; of the royal schedule of the 24th of October last, that I have received for the delivery, and the rest of the orders appertaining to it; and likewise including that in which I am named and empowered by his excellency the Captain General of the island of Cuba and the two Floridas, in his name to make said delivery to the commissioner of the United States of America duly authorized to receive it; and although, individually, I am perfectly satisfied that you are the commissioner, notwithstanding, to proceed with all the circumspection requisite to so important a subject, I must, therefore, beg you to oblige me by sending the document in which you are authorized for said commission, a copy of which will be united to said documents, serving as preliminaries on the delivery and receipt, that will be done with all the solemnity possible. In the mean time, I shall communicate to you a knowledge of the other affairs which you demand, and always with the highest consideration and esteem for your person.

I have the honor to be, sir, your obedient servant,

JOSE COPPINGER.

ROBERT BUTLER, Esq., *Adjutant General U. S. Army.*

No. 6.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, *June* 10, 1821.

I have received your note of yesterday, in which you assign the reasons for not "satisfying each of the particulars" contained in my note of the 8th instant; and although it is believed, on my part, that a more summary mode would meet the views of my Government than what you deem necessary, growing out of your instructions, I readily acquiesce in the proposed arrangement, and have, therefore, herewith enclosed, for your satisfaction, my appointment as commissioner to arrange with your excellency the duties intrusted to our charge. In the mean time, I hope you will favor me with the information desired in the first part of my note of the 8th instant, relating to the arrangement of transports, at as early a period as may be convenient and proper.

With sentiments of great respect and esteem, I have the honor to be your obedient servant,

ROBERT BUTLER.

His Excellency JOSE COPPINGER, *Governor, &c., St. Augustine.*

No. 7.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

SIR: ST. AUGUSTINE, *June* 11, 1821.

I have received your note of the 10th instant, in which you enclose me your appointment as commissioner to receive, in the name of the United States of America, the province under my charge; and, although you have pointed out to me that it was believed, on your part, that a more summary mode than that I have proposed was the persuasion in which your Government was would be observed, I must remark, that, attending to what the treaty, royal schedule of delivery, orders of my Captain General, and the importance of the same affairs merit, I have thought the proposal the most analogical, and worthy to fill the objects, although I am disposed to rectify it in any of the parts that do not agree, or are unnecessary in the insinuated requisites. Coinciding with the ideas that you have manifested to me, it is my desire that our respective commissions be complied with as soon as possible; but, having received, at the same time with the orders for the delivery of this province, those that ought to have been communicated ere this, to prepare and facilitate said delivery, is therefore the cause that it cannot be executed in all its parts with that despatch we desire. On that account, I request your attention in respect to the advices and intelligence my Government has given me relative to the treaty, to make known to all the inhabitants of the country, as well that part stipulated in respect to them, as also the particular steps they have determined shall be taken for those who wish to emigrate to various parts of the Spanish dominions. The artillery, military stores, and ammunition, that are to be transported, is another of the important points, the operation of which demands some order and time in this particular, as well as others, which, although they are not of as much consequence, it is requisite to execute them. I therefore consider it necessary we should hold a private conference, a medium by which we can conciliate our respective opinions, and accelerate its brevity; for which occasion I reserve manifesting you my observations, that, united with those you may uniformly make, they can be formalized in a species of convention, that will point out, with exactitude, the method of the operation, and will deliver us from some difficulties that generally occur in such cases. In answer to the first particular of your note of the 8th instant, I enclose you a circumstantial account of the military force of this garrison, including the families belonging thereto; likewise another, of those employed in this place under the immediate dependency of the national finance, both one and the other, with their respective remarks, for the ends that may be thought necessary.

Before leaving this subject, rendering your Government the honor and justice it merits, I pay them the tribute of my sincere thanks for the liberal sense given to the seventh article of the treaty; generosity supplying the necessary provisions during the voyage of the officers, troops, and those persons employed in the finance; and to you, sir, for the frankness you have manifested, and which will, no doubt, shorten our future communications. As I have heretofore expressed, I think it proper there should be a personal interview, for arranging the embarcation of said artillery, military stores, and ammunition, and other particulars which I wish to communicate. We will then determine positively the day on which the delivery of the province under my charge can be effected, as all other calculations would be useless without such an antecedent agreement. In respect to the lots, squares, public edifices, fortifications, barracks, and other public property, with the documents and archives that appertain directly to the right and sovereignty of this province, you can immediately designate the person or persons that are to receive the invento-

ries, plans, &c., to prepare and devise the needful, for the purpose of advancing this operation, to the commandant of engineers of this city, for the delivery of each of the respective departments, and also the documents appertaining to individual property, and those alluding to the sovereignty of the province; for which I will give the competent order, when I am advised by you of those chosen for the purpose. To give you, as I wish, an exact account of the adjacent islands to this province, is almost beyond my power, for the want of a general map that delineates their positions, extension, and circumstances; but, with the exception of Amelia, which is in the possession of the United States, and *that* forming the harbor of this port, known by the name of St. Anastacia, on which is situated the look-out house, all the rest are nearly without population, as likewise the public lands. You will therefore have a knowledge of those to be taken possession of as Government property, under the impression there may be of their not being granted. I believe want of exactitude will suffer no difficulties to arise, seeing the good faith and long possession which the Spanish Government has had of them since the treaty concluded between her and Great Britain, at Versailles, the 19th September, 1783, in which no particular specification is made of said islands, nor is there any document relative to the affair. The plain and ingenuous manifestation with which I have tried to satisfy the particulars contained in your note of the 8th must convince you of the friendly disposition to fulfil the commission confided to me with that harmony and friendship which has until now guided us, and which, I am certain, will not be interrupted, as I have the greatest opinion of the amiable qualities which adorn you.

God preserve you many years.

JOSE COPPINGER.

COL. BUTLER, *Adjutant General Southern Division U. S. Army, and Commissioner &c.*

No. 8.

Return of the persons employed, and other individuals depending on the national treasury, of the city of St. Augustine, East Florida, that are to be embarked for the Havana, agreeably to the treaty concluded between Spain and the United States, expressing such as are married, and the number of their children.

Departments.	Employment.	Names.	Women.	Children.	Total.
National revenue, -	Minister of the national revenue,	Don Gonsalo del Prado, -	1	-	2
Do. -	Commissioned clerk, -	Don José Saavedra, -	-	-	1
Do. -	Assistant clerk, - -	Don Manuel Crespo, -	1	-	2
Do. -	Collector and treasurer of Fernandino, - -	Don Domingo Reyes, -	1	5	7
Do. -	Notary public of the finance, -	Don Juan Blas de Entralgo,	1	9	11
Do. -	Custom-house guard, -	Francisco Gonzales, -	-	-	1
National magazine,	Ordnance store-keeper, -	Don Juan Robles, -	1	2	4
Do. -	Confidential laborer, -	Don Santiago Gonzales, -	-	-	1
Do. -	Do. - -	Don Augustin Magrenan,	-	-	1
Board of works, -	Overseer invalided, -	Don José McGomez, -	-	-	1
Do. -	Blacksmith, - -	Don Francis Giel, -	1	1	3
Do. -	Armorer, - -	Don Antonio Andrew, -	-	-	4
Do. -	Cooper, -	Don Nafuel Andrew, -	1	5	7
Military hospital, -	Comptroller and acting intendant,	Don Francis Reyes, -	1	4	6
Do. -	Principal physician, -	Dr. Don José P. Peraulta,	-	-	1
Do. -	Surgeon, - -	Don Juan R. Bejarano, -	-	-	1
Do. -	First assistant, - -	Don Antonio Cordova, -	-	-	1
Do. -	Chief apothecary, - -	Don Ramon Fuentes, -	1	10	12
Do. -	Cook, - - -	One, - -	-	3	4
National schooner Barbarita, -	Captain, - -	Don Miguel Acosta, -	1	6	8
Do. -	Boatswain, - -	Mateo Ponce, -	1	2	3
Do. -	Seamen, - -	Three, - -	-	-	3
Pilot's launch, -	First pilot, - -	Don Pedro Mirando, -	1	4	6
Do. -	Second pilot, - -	Don Francisco Logano, -	1	6	8
Do. -	Seamen, - -	Twelve, - -	7	16	35
Custom-house boat,	Coxswain, - -	Don Pedro Tropell, -	1	1	3
Do. -	Seamen, - -	Three, - -	1	5	9
Gunboat Zeloza, -	Patron, - -	Don Nicolas Rodrigues, -	1	-	2
Do. -	Seaman, - -	One, - -	-	-	1
Gunboat Ymutable,	Patron, - -	Don Juan Mestre, -	1	8	10
Do. -	Seamen, - -	Three, - -	-	-	3
Public school, -	Schoolmaster, - -	Don Eusibio McGomez, -	1	7	9
Indian department,	Interpreter, - -	Don Antonio Huertas, -	-	5	6
			25	99	173
		Convicts, - -	-	-	17
		Total, - -	25	99	190

REMARKS.—No transport is required for the individuals belonging to the schooner Barbarita, the gunboats Zeloza and Ymutable, as well as those of the launch and custom-house boat, as they are to perform the voyage in the first three vessels. Moreover, that in the total of the persons employed contained in this return, there are some who, from sickness, cannot proceed with the expedition.

JOSE COPPINGER.

ST. AUGUSTINE, *June* 11, 1821.

No. 9.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, E. F., *June* 13, 1821.

Your note of the 11th instant, with the accompanying documents, I had the pleasure to receive last evening. The sentiments expressed therein have been duly examined and properly appreciated. The information contained in the schedules you have furnished will enable me to arrange the transports, I hope, satisfactorily. Permit

me to hope that you will give such instructions to the commandant of engineers as will authorize him to prepare an inventory of the lots, squares, public edifices, fortifications, barracks, and other public property comprehended in the cession, together with a plan of the respective towns or places, in which it is peculiarly desirable to have the public property designated by some color different from that owned by individuals, and to have attached their extent of limits. On the arrival of the officer whose functions embrace this duty, I shall immediately give him the necessary orders for their reception, of which I shall duly apprize you. I shall take occasion to designate, shortly, a suitable person to receive the archives and documents which relate directly to the property and sovereignty of this province, as authorized by you. It now becomes necessary to notice particularly that part of your excellency's note which relates to ordnance, military stores, &c.; and I regret that part of my note of the 8th seems not to have been understood wherein I made the expression "fortifications, with their appendant defences;" which was intended to convey distinctly to you that my Government considered the artillery in the fortifications appendant, and of right belonging to them, and embraced in the meaning and intention of the cession, and, therefore, to be left with them. I had fondly hoped that the same construction would have been given by our respective Governments to the treaty; but, from the tenor of your letter in relation to the artillery, it would appear that your instructions have rendered their removal necessary. Should *this be the case*, it becomes my duty to adhere strictly to the same system of construction, in every part of the treaty embraced by my instructions; and I therefore solicit the information, that I may adopt such measures as the subject requires. So soon as the foregoing point is disposed of, I shall immediately call on you to meet each other's views in conference, touching all the matters that will remain for discussion; and I must be permitted to assure you, that my hopes and expectations of a happy and speedy termination of our respective duties are not in the least diminished; and I renew to you the assurance of my most respectful consideration and great regard.

ROBERT BUTLER.

His Excellency JOSE COPPINGER, *Governor and Commissioner, &c., St. Augustine.*

No. 10.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

ST. AUGUSTINE, *June* 14, 1821.

I have given the necessary orders to the commandant of engineers to prepare the inventories of the lots, squares, public edifices, fortifications, barracks, and the rest of the property appertaining to the nation, manifested to you in my note of the 11th instant, that you would of course, on your part, name the person to receive them; said commandant of engineers will deliver suitable plans, and in that of the town will be found delineated the lots and other public property, with the marks and explanations separately, (that detail which you desire;) as also will be ready for delivery the documents that have direct relation to the property and sovereignty of this province; for the particulars of which I refer you to my said note. After weighing the expression of your note of the 10th instant, which treats of the "fortifications with their dependencies, or appertaining defences," understood by me in the literal sense, was, that dependencies signified the exterior works of the fortification—magazines, and other similar works, such as the lines and palisades that unite the fortress of this city and surround it. For this reason I found no difficulty, and I took a cursory view of the expression; but having given rise to the manifestation that you have been pleased to make me, that your Government considered the artillery, ammunition, and ordnance stores that are in the fortifications appertaining to them by right, and that such effects are comprehended in the meaning of the cession, I must inform you that a contrary explanation has been given by my Government on this point; and you will therefore permit me to make some observations that will convince you, I am persuaded, of the rectitude of this judgment. By *fortification*, I understand the work that is raised to defend and enclose a certain space, the work consisting, in particular, of the edifice, but not in the arms, ammunition, and ordnance stores, in which each nation varies in its structures, tactics, and military laws. If it is an axiom that the fortifications want arms and ammunition for their defence, it is equally so that they want force for their management, as likewise the necessaries for their subsistence; by which, if the support of the question consists that the fortifications to be defended require the first, by this identical reason the second may be demanded, as there is as much propriety in the one as the other; whenever, without the reunion of these things, it will not be said that is a fortified point, and in a state of defence. Under a different aspect will the moveable and other furniture, then in use in the barracks and public buildings, be delivered with them. It is not reasonable that it should be so, as the lots, furniture of the troops, and other utensils that serve for the convenience and necessity of those that inhabit them, cannot be included in the delivery. It is observed between nations, that by the sale, cession, exchange, and conveyance of this class of property, is understood merely the buildings, unless it is stipulated decisively that in the sale, cession, &c., the furniture, with the rest of the moveable effects, is a part of the property; and it is very clear to infer that in the treaty, where it distinctly mentions the delivery of the fortifications, it is solely the material and immoveable parts, but not the goods and effects necessary for its defence. It is under this belief that the Spanish Government directs me to agree with the commissioners of the United States, in the mode of removing the troops, ammunition, baggage, &c.; from which I infer that the whole is to be executed at their charge. In conclusion, it is well known that, on the delivery of this province by Great Britain to Spain, the former withdrew all the above-mentioned effects, as being the practice in similar cases, unless stipulated for otherwise. I remain in the persuasion that what I have expressed will be sufficient, in order that the meaning and interpretation may be rectified, which you pointed out to me as the construction given by your Government to the expression in the treaty relative to the fortifications; and weighing, as I am assured you will, the essential part of this note, we may proceed to the points still depending, and conclude with mutual satisfaction our respective duties. God preserve you many years.

JOSE COPPINGER.

ROBERT BUTLER, Esq., *Adj. Gen. Southern Division and Commissioner for the U. S.*

No. 11.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, *June* 15, 1821.

Your note, under date of yesterday, in answer to mine of the 13th instant, has been handed to me this morning. I feel great satisfaction at your having given such general attention to the subjects contained in my note aforesaid. There are two points in your note which claim, on my part, explanation. The first relates to the fol-

lowing sentence, as given by you, in quotation from my note of the 10th, viz: "fortifications with their dependencies, or appertaining defences." As this is calculated to give impressions different from what was expressed, I beg to be excused for giving the annexed quotation from the copy in my possession bearing date the 8th, and not the 10th instant, and which is in the following words, viz: "fortifications, with their appendant defences." The second point relates to the expression in your excellency's note just received, and of which the following is a quotation: "That your Government considered the artillery, ammunition, and ordnance stores that are in the fortifications, appertaining to them by right, and that such effects are comprehended in the meaning of the cession." Opposed to which, I insert the following quotation from my note of the 13th instant, and to which you allude, viz: "That my Government considered the artillery in the fortifications appendant, and of right belonging to them, and embraced in the meaning and intention of the cession, and, therefore, to be left with them." From this expression, your excellency will certainly perceive that the United States laid no claim to the ammunition and ordnance stores. Could I think myself at liberty to enter into discussion on the merits of the construction which my Government has given to the treaty, in relation to the artillery, I flatter myself that I could convince you, satisfactorily, that the meaning and intention of the contracting parties were, that the artillery in the fortifications was appendant to, and should remain with them. Such would also appear to have been the impression of the Captain General of Cuba, from his order to you of the 5th ultimo, (a copy of which I have received from the United States commissioner, from Cuba,) in which he does not require the removal of the artillery; added to which, the total silence of the seventh article of the treaty on the subject of furnishing transportation for the artillery, ammunition, and ordnance stores, or even provisions for the subsistence of the troops on their passage. As I feel myself authorized to infer, from your note of the 14th instant, that you are determined to remove the artillery, it becomes my duty to enter my protest against the measure. But, before appending it to this communication, I would suggest that, should you feel authorized to form a different conclusion with regard to the artillery, and to determine to leave it, I will engage to furnish a reasonable proportion of transportation for the ammunition and ordnance stores; but, on the other hand, should you still determine to remove the artillery, I do hereby respectfully protest against the measure, and declare that I do not consider the United States bound to furnish either transportation or escort for the artillery, ammunition, and ordnance stores; and that they have, and will exercise, a claim on the Spanish Government, as well for the artillery so removed, as the provisions which they have procured for the subsistence of the Spanish troops from this to the Havana, should the same be made use of. As this point now remains for decision exclusively with you, and should that decision correspond with the sentiments contained in your last note, I consider it placed out of the pale of my duties, and subject to future discussion between our two respective Governments alone. I have to request that the public property at Amelia Island will also be embraced in the plans preparing by the commandant of engineers. I shall do myself the honor to call and confer with your excellency on to-morrow with respect to our further duties, and conclude with renewed assurances of personal esteem and great regard.

ROBERT BUTLER.

His Excellency Governor COPPINGER.

No. 12.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

SIR: ST. AUGUSTINE, *June* 16, 1821.

I had the honor of replying in my last note to yours of the 8th and 13th, (which last, through mistake, was referred to instead of that of the 10th,) on the same subjects of which you required an explanation in your note of yesterday. In my opinion, the expressions in your first two notes are synonymous, viz: "fortifications with their appertaining defences," or their "appendant defences;" and if by these you wish to give them different constructions, as you indicate to me in your last, it is clear that, on my part, the competent explanation given you fully in the note of the 14th was what I understood by such words; and having manifested to me the sense with which you wrote them, I consider that dwelling any longer on the subject would waste insensibly the time which ought to be dedicated to objects of more interest. You are aware that I am merely the executor of the orders that my Government communicates to me, which I must strictly follow. In my former, I mentioned fully that my opinion was, that, in the word *fortifications* in the treaty, the artillery and other moveables were not comprehended; and you maintained that, from the signification of that word, and the intention of the two contracting powers, the artillery in the fortifications was appendant, and of course belonged to your Government, which you endeavored to prove from the copy transmitted to you of an official letter from his excellency the Captain General to me, bearing date the 5th of May, in which he does not make any particular mention of the transportation of the artillery; and although it is so, I am sorry they have not likewise transmitted you copies of the remainder of his excellency's official correspondence. But should it not be so, I will not deprive you of a knowledge of the royal schedule of the 24th of October last, in which His Majesty positively orders that all the papers and effects that belong to the nation, and are not found comprehended or mentioned in the clause of the cession, shall be transported to other parts of the Spanish dominions; in which case I have considered the artillery. Notwithstanding, wishing to give you a proof of respect, and avoid protests and reclamations, I propose, and confirm myself, that the cannon mounted at present on the batteries of Fort St. Mark's and Matanzas, (the only permanent fortifications that exist in the province,) remain as they actually are, until our respective Governments make the explanation and agreement they may think proper; but you will provide the transports for the residue of the artillery, a larger number not being necessary for their defence in the change of Governments, as with it ceases all apprehension of any disturbance by land, and the lines being unnecessary on which some were mounted. I also offer to leave with you a moderate quantity of ammunition and ordnance stores for the use of said pieces, making of the whole an inventory, that the Spanish Government may be answered and satisfied should they determine its delivery; to which proposition I flatter myself you will consent. The commandant of engineers will deliver you the plan of Amelia, with the information that may exist relative to it. I am assured that, in the conference you mentioned, all the pending points will be more satisfactorily adjusted than is possible in our written communications, which are delayed in consequence of the necessity of their translation, and where it is to be apprehended that our respective expressions may not be conveyed exactly. I will have much satisfaction in repeating to you personally my respects, and I assure you, in the mean time, of my high consideration and esteem.

God preserve you many years.

JOSE COPPINGER.

ROBERT BUTLER, Esq. *Commissioner, &c.*

No. 13.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, *June* 18, 1821.

I received your note of the 16th instant, on that day, in answer to mine of the 15th. The promised translation was handed this morning. After duly examining the documents you were pleased to have me furnished with, in relation to the stores, artillery, &c., and after a careful examination of my instructions touching those points, I find that I cannot meet your proposition. While I sincerely regret the difficulties which we are, from our respective instructions, placed in, I feel extremely desirous to place the subject happily at rest between us, and therefore respectfully propose the following arrangement, in addition to that given in my note of the 15th; which is, that you will consent to leave all the artillery, with their implements and a proportion of ammunition, &c., for which I will give a corresponding receipt, placing the proper construction of the treaty in the hands of our respective Governments; and to facilitate, as much as possible, the contemplated exchange, I will engage to furnish transportation for the ammunition and stores, save that of the cannon balls, bombs, and grape shot, which you can have transported; and, in like manner, the transportation furnished on my part, as well as the provisions consumed on the voyage, and the ammunition which may be left with me, shall be subject to a similar adjustment, on the part of our respective Governments. Should your instructions, in conjunction with your sound judgment, authorize you to adopt this proposition, I shall be more than pleased, as I am constrained, from a sense of duty, to say that it is the only arrangement on this subject which I feel at liberty to enter into; but should your views not correspond with mine, whilst I regret the circumstance, I must refer you to the sentiments of my former note, in which is embodied my protest, for your final decision thereon. It is now proper that I should inform your excellency that the United States are prepared with escort, transport, provisions, and water, to accommodate the Spanish officers and troops to the Havana; and that I am prepared to enter immediately into the general arrangement for the reception of the province which you have been selected by your Government to deliver. I have designated Major Cross as a fit and proper person to receive the archives which relate to the sovereignty and individual property of the province; and Lieutenant Baird, of the corps of artillery, to receive the inventories, plans, &c., and to take possession of the islands dependant, public lots and squares, public edifices, and other buildings which are not private property; and have therefore to request that you will give the necessary orders in good time, as you were pleased to signify in your note of the 11th instant. I must advert for a moment to the expression in your last note which implies a waste of time in the explanations which I gave in my note of the 15th; with these sentiments I beg leave to differ, as I deem it an essential duty to correct misunderstandings or incorrect quotations on important subjects. I need not urge upon your excellency how desirable it is that the contemplated exchange should be speedily effected, as well on account of the situation of the troops lying off this city, as of the accumulating expense daily arising from our state of preparation under the treaty. Permit me to hope, however, that I may be furnished with your final decision on the subject of the artillery at as early an hour as possible.

ROBERT BUTLER.

Governor COPPINGER.

No. 14.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

ST. AUGUSTINE, EAST FLORIDA, *June* 19, 1821.

I have examined the contents of your excellency's letter of yesterday, and, in answer, I wish to inform you that, in order to facilitate the delivery, and give your excellency an unequivocal proof that it is my primary object, (as we cannot, consistently with our respective orders and instructions, agree on the term *fortification*, mentioned in the treaty,) we ought to adopt on our part a prudent and friendly position, at least until our Governments resolve on this point. If I comprehend your excellency's propositions, they are, that if I do not consent to leave all the artillery subject to the decision of our Governments, your excellency offers to transport, on your account, the ammunition and stores, excepting the articles cannon, bombs, balls, and grape shot, which will remain at mine; leaving subject, likewise, the transportation which your excellency offers, and the rations consumed on the voyage of said ammunition and stores, to superior determination; and the ammunition and implements of war that I leave to remain subject to the same determination. I agree that it should be so; and I suppose that your excellency calculates on there remaining in the Forts St. Mark's and Matanzas (the only existing points of permanent fortification) the artillery that for their defence are actually in battery, as your excellency proposes in your note of the 16th, and of the number and calibre of which a separate statement has been given. In this conception which I have formed of your excellency's proposition, I repeat my acquiescence; and as it is my wish that the aforementioned artillery, balls, &c. not comprehended among the articles that are to be left, should be carried and convoyed at the same time with the troops, I hope that your excellency will ratify the same, in the assurance that I will adopt the most prompt measures in order to the attainment of this effect. I am informed that all is prepared on the part of your excellency for the evacuation of the territory by the garrison under my charge, and that your excellency is in readiness to enter into the general arrangement for the receipt of the province; therefore, and that we may commence carrying the same into effect, your excellency can ordain Major Cross to apply to me for the delivery of the documents of the secretary's office of this Government, appertaining to the national property. As respects the delivery of the public archives, containing the records of individual property of this province, that will be delayed until various doubts that occur are cleared up; but they will not be removed until then, nor will I leave this place until all matters are regulated and concluded between us that demand my personal assistance. Lieutenant Baird, of the artillery, can likewise apply to me, that he may, with my intervention, commence receiving the inventories, plans, &c. from the engineer's department. Your excellency makes an observation that I cannot pass in silence. When an expression is understood, and there has been made thereon the explanation it requires, I consider the term of answering closed; and as my official letters of the 14th and 16th satisfy what your excellency presented in yours of the 15th, I consider that I was warranted, without infringing on delicacy, to say that detaining ourselves would sensibly delay time, and postpone matters of more importance. But if it offers any doubts, I am disposed to clear them up; and should there be none, your excellency will do me the justice to participate in my good wishes. From the moment I received the orders of my Government to act in this commission, I have been busy, and am incessantly busy, in its promotion. Your excellency knows that we are greatly in advance of the time allowed by the treaty for the evacuation; and although the situation of your troops stimulates my exertions, I could have wished the delay of their approach a few days longer, at least until our accordance could have fixed on a probable period in which their

coming on would have been more opportune; but, as it has not been so, I am disposed to give up the possession of the territory, by the evacuation of my troops, as early as possible, and which will be governed by the final resolution of your excellency on the artillery, if that is agreeable to what I have expressed in the beginning of this letter; and, in the mean time, I renew my particular respects and high consideration of your excellency.

God preserve you many years.

JOSE COPPINGER.

By order of his excellency Don José Coppinger:

GEO. I. F. CLARKE.

His Excellency ROBERT BUTLER,
Adjutant General of the Southern Division and Commissioner of the U. S.

No. 15.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, *June* 20, 1821.

I have received and examined the contents of your note bearing date yesterday, in answer to mine of the 18th. I find that your excellency has not comprehended my proposition as I could have wished. I proposed that you should leave *all the artillery*, and that I would furnish transport for the ammunition, stores, &c., except balls, bombs, and grape shot, which you could have transported. That part which relates to leaving, subject to the decision of our respective Governments, the cannon, implements thereto belonging, ammunition to be left with them, provisions for the voyage, and the transport to be furnished by me for the ammunition and stores, as expressed in my letter, seems to have been perfectly comprehended; and I now, with a view of putting to rest this embarrassing subject between us, ratify the construction given by you to the said proposition, in its full extent, which is comprehended as follows: The artillery (with their implements complete, and a reasonable proportion of fixed ammunition) as mounted on St. Mark's and Matanzas, and comprised in the statement handed by your aid-de-camp, as follows:

	Iron artillery.			*Brass mortars.*		*Brass howitzers.*
	24 prs.	16 prs.	8 prs.	11 inch.	7 inch.	7 inch.
St. Mark's,	10	11	0	1	1	2
Matanzas,	0	0	2	0	0	0

Making, in all, twenty-seven pieces to remain in battery. The provisions and transports for the stores, together with the ammunition to be left, are all to be subject to the amicable arrangement of our respective Governments; and I also ratify your expectation that the artillery, balls, &c. not comprehended to be left, and for which you furnish transportation, shall be considered under convoy, provided your excellency shall cause to be rendered to me an article signed by, and binding on, the captains of the vessels who will expect convoy, by which article the names of their vessels shall be given, and their agreement placing themselves under the orders of James Ramage, Esq., commanding the United States convoy, until their arrival and delivery at Havana. I shall give proper attention to the other subjects contained in your excellency's note aforesaid in good time, and do myself the pleasure to see you shortly, and confer with you about the archives of this province which relate to individual property. I beg leave to express to you, in conclusion, that my Government considers the transports employed on its part, for the fulfilment of the stipulations of the treaty, as being free from port charges or other duties, both at this place and Havana; for which I hope you will give me an assurance. I highly appreciate your intentions of delivering this province at as early a period as possible, and have only to regret the multiplicity of business which presses on you.

I renew to you the assurance of my great regard and high consideration.

ROBERT BUTLER.

His Excellency JOSE COPPINGER, *Governor and Commissioner.*

No. 16.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

ST. AUGUSTINE, *June* 21, 1821.

It affords me much satisfaction to find that a final and friendly conventional termination is placed on the business of the artillery, ammunition, and other implements of war, until our Governments determine the question definitively. To-morrow will be commenced, on my part, the embarcation of the cannon, bombs, balls, and grape shot; and I hope your excellency will be pleased to inform me if you have in readiness the vessels that, on your part, are to transport the ammunition and implements that do not remain for the service of the twenty-seven pieces of artillery mounted on the forts, which were particularly mentioned in the statement handed by my adjutant, and expressed in your excellency's note of yesterday, that I may make the necessary dispositions for the most early and active steps in their delivery. I return thanks to your excellency for having acceded to my wishes in permitting the vessels freighted by me for the transportation of the cannon, bombs, &c. to be embodied in the expedition, and convoyed by the United States armed vessel commanded by James Ramage, Esq.; and for that purpose I will furnish your excellency, in due time, with the necessary notice, in order to have the same effected, according to the desire your excellency has expressed.

I have the pleasure of assuring your excellency that the vessels employed by the United States in the evacuation of this province will pay no duties whatever on their entrance into or departure from this port, and that they shall be furnished with pilots whenever wanted. But I cannot give you the same assurance with respect to the port of Havana, as I know not what may be the determination of that superior Government; but I am under the impression it will act with equal liberality. The visits of your excellency are very pleasing to me, and will be more so, as I contemplate, in personal conferences, better and more speedy adjustments of the remaining subjects, necessary to a happy conclusion of our commissions. Before closing this, permit me to request of your excellency information on the kind and quantity of provisions composing the rations that are to be supplied to the Spanish military and civil officers, and the troops, on the voyage, for the purpose of knowing what other articles they may provide themselves with for their better accommodation.

I reiterate to your excellency my sincere regard and particular esteem. God preserve you many years.

JOSE COPPINGER.

By order of his excellency Don José Coppinger:

GEO. I. F. CLARKE.

His Excellency ROBERT BUTLER, *Adj. Gen. Southern Division and Commissioner U. S.*

No. 17.

Colonel Butler to Major T. Cross, of the United States Army.

SIR: ST. AUGUSTINE, *June* 22, 1821.

I have selected you as a proper person to receive and receipt for the archives which relate to the sovereignty of this province, as comprised in the second article of the late treaty between the United States and Spain. Those relating to the property of individuals will not be demanded, as they are still a matter of discussion between the commissioners. You will therefore call on his excellency Don José Coppinger, Governor and commissioner, who will authorize a person to deliver the documents to you. A copy of your receipt will be submitted with the documents when received.

ROBERT BUTLER, *U. S. Commissioner.*

Major T. CROSS, *U. S. Army.*

No. 18.

Colonel Butler to Lieutenant Baird, of the United States Army.

SIR: ST. AUGUSTINE, *June* 22, 1821.

I have selected you to receive from the proper authority at this place the inventories, plans, &c. which relate to the subject islands of this province, and all public lots and squares, public edifices, and other buildings which are not private property. You will therefore wait on his excellency Don José Coppinger, Governor and Spanish commissioner, who will authorize an officer on his part to deliver them. You will pass a corresponding receipt therefor, (retaining a copy,) and hold the same subject to my order only.

ROBERT BUTLER, *U. S. Commissioner.*

Lieut. T. J. BAIRD, *U. S. Army.*

No. 19.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, *June* 22, 1821.

Before answering the particulars of your note of yesterday, I beg leave to inform you that I have given to Major Cross and Lieutenant Baird the necessary orders, as contemplated in your letter of the 19th, and they will wait on your excellency accordingly. In answering that part of your note aforesaid which relates to the archives or records of individual property, I take for granted that we understood each other in that, respectively, in our conference yesterday, and will remark, accordingly, that, as there appears some doubt on your part, you are desirous to await the decision of the Captain General of Cuba on the subject; at the same time, you are disposed to give me an official assurance that they shall not be removed from the province until such decision is received. Your motives cannot be otherwise than approved on my part; and as the Adeline schooner will return to this port from the Havana, a favorable opportunity offers for the conveyance of the Captain General's answer. You will permit me to hope that you will embody my sentiments, as expressed to you on that subject, in your letter to the Captain General, as I deem it of the utmost importance, for the security of the titles to the property owned by the inhabitants of this province, that the only evidence (which is the records) that will be recognised by my Government should remain a permanent basis of security to them in their possession. I will now take up the subject of your excellency's note of yesterday, and will inform you that the sloop Endeavor, of forty tons, has been procured for the purpose of affording additional accommodations to the families of the officers, and also to transport the ammunition and stores contemplated by our mutual understandings, and which I have deemed sufficient from the official estimate furnished me by your aid-de-camp, and which I had the honor, at your request, to send you yesterday for examination. The captain of this vessel will be instructed to report to you early on to-morrow, and take your orders. Enclosed, your excellency will find an estimate of the provisions to be furnished on my part, embracing also their kinds and component parts, which will afford you the information desired. You will also receive a memorandum of the accommodations afforded by the transports, and I am persuaded that you will discover the propriety of placing the military officers who have families on board the Meteor, as the accommodations are entirely private, each state room having a Venetian door, and unconnected with each other. The cabin accommodations of the sloop also afford much convenience, as you will readily perceive. As you were pleased to express yourself satisfied with these accommodations in our conversation yesterday, I shall be gratified to know that you continue so. It may be of some importance to the officer commanding the United States convoy to have completed at an early day the arrangements necessary for the government of the fleet. I hope you will afford the information on that head as soon as possible. After expressing my thanks for the exertions you are daily making to facilitate my wishes, I conclude with a hope that you will make a request of the Captain General that the transports shall enter Havana and disembark free of duties.

ROBERT BUTLER, *United States Commissioner.*

His Excellency Governor COPPINGER.

A.

[Documents enclosed in the foregoing communication.]

Memorandum of the transports provided for the removal of the Spanish authorities from St. Augustine to the Havana.

Ship Meteor, three hundred and seventy tons:

Cabin accommodations.

Six state rooms, with two single births in each,	- - - -	12 births.
One state room, with one single birth,	- - - -	1
Two state rooms, with six single births in each,	- - - -	12
	Total,	25

Accommodations between decks ample for four hundred men.

Sloop Endeavor, forty tons:

Cabin accommodations.

Ten births, including two state rooms,	- - - -	10
	Total,	35

Estimate of provisions for the subsistence of the Spanish officers and troops and their families, and the civil officers and their families, on the passage from St. Augustine to the Havana, reckoning a voyage of twenty days.

The Military.

		Rations.
16 officers, at 3 rations per day,	960	
5 ladies, at 2 rations per day,	200	
19 children, at 1 ration per day,	380	
	—	1,540
321 rank and file, at 1 ration per day,	6,420	
14 soldiers' wives, at 1 ration per day,	280	
29 soldiers' children, at 1 ration per day,	580	
	—	7,280

Civil Departments.

15 officers, at 3 rations per day,	900	
10 ladies, at 2 rations per day,	400	
52 children, at 1 ration per day,	1,040	
	—	2,340
34 laborers, seamen, &c., at 1 ration per day,	680	
15 women, at 1 ration per day,	300	
47 children, at 1 ration per day,	940	
17 convicts, at 1 ration per day,	340	
	—	2,260
Total,		13,420

Component parts of a ration.

¾ pound of hard bread,
¾ pound of pork,
1 gill of rum or whiskey,
4 quarts of vinegar,
12 quarts of pease or beans,
1½ pound of candles,
2 pounds of soap,
} to each 100 rations.

Total quantity of provisions.

2,910 pounds of pilot bread, for the officers, ladies, and their children,
7,155 pounds of ship bread,
10,565 pounds of pork,
319 gallons of whiskey,
134 gallons of vinegar,
50 bushels of beans,
196 pounds of candles,
268 pounds of soap.

The ship Meteor is bound by her charter-party to have on board eight thousand gallons of sweet water, and to furnish sufficient fuel for cooking on the voyage.

No. 20.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

SIR: ST. AUGUSTINE, *June* 23, 1821.

In answer to your esteemed note of yesterday, I assure your excellency, as I mentioned in my letter of the 19th, that until I receive the answer of my Government on the doubts arising on the delivery of the public archives relating to the individual property of the inhabitants of this province, and on which I have on this date written for information, they shall not be removed from this place, and they shall remain precisely as they are. I shall likewise remain here until this point is decided, as well as on that of the artillery, on which I have made my report; and, in the mean time, I will have formed an exact inventory of the documents contained in those archives. I will inform his excellency the Captain General of Cuba of the sentiments your excellency has expressed respecting the rights of the inhabitants holding property here; and I will likewise lay before him the question embraced in the last paragraph of your excellency's letter: whether the American transports entering the port of Havana shall be free of duties. I have noted the object to which your excellency has destined the sloop Endeavor, and will give orders that her loading shall be entered on as soon as possible; but the article of powder will be reserved until the last moment, in order to diminish the danger of accidents; and, for the same reason, it appears to me a matter of prudence that no other person should be entered on board of her than the necessary crew; and, that the families of the civil officers may not thereby be cramped in their accommodation, I will distribute them in the vessels freighted on my part for the transportation of the cannon, bombs, &c., if your excellency will have the goodness to cause them to be supplied with the rations, &c. for the voyage; and, with this view, I will give you timely notice of the distribution I may make. The conveniences of the Meteor will be appropriated to the military; but, as we have separately agreed, the colored troops will be shipped in the transports I have freighted, and for which I hope your excellency will be pleased to order rations to be in readiness for delivery, according to advice I shall communicate in proper time. I appreciate the statement that accompanied your letter for my information; and, adverting to that of rations, (which is calculated for a voyage of twenty days,) your excellency will pardon my making the observation that, in the present season of the year, they are frequently extended to thirty days, and more. Experience affords the example of vessels having to return here after being twenty-five days at sea; and, for this very reason, the packet schooner of this Government, (Barbarita,) when sailing to the Havana in these months, is supplied with rations for forty days. I have con-

ceived it proper to state these circumstances for your excellency's information. Annexed is a statement of the vessels for which I have solicited convoy, and which I transmit for the purpose your excellency has expressed; and I have much pleasure in assuring you of my particular respect and consideration.

God preserve your excellency many years.

JOSE COPPINGER.

By order of his excellency Don José Coppinger:

GEO. I. F. CLARKE.

His Excellency ROBERT BUTLER, *United States Commissioner.*

Statement of the vessels freighted by the Spanish Government of this place for the transportation of the cannons, balls, bombs, and grape shot to be removed to the Havana, and for which convoy is requested.

American schooner Adeline, Captain J. Israel.
American schooner Flor[illegible] Captain Charles Johnston.
American schooner Alex[illegible]der, Captain Silas Rogers.

JOSE COPPINGER.

ST. AUGUSTINE, EAST FLORIDA, *June* 23, 1821.

No. 21.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, *June* 26, [27,] 1821.

I received your esteemed note of the 23d, in answer to mine of the 22d. I was desirous to have a conversation with you previous to writing you again, and am thereby enabled to give you more satisfactory information touching some of the points contained in your last. The subject of the archives relating to individual property I consider perfectly understood between us, and will therefore remain silent on that head until you receive the further instructions of your Government in relation thereto. I return you my sincere thanks for your promise to communicate my sentiments on that subject to the Captain General, also my hopes that the American transports would be permitted to enter the Havana free of duties. I have thought it advisable to order an additional transport, fearing, from our late conversation, that the one furnished would not be sufficient, and also with a view of evidencing my wishes to render comfortable the families of the civil officers. You have been pleased to express your entire satisfaction with this arrangement, and that no more will be required of me. I shall pay the necessary regard to the suggestion made by your excellency on the subject of provisions, and shall use every means in my power to afford ample supplies to guard against accidents. In making my estimate, I was governed by the information of a number of sea captains, who all agreed that twenty days would be ample and liberal; but I hope I shall be able to correct the estimate, and afford you about thirty days' supply. The provisions will be turned over to your commissary by the commissary of the United States, and receipts required therefor; after which, the officer commanding the detachment can regulate the distribution to the different vessels as you may require. The understanding which now happily exists between us leaves me nothing further to communicate upon, except the preparation for the delivery, and the contemplated receipts to be passed between us on that subject; and I have only to request that you will fix upon some early day for the delivery, corresponding with your necessary convenience, and the assurances which you have been pleased to make me personally; and any suggestion which you may be pleased to make with respect to the manner, differing from our mutual understanding, shall be happily received, and duly considered.

ROBERT BUTLER.

His Excellency Don JOSE COPPINGER, *Governor and Commissioner, St. Augustine.*

No. 22.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

SIR: ST. AUGUSTINE, EAST FLORIDA, *June* 28, 1821.

With much esteem I received your excellency's note of yesterday, bearing testimony to the unanimity of our sentiments. You will do me a favor in directing the captains of the vessels you have freighted to transport the stores to come forward and receive their loading, as that part of the business is delayed, and a part of the effects are in waiting on the shore. It would be very pleasing to me to comply with your request in appointing a day for the exchange of flags, but I fear to adventure on my judgment, as that depends on the shipment of the artillery, which, although progressing as fast as possible, might be delayed by a change of weather, and other occurrences with the captains of the vessels might render our efforts abortive. However, I will not lose sight of that request; and, as soon as a farther progression will warrant a calculation, I will inform you of it. As we accord on all the other contents of your excellency's note, which I am answering, I shall use the freedom and friendly understanding that guide us in making known to your excellency the following: Having given to the officers of this garrison the necessary information of the number, quantity, and quality of the rations that you offer for their voyage, they have represented to me that those rations are not suitable to their situations, and they claim to be supplied as His Catholic Majesty has provided by the regulations of the 18th July, 1805, which allow a board gratuity of thirty days from this to the Havana, at two dollars per day, with the allowance of more, should it be required, but liable to no deduction should the expense be less; and this excludes the rations of the officers: they will only receive those stated for their wives and children, as they are equivalent to the allowance made by the Spanish Government for their families in similar cases. I therefore make this known to your excellency, in the hope that you will be pleased to inform me, should you have no objection to supply the officers with the gratuity they claim, founded in justice, in order to their immediately receiving the same from the person your excellency will inform me of; but, should it be otherwise, your excellency is informed that it does not suit them, for the reasons stated, to receive those rations, and they hold their right of claim on the Spanish Government for their board allowance provided in these cases. I present your excellency a reiteration of my particular respects and high consideration.

God preserve your excellency many years.

JOSE COPPINGER.

By order of his excellency Don José Coppinger:

GEO. I. F. CLARKE.

His Excellency ROBERT BUTLER,
Adjutant General and Commissioner of the United States.

No. 23.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, *June* 29, 1821.

I have received your excellency's note of yesterday, in which you decline, for the present, appointing a day for the exchange of flags, and desire that the captains of the vessels I have freighted to transport the stores should be required to come forward to receive their loading, as that part of the business was delayed. I deem it necessary to remark to your excellency, that the sloop Endeavor was procured for that purpose, and required to report for your orders; and, in a conversation had with you some days since, you were pleased to remark, that, should this vessel not be sufficient to transport those stores, you would dispose of the overplus in your vessels. In a subsequent conversation, you were pleased to signify that one vessel would not be sufficient, and alleged that no passengers would go on board the Endeavor, in consequence of her loading being principally powder; upon which I informed you that I would procure another vessel to take the balance of the stores, and to accommodate passengers. I have procured the promised vessel, and she will be ready to receive her freight early in the morning. You are pleased to inform me that the shipment of the artillery, although progressing as fast as possible, might be delayed by a change of weather; and as I observe, also, that but few of your balls, &c. have been put on board of your vessels, I feel somewhat at a loss to understand how any delay could have arisen on my part. I have deemed the foregoing observations necessary to exonerate me from any imputation of neglect of duty on the part of my Government, which your note is calculated to warrant. In answer to that part of your excellency's note which relates to the allowance of a gratuity of thirty days, at two dollars per day, on the part of your Government to the officers, for their passage to the Havana, I can only remark that my instructions confine me to the furnishing provisions under certain conditions, and that those provisions will be placed in the possession of your commissary, subject to such disposition as you may think proper to make of them. I appreciate your excellency's promise to give me, as early as possible, the information required as to the day for the exchange of flags; and will remark, in conclusion, that the transport has again arrived off this harbor, with the troops destined to occupy this province.

I renew to your excellency my sentiments of great consideration and personal esteem.

ROBERT BUTLER.

His Excellency Don JOSE COPPINGER,
Governor and Commissioner.

No. 24.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

ST. AUGUSTINE, EAST FLORIDA, *June* 30, 1821.

I am satisfied that, on the part of your excellency, there has been no delay in making the arrangements relative to the transportation of the stores. The object of my observation on that point was, that your excellency would be pleased to notify the captains of the vessels you have freighted to appear and receive their cargoes, as a part of what they were to take was some days on the shore, ready for embarcation; for, although the captain of the sloop Endeavor did present himself immediately after your excellency gave me notice that he was freighted for that purpose, he told me that he had to grave his vessel's bottom before taking in her load. She has now a part of her load on board. But, although your excellency informed me of your having freighted another vessel on the 27th, as one was not sufficient to transport the whole, I do not yet know who the captain is, as he had not made his appearance this morning at ten o'clock. It is certain that I have still balls to ship; but this does not prevent going on, at the same time, with the shipment of the stores. This explanation will always show that neither on your part nor mine has there been any neglect in the prompt execution of our respective duties. When, in our conversations, we spoke of articles being shipped in my transports, it was under the impression that they would comprehend some small quantity, not adequate to the loading of another vessel, and which could be taken on board of my transports without inconvenience. Our official notes all terminated on this point, and to them reference may be had; but, in comprobation of my offer, I can cite to your excellency that a part of the equipage of the troops is already shipped in my transports.

It being my duty to attend to the representations of my officers respecting their non-admittance of the kind of rations your excellency proffers to them; as I must conceive, from the answer your excellency has been pleased to give me on the subject, that you have not the power of altering what you have offered, I have resolved leaving to my Government the right of claim on your Government, in this case, as it may judge proper, to supply the aforesaid officers with the table allowance the Spanish nation has provided for them; consequently, the proposed rations will not be received, and those to be received for the other classes should, it appears to me, be served out on the voyage by the person who may have them in charge for the American Government, excepting such as are to be distributed among my transports, which will be received by the commissary I will appoint, and who will apply to your excellency to that effect, with the necessary notice and instructions, immediately after your excellency shall have, as I hope, informed me of your accordance. According to the arrangements made, the troops that are to occupy this province being in front of this port, I expect that on the 8th or 10th the evacuation may be effected by mine, and the possession concluded that I am to deliver to your excellency, as the commissioner to receive the same. I am preparing the documents receptive by this important act; those of the other part of the possession being already realized, of which I wish to know if your excellency is satisfied. I am this moment informed that the last vessel which your excellency informed me of your having freighted, and of which I have made mention in the first part of this letter, has appeared, and is taking in her cargo. I ratify the distinguished conception and particular estimation I have of your excellency.

God preserve you many years.

JOSE COPPINGER.

By order of his excellency Don José Coppinger.

GEO. I. F. CLARKE.

His Excellency ROBERT BUTLER,
Adjutant General and Commissioner of the United States.

No. 25.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, *July* 2, 1821.

I have received your note of the 30th ultimo. The observations you are pleased to make on the subject of the transports are satisfactory. As the officers of the Spanish Government refuse to receive the American rations, I deem it necessary to require that you will be pleased to furnish me with a report of the persons who are to sail, that will be entitled to receive rations, that I can have the quantity set apart, ready for the reception of your commissary, as the United States do not furnish a commissary but to their own troops or prisoners of war, and it will be therefore necessary that you authorize some officer to receive and receipt for the provisions on the part of your Government. I shall give you an expression of my sentiments in relation to the documents, of which you say the possession is already realized, as soon as I shall be enabled to have them translated, that I can understand them perfectly. I cannot omit the expression of my thanks to your excellency for having given the 10th instant as the longest period set apart for the exchange of flags, but still entertain great hopes that your business will be sooner completed, and thereby enable you to fulfil my wishes at an earlier day.

I have the honor to renew to your excellency the assurance of my great respect and distinguished consideration.

ROBERT BUTLER.

His Excellency Don JOSE COPPINGER,
Governor and Commissioner, St. Augustine.

No. 26.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

ST. AUGUSTINE, *July* 3, 1821.

Your excellency informs me, in your official letter of yesterday, that your Government only supplies a commissary for the distribution of rations to its own troops and prisoners of war. Although I am not disposed to differ from your opinion, I would observe that the supplies your excellency provides for my troops may overrun or fall short, according to what may be the length of the voyage. Should they overrun, I do not know if it is the intention of your Government to reclaim the balance; should they fall short, it is a matter of course that the deficiency is to be made good to those who wanted; and it may occur that the convoy will have to seek a port and procure provisions to continue the voyage; consequently, I conclude that, as the American Government, on whose account the transportation is made, becomes the responsible party in either of the two latter cases, it ought to have the advantage in the event of the former. These reasons have induced me to believe that your excellency would furnish an issuing commissary to the completion of this engagement. But, if your excellency continue in the same opinion, I will appoint a person to wait on your excellency with the statement you call for, and take charge of the rations, leaving to my Government the right of claiming the deficiency that may arise from future contingencies. Should it be possible for me to abbreviate the arrangement for the exchange of flags, which I have intimated in my former letter, informing you of it will afford me much pleasure. I remain, with the highest personal esteem.

God preserve you many years.

JOSE COPPINGER.

By order of his excellency Don José Coppinger.

GEO. I. F. CLARKE.

His Excellency ROBERT BUTLER,
Adjutant General and Commissioner of the United States.

No. 27.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, *July* 3, 1821.

That a more perfect understanding should exist between us, in relation to the archives which are embraced in the treaty of cession, and relating to individual property, is the object of this communication. I should, upon mature reflection, consider myself wanting in my duty to the inhabitants of this province, who are about to become citizens of my Government, if I withheld any statement in relation to the archives which might lead to the removal of any documents that would be of importance to their security, and which my Government considers included in the treaty. The following records are deemed indispensable to this object, viz: The royal or other orders, authorizing the Governors of this province to issue grants to individuals for lands, lots, or squares; the evidence of indemnity offered by Great Britain to her subjects who might leave their property in this province, and retire to her territory after the cession to Spain; the proclamation of the Spanish authorities, calling on those individuals to come forward and dispose of their property, or peaceably occupy it within certain periods, or the same would be confiscated, and the order of confiscation thereafter; the original records of all grants made in the province, either by His Catholic Majesty, the Captain General of Cuba, or the Governors of this province, respectively; the original records of all trials and decisions embracing individual property; and the original records relating to the execution of wills and administration of estates. The foregoing explanation is given to show you what I am bound to consider as the archives relating to individual property, and which are not to be removed from this place until the decision is had on the subject by our respective Governments; and I request that you will cause the Captain General to be furnished with a copy of this communication.

I have the honor to remain, with perfect respect and great consideration,

ROBERT BUTLER.

His Excellency Governor COPPINGER.

No. 28.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

ST. AUGUSTINE, *July* 4, 1821.

The note your excellency was pleased to send me yesterday, in order to point out which are the records comprehended in the treaty of cession, and appertaining to private property, I have duly examined, and have to answer,

that, confining myself to a compliance with the treaty, and with the orders of my Government, their liberal sense is the only guide to my endeavor in the execution; and, when any doubts arise, I consult them with that frankness necessary to ascertain my course and warrant my responsibility. Thus actuated, I early informed your excellency with respect to the public archives in the *escribano's* office, or records bearing on private property of the inhabitants of this province—measures to which your excellency was pleased to accede. It now appears that your excellency advances pretensions to other documents, that I am sorry to say are, according to my conception, excluded from the delivery. I do not comprehend the ground on which you step your demand; therefore, and in order to report to my Government, by the earliest opportunity, that it may decide with yours on these points, and, at the same time, on those others in question, your excellency will excuse my not entering into particular observations on each of these. I have much pleasure in repeating to your excellency my constant esteem.

God preserve you many years.

JOSE COPPINGER.

By order of his excellency:

GEO. I. F. CLARKE.

ROBERT BUTLER, *Adjutant General and Commissioner.*

No. 29.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, *July* 5, 1821.

I have read with attention your excellency's note of the 3d instant, and, in answer, have to remark, that you will please to appoint a commissary to receive the provisions from the commissary of the United States, and receipt for the same. As the transports are to be discharged at the Havana, the surplus provisions could not be reclaimed by the United States; hence, the supplies required by your excellency will be furnished, and remain subject to the decisions of our respective Governments, as heretofore stipulated between us. I desire to be furnished, as soon as possible, with the estimate, as I am making arrangements for the removal of the surplus provisions from the transport, and entering into the necessary preparations for the exchange on Tuesday next, as advised by you. I enclose you a form required by Captain Ramage for the execution of the three captains of vessels to be convoyed, and hope you will have it entered into without delay, as he is desirous to have his instructions prepared immediately. In answer to the note of yesterday which your excellency has done me the honor to address me, I beg leave to remark, that the only ground assumed on my part, in making the communication of the 3d instant, was, that of the faithful performance of my duty to my Government, and the individuals who are about to become citizens thereof; and I did not expect you to enter into particular observations on the subject of that letter, but I wished to give you timely information of what documents I considered to be the archives in our arrangement, and would be esteemed under the treaty sufficient to guaranty the possession of the inhabitants in their property; and that they might not be removed until the decision was had on the subject, when I could adopt such further amicable measures as are warranted by my instructions. If I comprehend your excellency aright, it is, that you will communicate a copy of that letter, as requested, to the Captain General of Cuba.

I have the honor to renew to your excellency the assurances of my great respect and high consideration.

ROBERT BUTLER.

His Excellency Don JOSE COPPINGER, *Governor and Commissioner.*

No. 30.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

ST. AUGUSTINE, *July* 6, 1821.

I have appointed Don Juan José Robles, storekeeper general, to receive the rations from the commissary of the United States; and he has orders to present himself to your excellency, without delay, to receive your directions to the person who will deliver them. Annexed, you have minutes expressive of the daily allowance to be consumed on the voyage: your excellency will thereby see that the amount is less than should be expected from the statement I gave you of the garrison and civil officers, which arises from the military officers not receiving rations, and a part of the civil officers being unable to remove for the present. I am sorry that, at the conclusion of this business, we are not more on accord, as appears by your excellency's expression of yesterday: "*As the transports are to be discharged at the Havana, the surplus provisions cannot be reclaimed by the United States; therefore, the supplies required by your excellency will be delivered, and remain subject to the determination of our Governments, as has been stipulated between us.*" As to the first part of this position, your excellency will be at liberty to reclaim or leave the provisions that will become a surplus, should the voyage fall short of the thirty days mentioned in my letter of the 3d; but, as it relates to supplies, I have not called for any; I have only requested that there should be provided, on your part, the provisions necessary to meet the wants of the voyage, should it exceed thirty days; so that not receiving (and there will not be received) more rations than for the persons your excellency has spontaneously offered to supply, our Governments can only have to decide, relative to provisions, on those not received by my officers, and those your excellency will furnish the two sloops chartered on account of yours to transport the stores; and on this last article it was that we had our accordance. This I have stated in explanation of that part of your letter of yesterday that I have cited here.

I have made the communication, to which the note I have the honor of answering has reference, respecting the *archives*, and in the same manner that your excellency has been pleased to express in its two last paragraphs. As early as possible, I will transmit your excellency the documents to be executed by the captains of the vessels that go under convoy, as requested by James Ramage, Esq., as it is my intention to deliver your excellency possession of the territory on the 10th of this month. You will be pleased to arrange for the coming forward, to-morrow, of the detachments that are to receive Matanzas and the look-out house, to get the necessary orders, and pass to the occupancy of these said posts.

I remain yours, with the highest respect and consideration. God preserve you many years.

JOSE COPPINGER.

By order of his excellency:

GEO. I. F. CLARKE.

No. 31.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, *July* 8, 1821.

Your letter, bearing date the 6th instant, with the documents therein referred to, I had the honor to receive yesterday. The gentleman appointed to receive the provisions by your excellency has presented himself, and the commissary of the United States has been furnished with the necessary orders to make the delivery. Your excellency has not understood my expression about the *supplies required by you;* it had allusion only to the provisions which your estimate would call for to subsist the troops to the Havana. Lieutenant Wells has been ordered to receive the look-out house, and Lieutenant Davidson the works at Matanzas, and they are required to present themselves to your excellency for this purpose. Your last note, relating to the detention of the American schooner Stamper, in consequence of her having slaves on board, was received yesterday, just as I had concluded a letter on that subject to the commanding officer of the Porpoise. I am happy to find that he has thought proper to release the vessel, under existing circumstances, as there was evidently no intention of fraud in bringing those servants, and the difficulty arose entirely from the ignorance of the law of 1818 governing the shipment of slaves.

I have the honor to be, with esteem, your excellency's most obedient servant,

ROBERT BUTLER.

His Excellency JOSE COPPINGER.

No. 32.

Governor Coppinger to Colonel Butler.

[TRANSLATION.]

ST. AUGUSTINE, *July* 8, 1821.

Your excellency will receive, herewith, the document executed by the captains of the vessels freighted by me, and requesting convoy of the United States vessel of war. This instrument is according to our understanding on this subject, and I hope you will be pleased to pass the information to James Ramage, Esq., commander of the convoy. I have made all the arrangements in order to verify the exchange of flags on the forenoon of the 10th instant, and to that effect my troops will embark to-morrow, leaving only the guards of the forts, parade, and magazine, which will be relieved by yours in the time, form, and number we have agreed on.

Permit me to request that the provisions for the voyage may be delivered to the commissary I have appointed, to-day, if possible. I reiterate to your excellency my particular consideration and respect.

God preserve your excellency many years.

JOSE COPPINGER.

His Excellency ROBERT BUTLER,
Commissioner of the United States.

No. 33.

Colonel Butler to Governor Coppinger.

SIR: ST. AUGUSTINE, *July* 9, 1821.

I have the pleasure to acknowledge the receipt of your excellency's letter of yesterday. The sentiments therein expressed have met with that attention which a corresponding zeal dictates. I had communicated to the officer commanding the troops to organize his guards for the relief of yours, to correspond as nearly as the customs of our service approach to your organization. Captain Ramage has received due notice, and I had given an early order for turning over the provisions. Your excellency will now permit me to tender you my gratulations at the prospect of the happy conclusion of our respective duties which to-morrow will afford us, in executing finally the important document of interchange of authority, and to assure you that I shall ever bear in mind the friendly manifestations you have been pleased to make me, since the commencement of our intercourse; and renew to you the expressions of my great respect and personal consideration.

ROBERT BUTLER.

His Excellency Don JOSE COPPINGER,
Governor and Commissioner.

No. 34.

Memorandum of the manner of occupying the Fortress of St. Mark, at St. Augustine.

ST. AUGUSTINE, *July* 6, 1821.

The Spanish troops (excepting the detachment left in the fort) to be embarked on Monday, the 9th instant, ready to cross the bar on the following day.

There will be a salute fired by the fort on Tuesday morning, on hoisting the Spanish flag. During the disembarcation of the American troops, the flag of the United States will be hoisted along with the Spanish flag, when the fort will again fire a salute. The American officer who delivers the flag to remain in the fort until its delivery. When the American troops are formed near the fort, the Spanish flag will be withdrawn under a salute; the guards will then be relieved, and the troops of Spain will march out, and, on passing the former, they will mutually salute; when the American troops will be marched into and occupy the fortress.

ROBERT BUTLER, *United States Commissioner.*

Approved:

JOSE COPPINGER.

No. 35.

ST. AUGUSTINE, EAST FLORIDA, *July* 13, 1821.

The foregoing are copies of the correspondence in my possession, which passed between the Spanish commissioner and myself, having relation to the reception and occupancy of East Florida, numbering from 1 to 34, inclusive.

ROBERT BUTLER, *United States Commissioner.*

No. 36.

Act of cession.

In the place of St. Augustine, and on the tenth day of July, eighteen hundred and twenty-one, Don José Coppinger, colonel of the national armies, and commissioner appointed by his excellency the Captain General of the island of Cuba to make a formal delivery of this said place and province of East Florida to the Government of the United States of America, by virtue of the treaty of cession concluded at Washington on the twenty-second of February, eighteen hundred and nineteen, and the royal schedule of delivery of the twenty-fourth of October, of the last year, annexed to the documents mentioned in the certificate, that form a heading to the instruments in testimony thereof; and the adjutant general of the southern division of said States, Colonel Don Robert Butler, duly authorized by the aforesaid Government to receive the same: We having had several conferences, in order to carry into effect our respective commissions, as will appear by our official communications, and having received by the latter the documents, inventories, and plans appertaining to the property and sovereignty of the Spanish nation, held in the province, and in its adjacent islands depending thereon, with the sites, public squares, vacant lands, public edifices, fortifications, and other works, not being private property, and the same having been preceded by the arrangements and formalities that, for the greater solemnity of this important act, they have judged proper; there has been verified, at four o'clock of the evening of this day, the complete and personal delivery of the fortifications, and all else of this aforesaid province, to the commissioner, officers, and troops of the United States; and, in consequence thereof, have embarked for the Havana the military and civil officers and Spanish troops, in the American transports provided for this purpose, the Spanish authorities having this moment ceased the exercise of their functions, and those appointed by the American Government having begun theirs; duly noting that we have transmitted to our Governments the doubts occurring whether the artillery ought to be comprehended in the fortifications, and if the public archives relating to private property ought to remain, and be delivered to the American Government, by virtue of the cession; and that there remain in the fortifications, until the aforesaid resolution is made, the artillery, munitions, and implements, specified in a particular inventory; awaiting, on these points, and the others appearing in question in our correspondence, the superior decision of our respective Governments, and which is to have, whatever may be the result, the most religious compliance at any time it may arrive, and in which the possession that at present appears given shall not serve as an obstacle.

In testimony of which, and that this may at all times serve as an expressive and formal receipt in this act, we, the subscribing commissioners, sign four instruments of this same tenor, in the English and Spanish languages, at the above-mentioned place, and said day, month, and year.

ROBERT BUTLER,
JOSE COPPINGER.

[Documents communicated with the President's message of 28th January, 1822.]

Papers received from W. G. D. Worthington, Secretary of East Florida.

I. Mr. Worthington to the Secretary of State, October 9, 1821, (extract.)

Enclosures, marked—

No. 1. Mr. Worthington to Mr. Entralgo, August 29, 1821.
2. Mr. Entralgo to Mr. Worthington, September 5, 1821.
3. Mr. Worthington to Mr. Entralgo, September 15, 1821.
4. Commission to Bell, Forbes, and Law, October, 1, 1821.
5. Report of commissioners, October 4, 1821.
6. Appointment of secretaries, October 3, 1821.

II. Mr. Worthington to the Secretary of State, December 11, 1821, (extracts.)

Enclosures, marked—

No. 9. Instructions to secretaries.
10. Report of commissioners, November 5, 1821.
11. Worthington to commissioners, November 7, 1821.

I.

Extract of a letter from Mr. Worthington, Secretary and acting Governor of East Florida, to the Secretary of State, dated

ST. AUGUSTINE, *October* 9, 1821.

I enclose you an account of my proceedings in the case of the archives and documents which I have seized here. The separation of the papers is not yet accomplished. I must confess I regarded the Spanish officers remaining here more as a matter of speculative intrigue and espionage than any thing else. Since this last blow, the ex-Governor, whom I look upon as no better than the general run of Spanish provincial governors, has taken his departure, and I suppose many discontented Spaniards will follow his example. He and myself had a little dispute about a man of the name of Ugarte, the particulars of which I will send on, lest the affair should be misrepresented, for I am conscious of being correct in the procedure.

No. 1.

Mr. Worthington to Mr. Entralgo.

SIR: ST. AUGUSTINE, *August* 29, 1821.

Having, on my arrival here, understood that you had exercised the office of alcalde and notary, and that a large portion of the public archives and private records of this province were under your safe keeping, I immediately endeavored to find out in what state this subject had been placed by our commissioner, Colonel Butler, on the cession of East Florida.

It seems that the subject had been referred by him and the ex-Governor, Colonel Coppinger, to the decision of the United States Government, at Washington, and the Captain General of the island of Cuba.

Whether this disposition by those two officers would be deemed a sufficient justification for me to consider this important matter out of my cognizance, until I should be specifically instructed on it, would be a question of not

much consequence, if no inconvenience in the mean time was suffered by the delay. But, as it is considered that much inconvenience does grow out of the present situation of the archives and records, placed as they are, I deem it my duty, as legally authorized to exercise the functions of the late Spanish Governor of East Florida, to request that all the archives, records, and documents, (within your control or knowledge,) by virtue of the treaty between the United States and Spain ceding these provinces, and according to the customs and usages of civilized nations, may, in good faith and perfect amity, be passed over from the officers of Spain to the proper civil officer of the United States.

On the receipt of your letter of the 22d, I was of opinion that your peculiar situation would render it necessary to appoint some person to the place of alcalde; and, on the 28th instant, I received a letter from Governor Jackson, at Pensacola, stating that the Spanish subjects had declined taking the oaths of office to the United States, fearing that would operate as a relinquishment of their rights as Spanish subjects, and that he had appointed Judge Brackenridge alcalde there, who had received the archives. Not doubting from your letter that you had taken the same ground, I appointed Edmund Law, Esq. as alcalde and notary; he is expected here every hour. In the mean time, my private secretary will take charge, in my name, of all the archives and documents which ought to pass over with this province, and will sign a proper receipt therefor.

You mentioned you had a claim on those documents. I presume nothing can be clearer than that you must look to the Spanish Government for indemnification. But if the United States are liable to pay you, the transferring by you of the archives and documents to the proper person cannot impair your claim; so that, taking the subject in every point of view, I cannot see how any of the public archives or documents could have been delayed to be given up. If I had been appointed to accept the cession, I should have declined taking the territory without the archives, documents, &c.

As the ex-Governor, Colonel Coppinger, though still in this city, may not consider himself as holding any of the archives and public documents, so as to be addressed officially, and as this letter is intended to embrace and refer to all the archives and public documents of every kind which are yet undelivered and may remain in the hands of any of the Spanish officers, I must request you, as late an officer under him, to communicate this to him *in extenso*, as it is presumed that both of the Governments, and their officers, are inclined to give every facility to the officers of each other in their power, regarding matter of substance rather than etiquette or matter of form.

Very respectfully,

W. G. D. WORTHINGTON,
Secretary and acting Governor of East Florida.

No. 2.

Mr. Entralgo to Mr. Worthington.

SIR: ST. AUGUSTINE, *September* 5, 1821.

It is an incontrovertible axiom of justice that, while any affair is pending before the cognizance and for the decision of a supreme tribunal, it ought not to be innovated upon; as a contrary course would be violent, improper, null, and of no effect. Under this idea, and considering what was expressed in your official note of the 29th of August last, which I received yesterday evening at 6 o'clock, wherein you appear to be aware that the doubts arising between the commissioners, Colonels José Coppinger and Robert Butler, respecting the delivery of the archives under my charge, have been referred to the Government of the United States, at Washington, and to his excellency the Captain General of the island of Cuba; I do not consider it in the power of any subaltern authority to deprive me of the possession of the said archives, particularly as I have no idea of carrying away or disposing of them during the deliberation of the supreme authorities; and as their remaining here cannot occasion any prejudice to the public, who are more interested in their preservation than the Government; and if the parties require copies, I am ready to certify them, on payment of my proper fees.

The precedent which you point out to me, of the receipt of the public archives by the Government of Pensacola, cannot be a rule that the same should be done here, because the parallel circumstances do not apply.

In Pensacola, the office had no head, nor was there any notary public. Here, I have received from Government public documents and registers, which archives and protocols I bought at public sale; consequently, I am the legal head of the office, and nothing can deprive me of the use and benefit thereof, until I have been first satisfactorily indemnified, because they are private property, which have no connexion with the archives and documents directly relating to the property and sovereignty of this province; which genuine and literal words, stated in the second article of the treaty of amity concluded at Washington on the 22d of February, 1819, must guide any one wishing to ascertain the facts

I trust, sir, that, from your well known judgment and deliberate consideration, and having in view what I have thus laid before you, you will be pleased to suspend all proceedings tending to deprive me of my property, until the decision of the supreme authorities, to whose cognizance have also been referred the representations which I have more extensively made upon this head, and until the receipt of the necessary papers containing their decision.

With every respect, I am, sir, your most obedient, humble servant,

JUAN DE ENTRALGO.

No. 3.

Mr. Worthington to Mr. Entralgo.

SIR: ST. AUGUSTINE, *September* 15, 1821.

I have thus long delayed noticing your letter of the 5th instant, under a hope that, ere this, a definitive arrangement might have closed the controversy concerning the office contemplated in General Jackson's 4th ordinance, section 8th, which has been held by you under the Spanish Government, and to which Mr. Edmund Law has been appointed, on the 28th ultimo, under a commission from General Jackson, acting as Governor of the Floridas, and with the powers of the Captain General of the island of Cuba. My letter of the 29th ultimo informed you of that fact, and I introduced Mr. Law as that officer, personally, to you, I think, on the 7th instant. You still not only retain the papers of that office, but exercise the functions and receive the fees you were accustomed to do under the Spanish Government, and this, too, after this territory has ceased to belong to the King of Spain; after it is organized under the sovereignty of the United States, and has become their property, where no person holds an office unless having first taken an oath to support the constitution of the United States; and after (in your letter of the 22d ult.) you had declined taking that oath; and after your knowing, both by letter from me, and verbally, that Mr. Law is the present person who fills that office, and, of course, you must, to every official purpose, be *functus officio* since his appointment. In your letter of the 5th to me, you set out with stating what you call an incontrovertible axiom of right, *(axioma inconcuso de derecho,)* which, though it is an abstract opinion, I think unsound, even as a general rule, much less as

being conclusive on the point in controversy. I look upon the commissioners, either to cede or receive the province of East Florida, not of higher authority than myself, appointed by the President as the secretary of the province, and by General Jackson, exercising the powers of the Captain General of the island of Cuba, vesting in me the powers of the late Spanish Governor of this province of East Florida. The commissioners, I presume, were neither appointed by the President nor by the King; so that, to support your "*axioma inconcuso*," you should have shown that, for the reference to bind absolutely the Governor of this province, it was properly made by an authority higher than his. At most, the commissioners and the Governor, even *quoad* that particular subject, are co-equal, and any matter of expediency growing out of it, affecting the welfare and happiness of the province, passes under the cognizance of the Governor.

Your expressions "*violento*," "*vicioso*," &c. were not warranted, either by my acts or writings, respecting you or the office, nor did I expect such from you; for, to do them justice, I have always esteemed politeness as a trait in the Spanish nation. But epithets of this sort are what I am neither in my public nor private character in the habit of receiving. You will therefore be pleased, if it be necessary to say any thing further to me, to dispense with that kind of language.

I, therefore, on the first point, (the matter of reference of the commissioners,) come to this conclusion: that, acting as the Governor of this province, whenever I deem it necessary for the good and interest of the people of this territory to make any order respecting the archives, documents, &c., even pending the reference, I have the power to do so; and am only responsible for that, as well as every other official act, to the President, the Governor of the Floridas, and the American people. Respect and delicacy towards the commissioners would make me not rashly or imprudently, I trust, interfere; but, should I feel it my duty, I will risk all responsibility.

Now, sir, as to the right of your retaining what you say you received from the Government—"public documents and registers, which archives and protocols," you say, you bought at public sale; that they are private property, and cannot be taken away from you without your being first satisfactorily indemnified.

I have no hesitation in saying that, according to the law of nations, and under the usages and customs of nations in their changes of property and sovereignty, it is a necessary incident to that sovereignty that the archives and documents in a country, which (though you may have bought the usufruct) are, in fact, the property of the community, must pass to the Government, to whom the sovereignty and property of the conquered or ceded territory passes. The second article says positively what shall pass—"archives and documents which relate directly to the property and sovereignty of the ceded provinces." It is not to be inferred that the intention of the parties who made the treaty was thereby to exclude all of the archives and documents which belong incidentally to that property and sovereignty, and which, according to the usages and customs of nations, as belonging to the people of the ceded territory, pass with it. The little trite legal maxim, *expressio unius est exclusio alterius*, cannot govern in construing compacts between nations, which are to be interpreted according to the broad and liberal rules of national law, and the just principles of natural justice.

I understand the archives and documents you hold are, for instance, the original grants for lands, &c., deeds from one individual to another, the original last wills and testaments of the inhabitants of this province, &c.; that they were lodged in your office by the owners of them, for your trouble in receiving and filing or recording which you received the legal fees, and gave copies to persons who required them, and received your charge for that service; that in the office you retained the originals; that, on the decease of your predecessor, the situation or the privilege which he held was, for the benefit of his family, set up to public sale; that you gave about $600 for it; that you have held it eight or nine years, and it is said to have yielded you from about $15,000 to $20,000, at the least, in that time; that now you decline giving it up, unless you are paid about $3,000 for it. If this statement be incorrect, I will, with great pleasure, on being truly informed, alter it to suit the real state of the facts. I have had it from persons who might be supposed to know, and on whose information and veracity I have great reliance.

Saying nothing against a Government setting up an office of profit, high trust, and confidence, of this kind, to public auction, (because independent nations have a right to manage their internal affairs, generally, in their own way,) and looking on your purchase of it perfectly fair and justifiable, I should think that the nation which first sells it to you, and then sells it from you, must be the one to indemnify you. For every person, either civil or military, who may have purchased a place or commission from a Government selling a province, which becomes extinguished or superseded by the administration of the Government purchasing, might, under this rule, claim an indemnity. The doctrine, I think, in the general, too monstrous for a moment to be tolerated, and I think your claim in the particular cannot be supported; because I look on those archives and documents not as your property, but as originals belonging to the community—to the individuals who lodged them with you, having paid you for the filing and recording, also for your certified copies; so that you took the office or the privilege subject to the chance of its being transferred by Spain to the United States; and, I suspect, the uncertainty and probable shortness when that event might take place was the cause of your purchasing it so low; therefore, not only the law, but the equity is against you.

These are my principal reasons why the archives and public documents should not remain in the hands of an officer of the nation who has sold. He is not like one of its own citizens, entirely amenable to the purchasing Government; indeed, he may be hostile to it. And although, for myself, I feel perfectly safe in confiding in your honor and integrity, while the archives and documents remain with you, yet, if this case of yours is to become a precedent in other negotiations of this kind, archives and documents might be withheld in the hands of public officers who might destroy, alter, or mutilate them; for instance, might falsify or antedate grants of lands, &c.

Another reason: on seeing the fees of office which have been charged under the Spanish Government, the United States Government might wish to increase or diminish them, so as to suit the state of things.

In less than twenty years the United States have purchased the whole of Louisiana, Florida, &c. His Britannic Majesty may, in less than that time, wish to sell the Canadas; or His Catholic Majesty, Cuba or Texas; or the United States may, before that time, possibly, retrocede some of its possessions to these Powers. I wish, therefore, whether those events ever occur or not, to enter this now as my solemn protest against the present case being considered as an acquiescence in the right of property of the archives and documents being retained by you, or your still receiving their usufruct, unless you had been specially appointed by our Government, or were still holding it under the construction of General Jackson's proclamation of the 1st of July. But this has been superseded by the appointment of Mr. Law; so that, on a retrocession, I should hold up my hand as much against an American holding over an office in this way as against an Englishman or Spaniard; for, although I have as high confidence in the integrity of an Englishman as any one, yet I would not afford a precedent of this kind.

The history of Lord Verulam, the high chancellor of England, shows that no rank nor talents can secure a man against malversation in office; which, if it happened to one whom Mr. Pope has called "the wisest, brightest, meanest of mankind," it is only discreet to avoid placing any one in the way of temptation. Having stated that the King of Spain, under the treaty of Washington, as necessarily incidental to the property and sovereignty of the Floridas, by the spirit of the treaty, under the usages and customs of nations, notwithstanding the apparent specifi-

cation in the second article, has passed over all archives and documents which are common property to the people of these provinces, and that those in your office are of that character, I will now show you that, by the law of nations, he had a right to do so.

It would be useless to make a parade of learning, by referring to a large list of writers who are uniform in this doctrine. Vattel happens to be on my desk. In his treatise on the Law of Nations, and applied to the conduct of nations and sovereigns, in book 1, chap. 21, sect. 262, he says, "That it is necessary that nations should treat and transact their affairs with validity; without which they could have no method of terminating them, and of placing themselves in a state of tranquillity; whence it follows that, when a nation has ceded any part of its property to another, the cession ought to be held as valid and irrevocable, as it is done in virtue of the *notion of property*. This principle cannot be shaken by any fundamental law, by means of which a nation might pretend to deprive itself of the power of alienating what belongs to itself; for this would be to forbid all contracts with other nations, or to pretend to deceive them. A nation, with such a law, ought never to treat of its property; if it is obliged to it by necessity, or determined to do it for its own advantage, it must renounce its fundamental law. It is seldom disputed that an entire nation may alienate what belongs to itself; but it is asked if its conductor, if its sovereign, has this power? The question may be determined by the fundamental laws, if the laws say nothing directly on this subject. This will be explained in our second principle.

"If the nation has conferred the full sovereignty on its conductor; if it has committed the care of it to him, and has, without reserve, given him the right of treating and contracting with other states, it is considered as having invested him with all the powers necessary to make a valid contract. The prince is then the organ of the nation; what he does, is reputed done by itself; and, though he is not the proprietor of the public property, his alienations are valid, as being duly authorized."

Now, sir, even if this peculiar custom of Spain, the considering this office that you hold private property, were a fundamental law of the kingdom, I conceive that the transfer by the sovereign, under this construction of the law of nations, would pass over to the United States, under the "notion of property," the archives and documents in it being of common use to, and the original property of, the inhabitants of the territory; unless, in the treaty, special mention had been made of them, and they had been excepted. If these archives and documents would have passed, under the custom of nations; if the words "which relate directly" had been omitted—the introduction of those words cannot alter the great rules of right and construction which exist amongst civilized, high-minded, and just nations, in the exposition of their contracts; otherwise, those words must be regarded as a matter of catch and legal quibble, fit for cunning and litigious individuals, and cannot be imputed to the Spanish sovereign, or to the Chevalier de Onis, who drew it up. Those words were to specify, pointedly, certain archives and documents, without excluding or abridging the right to others which may and ought to belong to the purchasing nation, as of primary or secondary importance to the citizens who are incorporated under the treaty. Even in our ordinary grants, deeds, muniments, &c. of title, &c. pass to the grantee, and the contract is construed most strictly against the grantor: this rule equally applies to nations. Admit, for a moment, that the archives and documents, or the office, is your private property; that you can do what you choose with it—and you may take it to the Havana, or the Pyrenees, and the citizens of this province would have to go there to investigate their titles, &c., and have foreign fees, charges, &c. entailed on them and their posterity. This is what neither the King of Spain nor this treaty could have intended. It would be a transfer surrounded with absurdity, and deficient in good faith, which I am not disposed to impute to His Catholic Majesty or his ministers. On the whole, as I told you on my first interview, I do not blame you, if you think yourself fairly entitled to remuneration, to get it; and I repeat, your own Government is, in my mind, the party you have to look to. What, I am sorry to say, I must differ with you in, is, that you should not have given up the archives and documents to the officer who has been appointed under the United States Government. Your claim neither against them nor Spain could be weakened in the least by that act. Indeed, I think it would have been placed in a higher and more favorable light; because you cannot, for a moment, think that either of those nations, after the archives passed over from you, would be less prompt and just towards you than if you held them fast in your own hands. Pass them over, make out your claim against either or both Governments, and I am certain justice will be done in the premises. If you are entitled to any thing, you will get it; if not, I presume you will not wish it. I assure you, so little doubt have I had on this subject, that, had you not been fairly in office, and the reference of the commissioners calling for some delay, as a matter of respect to them, and your being an isolated subject, in a manner completely within the power of our Government—therefore, any act of the Government against an individual might seem authoritative and domineering, perhaps unjust—I should have sent the officer, with a competent power, to have taken peaceable possession of those archives, documents, &c. Any thing which may clearly be your private property shall always be most religiously respected. As it is, I wish you to consider well what course you will take. I do not wish to prejudice your claim; indeed, any thing I can fairly do for you I shall, as the chief executive officer of this province, consider myself bound to do. But I shall deem it useless again to write to you on this matter. As you have not mentioned in yours of the 5th that you laid my letter, as requested, *in extenso*, before the ex-Governor, Colonel Coppinger, I presume you did not, and it is useless to repeat that request. Mr. Law, who hands you this, will receive your determination.

Yours, with all proper respect, &c.

W. G. D. WORTHINGTON,
Secretary and acting Governor of East Florida.

No. 4.

Commission to Messrs. Bell, Forbes, and Law.

GENTLEMEN: ST. AUGUSTINE, *October* 1, 1821.

I do myself the pleasure of appointing you, hereby, to the execution of the following delicate and important commission. You will, without delay, demand and receive from all and every of the subjects of the King of Spain, or other persons who are now here, all the remaining archives and documents which ought to have been transferred to the United States on the cession of this province, and which may be retained under any pretext whatever.

It is supposed that all the papers which shall properly come under your cognizance may be had on application to Colonel José Coppinger, late commissioner and Governor of this province, and his secretary, Mr. Aguilar; also, to Mr. Juan de Entralgo, late notary, register, &c.

To put you in full possession of this subject, I enclose you papers marked 1, 2, 3, 4, &c.

It is supposed there will be no refusal to deliver to you all the archives and documents contemplated by this order. Should there be, you are hereby authorized to summon sufficient force to your aid, by calling on the high sheriff, Captain Hanham, with the *posse comitatus*, or, if absolutely necessary, and in your opinion preferable, by requesting Colonel Eustis to send you a competent detachment from Fort St. Mark's.

You will keep and render a particular account of your proceedings, and I name to you Mr. John Bird and Mr. Anselm Gay as clerks to this commission. You are hereby further empowered to send for persons, papers, and proofs, to ascertain any facts you may deem necessary respecting said archives and documents, and to take declarations and affidavits on oath, as may be proper on this subject—

1. Of the archives and documents which were here at the time of the cession.
2. Those which may have been concealed or sent away.
3. Those which now are delivered over; and all such other and further matters and things touching the present service as in your sound discretion you may see fit.

At the same time, I wish this duty to be performed with promptness and effect; I wish every respect becoming the American character, I trust so truly famed for its sound regard both for public and private rights, and its pure love of justice, to be shown, in particular, to the late officers and subjects of His Catholic Majesty; and it is confiding so fully in your high official and private reputations, that I select you for this trust, and leave its execution so fully to your judgment and discretion.

Captain Bell having been here before and at the cession, and having exercised the functions of acting Governor of this province before my arrival, will be considered as president of this commission; Colonel Forbes, the marshal of the United States for the Floridas, and late commissioner to the Havana to receive those archives and documents, the second named; and Mr. Law, the present alcalde, will receive the archives and documents, agreeably to General Jackson's ordinance on the subject.

The artillery, munitions, and implements, mentioned in the *procès verbal* of the 10th July last, by Colonels Coppinger and Butler, are to remain as they are; but none of the archives and documents which you shall deem ought to have been delivered over with the province are to be further delayed.

You will, I am confident, be correct, cautious, and decided in the premises.

I have the honor to be, very respectfully, yours, &c.

W. G. D. WORTHINGTON,
Secretary and acting Governor of East Florida.

To JOHN R. BELL, JAMES G. FORBES, and EDMUND LAW, Esqs.

No. 5.

Report of the Commissioners.

SIR: ST. AUGUSTINE, *October* 4, 1821.

The undersigned commissioners, appointed by your letter bearing date the 1st of October, 1821, empowering them to demand of Colonel José Coppinger, late commissioner on the part of His Catholic Majesty to deliver the possession of East Florida to the commissioner on the part of the United States, and the archives and documents relating to the property and sovereignty of the province, and to demand of Juan Blas de Entralgo, late notary, a register, &c. of this province, the archives and records in his possession, having executed the commission intrusted to them, beg leave to submit the following report of their proceedings:

That, in pursuance of your instructions, the undersigned proceeded to the office of Don Juan B. de Entralgo, at 4 o'clock of yesterday: having entered, and finding the son of Don Entralgo alone in the office, a messenger was despatched for him; on his arrival, a formal demand was made for all the archives and records in his possession, relative to the property and sovereignty of the province. To this demand Don Entralgo replied that the papers were in his possession, and must there remain, until the question respecting them, submitted to the decision of the two Governments, should be determined, as agreed upon between Colonel Coppinger and Colonel Butler. And upon the undersigned informing Mr. Entralgo that their instruction was to take immediate possession of the archives and records in his possession, he replied that such an act would be considered by him as forcible, and against his consent. The undersigned then proceeded to take possession of the papers found in his office, excepting such as related to his private concerns, and, having put them in five boxes, requested Mr. Entralgo to put his seal upon them; which offer he declined. The boxes were then deposited in the public store for safe keeping.

In the mean time, one of the undersigned, accompanied by one of the secretaries to this commission and the sheriff of St. John's county, proceeded to the house of Colonel Coppinger, and made a similar demand, and received the same answer as given by Don Entralgo. A request was then made that Colonel Coppinger would be present when the papers in his possession should be taken; and was also requested to affix his seal to the boxes, together with one of the undersigned, there to remain until an examination of the papers should take place: both of which propositions were rejected by him. He continued to protest against all the proceedings of the undersigned, and refused to open the door of his office. The undersigned then proceeded, as the only alternative left them, to force open the door. They then took possession of the papers, amounting to six boxes, boxed them up, and deposited them in the public storehouse for safe keeping. In order to insure the safety of the papers, archives, and records, which the undersigned have taken possession of, a guard has been placed in front of the building in which they are deposited. Before closing this report, the undersigned further state, that letters have been addressed by them to Colonel Coppinger and Don Entralgo, offering to receive any communication that they might think proper to make. The former has informed them that he will make such communication, and the latter has replied that he has none to make.

All the papers will remain in the place where they are at present deposited, until the undersigned receive your instructions relative to them.

All which is respectfully submitted.

JOHN R. BELL,
J. G. FORBES,
EDMUND LAW.

W. G. D. WORTHINGTON, *Secretary and acting Governor, &c.*

No. 6.

Appointment of Secretaries.

GENTLEMEN: ST. AUGUSTINE, *October* 3, 1821.

I do myself the pleasure to appoint you as secretaries to the commission of the 1st instant, respecting the archives and documents. You will be pleased to attend the commissioners to-morrow morning at nine o'clock, and proceed to act agreeably to their instructions.

In this duty you are selected for your ability and trustworthiness.

Yours, respectfully,

W. G. D. WORTHINGTON,
Secretary and acting Governor of East Florida.

Judge FARQUHAR BETHUNE, Mr. PATRICK LYNCH, and Mr. WM. REYNOLDS.

II.

Extracts of a letter from Mr. Worthington, Secretary and acting Governor of East Florida, to the Secretary of State, dated

ST. AUGUSTINE, *December* 11, 1821.

I now enclose you the balance of the papers in the case of the archives, &c., as promised in my letter of the 4th instant, marked Nos. 9, 10 and 11.

As I have written officially to yourself and General Jackson on the proceedings had here respecting the archives and documents taken into our possession from the Spanish ex-Governor Colonel Coppinger, and the escribano Mr. Entralgo, it seems to me premature and improper to follow Colonel Coppinger's example, by publishing the correspondence, &c. in the newspapers. However, if it should be deemed necessary and proper, I have not a particle of doubt that our proceedings can be vindicated from every aspersion which he or any one else has attempted to cast on us.

No. 9.

Instructions to Secretaries.

GENTLEMEN: ST. AUGUSTINE, *October* 4, 1821.

In pursuance of the authority vested in you by the letter of appointment from the acting Governor of East Florida, bearing date the 3d instant, you will proceed to the examination of the papers and documents contained in the boxes deposited in the public store-room. The object of this examination is to separate those papers which clearly relate to the property of individual citizens of this province, or of the late Government thereof, from those which have no relation thereto, but are more properly the property of the late Government exclusively. Under the former description of papers and documents, it is deemed that the following are embraced, viz: The royal or other orders, authorizing the Governors of this province to issue grants to individuals for lands, lots, and squares; the evidence of indemnity offered by Great Britain to her subjects who might leave their property in the province, and retire to her territory after the cession to Spain; the proclamation of the Spanish authorities calling on all those individuals to come and dispose of their property, or peaceably occupy it within certain periods, or the same would be confiscated, and the order of confiscation thereafter; the original records of all grants made in the province, either by His Catholic Majesty, the Captain General of Cuba, or the Governor of this province, respectively; the original records relating to all trials and decisions embracing individual property, and the original records relating to the execution of wills and administration of estates; the records of transfers of property by individuals; the archives of the royal treasury, and of the treasurer of the province; the archives relating to the property or rights of the corporate authority of St. Augustine; and, in general, all papers and documents which clearly relate to and may serve to elucidate the rights of individuals, or of the late Government of Spain, and which are omitted to be here enumerated. You will make an inventory of all these papers, and will, in like manner, make an inventory of such papers as are not embraced within the scope of these instructions, which you will deposite in a separate box or boxes, and mark the same. After having executed the commission with which you are charged, you will report the result of your proceedings to the commissioners.

JOHN R. BELL,
JAMES G. FORBES,
EDMUND LAW.

To Messrs. BETHUNE, LYNCH, and REYNOLDS, *Secretaries, &c.*

No. 10.

Messrs. Bell and Forbes to Mr. Worthington, Secretary and acting Governor of East Florida.

SIR: ST. AUGUSTINE, *November* 5, 1821.

The undersigned commissioners, under your letter of appointment, dated the 1st of October, 1821, to take into possession the records and archives then in the hands of Colonel Coppinger and Don Juan B. de Entralgo, late Spanish Governor and escribano, in addition to the partial report of their proceedings, beg leave to submit the following, as a final report of their official conduct, and of the secretaries under them, appointed for the examination and separation of the said archives and records.

On the 5th of October, 1821, Farquhar Bethune, William Reynolds, and Patrick Lynch, Esqs., the secretaries alluded to above, attended, and were sworn faithfully to discharge the duties of their office. The tenor of the oath, and the other subsequent proceedings thereon, your excellency will find recorded in a book used for that purpose, and which accompanies this communication.

The undersigned continued to meet from day to day, for the completion of their commission, until the 23d of October, 1821, when the commission would have adjourned, having been informed by the secretaries that they had finished the examination, and would report thereon as soon as practicable; but a more ample examination of box No. 3 having been deemed expedient, the undersigned attended with the secretaries until the same was examined.

The undersigned have this day received from the secretaries above named a report of their proceedings, accompanied by registers, marked Nos. 2 and 3; which report and registers will be submitted to your excellency's inspection. By which report it appears that said secretaries have discharged the commission with which they were intrusted; and the register will show your excellency what papers are retained as coming within the purview of your instructions, as also those papers that are to be returned to the Spanish Government.

JOHN R. BELL,
J. G. FORBES.

W. G. D. WORTHINGTON, *Secretary and acting Governor, &c.*

No. 11.

Mr. Worthington to the commissioners.

GENTLEMEN: ST. AUGUSTINE, *November* 7, 1821.

I had the honor to receive your additional report of the 5th instant, on yesterday evening, on the subject of the records and archives; and I felicitate you on your conclusion of the difficult and laborious duties which it was deemed necessary to assign to you, which you so cheerfully undertook, and so faithfully have discharged. I have been an eyewitness of the open and assiduous manner in which you conducted the investigation; and I have no doubt, when the voluminous mass which you have transmitted shall be criticised, it will prove to be an honest and able examination.

Without detracting from the other commissioners, I must be permitted to pay a particular compliment to the president, who, during the whole tedious inquiry, while the epidemic raged in the city, with the utmost punctuality presided at the board. I know the various duties of Colonel Forbes, and the sickness of Mr. Law, prevented them giving such full attendance as they otherwise would have done. I am perfectly satisfied with them and the whole board. You will be pleased to present my respects to the secretaries, Messrs. Bethune, Gay, Lynch, and Reynolds, for the faithful discharge of their duties.

And now, gentlemen, I must be permitted to say, notwithstanding the clamor which has been raised, on a similar proceeding, respecting the archives at Pensacola, and even against the affair here, that you have conducted and finished this commission in a manner to challenge the approbation of every disinterested and honest American in this country, and I hope even of every unprejudiced Spaniard, who possesses one spark of true Castilian honor and sincerity.

With great respect, &c.

W. G. D. WORTHINGTON,
Secretary and acting Governor of East Florida.

To JOHN R. BELL, JAMES G. FORBES, and EDMUND LAW, Esqrs.

Letter from G. Walton, Secretary of West Florida, to the Secretary of State.

SIR: PENSACOLA, *October* 29, 1821.

Presuming that the President would be desirous to be informed of the state of affairs in this province, I have thought it advisable to communicate with the Department direct, not having yet heard of the arrival of the Governor at Nashville, for which place he set out on the 8th instant.

The Department is already fully informed of the disposition made by General Jackson previous to his departure. He was pleased to delegate to me the powers exercised by the former Governor of West Florida, accompanying my commission with a letter of instructions. Since his departure I have been in the exercise of those functions, and shall use my best exertions to justify the confidence of the President and the expectations of General Jackson.

Nothing suggests itself, at present, of sufficient importance to communicate. All things go on well, and the march of the Government is peaceable and undisturbed.

The excitement occasioned by measures deemed necessary by the Governor is subsiding, and, since the departure of the Spanish officers, there seems to be a much greater disposition on the part of the Spanish inhabitants to cultivate a friendly feeling. Nothing has been heard of General Jackson since he left Claiborne. By this time I think it probable that he has reached the State of Tennessee.

I have the honor to be, with great consideration, your obedient servant,

GEO. WALTON,
Secretary of West Florida, and acting Governor of the same.

JOHN QUINCY ADAMS, *Secretary of State.*

[The following additional documents, in relation to transactions in the Floridas, were subsequently laid before the House by the Committee on the Judiciary.]

SIR: DEPARTMENT OF STATE, WASHINGTON, *December* 22, 1821.

I have the honor to enclose, for the information of the committee, agreeably to the request contained in your letter of the 11th instant, the papers, of which a list is subjoined; to which will be added copies of other papers upon the same subject, (the establishment of a Government over the Floridas,) as soon as they can be prepared.

I am, with great respect, sir, your obedient and very humble servant,

JOHN QUINCY ADAMS.

JOHN SERGEANT, Esq., *Chairman of the Judiciary Committee H. R.*

General Jackson to the Secretary of State.

SIR: PENSACOLA, *July* 30, 1821.

I seize the first moment of leisure I have been able to obtain for more than a month to lay before you an account of the commission confided to me in relation to the Floridas, and also the measures adopted for their government until the will of the President be known.

In my letters from Blakely, of the 1st and 7th of May, (duplicates of which, with accompanying documents, have been forwarded,) I informed you of my arrival at that place; of my disappointment in not hearing from the Hornet; of my despatching Messrs. Brackenridge and Bronaugh with a letter to Governor Callava; and of my communication with Montpelier. I had with confidence calculated on the arrival of the Hornet by the 1st of May; and, from a knowledge of the habitual apathy of Spanish functionaries, I thought it advisable, even before the arrival of the Hornet, to announce my commission to the Spanish Governor of West Florida, and, after offering to exhibit the royal order and my commission for receiving the country, to ask information upon certain points which would tend to expedite and facilitate subsequent arrangements. From his letter, (which has also been forwarded,) it will be seen that he declined to comply with my request; but I am well satisfied that this early step had a favorable operation upon our subsequent transactions. It drew from him a promise that the surrender of the country should not be delayed by him, in case he should be the person commissioned for the purpose; and I think it not improbable that this measure had also some effect with the Captain General of Cuba. I had received intimation, both at New Orleans and at Blakely, that speculations were in contemplation, to accomplish which great pains would be taken by the parties concerned to delay the surrender of the ceded country; and, since that period, I have heard it frequently expressed as a matter of surprise that no attempt of the kind had been made, at least in this question.

On the return of Messrs. Bronaugh and Brackenridge, I proceeded to Montpelier, having been previously joined, by my aid-de-camp, Captain Call. On the 11th I again addressed a letter to the Governor of West Florida, which I despatched by Captain Call, who was instructed to remain at Pensacola until the arrival of the Hornet, (for I still confidently hoped this could not be delayed many days;) and also authorized Captain Call to make any pre-

liminary arrangements with the Governor, which he would be willing to enter into. In my letter to him of the 11th, after expressing my regret at his not considering himself authorized to give the information I had asked, I informed him that orders had been given to provide transportation for six hundred men, with supplies for their voyage; that the same was then ready, and would sail for Pensacola on the first notification of the receipt of the royal order at that place. In doing this, my intention was to deprive him of all excuse on the score of his not having had sufficient time to make his preparations for quitting the country. I had previously informed him of the assurances of the Spanish minister at Washington that no delay should be experienced in the surrender of the Floridas, and which I now took occasion to repeat. After stating the unpleasant situation in which the American troops were placed in the interior, I proceeded to inform him that two public vessels, the Shields and the Amelia, were then at anchor in Mobile bay, with supplies for Pensacola and St. Mark's, and proposed to make a deposite of the supplies intended for our troops at the former place; and also requested to be informed whether it would meet his wishes to have the troops of Spain brought from St. Mark's to Pensacola, as a preparatory measure to the surrender of the country, so that all the Spanish officers and soldiers might sail together under the same convoy. This was intended to render the evacuation more convenient and agreeable to them. I had begun to entertain serious doubts of the speedy arrival of the Hornet, and thought that, if a preliminary arrangement of this kind could be made, time might be saved. The Governor, in his reply of the 16th, consented to the proposal of making a deposite of the provisions for the American troops, approved of the proposal respecting the transportation of the troops from St. Mark's, but denied that he had any power to make any preliminary arrangement, or do any act connected with the surrender of the country, until he should have received orders from his superior. The vessels accordingly sailed for Pensacola, and the provisions were placed in deposite at that place. It may be well here to observe, that, at a subsequent period, the Governor thought proper to claim the benefit of the proposal to bring the Spanish troops to this place from St. Mark's, although not assented to when made, and which was acceded to by me from a wish to deal with him in the most liberal and generous manner, at the same time that I was determined to permit no idle and useless delay.

Nearly two weeks had elapsed after the departure of Captain Call without hearing a word of the Hornet. The anxiety which I experienced can be more readily imagined than expressed. Without speaking of my own situation, and that of my family, which was extremely uncomfortable, I began to entertain serious apprehensions that there was no intention to surrender the country before the 22d of August. During this painful state of suspense, many rumors were afloat, and how far well or ill-founded it was impossible for me to say. I was utterly unable to conjecture the cause of the delay of Colonel Forbes; it appeared to me that a few days would have sufficed for the transmission of the royal order to the Floridas; and I took it for granted that if any considerable delay was likely to be experienced in procuring the archives, a person could be left to receive them, in order to accomplish the more important object of obtaining immediate possession of the ceded territories. On an attentive examination of the stipulations of the treaty, I was satisfied, in my own mind, that the seventh article, relating to the transportation of the Spanish officers and troops, and the evacuation of *the places* occupied by them, was a different matter from the surrender of the sovereignty of the country, as stipulated under the second article of the treaty, and for which no specific time was appointed, and therefore to date from the exchange of ratifications. This construction was confirmed by the stipulations on the subject of duties, by which the twelve years' privilege granted to Spain was to commence three months after the ratification, and the provision (which, under a construction different from that I have given, would have been entirely unnecessary,) that the duties collected by the Spanish custom-house officers, from the time of the exchange of ratifications until the surrender, might be retained. The circumstances attending the treaty, although not appearing on the face of it, I was satisfied ought, in good conscience and in truth, to place the date of its ratification on the part of Spain as far back as October last. These were considerations which I kept in reserve, to be acted on only in case of the most urgent necessity, having set out with a determination to carry the treaty into effect, if possible, in harmony and good will. I was also determined, on the arrival of the royal order, to permit no useless delay, as I conceived that after this the termination of the business was left to Governor Callava and myself, (our respective Governments having confided it to us,) and I was determined that, on such event, nothing should be wanting on my part.

On the 20th Captain Call returned to Montpelier in company with Mr. Thompson, who brought me the first certain information of the Hornet. Mr. Thompson was the bearer of a letter from Colonel Forbes, (to which I refer you,) which, although far from being satisfactory, together with the assurances of Mr. Thompson that the Hornet would probably have sailed in a few days after his departure from Havana, served in some measure to remove the uneasiness I had experienced. I began to entertain a hope that the long-expected vessel might at last arrive. In anticipation of this event, I addressed a letter to Colonel Gadsden, who had shortly before reached Pensacola, and appointed him a confidential agent to reside at that place, and for the purposes expressed in my letter to him of the 21st of May, to which I refer you. Having occasion for the services of Colonel Gadsden near me, I transferred his powers to Captain Call, and was joined by the former at Montpelier. On the 22d I addressed a letter to Major Fanning, the officer commanding at Fort Gadsden, giving the necessary orders for the taking possession, and occupation of St. Mark's; to which I must also refer you, as more fully explanatory of the arrangements made with a view to that operation.

From this period until I addressed you my letter of the 30th of May, I remained at Montpelier, in the same uncertainty, and with unceasing solicitude. Reports reached me that Captain Read of the Hornet had fallen a victim to the climate of Havana, and that the greater part of the crew were unfit for duty. My letter of the 9th of June will show the painful anxiety which I felt during this period, not a little heightened by the bad state of my health. I prepared, in the mean time, an express, to be despatched to St. Augustine, with instructions to Colonel Butler, and wrote him the letter under date of the 2d of June, to give him the earliest information of events in this quarter. I was apprehensive that the vessels employed to transport the troops from East Florida would have arrived, and occasioned a heavy demurrage, as the same precautions could not well be taken there as in this quarter, where we were more convenient to the place at which the transports were to be procured.

I had almost given up all hope of the arrival of the Hornet, when, at last, I was informed by express that she had arrived at Pensacola on the evening of the 9th of June, after having been detained six weeks in Havana for reasons which to me still remain unaccounted for. A letter from Colonel Forbes was brought by the same express, informing me of his arrival at Pensacola, in company with Don Alba, a commissioner on the part of Spain. I refer you to this letter, and to my reply, dated the 11th. I could not but remark with some surprise that the order of the Captain General was for the delivery of West Florida to Colonel Forbes, as commissioner on the part of the United States: this was owing to a mistake, Colonel Forbes informs me, which, although discovered before the sailing of the Hornet, could not be corrected for the want of time. The length of time which elapsed from the date of the order and the sailing of the Hornet is a circumstance which, I must confess, I do not clearly understand. It is by no means accounted for by the delay in procuring the archives; all that could be procured were a few extracts from the treaty of 1783, between Spain and Great Britain, and which, I presume, is to be had in any common

library. The important papers relating to the grants of land in this country, as well as other documents directly relating to the Floridas, must still be the subject of negotiation between the respective Governments. I forbear to make any further remark on this head; but will refer you to my letter of the 11th, sent by express after my former letter had gone, and also to the communications of Colonel Forbes himself.

Without loss of time, I addressed the letter of the 12th to Governor Callava, having previously received his communication of the 10th, brought to me by Captain Call. I expressed my gratification at the promptitude with which he had imparted to me the information he had promised on the arrival of the Hornet, and was pleased with his frankness in waiving any advantage of the order being for the surrender of the country to Mr. Forbes. To meet what appeared liberal with equal liberality, I assented to his request that the Spanish troops should be brought from St. Mark's, to be embarked with those at this place. Captain Call, who had been authorized to make the arrangement for the evacuation of St. Mark's, had been met by the difficulty anticipated by you in relation to the construction of the treaty. The Spanish Governor required a receipt for the cannon and munitions of war left at St. Mark's, contending that the former were not included under the term "*fortification.*" To this proposal I acceded, according to the terms expressed in my letter of the 12th, in which I urged all the arguments which then suggested themselves to me, to prove the right of the United States under the second article of the treaty. I also brought into view the manner in which the seventh article was expressed, and the liberal construction placed upon it by the President, under a belief that a construction equally liberal would be placed by Spain on the one before mentioned; and finally referred him to Captain Call, to whom I had given, in my letter of the same date, authority to make a provisional arrangement, in case the Governor, after the reasons I had given, should persist in his construction of the treaty: this was, to receipt for the cannon on the forts, on condition that receipts should also be given for the transportation furnished for civil officers, servants, &c., and provisions, not provided for by the express letter of the seventh article; giving it, at the same time, to be distinctly understood, that the United States should, by no act of mine, be considered as abandoning their right to the cannon as part of the appendages of the forts. An inventory of the munitions of war embraced in their claim was to be taken, and the receipt to specify that they had been received with the forts, but claimed by the Spanish commissioner as not included in the cession, and to be held by the American agents, subject to any future disposition which might be made by the respective Governments; the Spanish commissioner to receipt for provisions, transportation of families of officers, civil officers, &c., in the same form; and the Governor was distinctly informed that, in case the Spanish Government insisted upon the delivery of the one, the United States would insist upon payment for the other. Captain Call was also instructed, in case this proposed arrangement should not prove satisfactory, to refuse transportation for every thing not literally included in the seventh article of the treaty; and at the same time to protest against the dismantling the forts, as an act on the Governor's own responsibility, and as a violation of the second article of the treaty. As an evidence of my desire to settle the business in the most satisfactory and amicable manner, Captain Call was instructed to comply with the Governor's request for transportation of two field-pieces from St. Mark's, and some ordnance stores. In the same letter, I informed the Governor of my intention to move in a few days into the vicinity of Pensacola. I also gave him to understand that the transports deemed necessary had been provided, and might shortly be expected in Pensacola.

On the 16th of June, after an unpleasant journey, on account of the unusual rains which had prevailed for a considerable time, I arrived at the house of Manuel Gonzales, distant fifteen miles from Pensacola, where I intended to await the arrival of the troops, and to remain until I had officially announced to the Governor my entrance into the Floridas for the purpose of receiving possession, as commissioner on the part of the United States. On the day of my arrival at Manuel's, I wrote to the Governor, by Colonel Gadsden, informing him of my arrival at that place, prepared to accomplish the object of my commission. I expressed a wish that a period as early as possible might be concluded on, to our mutual convenience, when we might meet, exhibit our credentials, officially recognise each other, and enter on the duties of our respective commissions. I stated that Colonel Gadsden was authorized by me to take charge of any communications from him, and to concert the arrangements connected with the proposition made. On the same evening, I received a long letter, dated on that day, from the Governor, in answer to mine on the subject of the construction of the treaty, with a few lines on the envelope, informing me that, but for his ill state of health, he would have done himself the pleasure of waiting on me in person. My reply, dated the 17th, contains a brief refutation of his reasoning, and an expression of my unwillingness to induce him to depart from the positive instructions which, he informed me, he had received. I concluded by observing, that, when I should have the pleasure of seeing him personally, I should hope to make an arrangement agreeably to the instructions given to Captain Call, and which he had communicated to him, and which will refer the subject of difference to be adjusted by our respective Governments.

The situation of the troops, now encamped near Manuel's, was inconvenient, on account of the distance from their supplies. There were many reasons strongly requiring that the American flag should be hoisted in Pensacola without delay: American vessels were arriving, and were expected to arrive, which had sailed from ports of the United States under the faith of the expected surrender, and which would be exposed to the payment of heavy duties, through the means of an arbitrary valuation: there had been a great increase of American population, and which was augmenting every day; and the state of things incident to a country so nearly on the point of being transferred forever to the dominion of another nation may be readily conceived: added to all this, the neglect of the police, which, I was informed, existed in Pensacola, and attention to which is so important to a place that must be indebted to this circumstance, perhaps, more than to any other, for its future growth. Under all these circumstances, I authorized Colonel Gadsden to make the proposition mentioned in his letter of the 18th, in the hope that it might possibly meet the approbation of Governor Callava, but without intending to insist upon it. From the other part of Colonel Gadsden's letter, it will be seen that it was my wish that a time and place might be designated at which we might meet, recognise each other, and enter on the business of our respective commissions. A misapprehension occurred on this subject, which was not explained until the close of our correspondence. Not receiving such communication as I thought I had a right to expect, and not being visited by the Governor, or any of his officers, I concluded to remain with my family where I was; and, as the Governor had officially recognised me as commissioner, I resolved to carry on the preparatory negotiation by means of my staff.

I received another letter from the Governor on the 19th, together with his letter to Colonel Gadsden. I refer you to my reply of the day following, in which I enter into a full and explicit statement of what I conceived to have been misunderstood. In the course of that communication, after enumerating some of the more urgent reasons on my part for obtaining a speedy delivery of West Florida, I requested him to state *in how many days after the arrival of the troops from St. Mark's he would be prepared to evacuate the Floridas.* I mentioned the circumstance of one of the transports, the Anna Maria, having arrived some time before; the Cora having, unfortunately, been cast away near the Balize, but that prompt measures had been taken to remedy the misfortune. In the same communication I informed the Governor of the appointment of Major Stanton to discharge the duties attendant on the transportation of the Spanish troops, and to concert the necessary measures for their comfort.

In the concluding observations of my letter, I regretted the existing difference respecting the construction of any articles of the treaty, the stipulations of which we were, in part, commissioned to execute. I received on the 22d the Governor's letter of that date, together with the one of the 20th, enclosing several propositions relating to preliminary arrangements for the surrender of the country and the fortifications of Barancas. In the letter of the 22d, he informed me that Don Alba was merely the bearer of despatches from the Captain General, and clothed with no official character in relation to the Floridas, and declared himself to be the commissioner. He waived the exhibition of my commission for the present, but requested an attested copy; which was accordingly sent. In reply to my request of appointing a day, after the arrival of the troops from St. Mark's, for the delivery of West Florida, he stated that, as soon as the garrison of Appalache should reach Pensacola, and the transports should be ready, he considered four, or six days at the utmost, as sufficient for the delivery of it, and the embarcation of the equipage, troops, and other individuals; whence he declared that I might now consider the time solicited by me to be fixed. The subject of the artillery was again touched upon in his letter, when I had flattered myself with a hope that it had been well understood and settled. The artillery and its appendages, he informed me, could not be submitted to any kind of compromise; such, at least, was the meaning given to the Spanish expressions—*no puedo sugitarlo á ningun cosa de compromiso.* Not a little surprised at what appeared to me little short of equivocation, on the receipt of it I experienced no small degree of mortification. I called upon Captain Call for his report whether he had not communicated to Governor Callava my instructions given him in relation to this subject; and, immediately upon receiving his report, (to which I beg leave to refer you,) I addressed to Governor Callava my communication of the 23d, in which I deemed it necessary to recapitulate what I had said on the subject of the construction of the second and seventh articles of the treaty; and, in order to prevent any future misunderstanding, I reduced the subject to these two distinct propositions:

1st. That an inventory of the cannon, munitions of war, &c., &c., belonging to the fortifications ceded, should be taken, and signed by the proper officers authorized to do so, with a remark that said cannon, ordnance, &c., were claimed by him, but left in my possession, subject to any future dispositions which might be made of them by our respective Governments.

2d. That an inventory of the transportation of families of officers and servants, and provisions placed on board of the transports for the supply of the troops on their voyage, should be made out and certified by him as furnished by me.

I observed that these were the propositions to which I had supposed he had assented, and that they corresponded with the instructions given to Captain Call. I had now hoped the subject was understood and at rest. In the Governor's reply of the 25th, he acknowledges himself to be well acquainted with the *tenor* of the *particulars* which it *embraces*, and particularly with that part which relates to the artillery; he declares that no mistake could have occurred in the account given by him to the minister of His Catholic Majesty at Washington; and in the concluding part of his letter he observes, that no objection or remark offers itself to giving me a certificate setting forth the number of persons transported, and of the provisions supplied them for their voyage.

A short correspondence, to which I refer you, had, at the same time, taken place respecting the transmission to St. Augustine of the necessary orders for the delivery of that place. I refer you, also, to my letter to Colonel Forbes, and his reply. The length to which this communication has already been unavoidably drawn out precludes me from making any remark at present on this business. This circumstance, however, added to the necessity of despatching Colonel Gadsden to St. Augustine; and preparatory to this, I prepared the letter to Colonel Butler, the commission to Mr. Worthington, and letter to that gentleman, with other documents referred to, and of which I gave an account in my letter to you of the 29th of June. In that letter you will perceive my understanding respecting the provisional arrangement, on the subject of the disputed articles of the treaty, clearly and fully expressed. I refer you to the correspondence between the Governor and myself previous to that date, and after the 25th. This tedious length of correspondence in settling so many matters of detail, as well as of greater importance, was what I had not expected, and, in the then state of my health, was extremely fatiguing. In my letter of the 26th, I expressed my satisfaction that we had not misunderstood each other on the subject of the artillery, &c. &c. By good fortune, when much at a loss for a mode of conveyance for Colonel Gadsden, the extraordinary rains having rendered the passage across the country almost impracticable, the United States schooner "Revenge" entered this port, and was instantly put in requisition for the service above mentioned. Mr. Forbes and Don Alba, or, rather, the Governor in his behalf, solicited a passage; but, on being informed that the vessel was extremely small, having but one birth, which the commander had given up to Colonel Gadsden, I could not consent. Colonel Forbes, however, embarked without my consent, knowledge, or approbation.

I refer you to my letter of the 1st of July for several preliminary arrangements proposed and acceded to respecting the preparation of the *procès verbal;* the ceremony to be observed in changing the flag; and the appointment of Messrs. Call, Bronaugh, and Brackenridge, to unite with the like number of persons to be appointed by the Governor, to examine and compare the inventories of archives and public buildings and property. Major Stanton had been appointed for the same service in relation to the artillery, and the taking of the inventory and receipt for the provisions and transportation of civil officers, &c.

By letter of the 3d of July, I communicated to the Governor the arrival of the ship "Lucy Ann," chartered in the room of the "Cora." I intimated that I hoped no delay would occur, on the arrival of the vessel from St. Mark's, of the embarcation of the Spanish troops, &c. on board the transports *then ready*, and the surrender of the country; that the vessels were under a heavy demurrage; and that I relied on his pledge that no unnecessary delay would be permitted on the arrival of the transports. The accident of the loss of the Cora, and the unusual detention of the vessels from St. Mark's, by contrary winds, had already given the Governor much longer time than he could possibly have calculated on when he gave me the pledge already mentioned. Every day which now passed was so much gained on the other side, and a heavy expense to the United States. Instead of three or four days, the usual voyage from St. Mark's to this place, the vessels were detained by adverse winds thirteen days, and at length arrived at Pensacola on the morning of the 9th of July. This event I communicated without loss of time to the Governor, by my letter of the 9th, and requested him to appoint a day for the delivery of West Florida, with the fortress of St. Mark, according to the agreement previously entered into between us. I had been unremitting in my endeavors, as I think will fully appear by the correspondence, to leave nothing unsettled on the arrival of the vessels from St. Mark's, so as to permit no possible excuse for delay; as the Hornet had been here a month already, owing to the unlooked-for loss of the Cora and the extraordinary prevalence of westerly winds, which prevented the arrival of the vessels just mentioned. For my correspondence with Major Fanning, I also refer to the accompanying documents. I also send you a copy of the order issued by me to Colonel Brooke, preparatory to the march of the troops to Galvez spring. My intention of moving to some convenient spot near Pensacola, immediately before taking possession of West Florida, had already been intimated to the Governor, and assented to. In answer to my request, the Governor, in his letter of the 10th, informed me that on the day following he would name a day, in conformity with his pledge. But on the day following, to my astonishment, he informed me, by his

letter of the 11th, that on Saturday the 14th he would inform me whether the surrender should be made on the Monday or Tuesday following—both of these days being beyond the latest period fixed upon for the delivery. I confess I could not but feel considerable irritation; for it seemed to me, that if I permitted him to disegard his pledge at will in one particular, there was no knowing what was next to follow. I was disappointed in what I had confidently expected, and, under these feelings, addressed him my letter of the 12th of July. The troops had marched the day before to Galvez spring, and were on that day joined by me at that place. To the Governor's letter of the 13th, and my reply of the same date, I must beg leave to refer you. I sincerely regretted the unpleasant feeling occasioned by the circumstance I have detailed; but I acted under a sense of duty and a firm conviction of the necessity of the course pursued. The Governor fixed upon the 17th as the day for the delivery, unequivocally, and without reserve; and in my letter of that date I advised you of my having obtained possession of West Florida.

I had reposed in the utmost confidence, after the friendly and satisfactory manner in which the delivery was made on the 17th, that the business was finally closed in the way I could have desired. But in this, I regret to say, I have been disappointed. On the day just mentioned, all papers, inventories, &c. were duly prepared for signature on either side, *excepting the inventory and receipt for provisions, &c. not expressly stipulated for under the seventh article of the treaty.* On the morning of the 17th Major Stanton informed me that he had been waited on by Mr. Cruzat, the Governor's secretary, who, on the part of the Governor, stated that, from ill health and press of business, he was not able to attend to the inventory at that time, and requested that it might be deferred, pledging himself that it should be made out in conformity with the agreement, and satisfactory to me. When this request was reported to me, I confess I was not a little surprised; and, in spite of the high opinion which my officers entertained of Governor Callava, and my own sincere wish to cherish the same opinion, the recollection of the conduct we have on so many occasions experienced from Spanish functionaries, and particularly the conduct of Governor Folk towards Messrs. Ellicot and Hawkins, rendered it impossible for me entirely to divest my mind of distrust. I had constantly cautioned those under my orders to be on their guard; and, on this occasion, I observed to Major Stanton, (who, it will be seen by the accompanying documents, had been fully instructed on the subject,) that if he could place confidence in the promises of the Governor and his secretary, I had no objection to the indulgence. After the Governor was restored to better health, and walking about the town, I urged Major Stanton to obtain the inventory and receipt, in order that I might close my communication to the Government. After a delay of some days, a receipt was presented to me, which, on being translated, I found, with indignation, to be *a simple acknowledgment that the transportation and provisions had been furnished by the United States, in compliance with the stipulations of the seventh article of the treaty.* I immediately informed Major Stanton that such a thing could not be received, and ordered him to call on Mr. Cruzat, and procure the kind of receipt agreed upon in our correspondence, and which he had pledged himself should be given. After a lapse of ten days, the note to Major Stanton from Mr. Cruzat was presented to me, in which I was informed that no other receipt than the one which the Governor chose to offer would be given. I immediately appointed Doctor Bronaugh to wait on Governor Callava, in company with Major Stanton, and demand a receipt in strict and literal conformity with my letter of the 23d of June, and assented to in his letter of the 25th. I refer you to the report of those gentlemen, by which it will be seen that he utterly refused. I then addressed him my letter of the 3d of August, declaring, in the most explicit manner, that, in consequence of his faithless conduct, the receipt given by me for the artillery is null and void, and that I should so report it to my Government—*the execution of the one being the consideration of the other.* The conduct of Governor Callava has mortified me exceedingly, especially as I had wished to think well of him, and as he had been uniformly represented to me as a frank, honorable soldier. I cannot but view his refusal, under the circumstances detailed, as a most base and flagrant breach of faith. To prove that there could have been no misunderstanding on the score of translation, I beg leave to refer you to the certificate of Messrs. Brackenridge and Rutledge.

I now proceed to lay before you the measures adopted by me for the government of East and West Florida in the best manner possible for the present. In this province, the Government, like every thing else, was in a state of dismemberment and neglect. The circumstance of being on the eve of a transfer to the United States occasions a total indifference and carelessness in the administration of all its branches. For a more minute account, I refer you to the report of Judge Brackenridge, and to the ordinances herewith sent. According to the Spanish scheme of municipal administration, there ought to have been an alcalde, a judge de partido, a fiscal, a cabildo, or corporation, and alguazils, or sheriffs, and constables. At Pensacola, none of these offices were filled, except that of the alcalde, who was the only civil provincial officer, properly speaking, in West Florida. To limp along in this maimed and imperfect state, seemed to me intolerable. On consultation with an eminent lawyer from Orleans, who was present at the change of government there, and also with Judge Brackenridge, a gentleman of high legal acquirements, who was in Louisiana some time after, I resolved, without going as far as I understood the Governor of that province had gone, to fill up those offices which I found vacant, and to make such alterations as seemed to me absolutely called for by the mere circumstance of the cessation of the government of Spain, and the extension of that of the United States over the country. The first ordinance establishes the corporation, to which this place under the Spanish constitution is entitled. The great accession of population, and the neglect of the police for the last two years, called for a body exclusively intrusted with its superintendence. Their powers conform to those which they would have possessed under the Spanish Government. The taxes which they are authorized to lay are such as have been usually paid. The board of health was peculiarly necessary, from the vital importance to this place to preserve its character for salubrity. The ordinance relating to the registering the names of those who may be desirous of claiming the benefit of the sixth article of the treaty was dictated, first, by the necessity of affording some evidence which could be used by those who were at once disposed to make their election and become citizens of the United States, and without which they would still be regarded as foreigners; and, secondly, by the impropriety, of which I had no little experience in Louisiana, of persons claiming exemption as foreigners, and the privileges of citizens, as it suited their convenience. The establishment of a county court, by adding four justices of the peace to the presiding judge, was with a view to the police of the county, as that of the city was intrusted to the corporation, and also for the trial of offences against the public peace and happiness. The presentments and trial by jury are both in the contemplation of the Spanish constitution, as well as that of the United States. The ordinance regulating the proceedings of the court in civil cases rather *makes known* the Spanish procedure than establishes any thing new to the Spanish law, excepting the pronouncing final judgment in public on set days, and requiring the witnesses to give evidence *viva voce*, when their attendance can be procured. The appointment of justices of the peace was so necessary a measure, particularly in the remote settlements, which are rapidly increasing, that it seems scarcely necessary to say any thing on the subject. It must be recollected that much the greater part of the population of this country are Americans; that the active commerce is carried on by Americans; and hence the necessity of assimilating the present institutions to something which they can understand, and of administering the laws by means of tribunals not altogether foreign to their habits and feelings. The distance from the seat of Government is a great inconvenience, as months must elapse before any suggested alterations can be approved and put in operation. I believe the alterations which I have made, unimportant as they are, strictly con-

form to my instructions, and are certainly indispensable, unless all civil government should be suspended for the present. Colonel Butler informs me that the municipal organization was more complete at St. Augustine; that, besides the alcalde, there were a judge and a cabildo, or corporation: but little change will therefore be necessary in that quarter. The commission under which I act does not define my powers; and, I assure you, I am not a little at a loss when left to collect them from the nature of the office. Judging from the practice in Spanish colonies, the Viceroy, or Captain General, possesses legislative as well as executive powers over the provinces placed under his government. O'Reilly, in Louisiana, of his own authority, introduced the Spanish law, and established tribunals exactly modelled after those of Spain. But, according to the decrees passed under the constitution, those officers are strictly confined to the exercise of military and executive or political power; and the Intendants are exclusively intrusted with the superintendence of the revenue and public property: the former is excepted by the act of Congress. In this uncertainty, I have contented myself with merely organizing a Government from the materials at hand, with as little change as possible; promulgating the same by way of ordinance, in order that the people may have some knowledge of the system to which they must conform. These ordinances I now transmit for the approval of the President.

From the report of Judge Brackenridge, it will be seen that the only public documents or archives delivered over are those which, in the first place, belong to the notarial office, consisting of transfers of land from individuals, powers of attorney, protests, wills, and other acts, which in Spanish countries appertain to the duties of notary. An inventory of the unbound books containing these acts is transmitted, giving the year and number of pages of each book. In pursuance of my directions, they were marked by Messrs. Call, Bronaugh, and Brackenridge, (who were appointed to compare them with the inventory,) with a letter of the alphabet, and signed, in order that they may be identified. In the second place, the archives of the alcalde's office, and which consist of the papers in suits, from the year 1781 down to the present time, and are very voluminous; but many of them, it is supposed, have been withdrawn or sent to Havana; and as there is not docket or book containing a record of these papers, being considered themselves as the records, it is extremely difficult to detect any fraud with respect to them. There are no original grants, surveys, maps, or even a plat of the city. It is well known that all these papers are at Havana, in the possession of the late Surveyor General Pintado, in whose transcripts of title-papers I do not think any reliance ought to be placed. Having the archives in his possession, he gives authenticated copies, and states himself, in these certificates, to be duly authorized to do so. From this shop it is probable that a number of such titles were transmitted to this country by the Hornet. I am confident that very extensive frauds have been attempted; this opinion is daily strengthened by observation, and I think it highly important that persons of integrity and intelligence should be appointed to sift them. The failure to obtain the archives at Havana will be seriously felt by the honest inhabitants of the country, and will call for more than usual vigilance and attention on the part of the Government to prevent frauds in *antedated titles*. The conduct of the Captain General in relation to the archives but too well confirms the opinion which I entertained of Spanish functionaries—at least so far as we have had any thing to do with them.

The report of Major Stanton, and the inventory of artillery, &c. receipted for, will show the value of those articles. Every thing, however worthless, has been brought forward, in order to swell that inventory to an imposing magnitude. I am well satisfied that, with the exception of two brass pieces at the Barancas, and two mortars and three howitzers, the cannon left with us is scarcely worth possessing. The artillery at St. Mark's is literally worthless; and I am of opinion that the value of the whole does not much exceed that of the extra transportation and the provisions which have been furnished, and not expressly stipulated for by the treaty. Major Stanton's report will also show the condition of the public buildings. The Government-house is in a ruinous state. I intended, at first, to occupy it myself; but, on examination, it was considered unsafe. It is a frame building, no way remarkable for its structure, and at present entirely out of repair, and in some parts rudely propped with unhewn timber. It has been taken by the officers for quarters, by which there has been a considerable saving to the Government. The block-houses were the most filthy and disgusting places imaginable; but, with some pains, they have been fitted up in such a manner as to afford quarters for the troops. The hospital, which is but a very ordinary building, was in a condition equally disgusting, but has been rendered fit for use by the exertions of the officers. The prison is in a tolerable state of repair, but is a very poor building: all the rest are uninhabitable. The barracks are said to have cost the British Government a large sum of money. The frame is still sound; the basement story is of brick; but the doors and windows have been torn off; the roof is decayed, and, in part, fallen in. Unless something be done in the course of a few months, it will be necessary to pull it down, as it will become a dangerous nuisance. The expense of repairing it will not be less than from $12,000 to $15,000. Proposals have been made to me by a Major Edwards to repair it at his own expense, on condition that he shall have the use of it for six years. The offer appears to me a very advantageous one to the United States; but, possessing no power to enter into it, I could do nothing more than to forward his proposals for the consideration of the President, with a request that an answer may be given as speedily as possible.

In my appointments to office, I was desirous of giving the preference, where I could, to the old inhabitants of the country. I found that but few were willing to accept any situation, from unwillingness to lose their rights as Spanish subjects; the greater part having been in some way or other connected with the Government, or having private claims which might be prejudiced by doing any act evincing their intention to become American citizens. Besides, it is said that strong inducements are held out by the Spanish Government to those who remove. The former alcalde was a half-pay officer, and, of course, could not be continued. The inhabitants, in general, I have found a sober, orderly, peaceable, and well-meaning people. I entertain a very favorable opinion of all the Spanish population, excepting of such as have been employed by the Government, which seems to have had every where the same corrupting influence over the minds and morals of those engaged in its administration.

I have confined myself, in this communication, to the subject of my commission for receiving the Floridas, and to the mere organization of the Government, reserving for a future and final communication the information which I may possess in relation to the country in general. The arrival of Colonel Butler from St. Augustine, and whose report is transmitted in another communication, has happily enabled me to close the business of my commission. This, I hope, has been done in such a manner as to meet the approbation of my Government.

I have the honor to be, sir, with great consideration and respect, your most obedient servant,

ANDREW JACKSON,

Commissioner for receiving the Floridas, and Governor of the same.

P. S.—AUGUST 14, 1821.—The foregoing communication was commenced on the day of its date, but was delayed several days, by inability to close the business of the inventory for the provisions, &c.; and after, by unavoidable causes.

A. J.

The Hon. J. Q. ADAMS, *Secretary of State.*

Report of Mr. Brackenridge to Governor Jackson.

SIR: PENSACOLA, *July* 26, 1821.

Besides the Governor of West Florida, there was but one provincial officer actually in the exercise of any civil functions: this was the *alcalde*, whose place you have appointed me to supply. The person in the exercise of this office, for reasons not necessary to state, could not be continued. I have taken pains to ascertain the duties of this office, but I assure you that it is with great difficulty I have been able to procure any thing of a certain and definite nature. I cannot speak positively with respect to the duties and powers peculiarly and exclusively belonging to the office, the extent to which its jurisdiction or authority reaches, or the changes or alterations made by the constitution, and decrees passed in pursuance of it. The alcalde here has acted as notary public; as chief of the police, he exercised a criminal jurisdiction, but of what nature I do not exactly know. He was superintendent and inspector of the prisons, and performed the duties of alguazil or sheriff. But, on more particular inquiry, I found that his judicial authority is confined to what is called the *conciliation*—an attempt at compromise, which the Spanish constitution positively requires before any suit can be instituted; and to cases of liquidated demands, to any amount, where the debt is confessed; and in which cases the alcalde has power to carry the judgment into execution, unless some question of law arise afterwards in the course of the proceedings, when he must stop. In all contested cases, and in all questions of law, the dictum of a judge, or *juez de letras*, is necessary to make a decision. There was formerly a *letrado*, or *auditor de guerra*, at this place, for the purpose; but there has been none here for some time past. By the decrees under the constitution, the office of *auditor* and that of *asesor* have been abolished, and a legal judge is contemplated, with an appeal to other tribunals. By the same decrees, the Viceroys, Captain General, and ultramarine commandants, are circumscribed to functions of a military and political nature, and the Intendant is confined to the collection and management of the revenue. Whether considered under the old or the new order of things, there existed a material deficiency in the organization of the civil government in this province, and especially in the judicial department. I have been able to procure but little information from my predecessor in office; what he said was summed up by the remark that I had more power than the Governor. In conversation with Colonel Callava, he informed me that the organization was defective; that he had solicited the appointment of ultramarine sub-delegate, as there was at this time no authority in the province to decide a law-suit; that he had obtained it; but, having some doubt on the score of the constitutionality of exercising civil and military functions, and considering the probability of a speedy transfer of the country, he had not thought it worth while to exercise it.

It is evident that the civil government cannot be administered, without filling up the offices which are vacant, without some modifications which the change of sovereignty and severance from Spain render unavoidable, and without establishing some offices to correspond with those contemplated by the Spanish system, but where *exactly* the same offices cannot be preserved.

In Spanish towns containing less than a thousand souls, all the civil functions of the place are generally discharged by an alcalde; where the population exceeds that number, the constitution gives a right to a cabildo or corporation, and mayor and aldermen, or corregidors and regidors. As Pensacola was the capital of the province, this circumstance alone entitled her to be considered a city. There formerly was a corporation here, but it has fallen into disuse—for what reason I do not know; but its members were elective, as the office of the alcalde has been since the constitution. To require an election under present circumstances, would be to require an impossibility, and would be the same thing as to say there shall be no civil government; for there is no proper officer *to hold* an election, and there is no way of ascertaining who would have a right to vote. I should think that the powers which, from accident, or other causes, have centred in the hands of the alcalde, may be distributed to other and such officers *as are in the contemplation of the Spanish frame of government*, or approximating to them as much as possible. To establish exactly the Spanish tribunals, cannot be done, for the reasons already stated, although I believe that no important deviation will be necessary; nor do I think it important, if the powers be substantially the same, that the *name* should be scrupulously retained, as, for instance, mayor for corregidor, sheriff for alguazil, and presiding justice for juez de letras. The Spanish constitution contemplates a number of tribunals which I am informed have been established by subsequent decrees, but with which I am not acquainted. There was no regular Spanish lawyer here, although a few of the military officers were acquainted with the routine, and were often employed in the management of causes, which was done by writings signed by the parties. As it is impossible for parties themselves to pursue the tedious routine of a Spanish law-suit, it will be necessary to license attorneys. I have said nothing of the appointment of justices of the peace on the rapidly increasing settlements of the Perdido, Escambia, Conecuh, Yellow Water, Choctawhatchie and Appalachicola, which, I presume, will be agreed on all hands to be absolutely necessary.

The establishment of a corporation in Pensacola, or rather its restoration, has been productive of the happiest effects. Peace, quietness, and order have taken the place of continual daily and nightly disturbance and disorder. The military force has been almost dispensed with, and its place supplied by civil officers. Attention to the health and comfort of the city has succeeded the total neglect with which these important considerations were treated for months before the change of sovereignty. For the police of the county, the keeping the roads and bridges in repair, licensing retailers, and for the trial of offences against the public safety and happiness, some tribunal is called for. The population of Pensacola, and of the country in general, has increased with very great rapidity; the Americans in this place already outnumber the Spaniards. It may, perhaps, admit of a question whether the constitution of the United States does not extend its authority over this country by the mere circumstance of its coming under the American Government, and ceasing to be a dependency of any other Power; and, if so, secures to the American citizen, when arrested for crimes or offences, an open and public trial by jury, to be confronted with his accuser and the witnesses brought to testify against him. I should think, moreover, that the article in the treaty of 1795, between the United States and Spain, if possessed of any meaning, is intended to secure some of these privileges to American citizens. I find no Spanish law which secures them to him, and, according *to the existing state of things, there is no tribunal here which has power to try him at all.* The power of the alcalde extends no further than to take the examination and the deposition of witnesses, to be sent to Havana for decision; or to conduct the *conciliation*, which is allowed in minor criminal as well as in civil cases. The only criminal records in my office are huge piles of papers containing every thing the parties chose to bring forward; one of these, which I examined, is a proceeding against a person charged with passing counterfeit notes, but who was never apprehended; the prosecution, however, went on, and his property was seized and sold for the costs. Another is the case of two negro men who killed a white man—one of a party, it is alleged, who attempted to kidnap them. One of the negroes was sold to pay the expense of the investigation, and one of the white men, a person of the name of McReynolds, *remained near two years in prison here without a trial*, and was let out by the Spanish alcalde on the morning of the delivery of the country. During the time that the temporary government was exercised by the officers of the United States army, some justices of the peace were appointed; but I find no record of any judicial proceeding during that period. Some cases of considerable importance were decided in a summary manner; but as

they could not be regularly followed up, from the want of the proper tribunals and officers, the circumstance has, in several instances, been productive of considerable inconvenience.

There is, properly speaking, no *trial* known to the Spanish judicial procedure. There is what is called the *diligencia*, or process; generally a mass of papers consisting of the writings of either party, accompanied by whatever he may think proper to exhibit in the progress of a cause, whether relevant or not, and with *ex parte* affidavits; so that very often the original points of dispute are lost sight of, and even the original parties. The bulk of these papers naturally increases in proportion to the amount in dispute, and the prospect of obtaining fees. The costs of court alone generally amount to from fifty to five hundred dollars. As no judgment is pronounced in open court, or counsel bound to take notice of such judgment, as well as of decrees and orders made in the course of a suit, these must be notified to the opposite party at very considerable expense. Suits commenced and carried on in this way can, of course, never be transferred to, or be acted on by, American courts, and which will certainly be established before many months. The mass of irrelevant matter, and the *ex parte* affidavits, will, of course, render it impossible to act on such records. But the mere mode of administering justice through the courts, the time, place, and manner, I should think, for the greater part, perfectly within their own control; at least within the control of the person or persons exercising supreme authority in the province. Every essential right of a party may be as well secured by a public trial and judgment, as by a private one by the judge in his closet; truth may be as well got at by evidence given *viva voce*, in presence of the parties, as by *ex parte* affidavits; parties can as well be informed of intermediate orders by their counsel, as by the witnesses *de asistencia* or a notary public. All these purposes are much more cheaply and simply obtained in Louisiana, by the practice adopted to supply the place of the Spanish, but closely modelled after it, and greatly pruned and simplified. Provided all the usual orders be taken, the form of entering them on record, if in two lines, where *thirty* are now used, does not seem to me objectionable. I believe that, without the alteration of any thing of importance, besides what has been mentioned, the proper and regular tribunals may be established to administer justice, civil and criminal, and by this means reconcile the difficulty of administering the government with the *existing authorities*, and of respecting every right which the citizen of the United States can justly claim as such under the constitution or treaty with Spain. Another, and a very obvious inconvenience of the present state of things, is, that the powers of the different officers, and the course to be pursued to obtain redress, *are unknown to the people.* I have endeavored, without success, to procure even the fee-bill. A person has been usually employed to tax the costs, for which he was entitled to two dollars. The *juez de letras*, according to the Spanish law, regulated his own charge for his order or decree, and, in one case in this office, it amounts to six hundred reals, or one hundred dollars!

The truth is, that, with respect to the nature of the tribunals and civil functionaries which ought to exist here, whether under the old or new order of things, according to the Spanish laws, and the exact mode of procedure in judicial proceedings, it is impossible to obtain any exact and safe information. Whatever the theory may be, the practice here, I believe, depended on the individual in power or office. To carry on the Government under present circumstances is out of the question; for some time past there has been, in fact, no Government; and the change in the state of society requires an immediate organization of some kind or other. What is wanted is a plain and simple mode of proceding, capable of being understood and made known; a tribunal before which a trial can be had, whether it be constituted of an alcalde, asesor, judge, letrado, or juez de letras.

On the subject of the archives delivered to me by the former alcalde, they consist of unbound books from the year 1781 until the present time, and contain nothing more than the transfers of property from one individual to another, protests, wills, mortgages, and powers of attorney; and which, strictly and properly, under the Spanish laws, belong to the office of notary. Excepting the extract of the treaty of 1783 between Spain and England, there is nothing in the office which belongs to the Department of State: there are not even the original grants made by the Spanish Government to individuals; all which are said to be in the Havana. These papers are, however, highly important to the inhabitants of the country; and, in order that they might be completely identified, over and above the inventory of the books furnished by the Spanish officers, Captain Call, Dr. Bronaugh, and myself, in pursuance of your instructions, numbered and lettered them, placing our signatures on each book, and making an inventory in this form, which remains in the office as a part of the records. The other papers delivered to me are, the processes or diligencias of law-suits; which are also important to the inhabitants of the country, but not to the Government of the United States. I am, with great respect, your most obedient servant,

H. M. BRACKENRIDGE.

P. S. Since writing the above, I have procured in MS., from a private gentleman, the decrees of the Cortes establishing the jurisdiction of alcalde, &c. How far am I to be governed by the Spanish laws in force before the constitution, or passed since that period? if the latter, to what period are those decrees to be considered as in force: to the time of ratifying the treaty, to the present time, or until the establishment of a Government by act of Congress? These questions cannot easily be answered. The Governor here still exercised the powers of admiralty judge—in virtue of what law I know not: it was the only judicial power he did exercise since the adoption of the constitution.

CHAPTER THIRD.

Of the constitutional alcalde of towns (pueblos) or villages.

ARTICLE 1. As the alcaldes of towns exercise the office of conciliator in the same, whatever any one has a right to demand of another before the judge of the district (*partido*) in civil cases, or for injuries, (*torts*,) he must present himself to the alcalde, who, with two arbitrators, (*hombres buenos*,) to be named by each party, shall hear the parties, and the reasons they may allege; and, after the opinion of the two thus associated, shall, within eight days, at furthest, award what may appear proper for the termination of the difference, without any further proceedings. This award shall, in effect, terminate the same, provided the parties be content therewith; and it shall be entered on a book to be kept by the alcalde for that purpose, to be called the *conciliatory determinations*, the alcalde, the arbitrators, and the parties signing the act; and to them the requisite certificate shall be given.

ART. 2. In case the parties do not agree, it shall be so entered on the same book, and the alcalde shall give to the party requesting it a certificate of the attempt at conciliation, and the failure thereof.

ART. 3. When any person residing in a different town shall be cited before the alcalde conciliator, the citation shall be made through the judge where he resides, requiring him to appear, by himself or attorney, within a reasonable time; and, not appearing, a certificate shall be given to the plaintiff, declaring that the attempt at conciliation had been made, and that it had failed through the default of the other party.

ART. 4. If the demand before the alcalde relate to the detention of the debtor's goods, when such debtor intends to withdraw them, or to the interdiction of some new work, or other matters of like urgency, and the plaintiff pray

the alcalde immediately to make a provisional order, to avoid the injury from delay, the alcalde may grant the same, and shall proceed immediately to the conciliation.

ART. 5. The alcaldes shall, moreover, take cognizance, in their respective towns, of civil demands to the amount of 500 reals as in Spain, and of $100 beyond seas; and of criminal cases relating to injuries (*torts*) and trivial faults, which merit no higher punishment than a reprimand or slight correction; one or the other being determined merely in a verbal manner. For this purpose, in the civil demand above mentioned, and in the criminal cases relating to injuries, the alcaldes shall also associate with them two good men named by each party, and, after hearing the plaintiff and defendant, and the opinions of the persons associated, they shall give, before the clerk, such sentence as may be proper, and from which there shall be no appeal; nor will any other formality be requisite than that of entering it briefly in a book to be kept for verbal judgments; the alcalde, arbitrators, and clerk signing the same.

ART. 6. The alcaldes of towns shall also take cognizance in all suits (*diligencias*) of a civil nature, until they shall reach the point of litigation or dispute (*el contenciosa*) between the parties, on which they are to be transmitted to the judge of the district, (*partido.*)

ART. 7. They may, in like manner, take cognizance in the first stage of such cases, which, although litigated, are of a very urgent nature, and do not afford an opportunity of resorting to the judge of the district, as the taking of inventories, the interposition to prevent the retracting in an undertaking, and the like; taking care to transmit them to the judge on the attainment of the object.

ART. 8. The alcaldes, in the case of the commission of any crime within their jurisdiction, as on finding any delinquent, should proceed officially to form the first proceedings of the examination and arrestation of the offenders, if there should appear to be any offence deserving corporal punishment; or, when apprehended *flagranti delicto*, they must give an account of them to the judge of the district, transmitting the proceedings to him, and placing the offenders at his disposal.

ART. 9. The alcaldes of the towns in which the district judge resides may and ought to take previous cognizance of such cases as are included in the provisions of the preceding articles, giving an account of them to the judge without delay, in order that the latter may continue the proceedings.

ART. 10. In all the suits to which the causes, civil as well as criminal, may give rise, the district judges cannot use other means to carry their judgments into execution than the alcaldes of the towns.

ART. 11. With regard to the government, economy, and police of the towns, the alcaldes will exercise the jurisdiction and powers which have heretofore been held by the ordinary alcaldes, taking always the constitution for their guide.

CHAPTER FOURTH.

Of the administration of justice in the first instance, (primera instancia,) before the formation of districts.

ARTICLE 1. Until the distribution of districts, provided for in the second chapter, be made and approved, and the letrados of the same be appointed by the Governor, all the causes and suits, both criminal and civil, will be prosecuted, in the first instance, before the letrado of royal nomination, the sub-delegates of ultramarine dominions, and the constitutional alcaldes of towns.

ART. 2. The letrados appointed by the King will be limited precisely to the exercise of jurisdiction over disputes respecting towns in which they have held it hitherto; and if in any of those towns they have exercised it previously with the alcaldes, the latter, with the letrados, will continue their authority to take cognizance of suits by anticipation.

ART. 3. In the other towns, in which there are no letrados, nor ultramarine delegates, the constitutional alcaldes will exercise the jurisdiction over disputes in the first instance, as the ordinary alcaldes have exercised it.

ART. 4. The alcaldes of the towns in which there is no letrado, nor ultramarine delegate, and in which the former have not exercised the jurisdiction previously with the latter, will take cognizance of disputes in no other cases but those mentioned in the fifth and eighth articles of chapter third.

ART. 5. The alcaldes, with an absolute inhibition of the letrados and ultramarine sub-delegates, will take cognizance of the government, economy, and police of the respective towns.

ART. 6. The constitutional alcaldes of the towns will, forthwith, enter on the functions of conciliators, agreeably to the provisions contained in the first four articles of the same third chapter; and no demand, civil or criminal, shall be admitted, in case of injuries, without the certificate of the method of conciliation having been tried, and that the parties would not agree thereto. The regency of the kingdom is hereby notified of the same, and required to make the necessary dispositions for carrying it into effect, &c.—" 1812."

On the restoration of the constitution, these, among other laws passed under it, were revived. The powers of the viceroys and commandants, or governors, have undergone a complete change, and, without being aided by other officers and tribunals, contemplated by the new order of things, it is impossible to carry on the civil administration according to the existing frame of Government. A cessation of the administration of justice for two months would be calculated to produce great mischief. The former Government did not scruple to use force when they thought proper, and paid just as much attention to the theory of their authority as they pleased.

The foregoing is all that is to be found in relation to the only tribunal existing in West Florida for the administration of justice. The alcalde is little more than an officer appointed to *introduce* the parties to the tribunal *capable* of deciding. And this tribunal is a connected part of a chain of tribunals, from which it cannot be separated without rendering it useless and incomplete. The appointment of a judge, according to the Spanish plan, is necessary. But the exact modes of introducing and following the suit are alone calculated for an unmixed Spanish population, and to be administered by Spaniards; for they are totally at variance with all American ideas. In criminal cases, it has no power whatever to try an offender.

H. M. BRACKENRIDGE.

His Excellency Major General ANDREW JACKSON, *Governor of the Floridas.*

PENSACOLA, *July* 18, 1821.

By Major General ANDREW JACKSON, *Governor of the provinces of the Floridas, exercising the powers of the Captain General and of the Intendant of the island of Cuba over the said provinces, and of the Governor of the said provinces, respectively:*

That, with a view to the preservation of the good order and health of the town of Pensacola, I do ordain—

SECTION 1. That there shall be appointed by the Governor, annually, a chief officer, to be called the mayor, and six subordinate officers, to be called aldermen, who shall form a council, and have and exercise all the powers necessary to the good government of the said town.

SEC. 2. That the said mayor and council shall have power, by ordinance or otherwise, to impose fines and forfeitures for the infraction of their regulations, and to appoint such officers as they may deem necessary to enforce their ordinances, and to levy such taxes as may be necessary for the support of their town government.

SEC. 3. As the Christian Sabbath is observed throughout the civilized world, it is ordained that, in order to remove any doubts which might be entertained with respect to the powers of the mayor and council on this subject, the said mayor and council be authorized to make any regulation for the due observance thereof which they may deem proper.

SEC. 4. In order to remove all doubts on the subject of the limits of the said town of Pensacola and its dependencies, as well as the places under the immediate control of the mayor and council, all the fountain and springs from which the inhabitants are supplied with water, it is ordained that the incorporated limits of the said town shall be as follows: Bounded on the south and east by the harbor; on the west by the Western Lagoon, or Bayou Chicot; and on the north by a line running due east from Galvez spring to where such line intersects the Eastern or Texar Lagoon.

SEC. 5. That public gaming-houses, as well as public gaming of every description, (billiards alone excepted,) shall be, and the same hereby are, interdicted and prohibited, under the penalty of two hundred dollars for each conviction, and the forfeiture of all the apparatus or machinery used towards the commission of such offence, as well as all sums of money which may be seized by the police officer, or other person—one half to the use of the informer, and the other to the use of the town; and that each and every person so convicted shall be and stand committed to prison until the whole of said fine and costs be paid; and, moreover, until he shall have found good and sufficient security in the sum of five hundred dollars for his good behavior for and during the term of one year.

SEC. 6. That the mayor and aldermen, as is provided for in this ordinance, shall be known and called the City Council of Pensacola; and, in that name, may acquire and dispose of property for public uses, and sue and be sued, and plead and be impleaded, on all subjects relating to and connected with the said town and its dependencies.

SEC. 7. That all innkeepers, grocers, and all other retailers of liquors, are, by this ordinance, expressly prohibited from furnishing or selling any liquor or ardent spirits whatever to any soldier in the service of the United States of America, under the penalty of $19 for each offence; and to stand committed to the common jail until the said penalty, with costs, are paid.

ANDREW JACKSON.

By the Governor: R. K. CALL, *Acting Secretary of West Florida.*

An ordinance for the preservation of health in the city of Pensacola.

PENSACOLA, *July* 19, 1821.

By Major General ANDREW JACKSON, *Governor of the provinces of the Floridas, exercising the powers of the Captain General and of the Intendant of the island of Cuba over the said provinces, and of the Governor of the said provinces, respectively.*

SECTION 1. That every vessel arriving between the first day of June and the last day of October in each year, from any port between the equator and thirty-three degrees of north latitude, shall be brought to at the Barancas, or at such other point as the board of health may direct, and there perform a quarantine of twenty-four hours at least, and as much longer as the health officer at the Barancas (or at such other point as the board of health may direct) and the board of health may deem necessary, not to exceed forty days.

SEC. 2. That there shall be established a lazaretto at the Barancas, or at such point as the board of health may direct, for the accommodation of the sick, under such regulations as the board of health may from time to time establish; and that, until the Government of the United States shall establish a public warehouse at such lazaretto, the cargoes, or such part thereof as the health officer and the collector of the port of Pensacola may deem necessary, shall be stored under the direction of the commanding officer of the troops at Barancas.

SEC. 3. That the quarantine limits shall be cannon shot range, or two miles, in a direction towards the harbor from Fort St. Carlos de Barancas, or at such point as the board of health may direct; and that any person or persons belonging to, or having had communication with, any vessel or vessels under quarantine, who shall pass those limits, without permission first had and obtained from the resident physician or health officer, shall forfeit and pay a sum not exceeding three hundred dollars, and be imprisoned in the common jail for a term not exceeding six months.

SEC. 4. That, for the more effectually guarding against the introduction of disease, there shall be established a board of health, which, for the present, shall consist of an officer to be appointed, and called the resident physician, and the mayor and aldermen of Pensacola, (over whom the resident physician shall preside,) who are by this ordinance authorized to make, and from time to time to alter, such laws and regulations as they may deem necessary to insure the health of the city.

SEC. 5. That there shall be a health officer appointed and stationed at the Barancas, or at such other point as the board of health may direct, whose duty it shall be to board every vessel bound inwards, to see that the provisions of this ordinance, and all such regulations as the board of health may make, are strictly complied with, and to report from time to time, as occasion may require, to the board of health.

SEC. 6. That such allowances shall be made to the resident physician and health officer (all their services included) as shall not exceed one dollar and one half for each person on board of each vessel, to be regulated and determined by the mayor of Pensacola, who is authorized to receive from every vessel, the cargo of which it may become necessary to land and store, such other and further sums as may be necessary to cover all expenses incident to the same.

ANDREW JACKSON.

By the Governor: R. K. CALL, *Acting Secretary of West Florida.*

An ordinance prescribing the mode of carrying into effect the sixth article of the treaty of amity, settlement of differences, and limits, between the United States of America and His Catholic Majesty.

PENSACOLA *July* 21, 1821.

By Major General ANDREW JACKSON, *Governor of the provinces of the Floridas, exercising the powers of the Captain General and of the Intendant of the island of Cuba over the said provinces, and of the Governors of the said provinces, respectively.*

Whereas, by the sixth article of the said treaty, it is, amongst other things, provided, that, on the entrance of the ceded territories into the Union, the inhabitants thereof shall be "admitted to the enjoyment of the privileges,

rights, and immunities of the citizens of the United States:" Now, therefore, as well with a view to guard against impositions that may be practised by foreigners, as to secure to the inhabitants their free choice to become citizens, under the provisions of the said treaty:

SECTION 1. I do ordain that the mayor of the city of Pensacola, and such other persons as may be appointed for the purpose in any town or county in these provinces, shall open a register, and cause to be inscribed the name, age, and occupation of every free male inhabitant of such town or county, who may be desirous to profit by the provisions of the sixth article of the treaty as aforesaid in part recited: *Provided*, That the person or inhabitant who may thus desire to have his name inscribed shall first satisfy the mayor, or such other persons as may be appointed to open registers, that he was really an inhabitant of the ceded territory on the 17th day of July, 1821: *And provided, also*, That he will, of his own free will and accord, abjure all foreign allegiance, and take the oath of allegiance prescribed by the laws of the United States.

SEC. 2. That the said office of register shall continue open for and during the space of twelve months, when the same shall be closed, and a copy thereof transmitted, under the seal of the said mayor, or other persons appointed to open registers, to the secretaries of the said territories.

SEC. 3. That, from and after the period of the said register being so closed, no other free male inhabitant, above the age of twenty-one, and entitled to make his election as aforesaid, shall be, within the ceded territories, entitled to any of the rights, privileges, and immunities of a citizen of the United States, but shall, to all intents and purposes, be considered as a foreigner, and subject to the laws of the United States in relation to aliens.

SEC. 4. It shall be the duty of the heads of families within the said provinces, being desirous to profit by this act, to furnish the mayor, or such other persons as may be appointed to open registers, with the name and age of every free male member of his family; and the said mayor shall cause the same to be inscribed on the register, as before provided for.

SEC. 5. In order to guard the more effectually against impositions, as well as to give to the inhabitants the security which citizenship will afford them abroad, it is further ordained that the secretary or secretaries of the ceded territories grant to such inhabitants as may be desirous of receiving the same certificates of citizenship, he or they being first satisfied that the provisions of this ordinance shall have been complied with.

SEC. 6. The evidence upon which the secretary or secretaries shall proceed to grant certificates of citizenship shall be, a certificate of the clerk of the mayor, or such other persons as may be appointed to open registers, that the applicant has complied with the requisitions of this ordinance; upon the receipt of which, it shall be the duty of the secretary or secretaries to grant to all and every such applicant or applicants certificates of citizenship, for which the said clerk and secretary shall be entitled to one dollar each; and, for every name entered on the register, the mayor, or other persons authorized to open the same, shall be entitled to one dollar.

ANDREW JACKSON.

By the Governor:

R. K. CALL, *Acting Secretary of West Florida.*

PENSACOLA, *July* 21, 1821.

By Major General ANDREW JACKSON, *Governor of the provinces of the Floridas, exercising the powers of the Captain General and of the Intendant of the island of Cuba over the same, and of the Governor of the said provinces, respectively.*

Whereas, from the extent of the ceded territories, it becomes necessary to make such divisions as will promote the convenience of the inhabitants, and the speedy execution of the laws; wherefore, and in virtue of the authority vested in me by the Government of the United States, I do ordain:

SECTION 1. That the said provinces be divided as follows: All the country lying between the rivers Perdido and Suwanee, with all the islands therein, shall form one county, to be called Escambia; all the country lying east of the Suwanee, and every part of the ceded territories not designated as belonging to the former county, shall form a county to be called St. John's.

SEC. 2. In each of said counties, and for the government thereof, there shall be established a court, to be designated a county court, and to be composed of five justices of the peace, any three of whom shall form a quorum; and the eldest, by appointment, to be president of said court, whose jurisdiction shall extend to all civil cases originating in the said county, where the matter in controversy shall exceed twenty dollars, and to all criminal cases; saving to the parties the right of appeal to the Governor in all cases above the sum of five dollars; and that there shall be no execution for a capital offence until the warrant of the Governor be first had and obtained.

SEC. 3. That the judicial proceedings, in all civil cases, shall be conducted, except as to the examination of witnesses, according to the course of the existing laws, or of the laws of Spain, and in criminal cases according to the course of the common law: that is, no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury; and in all criminal cases the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the county wherein the crime shall have been committed; and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

SEC. 4. There shall be a clerk appointed for each of said county courts, who shall receive for his services such compensation as the court for which he is appointed may, from time to time, and in each suit, tax or allow; and there shall also be a sheriff appointed to each county, to execute the process thereof, whose services shall be compensated by the court to which he is appointed in like manner as is provided for the clerk; and the said clerk and sheriff shall give bond to the presiding justice for the faithful discharge of their duties.

SEC. 5. Each county court shall hold quarterly sessions, and continue the same until all the business pending therein shall be disposed of; the first session to be held at Pensacola on the first Monday of August next, for the county of Escambia, and at St. Augustine on the second Monday of September next, for the county of St. John, with power to adjourn from time to time.

SEC. 6. There shall not be less than ten justices of the peace commissioned for each county, whose jurisdiction shall extend to all cases not exceeding fifty dollars, saving to the parties or suitors an appeal to the county court in all cases wherein the matter in dispute shall exceed the sum of twenty dollars; and shall also be authorized in all criminal cases to exact surety for good behavior, and to take recognizances, in cases bailable, for the appearance of the accused before the county courts.

Sec. 7. That the examination of all witnesses within the jurisdiction of the courts, except where their personal attendance cannot be procured, shall be conducted *viva voce*, and in open court; that the parties may conduct their suits in person, or by such counsel as they may choose: *Provided*, That the said counsel or counsellors shall have been duly licensed to practise in the courts of the said ceded territories by the Governor.

Sec. 8. The alcaldes shall continue to exercise the power of judges of probate, registers of wills, notaries public, and of justices of the peace, and such other powers appertaining to the said offices as have not been otherwise distributed; saving a right to appeal to the county courts in all cases.

Sec. 9. That the judges of the said county courts shall have power to impose such taxes upon the inhabitants of their counties, respectively, as, in their discretion, may be necessary to meet and defray the expenses which may be incurred in carrying this ordinance into effect.

Sec. 10. That the said county courts shall have and exercise the power of directing, by special *venire*, or otherwise, the summoning of all jurors, grand as well as petit.

Sec. 11. That the said courts shall have the power of creating and regulating their process and proceedings, from time to time, as they may deem necessary; and shall, as soon as convenient after their organization, prepare and report a fee-bill to the Governor for his approbation.

Sec. 12. That the said courts shall have and exercise the power, beyond the limits of Pensacola and St. Augustine, of granting and recalling licenses and commissions for innkeepers, retailers of liquors of every description, and keepers of billiard tables; and to require of them such surety as they may deem proper, and impose such price for each license as, in their opinion, may be reasonable.

Sec. 13. That it shall be the duty of said courts, in regulating their process and proceedings, to confine the parties strictly to the merits of their cause; and to cause all useless matter, as well as unnecessary form, to be expunged from the pleadings, at the expense of the party introducing the same, so that justice may be administered in the most simple, cheap, and speedy manner.

Sec. 14. In all criminal cases, the process and indictment shall be in the name of the United States; and there shall be appointed a prosecuting attorney for each of the said counties, who shall receive, in each case, a reasonable compensation, to be taxed by the court.

Sec. 15. That the police of the roads and bridges, without the limits of Pensacola and St. Augustine shall be under the immediate direction of the said county courts; the police of the cities to be exclusively confided to the mayor and aldermen.

ANDREW JACKSON.

By the Governor:

R. K. Call, *Acting Secretary of West Florida.*

An ordinance explanatory of the mode of proceeding in the county courts.

Pensacola, *July* 26, 1821.

By Major General Andrew Jackson, *Governor of the provinces of the Floridas, exercising the powers of the Captain General and Intendant of the island of Cuba, and of the Governor of said provinces, respectively.*

Section 1. All suits in the county courts of Escambia and St. John's shall be commenced by petition, setting forth, concisely, the nature of the demand or complaint, and praying such relief as may be suited to the circumstances of the case; the same to be filed by the clerk, and the suit to be entered on a docket to be kept for the purpose.

Sec. 2. A copy of the petition shall be made out by the clerk, and a citation to the adverse party annexed thereto, the form of which is to be settled by the presiding justice, and to be signed by the clerk, requiring the adverse party to appear at a day certain to answer to the complaint; and the said petition and citation to be served on him by the alguazil, who shall take such security as may be required according to the existing laws.

Sec. 3. That, in case the defendant shall not appear on the day to which he shall be cited, the court may enter judgment against him by default, in all cases where the demand is liquidated by proven account, by bond, note, or final judgment; but the same may be opened within three days, should the party appear and put in his answer; and, in the case of all other demands or complaints, the court shall proceed to hear testimony, assess damages, and render final judgment; but, in case the citation and petition be not served from inability to find the defendant, then the court to proceed in such case according to the manner pointed out by the existing laws.

Sec. 4. The substance of the judgment of the court, and the different orders taken in the progress of the suit, shall be briefly noted on the record, and signed by the presiding justice; and in all cases where orders or judgments shall be made or passed in open court, or where counsel have been employed, the notification of such judgments or orders to the parties shall be dispensed with.

Sec. 5. That if, on the day appointed, the defendant shall appear, by himself or counsel, he shall have three days to put in his answer, and such further time as the court may allow; and, in case of liquidated demands, he shall be required to put in such answer on oath.

Sec. 6. That, after final judgment, execution shall issue, without any further order, and the appraisement notice and sale shall proceed, as under the Spanish laws; all which to appear, in substance, on the record: the sale to be made by the alguazil, mayor, or sheriff.

Sec. 7. That all entries on the records shall be in English; but it shall be at the option of the parties to file their petitions and answers in English or Spanish; and in case that both or either of the parties shall be Spaniards, the writings served on them to be in both languages.

Sec. 8. That there shall be adjourned courts on the first Monday in every month for the trial of civil cases and signing judgments, and to which citations, executions, and other process may be made returnable; and the form of all such process to be settled by the presiding justice, following, as nearly as possible, the forms in use in Spanish tribunals.

Sec. 9. In all cases where either of the parties may require it, the testimony of the witnesses to be taken in writing at the trial, and the reasons on which the court shall have founded its decision to be entered on record.

Sec. 10. The papers or other documents on which the suit may be founded shall be filed with the petition, and either party may put interrogatories to the other, according to the usages in Spanish tribunals, and which the other party shall be bound to answer; otherwise, the matter therein to be taken *pro confesso.*

Sec. 11. The clerk shall have the power to issue summonses to compel the attendance of witnesses; but depositions to be read in evidence to be taken by the proper order of the presiding justice, with notice to the adverse party.

Sec. 12. The usual acts of conciliation, orders, and decrees, according to the Spanish practice at the commencement and in the progress of every suit, may be made by the presiding justice; but the trial and final judgment shall, in all cases, be pronounced in open court.

SEC. 13. That the following fees be received by the officers, and no other:

To the crier, for every cause,	$1 00
Sheriff, serving every citation,	1 50
Subpœna for each witness,	50
Attachment and return,	2 00
Keeping personal property and slaves, to be allowed by the court.	
Taking bond on seizures, and for security, in cases of liquidated demands,	1 00
Serving execution, and money paid without sale,	2 00
Execution against the property, none found,	1 00
Making sale and levying the debt, for the first one hundred dollars,	5 00
For all sums above that amount, per cent.,	2 50
Keeping and maintaining a prisoner in jail, for each day,	25
Whipping any person sentenced to that punishment,	1 00
Executing any condemned person,	10 00
Notaries public, for attesting all national acts,	1 50
Making the same, when required, for each one hundred words,	25
For copies with certificates,	12
Constables, serving State warrants, to be paid by the city or defendant,	50
Summoning witnesses,	50
Serving execution,	50
Selling property under execution,	1 00
Serving search warrant,	1 00
Serving attachment,	1 00
Translators, for each one hundred words,	25
Mileage, to be entitled for every mile necessarily travelled in the service of process,	6
Interpreter shall receive in every suit,	2 00
Clerk of the court, for every citation,	1 00
Entering every order,	50
Administering oath, and writing the same,	12
Filing petitions, interrogatories, answers, &c.,	20
Entering judgment,	1 00
Execution.	
Summons to witness,	50
Copies of all papers, each one hundred words,	25
Entering satisfaction on judgments,	50
Taking depositions,	25
Judges, for every order or decree out of court,	50
Trying cause and entering judgment, to each justice,	1 00
Prosecuting attorney, for every conviction,	5 00

ANDREW JACKSON.

By the Governor:

RICHARD K. CALL, *Acting Secretary of West Florida.*

Governor Jackson to the Secretary of State.

SIR: PENSACOLA.*

I have the pleasure to inform you that Colonel Butler reported to me his arrival here on the 8th instant, and that he had, on the 10th ultimo, agreeably to my instructions, received possession of East Florida and its dependencies, and that he had forwarded to you a full report of all his proceedings as commissioner for receiving possession of the same. You will find, from my instructions to him, that I had communicated to him the agreement with Don José Callava respecting the ordnance claimed by him as not appendages to the fortifications, and also as to the provisions and transportation of the civil officers; and the transportation of the families and servants of both the civil and military officers, all of which was well understood by the Spanish Governor and myself here, and which has been arranged, agreeably to my instructions, by and between Colonel Butler and Governor Coppinger, in the delivery of East Florida, and referred for a decision to our respective Governments.

I am happy to find that Colonel Butler has conducted himself in this whole transaction with his usual ability and prudence, and which I hope will meet with the approbation of the Government. Colonel Butler reports further to me that, before he left St. Augustine, he was confidently informed that Governor Coppinger, in the last six months, had been issuing grants. New grants are daily appearing here for lots laid out in the public square of the city of Pensacola, sold by Governor Mazot. Seeing this, I thought it my duty to order that no improvements should be erected in the public square until these rights were decided upon by our Government. Many of these lots have been enclosed; a circumstance injurious to both the health and beauty of the town, and to those who have heretofore purchased, as was believed, fronting the square.

There are many and flagrant frauds committed and committing with regard to grants for land; and it is believed that the reason why the archives were not delivered to our agent at the Havana, agreeably to the treaty, was to enable Don Victor Pintado, surveyor general of West Florida, and said to be of very loose morals, to fabricate certificates and grants to any that would pay him for it, and to keep secreted the old records that might lead to a discovery of the frauds. Since 1818, John Innerarity has obtained, as I am informed, two grants for ninety thousand arpents of land, located on the trace which I made in marching my troops from the Appalachicola to Pensacola in the year 1818, and on each side of said trace, and I am informed the grants bear date in 1817. There is now sufficient proof that these grants are antedated, if there were any tribunal legally to investigate them. I have again to suggest to the Government the necessity and propriety of appointing commissioners for the adjudication of the land claims in the Floridas, who should be men of good information, great integrity, and energy of character, or great frauds will be imposed upon our Government, and no land will be left by which to raise funds to meet the demands guarantied by the treaty to be paid to our citizens for spoliations committed by Spain. It behooves Congress to pass a law that will enable these commissioners to detect the many frauds that will be attempted.

My report will give you full information of the perfidy attempted to be practised upon me by the barefaced violation of the pledge and agreement of Don José Callava, which will, I trust, recoil upon himself and nation. I

*Not dated; received 10th September, 1821.

was well apprized of Spanish treachery and duplicity; but it is to be regretted that, although my quartermaster was frequently advised to beware of them, he could not believe that any man whose shoulders were adorned with epaulettes could be so base.

I have the honor to acknowledge the receipt of your letter of the 27th June, in answer to mine of the 24th April, and the 1st, 7th, 19th, and 30th of May. I have only to observe, that Major Stanton chartered the transports with drafts drew by me on you, and that his duplicate receipt was enclosed to you under cover of my letter of the 16th day of July last. Colonel Butler's arrival will put it in my power to make up my accounts to the 1st of August, a duplicate of which I will forward by mail to you, and in due time will send on the account and vouchers by Dr. Bronaugh; when I will endeavor to send on a further report of the state of this country and East Florida, with all other information that I may conceive it necessary for my Government to be informed of.

I closed the organization of the civil government here on the 27th ultimo, and on the 28th despatched an express to St. Augustine with the ordinances I thought it necessary to adopt. I found nothing here but an *alcalde*, who was a half-pay officer, and who could not retain the office without resigning his Spanish military commission, and taking the necessary oath of office under our Government. This he refused to do; and I prevailed upon Judge Brackenridge to accept this appointment. He has given great satisfaction to all, and particularly to the Spanish population of this place; and I can, with truth, say that as much order at present prevails in Pensacola as I ever saw in any town.

My health has not been good; my labors have been arduous; and my exposure to the heat in camp for some days very injurious to my constitution; but I hope a little leisure will restore me.

I am, sir, &c.

ANDREW JACKSON, *Governor of the Floridas, &c. &c.*

P. S. I herewith enclose to you the instructions I had forwarded by Colonel Gadsden to Colonel Butler, which reached him but a few hours before the delivery of East Florida, and after the colonel had closed his arrangements with Governor Coppinger; but I think it necessary to forward them, to show you at that early day the full understanding between Governor Callava and myself on the subject of the ordnance and the provisions, &c. &c. &c., furnished by me, and to be referred to our respective Governments.

Yours, respectfully, A. J.

Governor Jackson to the Secretary of State.

SIR: PENSACOLA, *October* 6, 1821.

I have received your letter of the 20th of August last, in answer to my several letters of the 16th, 17th, and 18th of July; which, you are pleased to inform me, you have transmitted to the President of the United States at Shannondale springs.

You request me to communicate to you, as early as possible, and as fully as may be in my power, such information as may serve to enlighten the inquiries of Congress on the different subjects which will require the attention of that body, in relation to the Floridas, at their next session.

After giving this important subject the attention which it merits, and referring to the various laws which you have been pleased to notice in your letter, I proceed to lay before you such information as I have been able to collect, and as I conceive to be within the scope of your inquiries, together with such reflections as suggest themselves to my mind.

As a subject of the first importance at the present juncture, I must refer you to my letter to the Secretary of War of the 17th instant. You will find, from that communication, that the Indians are spread over the whole of East, and part of West Florida. From the talk I have had with some of their chiefs, who visited me some time ago, and forwarded with the letter just mentioned, the places at present occupied by them have been ascertained with tolerable accuracy: that is, as far as the wandering habits of these people will permit them to be considered as occupying any place. For the greater part, these Indians consist of those who fled from the Upper Creeks in 1814, and, adhering to our enemies, continued at war with us until subdued in 1818; since which time they have remained in the Floridas. I am clearly of opinion that they ought to be ordered up to their old places of abode within the Creek nation, as they can have no rightful claim to lands or country within the Floridas. As to those who have been born and raised within the Floridas, it is absolutely necessary that they should be collected at one point, and secured in their settlements by act of Congress, in case they cannot be prevailed upon to unite with the Creek nation, to which they originally belonged: this latter course is very desirable for their own safety, as well as dictated to us by sound policy. They might be then completely protected by our Government; they may be provided for by an annuity, or by such other mode as Congress, in their wisdom, may devise, adequate to their wants, and to induce them to embrace an agricultural life. Should the Indians prefer continuing within the Floridas, it will be expedient, for the safety of our frontier on the seacoast, to concentrate them on the Appalachicola river, immediately adjoining the southern boundary of Georgia and Alabama, on both sides of the river, and downward, so as to include a sufficient area for them. By this means, a sufficient white population may be interposed between them and the seaboard, and afford a settlement strong enough to cover and protect St. Augustine and Pensacola, as well as the peninsula of Florida.

By referring to the talk already mentioned, you will see that the difficulty of collecting the native Indians of the Floridas to the point on the Appalachicola will not be great. They are rejoiced to hear that a country will be allowed them to live in at all—such have been their apprehensions of their future fate since the transfer of their country to the United States, excited, no doubt, by mischievous advisers; and they will be still more so to find that they will be fostered and protected by the American Government. I have been long impressed with the absurdity of entering into treaties with the Indian tribes residing within our territorial limits, subject to our jurisdiction, and to such laws as Congress may pass for their security, happiness, and safety. I therefore respectfully recommend to the consideration of the President, whether it will not be proper to suggest to Congress the propriety of laying off a tract of country for them, and fixing a boundary between them and the settlement of the whites. It is well known to me, from experience and observation, that more general justice can be done the Indians by the legislative provisions of Congress than by treaties; the poor can be better taken care of, and more equal justice done the whole. I have constantly observed that, in Indian treaties, the chiefs are fattened, and the common Indians left to starve. Another, and a very important reason for adopting the policy I have recommended, is, the great obstacle which will otherwise exist to the surveying and bringing the public lands into market; which, I presume, is intended to be done as speedily as possible.

The next subject which presents itself is the form of territorial government proper to be adopted for the Floridas. This must be, in a great measure, adapted to the geographical form and to the character of the soils. The

principal body of land capable of supporting a considerable population lies nearly east and west from the Choctawhatchie to the Alachua and St. John's, being about thirty miles in width by about three hundred in length, and partly in East, and partly in West Florida. The peninsula has been very little explored; but, from the best information I can obtain, I am inclined to think that, excepting immediately on the margin of the river St. John's, there is no extensive body of good land in any part of it, although it is possible that some good soil may be found in small quantities, in particular places: with these exceptions, the Floridas consist of pine woods and swamps. If the lower part of the peninsula were not, as I believe it to be, capable of supporting only a small population, the geographical shape of the Floridas would be extremely inconvenient; but as it is, there will only be a disproportion between the length and breadth, but not such as to render it unfit for our territorial government. Pensacola is at one of these extremes, and St. Augustine at the other. The centre of the future population of the Floridas will be somewhere about the Suwanee, which is a fine river, and flows through a country of good land. The Okefonoco swamp, repsented on the maps as near the heads of this river and of the Wachulla and St. Mark's, has no real existence, as was ascertained by me in 1818, when I marched through the country, and found the swamp, as represented, to be the Mickasuky pond, or lake, in the midst of a very healthy, fertile country, and which has been settling very rapidly. It may be well to observe, that the present maps only tend to deceive and mislead. Before Congress can enter upon the subject of a separation of the Floridas into two territories, the question of the location of the Indians must be settled. If they be concentrated at the point proposed, I would recommend that the Floridas be made but one territory; and I feel perfectly satisfied that, with such an arrangement, two or three years would give a sufficient population to the Floridas to form a State Government. Should a separation take place, this object will be long deferred, if not entirely defeated, and may produce the necessity of uniting West Florida to Alabama; which, if done, will, of course, occasion the annexation of East Florida to Georgia. The whole, if no subdivision take place, will, in a few years, constitute one of the most respectable States in this part of the Union; will exceed Louisiana in population, and rival it in wealth; but, if separated into two territories, the population of neither will suffice.

As far as I have been able to ascertain the wishes of the people of West Florida, they appear to be against the annexation to Alabama; and, from what I can learn, the same sentiment prevails in East Florida with respect to Georgia. The best interests of the Floridas, in my opinion, require that they should be united under one territorial government, with an eye to their speedy admission into the Union as a State: by this means, a great saving will be made to the United States in [not] maintaining two distinct territorial governments for an uncertain period of time. The vicinity of the Suwanee river possesses many advantages for the location of the seat of government: it is equally central to the country east of the St. John's, the Escambia, and Florida Point, over and above the advantages of being situated in the centre of a beautiful limestone country.

I am of opinion, taking into view the mixed population likely to exist here for some time, that the form of the territorial government ought to be simple and energetic. The territorial organization, in the first grade of government, adopted for the Louisiana Territory, with some alterations to suit local circumstances, may answer the purpose. The Spanish population forming but a small proportion, it is of very little importance to preserve any of their ancient laws and customs; the sooner they become American, the better.

The lands and the land titles of the Floridas require the most serious attention of Congress. It is a subject of the greatest importance to the Government, and ought to receive the earliest consideration. Whilst the honest grantee may be protected in his rights, the greatest pains should be taken to exclude the numerous fraudulent and antedated claims, founded on no possession at the time of issuing the grant or concession, and without any original record or survey in West Florida that has yet been discovered. Nearly all these grants commence in 1817, by petition to the Governor for an order of survey or location; and in every instance the other parts of the title are completed from 1818 to 1821. For some years past, from all I can learn, this has been a trading business with the officers of the Spanish Government, both here and at St. Augustine: the stranger was accosted in the streets, and offered a grant for a doubloon, or some trifle. The petition only has the appearance of being original, but, in most instances, in all probability, antedated; the other documents attached to it are only certified copies from the archives in the keeping of Pintado, the surveyor general at Havana, and who is even now making out official certificates of those papers to be evidence here—a kind of impudence and imposture at which Congress will, no doubt, be indignant. Before the year 1817, there was scarcely any such thing as a grant of land, excepting in the immediate vicinity of this place; and I presume that, in East Florida, the number was also very inconsiderable. They were made, I believe, merely with a view to the change of governments, and with no intention of settling. A provision similar to that contained in the 14th section of the act of the 20th December, 1803, declaring all incomplete grants not commenced before 1816, and not accompanied by settlement, as null and void, would at once put an end to the whole of the fraudulent grants. As to the enormous grants in different parts of the Floridas, it is not necessary for me to speak; but I am pretty certain that, if all are sanctioned, it will take a country twice as large as the Floridas to gratify them. The extract of a letter from Mr. Brown, a gentleman of respectability from Baltimore, herewith enclosed, will show that a grant has been made since the 24th of January, 1818, by the Captain General of Cuba, to Arredondo, for a large tract in the Alachua plains, and which, I have every reason to believe, is fraudulent. I would, therefore, recommend that Congress should declare void all grants for land not founded on actual possession before the 22d February, 1816; and, in like manner, declaring void all grants not bottomed on a concession regularly made agreeably to the Spanish law, and possession taken and continued, and improvements made thereon, in strict conformity to the Spanish regulation; making such exceptions as will secure his settlement, &c. to the individual who shall have had five years' continued possession prior to the 24th day of January, 1818. In referring to the numerous acts of Congress for the adjustment of the land titles in the different Territories, I find very little that is applicable at present to the Floridas, excepting the act of the 21st April, 1806; the first section of which defines that no grant shall be valid, unless founded on possession, commencing with and continued under the concession by the proper officer of Spain. The greatest difficulty appears to be in the establishment of a board of commissioners. A great variety of plans have been fallen upon. The first, consisting of three commissioners, secretary, register, and recorder, was found too expensive and dilatory: the last, adopted for the country east of the Mississippi, was too simple and too cheap; two districts were formed, and a single commissioner appointed to each, with a clerk, who was expected to discharge all the functions of recorder and translator. This may have answered a very good purpose in Mississippi and Alabama, but much more difficult and important legal questions will arise here; and I do not hesitate to say that the commissioners for the settlement of the land titles ought to be men of the first legal talents, of strict integrity, and, I would add, as an essential requisite, possessing no landed interest in the Floridas. Persons will be recommended *from this place*, who ought not to be appointed. There are but few titles which are clear of dispute; and where a man has bought a title under disputed circumstances, it is very natural that self-interest, and the interest of his friends, will have great weight in his mind, and precedents will be established to insure their validity. I do not go too far when I say that no person should be appointed who has bought a land claim in the Floridas. It cannot be too strongly impressed on the mind of the President, that men of talents and strict integrity, who have no interest in landed property in the Floridas, should be selected as commissioners to settle the land titles.

It is of great importance that the judiciary should be filled by men of first rate legal talents and unimpeached integrity, as much will depend upon those who are employed to lay the foundation of any system. Respectability will be given to the Government by appointing men possessing weight of character; they ought to be well acquainted with the civil law, and the maritime law, as well as the common law. The same court might have chancery powers given to it, on the plan of the circuit courts of the United States, and I think ought to be required to hold its terms more frequently than has been usual, or to hold adjourned courts from time to time, as business may require. I consider the judiciary as by far the most important branch of the territorial government: persons should be selected whose unexceptionable character will be a pledge that they will steer clear of the influence of corruption of any kind, or of partiality. To the high character of the distributors of justice from the bench will be attached that confidence, so indispensable in all well-regulated Governments. It is the purity of this branch of the administration which secures to the citizen the peaceful enjoyment of his constitutional rights and privileges, and awards a speedy punishment to those who violate the law and trample upon the rights of others.

I forward you printed copies of the ordinances, as they may perhaps contain some things deserving of being permanently incorporated in the act of Congress organizing the territorial government.

With high consideration and respect, I have the honor to be, sir, your most obedient servant,

ANDREW JACKSON,
Governor of the Floridas, &c. &c. &c.

P. S. I am just on the eve of departure for my residence in Tennessee, and will necessarily be absent from this Territory some time, but will make such arrangements as will enable me to return on the shortest notice, in case any thing should occur to render my presence necessary. W. G. D. Worthington, Esq., and Colonel George Walton, are respectively charged with the powers formerly exercised by the Governors of East and West Florida. I enclose a copy of an address (in a newspaper) to the inhabitants of the Floridas, which I thought proper to publish previous to my leaving the country.

ANDREW JACKSON.

The Hon. JOHN QUINCY ADAMS,
Secretary of State, Washington City.

SIR: PENSACOLA, *September* 17, 1821.

By last mail I received, enclosed to me by Captain Bell, commanding and executing the civil government at St. Augustine, the unauthorized talk held by Horatio Dexter and Mr. Wanton with what they are pleased to call the King of the Seminoles, and fifty-four of the principal Indians present. It appears that this talk with the Seminoles has been forwarded to some of the Departments, (whether to you, is not mentioned;) and were it not for its novelty, and the object, which appears obvious, I should not have troubled you with the transmission of such a paper, or with any comments upon it. The object of this unauthorized proceeding appears to me evidently to be, first, on the part of Dexter and Wanton, to obtrude themselves on the notice of the Government; and, secondly, to impress on the minds of the Indians *their absolute right to the country.* I have written to Mr. Worthington to seize these self-made Indian agents, and detain them until the instructions of the Government can be had. And this talk proves the necessity of Congress taking the subject up, and by law prescribing bounds to the Seminoles.

The exposed situation of the Floridas imperiously demands that their frontier upon the coast (if it may be so expressed) should be immediately inhabited by our white citizens. The Indians, at present, are scattered from Florida Point to the Choctawhatchie. If you attempt to concentrate or consolidate them at the Mickasuky pond, or Old Towns, you offend those that are situated on the Suwanee, in the Alachua plains, or on the peninsula. As they have been continually at war with the United States, until conquered in the spring of 1818, when they were ordered up above the Florida line, where the nation to which they originally belonged was willing to receive them, such a measure would reconcile all. This is what they expected, and what good policy and the safety of the Georgia frontier required. But this is what these unauthorized Indian agents, who offer their services to both parties, as I conceive, wish to prevent, and on which the Government ought seriously to reflect. The Government cannot turn the torrent of emigration to the Floridas without great expense; good policy and the safety of the frontier, in my opinion, require that the Government should promote emigration to this country, and hasten its admission as a State into the Union.

If the Indians be removed within the limits of the country assigned to the Creek nation, (of which the Seminoles are a part,) this object, on which the security of the southern borders so much depends, will be speedily attained. With what pretence of justice can those who fled from the Creek nation, and kept up an exterminating war on our frontier, until crushed by the arm of our Government in 1818, set up such claims? And is the safety of our frontier to be jeopardized by the complaints of a few Indians, excited by would-be Indian agents, and Indian treaty-makers, who compose flowery talks for them, and put words into their mouths they never conceived; and make Indian chiefs to suit their own views, and who were never heard of as such before? The greater part of the Indians now in the Floridas consist of those who fled in the manner already mentioned; and why should we hesitate to order them up at once, when the Executive Government, with the aid of Congress, can do ample justice by law, if necessary, to those who deserve it, by giving such equivalent as will enable them to settle their families in the upper country, and to cultivate their farms? Unless the Indians be consolidated at one point, where is the country that can be brought into market, from which the five millions are to be raised to meet the claims of our citizens under the late treaty with Spain?

I received, by last mail, a letter from Mr. Perrieres of the 14th May last, and another of the 10th of July. By the latter, he informs me he is about to proceed to the Havana, to inquire whether any treaties have been made with the Indians by Spain. Whether this be in pursuance of instructions from you, I am not advised; but surely the Government of the United States is competent to regulate the concerns of these Indians, and mete to them every justice to which they are entitled, and to make such regulations as the safety of the frontier may require, without reference to any treaty with Spain; and particularly when it is notorious that the greater part of those Indians, as already observed, fled from the Creek nation in 1813 and 1814, adhered to our enemies, and continued their warfare under the excitement of British agents and Spanish incendiaries, until the United States, from self-defence, were compelled to chastise and conquer them.

I have made inquiries for a proper character duly qualified to act as interpreter for Mr. Perrieres. It requires, as Mr. Perrieres does not speak English, that that interpreter should speak the English, Indian, and French languages. Such a one is difficult to be found; in short, I can hear of none but Mr. Hambly, and for him I have sent; but am informed he is with the Creek agent. I advised you in my last that the indisposition of Mrs. J. would compel me to travel with her, as soon as her health would permit, out of this southern climate; and this would prevent me from holding a treaty with the Indians; although, to speak candidly, I am determined never to be concerned in another. I do think it not only useless, but absurd, when Congress have the power to regulate all Indian concerns by act of Congress, and the arm of the Government is sufficiently strong to carry such regulations into effect.

More general justice can be done to the Indians in this way than by treaty. When the policy of treating with the Indians was first adopted, it was at a time when we found them thrown upon our hands by the treaty of 1783, without any provision being made for them; and at that time they were numerous and hostile, while the arm of the Government was too weak to enforce such regulations as justice and good policy required: hence the necessity of managing them by treaties. But this has passed away; the arm of Government is sufficient to protect them, and to carry into execution any measures called for by justice to them, or by the safety of our borders. Hence the absurdity of holding treaties with Indian tribes within our territorial limits, subject to our sovereignty and municipal regulations, and to whom, by legislation, every justice can be done, and the safety of our southern frontier perfectly secured.

These were some of the reasons that weighed upon my mind for addressing the Government on this subject the last spring, in hopes that I would be authorized by the Executive to have carried into full effect the orders I had given them in 1818, and which had been given after consulting the chiefs of the Creek nation, and finding it to be their wish and that they were willing to receive them. At that time many of them went up, and, I am informed, are now living happily there. I pray you to look at the map of the Floridas, and you will at one glance see that to locate them in the Floridas will greatly weaken your frontier, when, by removing them, you clear the southern borders of all Indians.

Since writing the foregoing, I have made inquiry respecting Dexter and Wanton, and am informed by a gentleman on whom, from his character and standing in society, every reliance can be placed, that those persons are profligate characters, and are and have been engaged in forming a settlement in the Alachua plains, under the grant of the Duke de Alagon, and it is said have obtained a grant from the Indians, by deed duly executed before witnesses, relinquishing to them all Indian claim to a large tract of country. From the bare reading of Dexter's letter, and the Indian talk, I was impressed with a belief that Messrs. Dexter and Wanton were just such characters as above described, and in whom no confidence ought to be placed, and who ought, as I have directed, to be sent beyond the Floridas. Nothing more clearly proves the imperious necessity of ordering those deluded Indians to the upper country, where they can be protected and made happy by the bounty and humanity of our Government.

I am sir, &c.

ANDREW JACKSON, *Governor of the Floridas.*

Hon. J. C. CALHOUN, *Secretary of War.*

SIR: ST. AUGUSTINE, *August* 14, 1821.

I have the honor to inform you that, on the 7th instant, the acting collector of this port seized the English schooner Oliander, Thomas Crowder, master, from Nassau, which had entered this port in violation of the navigation laws of the United States; having on board a quantity of salt, and four negroes registered as slaves, and shipped as seamen, in addition to two white men—a number too great for so small a vessel. The slaves are held in safe-keeping within the fort, and the circumstances reported to the Secretary of the Treasury.

On the 9th instant, J. S. Beers, Esq. exhibited to me his letter of appointment as postmaster for this place, and informed me that he had complied with the conditions, by giving bonds. He has entered upon the duties of his office, and the mail is carried by contract from this to St. Mary's, once a week, by the General Government.

On the 11th instant, J. Rodman, Esq., appointed collector of this port and district by the President of the United States, arrived, and produced satisfactory evidence of his appointment, and, having executed the necessary bonds, has commenced the discharge of his official duties. On the same evening, we were informed that Mr. Worthington, secretary of this province, had sailed, with his family, from Charleston, bound for this place, on the 5th instant. On the 9th, a vessel was seen off the harbor, which, from the wind blowing heavy at the time, was not able to enter the harbor, and passed off to the south. We are daily expecting him. Yesterday, Captain Hanham arrived, bearer of despatches from your excellency to Mr. Worthington, which are in my possession; and, as all persons in the province appear to be reconciled to the powers that be, I have thought proper not to promulgate the system of organization of civil and judicial officers directed to be carried into effect, as it will be better done by Mr. Worthington, and have a better effect, for from new officers new regulations will be expected. The commission for Mr. Forbes remains, for the same reason.

I enclose for your information a copy of a letter from Mr. Dexter, accompanied by a talk held with the Seminoles, who are, at this time, in a state of great uncertainty of what will be the course Government will pursue towards them. A person qualified and acquainted with the Indian character could make any reasonable terms with them; but, if there should be much greater delay, there will be a war between them and the Creeks; which, if sanctioned by Government, must end in the extermination of the Seminoles, or will drive them to great excesses on the inhabitants here; and will prevent, during the time, any white person from travelling in the interior of the country. They have already turned back persons who were going to survey lands. The sub-agent is of no use to them or the Government, from a want of knowledge of Indian character, and the policy of our Government towards them. Our troops are healthy.

Most respectfully, I am, sir, your obedient servant,

JNO. R. BELL,
Capt. Commdg. and Provl. Secretary of East Florida.

Major General ANDREW JACKSON, *Governor of the Floridas.*

SIR: ST. AUGUSTINE, *August* 12, 1821.

The enclosed is transcribed from a pencil copy, accidentally retained for my private satisfaction, and may, possibly, deviate slightly in language from the original, placed in the hands of a friend in South Carolina to be transmitted to the proper Department, and which, I hope, has long since reached its destination.

I have been extremely free and unreserved in my communication to you on this subject; and if my long acquaintance with and residence among the Indians, and the confidence they repose in me, can be useful to your Government, I trust it is needless to add that you may command my services in any manner, or to any extent. I do not assume too much in undertaking the same for Mr. Wanton.

I am, &c., &c.

HORATIO S. DEXTER.

Captain JNO. R. BELL, *Comdg. and Provl. Sec'y of East Florida.*

BROTHERS:

We have assembled to consult upon our situation with regard to our new brothers. We have heard that the King of Spain has sold all Florida to the Americans, and that the country of the Seminoles is included in the sale. Scarcely two years have passed away since we were informed that the whole of the same country was sold by the King of Spain to three of his warriors. Brothers, how is this? The King first sells a country to one man, and then sells the same to another; and, in both cases, without the consent of the real proprietors and inhabitants. The whole of this is a mystery to us, which we cannot understand. However, we are a foolish people, and look to you for an explanation of these things; and we ask you to tell us which sale will be good, (with our consent,) or if the King can sell our country as often as he pleases, without our consent? For more than a hundred summers has the Seminole warrior reposed in the cool shade of his live oak. The sun of a hundred winters has risen upon his ardent chase of the bear and deer; and no one has questioned his right, or disputed his range. How, then, can the Spaniards sell the country which they never dared to tread without our leave? We have a treaty, now in force, made with the English in the days of Governor Tonyng, by which we relinquished to them the country east of St. John's and the head of the St. Mary's, and north of the Mosquito. This is all the English ever claimed, or all the Spaniards or Americans ever could claim, according to our notions of justice. Brothers: we wish you to tell us whether the King of Spain has sold to the Americans our cattle and negroes, as well as our lands? Brothers: we wish you to tell us whether the big man, the father of the American people, is determined to deprive us of our lands, and give them to his own children? We have heard that he is a great warrior, and a good man, and would not suffer the King of Spain to sell America to another people. How, then, can he suppose we ought to submit to such an injury? The Great Spirit, the master of breath, gave one country to the Spaniards, another to the Americans, and another to us; we ought all to respect each other's rights, though our customs be different, and smoke the pipe in peace with each other. The Americans live in towns, where more than a thousand people run about, in a great hurry, over a small piece of land. The Seminole is of a wild and scattered race, that swims rivers, runs and jumps over logs, with the rifle in his hand, in pursuit of food—the whooping crane that builds its nest at night far from the spot where it dashed the dew from the grass and the flower in the morning. The Great Spirit is the author of this difference, and has given to the one as good a title to his hunting grounds as he has to the others their towns.

We cannot understand how the King, on the other side of the big water, can sell our country; or a big man, on this side, purchase it without our consent. As for your rights among us, in land, negroes, and cattle, they shall always be respected; but we wish you to understand we are desirous of living in quiet possession of our lands, and in peace with our new brothers, the Americans; and we think they ought to have the lands east of St. John's to the Spring Garden, and from the Mosquito north, but nothing more: the whole country was ours long ago, and we have parted only with a small portion. Brothers: we wish you to explain these things, and tell us how we shall act in the present circumstance; and hope the Americans will not treat us as the Spaniards have done; and inform us, also, when Captain Jackson will be here.

Reply of E. Wanton and H. S. Dexter.

We have listened to your talk with great patience, and will explain to you our thoughts on the subject, from an open heart and single tongue. The story you have heard is no lie. The Spanish King has twice sold your country: first, as you have long since been informed, to three of his warriors; and, lately, to the big man at Washington. As to the mode and manner the sale was effected, in both cases it was by signing the words "El Rey" on the corner of a sheet of paper. Which of these transactions may be the best, we do not pretend to judge. That both parties received titles from the King of Spain, is very well ascertained; and that both will make the most of their bargain, there is very little reason to doubt. It will be, therefore, necessary, if you desire to retain your lands, to take measures immediately. The great man at Washington, the President of the United States, was, probably, not well informed of your rights when he purchased Florida from the Spaniards; and, if they told him a lie, and made him believe they owned your lands, he may still change his opinion, and do you justice at the last. We advise you to send a talk to him; let it be a talk of peace; setting forth your rights, and showing your desire to live on good terms with the Americans. We advise you, also, to appoint some intelligent and faithful white man to represent your rights, and convey your wishes to the President. Should the President still not yield to the justice of your claims, but desire your lands, he will then either offer you a sum of money or land elsewhere. He may also consent to put his mark, with a pen, to paper, recognising your boundary lines established by Governor Tonyng, or some other boundary. The President has not purchased your negroes and cattle; do not give credit to such a story; it originates in a plan to cheat your people out of their property. We suppose that Captain Jackson will be in St. Augustine in about two moons; but his arrival ought not to give you uneasiness, as, we suppose, he means not to injure you. It is not in our power to inform you of the policy our father at Washington intends to pursue towards the Seminoles. We ought, however, to expect every thing favorable from a great Government, professing to act upon just principles, and motives friendly to the red people. We, however, advise you to make known your rights and wishes to the President, and propose to settle all your differences by a treaty. In this business we will cheerfully give you all the assistance in our power.

Answer.

BROTHERS:

We have listened to your talk, and approve of your advice. You have always told us the truth, and, therefore, we rely on your opinion. We give you the power to send a talk to the big man at Washington; and, also, to make a treaty with him, or appoint a good man to do so. Let it, however, be understood that we do not wish to dispose of our country, nor to be transported among strange tribes of Indians who may injure us.

The above is a talk delivered to E. Wanton and Horatio S. Dexter, on the 24th May, 1821, by Miconopy, king of the Seminole Indians, commonly called the Pond Governor; with the answer of E. Wanton and H. S. Dexter to the same. Fifty-four of the principal Indians present.

17th Congress.] No. 514. [1st Session.

BANKRUPTCIES UNDER THE ACT OF 1800.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, ON THE 31st JANUARY, 1822.

To the House of Representatives: WASHINGTON, *January* 30, 1822.

In pursuance of a resolution of the House of Representatives of the 8th instant, I transmit to the House of Representatives a report from the Secretary of State, containing all the information procured by him in relation to commissions of bankruptcy in certain districts of the United States, under the act passed the 4th of April, 1800, "to establish a uniform system of bankruptcy in the United States."

JAMES MONROE.

DEPARTMENT OF STATE, *January* 30, 1822.

The Secretary of State, to whom has been referred a resolution of the House of Representatives of the 8th instant, requesting the President of the United States to cause to be laid before that House a statement of the whole number of commissions of bankruptcy which have been taken out in the districts of Virginia, Maryland, Pennsylvania, New York, and the District of Columbia, under the act passed the 4th day of April, 1800, "to establish a uniform system of bankruptcy in the United States;" the number of those cases in which a full settlement has been effected, with the dividends received by the creditors, and the amount of expenses under each commission; has the honor respectfully to submit to the President the accompanying reports from the clerks of these districts, respectively, containing all the information furnished by them upon the subject of the said resolution.

JOHN QUINCY ADAMS.

Mr. Jeffries, Clerk of the Court of the United States for the Virginia district, to the Secretary of State.

OFFICE OF THE CLERK OF THE COURT OF THE U. S.

SIR: FOR THE VIRGINIA DISTRICT, *January* 18, 1822.

Your letter of date January 11th, 1822, accompanied by a copy of a resolution of the House of Representatives of the United States, requesting of the President information as to cases arising under the act of April, 1800, to establish a system of bankruptcy, has been received. To see if I could comply with your request, I referred to the papers in this office relating to bankrupts' estates, and, on a little examination, I ascertained that I could not respond to the inquiries contained in the resolution. Commissions of bankruptcy, to the number of forty-five, appear, from papers and books filed, to have been issued. Whether there were more or not, appears to me to be uncertain; for the returns by the commissioner, in a majority of the cases, are incomplete; and not more, I think, than eighteen months, or two years ago at farthest, a gentleman, who had not, that I can discover, any thing to do in the business, deposited the proceedings of the commissioners acting in Richmond, and, at that time, said they had been lying in his house a long time: from which circumstances, I am induced to think that commissions have been issued, of which there is no evidence of any kind in this office. As to the other inquiries in the resolution, I am unable to give any answer, for want of full returns, as above stated.

If it should be thought proper to obtain such information as the papers and books already filed will afford, I would suggest the propriety of obtaining copies of them; as, to cull from them any such information as is sought for would consume much time, for which no compensation is allowed; and, besides, I think it is very probable I could not give the information in a manner which would be satisfactory to the President, yourself, or to myself.

I am, with very great respect, your most obedient servant,

RICHARD JEFFRIES.

The Hon. JOHN QUINCY ADAMS, *Secretary of State, Washington.*

Mr. Moore, Clerk of the Circuit Court of the United States for the district of Maryland, to the Secretary of State.

SIR: CIRCUIT COURT OFFICE, BALTIMORE, *January* 16, 1822.

I have the honor, in compliance with a resolution of the House of Representatives of the 8th instant, and your request, to inform you that, under the act of Congress passed on the 4th day of April, 1800, entitled "An act to establish a uniform system of bankruptcy in the United States," there were issued in this district fifty-eight commissions of bankruptcy; but what amount of dividends was paid to the creditors under those commissions, or the expenses attending them, I am unable to say; the commissioners never having returned their books or papers to this office.

I am, sir, very respectfully, your obedient servant,

PHILIP MOORE.

Hon. JOHN Q. ADAMS, *Secretary of State.*

The Clerk of the District Court of the United States for Pennsylvania to the Secretary of State.

SIR: PHILADELPHIA, *January* 18, 1822.

In compliance with your circular of the 11th instant, I transmit the enclosed statement of the whole number [208] of commissions of bankruptcy which have been taken out in the district of Pennsylvania, under the act passed the 4th day of April, 1800, "to establish a uniform system of bankruptcy throughout the United States," &c.;

And have the honor to be, with great consideration, your obedient servant.

D. CALDWELL,

Clerk District Court Eastern District Pennsylvania.

Hon. MR. ADAMS, *Secretary of State.*

The Clerk of the Southern District of New York to the Secretary of State.

DISTRICT CLERK'S OFFICE, U. S.

SIR: SOUTHERN DISTRICT OF NEW YORK, *January* 26, 1822.

I had the honor of receiving yours of the 11th instant, with a copy of a resolution of Congress. I have searched through all the bankrupt papers on file in this office. The number of commissions issued in the district of New York, from all the evidence in this office, under the act of Congress of April 4th, 1800, is 166. The commissions issued from April 4th, 1800, to July, 1802, are 95. During this period, I can only give you the number of commissions issued; no evidence is on file to enable me to comply with the other parts of the resolution for your information. From July, 1802, until the act was repealed, 71 commissions were issued. The abstract herewith enclosed will show the result of the commissions, as far as can be ascertained from the papers on file. From delicacy, I have not put down the names of the different bankrupts; but, should they be required, their names will be furnished. Enclosed, is the bill for the amount of office fees: they may be enclosed.

Respectfully, yours, &c.

JAMES DILL, *Clerk, &c.*

Hon. J. Q. ADAMS, *Secretary of State.*

Mr. Brent, Clerk of the Circuit Court of the United States for the County of Washington, in the District of Columbia, to the Secretary of State.

SIR: WASHINGTON, *January* 15, 1822.

In answer to your letter of the 11th instant, enclosing a resolution of the House of Representatives in relation to cases of bankruptcy, I have the honor to state, that all the proceedings filed in my office of the commissions of bankruptcy were destroyed in the Capitol, where my office was kept, when that building was burnt by the enemy in the month of August, 1814; and I am, therefore, unable to furnish the information required by the said resolution. I have the honor, &c.

WM. BRENT,

Hon. J. Q. ADAMS. *Clerk of Washington County, D. C.*

Mr. Lee, Clerk of the District Court of the District of Columbia, at Alexandria, to the Secretary of State.

A statement of the commissions of bankruptcy which have been issued from the district court of the United States for the District of Columbia, under the act of Congress of the 4th April, 1800, "*to establish a uniform system of bankruptcy in the United States.*"

[Fourteen commissions issued.]

In none of these cases has a *final* settlement been effected. In some, the commissioners have made a *partial dividend*; but, even in those cases, the clerk is unable to give the information required by the resolution of the House of Representatives, the proceedings of the commissioners not having been returned to his office.

EDMUND I. LEE,

JANUARY 16, 1822. *Clerk of the District Court D. C.*

17th CONGRESS.] No. 515. [1st SESSION.

UNIFORM SYSTEM OF BANKRUPTCY.

COMMUNICATED TO THE SENATE, FEBRUARY 8, 1822.

UNITED STATES OF AMERICA, *State of South Carolina:*

To the honorable the President and Members of the Senate of the United States: The memorial of the citizens of Charleston respectfully represents:

That your memorialists are of opinion that it is the duty of the citizens of this republic to submit to your honorable body, in Congress assembled, those great grievances under which they may at any time suffer, and which you alone can redress; they, therefore, crave leave to call your attention to the embarrassing situation both of creditors and debtors in this commercial nation. The extraordinary and anomalous spectacle has been for some time exhibited to the civilized world of a Government, whose chief support is derived from commerce, providing no laws to protect that system of credit which is the basis of mercantile prosperity. With full power, and, as your memorialists presume to think, under imperious obligations, to make a uniform system of bankruptcy, by which a single, simple, and consistent code shall regulate the various relations subsisting between debtor and creditor, the Government of the United States has, for years past, forborne to interfere; and has left the parties to those unjust, uncertain, incomplete, unequal, and conflicting regulations, which above twenty different States have made, and are continually modifying, changing, or repealing. To say nothing of the ruinous effects of these laws upon foreign commerce, in which we are all so deeply interested, the obstructions which are thus thrown upon our domestic intercourse are pregnant with consequences injurious to the welfare of the Union. The extent of our territory, the enterprising spirit of our citizens, our interests, and our necessities, give rise to a commerce between the States, which, if fairly conducted, would cement our yet happy alliance, and lead to an enviable prosperity. But can that commerce be fair, or prosperous, or lasting, where there is no uniform law to govern the relations of debtor and

creditor?—where a creditor of the south receives one measure of justice from his debtor in the west, another in the east, and a third in the north?—where he finds that the insolvent systems in these different quarters are discordant; and where dishonest preferences are given, by which he often sees property, which he had sold on a credit to his debtor, parcelled out among other creditors, real or fictitious, to the utter exclusion of himself; or where his debtor, sheltered by his State insolvent law, preserves his estate, and laughs him to scorn? If it were proposed to devise a scheme to destroy confidence between the citizens of the different States, to obstruct their commercial intercourse, to foment sectional animosities, and to weaken their union, none could, probably, have been invented by the most mischievous intellect to accomplish more effectually such baneful purposes than a neglect or refusal in the General Government to act under these powers, so especially delegated by the people. Your memorialists would point out to your honorable body the defects which exist in the respective insolvent laws of the States; but the details would not only be voluminous, but unnecessary. They deem it sufficient to say, (and they apprehend their assertion will not be denied,) that these laws are very distinct in their objects from bankrupt laws, are all defective in important particulars, and especially in those in which the excellence of a bankrupt system consists. They do not prevent unjust preferences; nor expedite the surrender of property; nor enforce the equal distribution of assets; nor relieve from future liability the property of the debtor who has fairly surrendered his effects: neither can the States pass any laws, were they so disposed, that could have this latter operation. In some of the States, (but it would be invidious to name them,) these insolvent laws appear to be calculated to promote fraud, by holding out encouragement to dishonesty; in others, to produce a species of bondage in the miserable debtor, from which death alone can relieve him. In a word, creditors, foreign and domestic, are as much the victims of these multifarious and unwise systems as the debtors themselves; and, if the Congress of the United States have the power to put an end to these evils, it is most earnestly and fervently desired that they would exercise it.

Your memorialists are aware that the interests of the various sections of the Union will produce a conflict of opinions upon the details of any bill which can be introduced for this purpose; and they are satisfied that in this, as in all other measures affecting the people of all the States, mutual concessions must be made, or nothing will be done. They do not imagine that human talents can devise any system which is perfect; but they feel a consoling confidence that the intelligence of your honorable body is fully equal to the enactment of such provisions on this subject as shall be most conducive to the general welfare. We have not only the experience of many of the European Governments, with their well-digested systems—particularly those of Scotland and England, where centuries have confirmed the importance of those parts which are salutary, and exposed such as were defective—but we have the experience which resulted from the short existence of the act of 1800. Unfortunately for this country, that act, instead of being judiciously amended, and gradually ripened into excellence, was prematurely torn from your statute book, at a moment when its benefits were beginning to be felt. With such lights, and a steady view to the welfare of the people, your memorialists trust much good, and but little evil, will result from your enactments. They presume not, therefore, to suggest any particulars whatsoever of a bill; but confine themselves within their legitimate province of making known their complaint, and petitioning for redress. They desire, however, to express their opinion on the power and obligation of your honorable body to pass this law, and on its importance to the country. They regard your power to act as both *full* and *exclusive*. It is *full:* for the grant of power to make a uniform system of bankruptcy comprises every thing which can be included in the terms, in their most general acceptation; consequently, should the act impair the obligation of contracts, or operate retrospectively, (which it must do, in order to be beneficial,) it would strictly conform to the meaning of the constitution. It is *exclusive:* for the States have expressly deprived themselves of the right to impair the obligation of contracts, which seems to be included in the power to pass a bankrupt law. It is impracticable, therefore, for the States to exercise this power; and it is essentially necessary to the prosperity of the commerce of the United States, and the happiness of a large proportion of the people, that it should be exercised. The framers of the constitution were of this opinion when they penned the clause in that instrument, and the several States when they sanctioned it. The language of Mr. Madison on the propriety of it was as follows: "The power of establishing uniform laws of bankruptcy is so essentially connected with the regulation of commerce, *and will prevent so many frauds* where the parties live, or their property may lie, or be removed into different States, that the expediency of it seems not likely to be drawn into question." As, then, your power is both full and exclusive, and the exercise of it not only expedient but necessary, your memorialists most respectfully submit to your honorable body, whether, having undertaken to fulfil the trusts with which you are clothed by the people who framed that constitution which has called you into existence, you can now decline acting.

Your memorialists do not observe, in the light in which they have been represented, the alleged evils resulting from the establishment of a bankrupt system. It is said that it cannot be equitably enforced, because it is radically unjust; that it will encourage extravagant speculation; be productive of frauds and perjuries; add to the criminal code, and impair our attachment to the laws. But why, it may be asked, cannot this system be as equitably enforced as any other part of the code of laws? Can there be any thing peculiarly iniquitous in a law whose primary objects are to protect the interests of the creditor, the future welfare of the honest debtor, the punishment of the fraudulent one, the equal distribution of an insolvent's assets, and the promotion of individual, commercial, and national prosperity? Have we really attained a more perfect commercial knowledge than the Dutch, French, Scotch, and English? Are we ourselves, in short, satisfied that State insolvent acts, confused in their provisions, and limited in their efficacy by the constitution, are sufficient for these purposes? Or, is public opinion audibly expressed in almost every commercial city of the Union on the necessity of the measure? That system, then, whose objects are so excellent, your memorialists trust, cannot, under the regulations of a wise Legislature, be inequitably enforced.

The argument which attempts to prove that this law, however constructed, will encourage extravagant speculation—inasmuch as the debtor, when he gains, makes his fortune, and, when he loses, only becomes a bankrupt, to begin again—overlooks the obvious consideration, that the difficulty of obtaining credit will be in the same ratio with the facility of procuring a discharge. It seems, also, to be forgotten that the most honest bankruptcy must be more or less injurious to the mercantile reputation of any individual, and will not, therefore, be carelessly incurred. That frauds and perjuries will be committed under any system, your memorialists freely admit. They are, unfortunately, the daily subjects of legal investigation and punishment in all your courts; and most of your laws are made to prevent their commission. But it is not observed that so many frauds can result from a proper bankrupt system, as from the respective insolvent laws, which afford peculiar facilities, both from their number and imperfections, to the accomplishment of nefarious schemes; and it is most manifest to your memorialists that the latter produce infinitely more injustice. It is true, the bankrupt act may be abused and converted into an instrument of fraud; but so may, and are, all other human laws, however perfect and however valuable.

If it were true that the establishment of this system would add to our criminal code, and, by deluging our country with blood and misery, impair our attachment to the Government, your memorialists certainly would deprecate the measure. But its sanctions must be prescribed by your own decree; and the wisdom of your honorable body will certainly impose no other punishments for the commission of frauds than those which the common feelings

of mankind can approve. This, so far from making a frightful addition to the criminal code, will, in many instances be less rigorous than State inflictions for similar offences against the insolvent laws. The experience of mankind points to moderate but certain punishments as best adapted to prevent crimes; and the wisdom of Congress will never subject so excellent a system to so fatal an objection.

Your memorialists cannot conclude without recalling to the recollection of your honorable body the great number of persons whose interests are most deeply involved in this matter. They do not now allude to the people of the Union, generally, though they are all remotely or immediately interested; nor to creditors whose fortunes are directly concerned; but to the thousands and tens of thousands of our wretched fellow-citizens, overwhelmed by debts that grind them to the earth, and whose only hope of release under heaven rests on Congress. These men are now deprived of all honest and open employment; the product of their industry (where industry is exerted) inures to the benefit of others, or is concealed from view. Their families are either miserably sustained by clandestine and immoral gains, or abandoned to want, ignorance, and vice; whilst the wretched parent drowns his despair in intemperance. To a Government that loves to watch over the happiness and virtue of the people, this view of the subject would suggest the most interesting considerations. Your memorialists can only thus hint at them; but, should your honorable body, contrary to their expectations, regard it as unmanly or unwise to yield to the voice of humanity, unless seconded by policy, they trust that, in this particular, they are in unison. The passage of the act will enable a majority of these miserable persons again, in the face of day, to resume their former industrious habits. They will once more feel a warm affection for their country; they will hasten to reform their morals, and to educate their offspring; and thus, by becoming useful and enterprising citizens, will relieve society from a weight which now oppresses it, and swell the coffers of the state. Surely, the political advantages which must thus result from this increase of active population are not to be despised.

Your memorialists have thus, as briefly as possible, laid before your honorable body their grievances, which are not peculiar, but are felt in every part of the Union. They submit the subject with this their earnest petition, that a uniform system of bankruptcy may be passed, in such form and manner as to the wisdom of Congress shall seem best calculated to promote the welfare and happiness of our beloved country.

And your petitioners will ever pray.

SAMUEL PICOLEAU,
J. N. CARDOZO,
JOSEPH JOHNSON,
JOHN D. HEATH,
ALEXANDER BLACK,
Committee:

JAMES HAMILTON, JUN.,
Intendant of the City of Charleston, and Chairman of the Meeting.

17th CONGRESS.] No. 516. [1st SESSION.

EXTENSION OF A PATENT RIGHT.

COMMUNICATED TO THE SENATE, FEBRUARY 11, 1822.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the petition of Abel Pratt, made the following report:

That the petitioner sets forth in his petition that Phineas Pratt, his father, about the year 1800, invented a new and useful improvement in machines for making combs; that, afterwards, on the 5th of March, 1805, he obtained letters patent, securing to him the exclusive right thereto for the term of fourteen years; but that the said Phineas Pratt was too poor to carry on the manufacture of combs to any considerable extent; that afterwards, the said Phineas Pratt, by deed of assignment, bearing date the 25th day of March, 1808, for the consideration of the sum of $500, conveyed the said patent right to the petitioner, who is the son of the said Phineas Pratt. The petitioner then states this transfer to have been made as a sort of patrimony, as his father was unable to give him any pecuniary assistance. He also represents himself as being poor, and unable, for want of funds, and the scarcity of elephants, and the consequent high price they bore until lately, to profit by this machinery; and, therefore, prays that Congress may pass a law to extend to himself the patent right for another fourteen years.

Your committee are aware of no reason which would warrant them to recommend an extension of the patent to the petitioner. Want of funds for the purpose of extensive business is no novelty. It has been felt by all classes, in a greater or less degree, within the last fourteen years, and no one can plead an indemnity from its effects. The patentee has had all such indulgence as the Government has thought it prudent to extend to other patentees; and, if this patentee has had equal justice dealt out to him, it is all he ought to expect. The Government has granted no patent right for this machinery to any other person, by which the profits of the petitioner have been diminished or interrupted, or given him any other sort of pretext to complain. Your committee, therefore, beg leave to recommend the following resolution:

Resolved, That the prayer of the petitioner be not granted.

17th Congress.] No. 517. [1st Session.

VACCINATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 22, 1822.

Mr. Floyd made the following report:

The committee to whom was referred the resolution of the 6th instant, directing them to inquire whether it be necessary to make any modification of the law passed in the year 1813, entitled "An act to encourage vaccination," have had the same under consideration, and report:

That the committee have not deemed it necessary to report the various reflections which have presented themselves upon the subject of vaccination; but feel a confidence in the belief that the opinion heretofore entertained of its being a preventive of the small-pox is well founded, and believe it one of the greatest benefits bestowed upon the country, and one which ought to be cherished by every citizen of the republic.

They are aware that a disease, called by medical gentlemen varioloid, has, within a few years past, made its appearance in Europe; that it much resembles the small-pox; and, under similar circumstances, has been as fatal as that disease ever was. None are exempt from its influence; neither those who have had the small-pox, nor yet those who have been exposed to the influence of the vaccine; but it is gratifying to find that the weight of authority seems to favor a belief that all those exposed to the infection of the latter suffer much less than any others.

The committee have seen with pain and regret the occurrences which have lately transpired in the State of North Carolina, where the physicians in that part of the country believe the small-pox to exist. These occurrences were of such a character as to claim their attention, particularly as the United States' vaccine agent, appointed pursuant to the provisions of the act referred to in the resolution, seemed to create a doubt as to the efficacy of vaccine in the prevention of small-pox, and left the impression equivocal whether it was not his belief that it was the varioloid disease in North Carolina, produced by some change in the vaccine matter whilst on its way to a physician in that State, to whom he had sent it; or whether it had not assumed that character from the circumstance of the small-pox epidemic in the neighborhood from whence it was sent. They have forborne to remark upon that transaction, as the vaccine agent has since ascertained and acknowledged that it was the genuine small-pox matter he had sent to North Carolina, through his own mistake; which at once relieves the fears of those who doubt the efficacy of the cow-pox, (if there are any such,) and dissipates the mist which hung over the subject, in the opinion of all who did not doubt.

It is proper to remark, that the disease called varioloid seems to partake more of the character of small-pox than of vaccine; and that there is no fact within the scope of their inquiry to induce the committee to believe that vaccine ever has degenerated into varioloid. It is unquestionably true that instances have occurred where persons have taken the small-pox after having the vaccine; though such instances are as uncommon as it is for persons to take the small-pox a second time.

The tranquillity of settled belief has been disturbed by allusions to the difficulty of securing the continuance of genuine matter, though no doubt is entertained by your committee that proper attention will overcome every obstacle of that kind, eradicate every evil, and finally triumph over prejudice itself. Some reproach may have been brought upon vaccination, not, however, the result of any well-founded doubt as to its efficacy, but from the ignorance or carelessness of those who have used it; as it is well known that many benevolent persons throughout the community have taken upon themselves to vaccinate their friends and others, and, doubtless, have done much good; but if, in the progress of time, by want of care, the matter shall have become spurious, there is not adequate experience to detect the change, and, consequently, some risk of exposing the person to the small-pox; thereby bringing danger to the sufferer, and unjust reproach to the cow-pox. This kind of inoculation, done by every individual who feels charitably inclined, if with care, is not disapproved of; though the committee are decidedly of opinion that it would be much better to trust it to the judgment and care of the medical gentlemen of the country.

The committee have deemed it not irrelevant to state a few prominent facts in regard to the effects of these diseases in different countries, which will more clearly show the progress of opinion, and the advantages of vaccination. In the first place, it is proper to state that there is authority for estimating the deaths by the natural small-pox at one in six; and though a more intimate knowledge of that malady, together with any benefit arising from inoculation, may have put it more in the power of physicians to control it, yet, in Great Britain, where vaccination is less attended to than in some other European countries, fifty thousand persons are annually destroyed by it; but, even there, all agree the waste of human life has been lessened by vaccination. It not only secures the person from the small-pox, but greatly lessens the danger to be apprehended from the varioloid disease, as may be seen by reference to highly respectable authority, which states that, at Millau, in France, containing about eight thousand inhabitants, two hundred vaccinated persons took the varioloid disease, and every one recovered; whilst two hundred persons who had not been vaccinated were destroyed.

In Denmark, by the care which the Government has taken to cause the people to be vaccinated, the small-pox no longer exists. This remedy was introduced into that country about the year 1800, by laws which were vigilantly enforced. By these laws it was ordered that no person should be received at confirmation, admitted to any school, bound apprentice to any trade, or married, who had not been vaccinated, unless he had undergone the small-pox. A just idea may be formed of the benefits which have resulted to Denmark—a country where the preservation of human life is more the object of governmental care and solicitude than almost any other—when it is known that the city of Copenhagen alone, during the twelve years preceding the introduction of the vaccine, lost by the small-pox five thousand five hundred of its inhabitants. In the year 1805, not one death occurred in the whole Danish dominions from the small-pox. Prussia has made many wise regulations favorable to vaccination, which have produced highly beneficial results. Formerly, the small-pox was believed to destroy about forty thousand persons annually in that kingdom. In the year 1817, by this mild and entirely safe remedy, the deaths were reduced to two thousand nine hundred and forty; so that the proportion of deaths from small-pox to those from other causes had been reduced from one in seven down to one in one hundred and four.

It is believed that the principality of Anspach, in Bavaria, containing a population of 236,406 individuals, lost five hundred annually in 1797, 1798, and 1799; and in the year 1800 there perished one thousand six hundred and nine persons of that disease. But, so clear and distinct have been the effects of vaccination, that, from the year 1809 to the year 1819, only five cases have occurred, and not one death.

In France, prizes are given to the surgeons who have annually vaccinated the greatest number of persons.

In Lombardy, in the year 1808, in Milan, and Geneva, vaccination was believed to have extirpated the small-pox.

If the statements of intelligent travellers ought to be taken as evidence upon a subject of this kind, there can be no doubt that vaccination has operated the same beneficial effects in South America which it has done in Europe; and the journals of our own country bear testimony to its great and increasing good throughout the republic.

The committee have viewed with attention and concern the promulgation of opinions tending to lessen the just confidence of the community in the efficacy of vaccination, from the circumstance of there being present slight affections of the skin, ulceration, or vascular disease. They will not undertake to decide what may be the effect of diseases of this character upon the result of vaccination, when they have affected the constitution of the individual; but think it doing no violence to the opinions of those who have adopted such, to consider them as a class distinct from the mass of the community. They are inclined to believe that the constitution of the individual vaccinated, with other causes, may vary the appearance of the disease in some degree, but not to change its character. To do that, there would be partial causes, easily detected, and easily understood.

The committee, from all the reflection which they have been able to bestow upon the subject, are of opinion that no modification of the law is necessary, as its provisions put it amply within the power of those intrusted with the execution of it to punish abuses, where any exist. They, therefore, recommend the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject referred to them by the resolution of the 6th instant.

SIR: BALTIMORE, *February* 4, 1822.

From letters which I have received from Dr. Hunter, of Tarborough, in North Carolina, I am fully persuaded I have discovered the true cause of the deplorable events which have happened there; and I am now satisfied that they have originated from an accident, such as never occurred before, and there is no danger that the like will ever occur again.

I had a paper which contained some small-pox scabs, taken by myself from a person named Whitfield, about the 4th of October, 1821; and on this paper I had written carefully, to avoid accidents, that it contained the variolous or small-pox matter. But this paper was afterwards mislaid; and, after searching for it in vain, I had concluded it was lost, and supposed it might have been swept out of my office with other waste papers.

From the information, however, which I have received from Dr. Hunter, quoting the words I had written on it, I have no doubt but that the same identical paper I had lost, *containing the small-pox scabs, and marked as such*, was put up in Dr. Ward's letter, by some mistake or inadvertence, instead of the glasses of vaccine matter which I intended to send to him; and which, from his letter to me, I supposed he had received and used.

We may now, therefore, safely conclude that the injury done is of more limited extent than I feared. And every citizen of North Carolina has it in his power to be secured from it, if he will use the vaccine matter I have sent to them.

Dr. Hunter assures me that the vaccine matter obtained by him from this institution, and which he was using "in a general and extensive vaccination," when he wrote me, (19th ultimo,) "was such as he knew to be genuine."

I hope you will be so good as to make the contents of this letter known in the House of Representatives; and I will be happy to furnish you, or any committee of Congress who may be appointed to make inquiry on this subject, with every fact relating to it, which has, or may hereafter, come to my knowledge.

I have the honor to be, with great respect, your most obedient servant,

JAMES SMITH.

The Hon. SPEAKER *of the House of Representatives.*

[The following letter from Dr. Smith to Mr. Lloyd, of the Senate, was subsequently laid before the House.]

SIR: WASHINGTON, *April* 25, 1822.

The bill to repeal the law relative to vaccination being under your consideration, I beg leave to give the honorable Senate, through you, some information on this subject, that I hope will be acceptable to them. All the difficulties existing in regard to the vaccine agency have arisen, I can show, from a conspiracy or combination of certain professional interests and individual prejudices, which, taking advantage of the unfortunate accident that lately occurred in North Carolina, has made the most erroneous and unjust impressions on the public mind.

Many persons have been induced to believe that the vaccine agency has hitherto constituted a monopoly in my hands of the most odious kind. But the very reverse of this is the fact. My efforts have been always directed, with all the zeal I possess, to render vaccination universal, and to put it in the power of every family of the United States to have free access to this remedy at any time they might want it. The most liberal and enlightened of the faculty of medicine, to whom my plan to obtain these ends have been submitted, have approved of them, and lent me their aid that they might be carried into effect. But there are others, who prefer their own private interest to the public good; and these do not cease to cry down the vaccine agency, and they endeavor, by every means in their power, to prevent the free distribution of the vaccine matter, which I have been striving to effect. Now, if these last should succeed in their intention, the people will soon be obliged to pay well for the vaccine remedy when they can get it, and they will often have to do without it when they will most want it. If I had never discovered the *simple criterion* by which the efficacy of every vaccine process can be determined, without the necessity or expense of any professional attendance on those who are vaccinated, no prejudices, I believe, would ever have been raised by medical men against my vaccine agency. By the examination of the vaccine crusts, (and they can be sent to me by letter from any part of the United States,) I can decide as correctly on any case of vaccination as if I had been called in person, or had attended myself upon the individual vaccinated. This particular method of practice is founded upon a new discovery in vaccination, that does not appear to be at all known in Europe, and we have not yet had opportunity to develop it fully here. But, highly important and useful as is this method of practice, it threatens to cut off a source of profit from many practitioners, who regard vaccination only as business of professional gain. It does not serve as any excuse with these practitioners that for several years past I have made no charge for examining the vaccine crusts, or informing all those of their safety from the small-pox who have been perfectly vaccinated; they have lost their fees sometimes by my interference, and that is sufficient reason to support their determined hostility to my vaccine agency. That physicians should be well paid for all those efforts of mind and body which they make to relieve the sick and to preserve the public health, I do not deny. I am perfectly sensible of the value of their services, and well know that they have never been either duly appreciated or sufficiently well paid for. But this affords no justification to the views of those who wish to prevent the free distribution of the vaccine matter. The operation for the kine-pock is so simple, that any discreet person is fully competent to perform it, when furnished with genuine matter. Nay, I have known children who have per-

formed vaccination as effectually as any learned doctor could have performed it himself. The only difficulty that exists in this practice is, to determine whether the true vaccine process has been produced or not. Now, whenever you come to this part of the business, it is not unusual to find the same disagreement of opinion existing among physicians as is common with them upon almost every other occasion. The learned professor of the theory and practice of medicine in the University of Maryland (than whom no one, I believe, stands higher in the estimation of medical men,) yet denies that there is, or can be, any criterion by which the efficacy of the vaccine process can be determined, except by repeating the operation until no local inflammation can be produced by it. Now, according to this practice, the citizens of the United States could not expect to obtain any positive information whether they were secure from the small-pox or not, during their whole lives. If the professor, therefore, with all his experience in the use of the kine-pock, cannot determine the simple fact which every individual who submits to vaccination is most anxious to learn, how can it be expected that every doctor of every degree can determine it always with perfect accuracy? But it is impossible that physicians generally should ever obtain a sufficient practice to enable them either to preserve or select the vaccine matter for their own use; neither can they be expected to be able to decide the fact with invariable correctness, whether their operations are always perfect or not, by any other than the criterion I have pointed out, and which can only be made generally serviceable to the public by the establishment of vaccine agencies. But we have now scarcely obtained this knowledge of the kine-pock, and brought into active operation an agency to extend this blessing among our people, than prejudices and jealousies are cherished; falsehoods of every description are circulated; and headlong we rush, propelled by mere accident, to repeal the only law we have existing to encourage vaccination. Shall we not thus evince to the world that we are ready and willing to abandon all the ground we have gained? or that we are determined heedlessly to throw open our whole country for the special benefit of physicians only, who must all now, it is said, be taught at once, without any guide, to preserve and select the vaccine matter for their own use? If we adopt this course of proceeding, will not the same evils soon revert upon us that we experienced before the establishment of this agency, which was scarcely one year in operation until it corrected the mistakes that were prevalent in every direction, and banished spurious vaccination from almost every part of our country? But, "Down with the vaccine agency!" is the popular cry; and the people, it seems, must be left to chance for their protection from the small-pox.

The prevalence of small-pox in Baltimore, the seat of the vaccine agency, has been urged, with great plausibility, as one of their chief arguments against it; and it has been stated (with how much justice you shall see presently) "that my inability to extirpate the plague from the place of my residence affords sufficient reason for you to break up my institution entirely." I must, therefore, inform you that the small-pox, although it has ravaged both of the cities of New York and Philadelphia within this period, has never been suffered to become epidemic in Baltimore, since the enactment of the law of 1813 until the present time; and, on this occasion, its prevalence with us is to be ascribed much rather to the opposition which has been made to the vaccine agency, than to the agency itself. This hostility to the vaccine institution has not arisen from any danger that is attached to it, or from any injury or wrong that I have done; but, if the truth were known, it has originated, as I have already stated, from the opposite of these causes. The great excitement, therefore, that has been unwisely produced of late, will terminate, I fear, in an evil of much greater extent to the public than the accident which has given rise to it could ever have effected.

In the month of June, 1816, the small-pox was imported into Baltimore from Norfolk, and the affected person was suffered to lie in the midst of a dense population liable to take it, and unavoidably exposed to its influence. I was made acquainted with the first case of this plague as soon as it occurred, and I gave information of the fact immediately to the public. I supplied all concerned, at once, with a sufficiency of the vaccine matter, free of any charge; and we succeeded in extirpating the contagion without any difficulty. About five hundred persons were vaccinated in the affected neighborhood, in the course of a few days. One negro man, only, the slave of a gentleman residing on the Eastern Shore of Maryland, lost his life on this occasion.

In May, 1817, the small-pox was again introduced into Baltimore from Philadelphia; but it was kept in subjection in the same way, until it was extirpated again through the operation of this agency.

In October, 1818, the plague was introduced a third time into Baltimore from this city, and several persons lost their lives by it. The physician who had the first case under his care denied that it was a case of small-pox, and he took no proper precaution to prevent its infecting those who were exposed to the contagion. But genuine vaccine matter was furnished again, free of any cost, from this agency; and the prompt and decisive measures that were taken at my suggestion succeeded effectually; and the variolous plague was again banished from Baltimore in the course of a few weeks.

Now, it is morally certain that if the vaccine agency had not been established in Baltimore, (my place of residence,) the small-pox would have become epidemic there on each of these three occasions; and it would have proved, no doubt, as destructive then as it has been on this last occasion, when the necessary steps that should have been adopted were not taken in time to prevent it.

That the variolous pestilence, and its newly generated prototype the varioloid disease, have been lately suffered to become such severe scourges to the citizens of Baltimore, is not my fault; neither can any blame justly attach to the vaccine agency on this account. If I had known, within any reasonable time, that the small-pox had been imported into Baltimore on this last occasion, I would certainly have prevented any injury resulting from it; for I was on the spot, and perfectly well prepared; and nothing was more easy to be done, or more within the compass of common prudence and common honesty to accomplish.

It was on the 14th of August last that the contagion of our present epidemic was imported into Baltimore from Liverpool; but its existence was not made known to me as it should have been. I discovered it by mere accident, from the story of an old woman, who told me that the small-pox had been several weeks among us. This was about the last of September, when it was too late for any individual to interfere with any chance of success. The persons who had first propagated the contagion were in a narrow street, in a thickly inhabited part of the city, and *they were under the special care of the consulting physician of the board of health.* But he kept their cases carefully out of my view, as well as concealed from the public, to prevent alarm, or to serve, perhaps, the mercantile interests of the city; but certainly without either judgment, discretion, or good sense. No blame, therefore, should be attached to me, any more on this account than for the accident in North Carolina, over which I had no control. Before I heard of the existence of the small-pox in Baltimore on this occasion, its contagion had been propagated to a considerable extent, and its further progress could not be arrested without one general and simultaneous effort on the part of all the physicians of the city. To obtain this effort to be made without the loss of an hour, I had a circular printed, and sent the vaccine matter to every physician who I expected would use it. But they very generally discouraged my interference, and a few of them only could be induced to lend me any aid to accomplish that which was certainly within their power, if they had been inclined to extinguish the flame that had been just kindled among us. The late destructive prevalence of the small-pox in Baltimore, therefore, should not be ascribed in any way whatever to the vaccine agency. The blame should rather attach to those who are hostile to this agency, and who have left no means in their power untried to accomplish their determination to destroy it.

It has been further alleged against this agency in the House of Representatives, by a gentleman who is a stranger to me, (and I do not know on whose authority he has made the erroneous statement,) that I have drawn from the public something like forty-five thousand dollars by the vaccine agency. Now the fact is, as you will perceive by the document herewith submitted, *fully proven and authenticated*, that the whole sum of money I have received, on the account to which he has alluded, has amounted to no more than twenty-two thousand three hundred and thirty-seven dollars in upwards of four years! Out of this sum I have had to pay all the current expenses of the agency during these four years; which, in printing and stationary alone, to furnish proper directions for the popular use of the kine-pock, has amounted to more than all the fees I ever received for vaccine matter since the enactment of your law of 1813; a law which induced the citizens of the United States generally to believe that I was paid by Government for my services, when, in fact, it never made any such provision. Out of the above sum, likewise, (a part of which has been paid to me in donations, and must be returned to the donors,) I have supported twenty different special agents, who were employed and paid by me to serve those from whom I received it. These agents were furnished with horses, and they rendered six thousand seven hundred and fifty days' service, vaccinating and distributing the vaccine matter gratuitously for the use of the rich as well as the poor; and we have secured, I believe, more than one hundred thousand souls from the small-pox. It must be easy for you, therefore, to perceive, that it has not been "taxing the people at large for the profit of the agent of vaccination," as has been stated, that has occasioned all the clamor that has been raised against me. If those who have raised this clamor had vaccinated half the number of persons we have, they would have drawn from the people ten times the sum of money for their services; and when they had drawn it, they could not be said to have drawn too much for such services.

It is true that the law you are now about to repeal originated at my request; but it never contained the provisions I asked, and always declared were essentially necessary to make it answer the purposes for which I wished it. As the law itself, therefore, is defective, and we have no prospect, under the excitement and misapprehension that now prevail on this subject, to render it more perfect, I pray it may be repealed, that an end may be put to the prejudices and jealousies it seems to have so unreasonably and unjustly brought into existence. But, in taking this step, I would wish the Senate to act on it understandingly; and I wish they would direct an examination to be made of the documents I had prepared at the request of the select committee of the House of Representatives, who reported the bill before you, without allowing sufficient time to enable me to furnish them with the information they had asked from me. If these documents cannot serve any other purpose at this time, they will, I hope, satisfy the honorable Senate that I have not been a useless and slothful servant, or an unfaithful steward over the trust that has been reposed in me.

But it is my determination, under all the disadvantages I must encounter, that I will not relinquish an institution which I established many years before the enactment of the law of 1813, and that I have conducted with so much benefit to those with whom I have had constant intercourse. The genuine vaccine matter, therefore, shall be preserved and furnished as heretofore, to all those who may apply to me, attending to such regulations as I have or may hereafter establish, to enable me to serve them faithfully and punctually.

I will attend in person to give you any further information in my power respecting the vaccine agency, if requested.

I have the honor to be, with great respect, your obedient and humble servant,

JAMES SMITH.

Hon. EDWARD LLOYD, *In Senate.*

17th CONGRESS.] No. 518. [1st SESSION.

MEDALS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 9, 1822.

Mr. POINSETT made the following report:

The Joint Committee on the Library of Congress, to whom was referred a letter from Mr. George W. Erving, announcing that he had transmitted to the Speaker of this House a collection of medals, coined in commemoration of some of the most important military successes of France, under its republican Government, and under that of Napoleon, as well as those marking less important epochs in the history of that empire; together with the only medals coined in that country relating to the events of our revolution; and requesting, through him, to present this collection to the library of Congress, have agreed to report:

That, from a letter addressed to the honorable Mr. Dickerson of the Senate, by the collector of the port of New York, it appears that the medals were shipped at Havre, on board the brig Factor, in the summer of 1819, bound to New York; which vessel has not since been heard of, and is supposed to have foundered at sea.

The loss of this very valuable collection of medals is the more to be regretted as there is reason to believe that the dies from which they were struck have been since destroyed, and these medals are now, therefore, extremely rare and costly.

The committee recommend that they be authorized to purchase for the library the medals struck in France relating to the events of our revolution, and which may still be bought at the mint in Paris.

The practice so general in Europe of multiplying medals struck in commemoration of great events, and of important epochs in the annals of a nation, ought, in the opinion of the committee, to be adopted in this country. This would enable the public libraries and individuals throughout the United States to acquire all the medals which have been struck in commemoration of events of our revolution, and of our late naval and military successes. They, therefore, recommend the adoption of the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the director of the mint be, and he is hereby, instructed to cause a reasonable number of the medals commemorative of important events in the history of the United States, to be coined at such times as shall not interfere with the ordinary business of the mint, and to be sold at a price adequate to defray the expenses of coining.

17th Congress.] No. 519. [1st Session.

CONTESTED ELECTION OF JEREMIAH COSDEN, A REPRESENTATIVE FROM MARYLAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 11, 1822.

Mr. Sloan made the following report:

The Committee of Elections, to whom was referred the memorial of General Philip Reed, contesting the election of Jeremiah Cosden, who is returned as one of the representatives of the present Congress from the State of Maryland, and praying to be admitted to a seat in his stead, have had the same under consideration, and report:

That the constitution of Maryland directs that the elections shall be by ballot; that every free white male citizen of the State, above twenty-one years of age, and no other, having resided twelve months within the State, and six months in the county, next preceding the election at which he offers to vote, shall have a right of suffrage in the election of delegates to the State Legislature; that the State is divided into districts for the purpose of electing representatives to Congress; that the sixth congressional district is composed of the counties of Harford, Cecil, and Kent. The election for representatives to the present Congress was held on the first Monday of October, 1820. At that election the memorialist and the sitting member were candidates, and, by the returns from the several counties in said district, as made to the Governor and Council, it appears that the memorialist and the sitting member had an equal number of votes, and that neither had the "greatest number of votes," as by the constitution of the State is required, in order to constitute an election. But it further appears, by an official statement of the proceedings of the Governor and Council, bearing date the 18th day of October, 1820, that, in conformity with what was considered to be the provisions of the law of Maryland, the Governor and Council "proceeded to decide between them which should be the representative; and the result was, that Jeremiah Cosden, Esq. was decided to be the representative for the said district." The committee are aware that, to question the right of the executive authority of Maryland to give full operation to the provisions of its election laws, will be considered as a measure of an important character. It is understood by the committee that the authority under which the Governor and Council acted is the act of the State of Maryland passed the 14th of December, 1790, chapter 16, section 13. This provision of the act, the committee believe, has been repealed by the act of the 2d of January, 1806. But they consider it unnecessary to enter into an argument on this point. The constitution of the United States, article 1, section 2, provides, that "the House of Representatives shall be composed of members chosen every second year by the *people* of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." Section 5, of the same article, provides, that "each House shall be the judge of the elections, returns, and qualifications of its own members." On the first Monday of October, 1820, in conformity with the law of Maryland, an election was held by the qualified electors of the sixth congressional district. On that day they either did, or did not, elect a member to Congress. None could be elected unless he received a greater number of votes than were given for any other candidate. The term *election* must mean the act of choosing, performed by the qualified electors, in conformity with the requisitions of the constitution and laws regulating the manner in which the choice shall be made. If, therefore, the legal electors, on the day appointed, should fail to make a choice, it is confidently believed that no other authority of the State can, at any other time, make good this defect. Let it be supposed that the electors should fail to attend an election; that, consequently, no election is held: would it then be contended that the executive authority could, by lot or otherwise, appoint a representative for such district in the Congress of the United States? This is a power which it is presumed none will contend does exist. Yet it is believed to be nothing more than that which has been exercised by the Governor and Council of Maryland, in the case under consideration. In this case, the electors assemble; they proceed to elect; they make no choice; they come to no constitutional result. It is asked, what is the difference between the two cases? The one would be an appointment, because no election had been held; the other, because no choice had been made. The committee, being of opinion that the power thus virtually exercised by the Governor and Council of Maryland, in appointing a representative to the Congress of the United States, being contrary to the express provisions of the constitution, and one which this House cannot sanction, have no hesitation in rejecting the official statement of the proceedings in the case as evidence of the right of the sitting member to a seat in this House.

Having disposed of this part of the subject referred to them, the committee proceeded to an examination of the claims of the memorialist, and the objections of the sitting member thereto. The memorialist alleges that, at the election district No. 1 in Kent county, at said election, two tickets or ballots were thrown away by the judges of the election, and not counted; which tickets were given for him, and ought to have been set down and counted to his poll. These tickets, it appears, were thrown away under an impression that they had been folded together with a fraudulent intention, previous to their being put into the ballot-box. On the part of the sitting member it was contended that, at Elkton, in Cecil county, two tickets, under similar circumstances, were thrown away, and not counted, which ought to have been added to his poll; and that, at the same district, the memorialist was allowed one vote on account of a ticket on which was the name of the memorialist, together with that of five other persons, without any other designation than that of "for Congress." It was also contended by the sitting member that sundry illegal votes had been given for the memorialist, which, if deducted from his poll, would give the sitting member a clear majority of votes in his favor. No charges of a want of integrity were made by either party against any of the officers who had been engaged in conducting the election. Some of the testimony exhibited to the committee had been taken previous to the meeting of Congress, and some has been taken since, under instructions given by the committee for the government of the parties. It was suggested to the parties by the committee, that it would be satisfactory to have the testimony of the judges and clerks of the election in district No. 1 of Kent county, respecting the double ticket thrown away; and such course was recommended as was thought fair and liberal, and best calculated to arrive at a full knowledge of all the principal facts in the case; and the memorialist departed in order to procure additional testimony. At this time it was understood by the committee that the sitting member rested his claim on the testimony he had already taken; but, a few days subsequently, having stated to the committee that he was apprized of other testimony in the case, and that it was his wish to obtain it, a letter was addressed to each of the parties, by the chairman of the committee, appointing the 10th of January, 1822, for the final hearing of the case by the committee, and requesting each to give the other five days' notice of the time and place of taking the additional testimony. The memorialist avers that he did not receive the notification of the

committee until it was too late for him to be prepared to take depositions of his witnesses, until the day appointed for the decision of the case; and that, on his way to Washington, he accidentally lost the testimony. Under these circumstances, the committee permitted the testimony to be taken a second time; and, inasmuch as the sitting member had not attended the taking of these depositions in the first instance, and did not object to them when presented on account of not having notice, the committee agreed to receive the testimony thus offered. They have been thus particular in detailing all the circumstances that occurred in the case since it came under their cognizance, because, although some of the testimony may be such as strictly might not be admissible in a court of law, yet, as there appeared to be every disposition on the part of both the gentlemen to waive all objections of form, and to pursue a course calculated to arrive at facts, the committee were disposed to be less rigid than under other circumstances they might have been disposed to act. In respect to all the other testimony, due notice has been given by each party, and they attended or not as they thought proper. In support of the claim of the memorialist, John C. Hynson, one of the judges of the election in district No. 1 of Kent county, states, that he took the tickets from the box; that two tickets were thrown away, on which was the name of General Philip Reed, for Congress; that those tickets were not counted, but rejected, under an impression that they were a double ticket, fraudulently put into the box; but that, after he had passed it out of his hands, he was impressed with a belief that it was not double; and that this impression was confirmed when, on counting out the whole of the ballots, two were wanting to make the number equal to the number of persons voting.

Doctor Beckington Scott, David Vickers, James Price, James Ringgold, James Eagle, jun., Darius Dunn, and John C. Hynson, jun., testify, that they were present at the opening of the ballot-box, and counting of the tickets, and that they were satisfied that the two tickets thrown away, and which had the name of General Philip Reed on them, were not double; and that the final counting of the votes, there being two ballots less than there were names of persons voting, confirmed them in their belief.

The deposition of Elijah Beck states that he was clerk of the election, but states nothing respecting any of the facts in the case.

William Scott, clerk of Kent county, certifies, under the official seal of said county, a copy of the poll-book of said election, which shows that three hundred and sixty-five persons voted at said election, and that only three hundred and sixty-three tickets were counted.

The deposition of Joseph Ireland states, that he acted as clerk of the election; that the judges drew from the box a double ticket and threw it away; that he saw it in Judge Hynson's hands; and that after the votes were counted, and the disagreement between them and the poll list was discovered, Judge Hynson still said it was a double ticket.

The sitting member produced the depositions of William Boulden and John Kean. They state that they acted at the election in district No. 2 in Cecil county, in 1820, the first as judge, the second as clerk; and that General Philip Reed was allowed one vote on account of a ticket which had four other names on it without any other designation than "for Congress." They also state that two tickets were thrown away on account of being doubled.

James Sewall, clerk of Cecil county, gives a certified copy of the ticket alluded to by Boulden and Kean, under the official seal of Cecil county.

The deposition of John Bradshaw states, that he was one of the judges of the election in district No. 1 of Kent county. That Judge Hynson drew from the box a ticket, which he said was double; the deponent observed that, if so, it ought to be destroyed, and it was thrown away. That after the counting was finished, two ballots were wanting to correspond with the book of polls. That he observed to Judge Hynson that perhaps it was a mistake as to the ticket destroyed being double, but he declared it was double, and that it sometimes did happen that the ballots and polls did not agree. Deponent states that he did not see any name on the ticket destroyed, not having it in his hands.

William Scott, clerk of Kent county, certifies, under the official seal of said county, that, during several years past, there has been a difference in some of the districts in said county between the number of names on the poll-books of election and the ballots counted out.

The law of Maryland in relation to this subject is, that "every voter shall deliver to the judge or judges of the election in which he offers to vote a ballot, on which shall be written or printed the name or names of the person or persons voted for, and the purpose for which the vote is given, plainly designated." This law further provides that, after the poll is closed, and whilst the ballots are opening and counting, "if upon opening any of the said ballots there be found any more names written or printed on any of them than there ought to be, or if any two or more of such ballots or papers be deceitfully folded together, or if the purpose for which the vote is given is not plainly designated as within directed, such ballots shall be rejected and not counted."

In support of the allegation of the sitting member, that sundry illegal votes had been given to the memorialist which ought to be deducted from his poll, he produced the depositions of Edward Brown, George Copper, James Coleman, Josiah Massey, and the official certificate of James Sewall, clerk of Cecil county. On the propriety of entering into an investigation of this kind, when elections are by ballot, the committee entertain serious doubt. True it is that the decisions of the House in the case of Kelly and Harris, and Easton and Scott, may be considered as establishing the principle; yet, it is believed that, when the circumstances attending those decisions are examined, it may be doubted whether they ought to be viewed as establishing a precedent which shall govern all future decisions. But as no desire is entertained to agitate this question at the present time, the testimony has been received and attentively examined, but decided to be insufficient to establish any of the facts contended for.

From a full, attentive, and deliberate examination of the case, in all its points and bearings, the committee are impelled to the conclusion, that the sitting member cannot, consistently with the constitution of the United States, be allowed to retain a seat in this House, under the proceedings of the Governor and Council of Maryland; that the testimony in relation to the two votes rejected in district No. 1. of Kent county, proves that these tickets were not fradulent, and that they ought to have been counted to the poll of the memorialist, for whom they were given; and that the vote allowed to him in district No. 2 in Cecil county ought to be deducted from his poll, as being clearly an illegal vote. Therefore, by adding to the poll of Philip Reed, the memorialist, two votes improperly rejected in Kent county, and deducting one therefrom, for that improperly allowed in Cecil county, he will have a majority of one vote over the sitting member.

The paper marked A is the answer of the sitting member to the prayer and arguments of the memorialist.

The following resolutions are submitted:

Resolved, That Jeremiah Cosden is not entitled to a seat in this House.

Resolved, That Philip Reed is entitled to a seat in this House.

A.

SIR: MARCH 7, 1822.

In the contested election between General Philip Reed and myself, as it may be presumed that all the testimony on both sides, intended to be produced, or which will now be received, has been submitted to the committee, it seems proper that I should offer a few remarks upon the subject. This would have been earlier done, but for the impression that a partial discussion would rather retard than expedite the ultimate determination. In replying to the petition or memorial of General Reed, I must beg permission to *invert* the order adopted by him. He claims a seat in the House of Representatives upon the ground that he had a legal majority of votes; and, *if such were the fact*, his claim would not be resisted; but I will examine this *fully*, as the second branch of the present inquiry. In the latter part of the memorial, the petitioner labors to show that the law of Maryland, under which the sitting member has been returned, is repugnant to the constitution of the United States, and therefore void. This law was passed in 1790, and not in 1791, as stated in the petition, about *two* years after the formation of the constitution of the United States, and by some of those very men who just before had sat in the convention which agreed to adopt that constitution. It, moreover, was passed for the *express, avowed purpose*, of carrying that constitution *into effect*, and giving it full operation in Maryland. This is declared to be the object of the law. (See the act itself, 1790, chap. 16.) It must then appear strange indeed, if, under these circumstances, the law shall be found to be at war with the constitution in one of its most *important* provisions. I *rather presume* the constitution was quite as well understood by the framers of this law as it is now; and I beg leave to add, that I further presume that there *then existed* quite as *little disposition* to violate the constitution, or the rights of the people, as at *this time*. Upon turning to the law, the following provision will be found in the first section thereof: "Whereas it is declared by the constitution of the United States that the House of Representatives, in the Congress of the United States, shall be composed of members chosen every second year by the people of the several States, that the electors in each State shall have the requisite qualifications of electors of the most numerous branch of the State Legislatures, &c.: In order, therefore, to carry the said constitution into effect, be it enacted," &c. It is presumed that this section will hardly be contended to be at variance with the constitution. And similar sentiments and language are to be found in the third and eighth sections of this same law. Yet, in the thirteenth section, it is provided "that, in case *two or more persons* shall have an equal number of votes, the Governor and Council shall determine, by lot, from the candidates, who shall be the representative." Are these several provisions inconsistent with each other? Can they not well stand together, and form parts of the same system of elections? The most rigid critic must admit that they may. Then they may as easily be reconciled to the constitution of the United States. And when it is asked, What are the rights of individual voters? and what are the powers of State Legislatures in relation to elections? this very law furnishes a strong and clear illustration. Every person entitled to a vote for delegates to a State Legislature, is also entitled to vote for a representative to Congress; and he has as high a security for the one right as the other. But, upon the presumption that all the voters of a given district have *exercised this right*, (and such is the presumption of law,) and a tie between two or more candidates is the consequence, then the State Legislature, under the power to regulate the *manner* of holding elections for representatives to Congress, may, if they think proper, provide by law for the determination of the tie, by lot, or otherwise. But, in such a case, the petitioner would object that the *choice* would not be *by the people*. Mr. Chairman, if we consult the phraseology of the constitution, we shall perceive that the idea of *representation* pervades every part of it; that the constitution itself, though it literally and in express terms is declared to be *ordained by the people*, is their act only, upon this principle. It commences by saying, "We, the people of the United States;" as if the people were personally assembled, and about to act together. It will be found, sir, that all acts done in the name of the people, or in virtue of authority derived from them, are truly and properly the acts of the people. The President of the United States, for the purposes of his appointment, is as truly and as literally a representative of the people, as a member of Congress. His election is not so immediately the act of the people, but still he is elected *by them*.

But, sir, the petitioner objects further, and asserts, respecting the first clause of the second article of the constitution, (already quoted,) that "the command here is *peremptory*," &c. Now, with submission, I must *insist* that here is *no* command at all, either *peremptory* or *not*. The clause contains a general *declaratory description* of the House of Representatives; but more general it could not well be; and, without forcing its manifest meaning, it cannot be regarded as an authority for any particular *mode* of election by the people. And we have seen that it is perfectly consistent with the law of Maryland, of which it is made a substantial part. Upon the principles of this law, no popular right is violated, no voter has any ground for complaint, nor have the Legislature of the State transcended their powers in its passage; for, I cannot subscribe to the doctrine of the petitioner, when he lays it down "that the constitution never *intended* that there should be any interference on the part of a State, as to the election of representatives to Congress, *further than is expressly declared*." Sir, the very reverse of this doctrine is the true one. The States may interfere in any and every case where they are not expressly, or by necessary implication, forbidden. The constitution is no grant of power *to* the States or *to* the people; it is a grant *by* them; and all powers not expressly or by necessary implication granted, are retained by them. Surely it cannot be necessary to press this subject further. But if this view of the subject should not meet the approbation of the committee and the House, and they should think the law unconstitutional and void, still the right of the petitioner to a seat is not established. He sets up a claim to a seat; and if in point of fact there was a tie, and the law of Maryland is void, then the petitioner has no more right to a seat than any other person in the community; and, if there was a tie, and the Maryland law is a valid one, then, too, is there an end of the question. The claim of the petitioner rests wholly upon the fact of his having a majority of legal votes; and unless he can prove this fact to the satisfaction of the committee and the House, he must fail: and, whatever opinion the committee and House may entertain of the law of Maryland, if it shall appear by proof that the sitting member had a legal majority of the votes, his seat will be confirmed as a matter of course. I will therefore proceed, Mr. Chairman, to an examination of the testimony which has been produced and laid before the committee, remarking that, in this as in all other cases of claim, the *onus probandi* lies upon the claimant. But the sitting member will go further; he will endeavor to show by proof that there was a legal majority of votes given in his favor, and that the majority is decidedly against the petitioner.

The petitioner rests his claim solely upon two tickets, *rejected by the judges as a double ticket*. He states that these tickets were single, and not double, and that they contained his name for Congress. Mr. Chairman, both these positions are denied positively; and the evidence is appealed to, with perfect confidence, to settle the question. The petitioner produces several affidavits, mentioned in his petition, to prove that in the first, or lower district of Kent county, at the time of counting out the ballots, one of the judges, Mr. John C. Hynson, the junior judge, drew from the ballot-box a ticket which, at the time, he declared to be a double ticket, from its size. He passed it (say these deponents) to John Bradshaw, the presiding judge, unopened. Mr. Bradshaw, they say, opened the ticket, and found it to be double, upon which it was rejected; but that each of those tickets contained the petitioner's name for Congress. The deponents further state that they were under the impression that these tickets were single,

and not double, as supposed by the judges; and that their impressions were confirmed, when, upon finally comparing the number of tickets with the number of the names of the voters upon the poll-book, there was a difference of two.

This is the amount of all the testimony produced by the petitioner which is in his favor. His witnesses contradict each other, and are contradicted by those produced by the sitting member, in so strong a manner, and to such extent, that only a few facts are left undisputed between them. It is, however, certain that Judge Hynson drew a ticket from the ballot-box of such unusual size as to induce him to remark, at the time, that, *from its size*, he supposed it must be double; that it was only from the size of the ticket, and not from any other visible appearance, he was induced to make this remark. The ticket was so folded together that no one present, not even the acute Dr. Beckington Scott, who observed it when it was first drawn from the box, could determine whether it was single or double, until it was opened. To this point the evidence is uncontradicted. There is no witness who denies this to be the character and description of the ticket. When the ticket was opened, it proved to be double, and was, very properly, rejected by the judges. All the witnesses concur in stating the rejection of this ticket as the *joint* act of the judges. There was no *dispute*—no *doubt* about it; not a dissenting voice—not even a whisper among the warmest friends of the petitioner. Thus far the evidence may be safely trusted, because it all agrees. The question then is, was this properly a double ticket? or did two separate tickets thus enfold themselves by chance? If the committee and the House believe this was a double ticket, then there is an end of the petitioner's claim, whatever names may have been written upon the tickets. If tickets be loosely folded when deposited in the ballot-box, by pressing them together with a stick, or quill, or by shaking the ballot-box itself, they may become partially enfolded in each other; but, in such a case, there can never be any difficulty in deciding, by *sober* judges, who possess common *eyesight*. But if a ticket, so folded as to answer the description of the ticket in question, be deposited in the ballot-box, none of these means, or any instrument of chance, will be sufficient to produce an *enclosure* of one ticket in another. The thing is, ordinarily speaking, impossible. It will be recollected that the judges acted upon oath in this case, and that, as to this matter, they fully and explicitly agreed. They signed a joint return, in conformity to this determination, which has become a public record. If either of them had felt the smallest doubt, or had been under the slightest impression that the ticket was improperly rejected, he was bound to communicate it to the other judges, and to rectify the mistake before the return was made. But, in point of fact, (for the proof of this is also uncontradicted,) Judge Hynson declared, after all the votes were counted out, and after the deficiency was discovered, "that he was certain that it was a double ticket, and could not be counted." This Judge Hynson also remarked, at the same time, "that he had acted as judge several years, and that the tickets counted out often disagreed with the book of polls." And I would refer to the certificate of the clerk of Kent county, which has been laid before the committee, for numerous instances, in different years. By this document, it will appear that the tickets counted out oftener *disagreed* with the book of polls than accorded with it. Sometimes there was a difference of one, at other times two, and three, &c.

This has been attempted to be explained by the deposition of Mr. Beck, produced by the petitioner, in a manner not a little singular, and to which I must request the attention of the committee. Mr. Beck states that it was the practice to throw away scattering votes, and not to count them; but that, in 1820, columns were raised for all scattering votes, &c. Mr. John C. Hynson is made to speak to the same effect. I say, is *made* to speak. I shall have occasion to notice this more fully hereafter. Mr. Chairman, what proposition is this? what is its character? Has it been the practice for the judges to violate their oath? When votes are counting out, how is it possible to tell, when a ticket is produced in favor of an individual, how many more he will obtain? And how can a judge know who is a candidate, except by the tickets as they appear?

But, sir, these gentlemen will admit that it was the practice to keep a column of *numbers*, if none was kept for scattering votes, and in this numerical column the number of the tickets was kept, independent of any or all the candidates. The object of keeping this numerical column was to ascertain, as far as possible, the correctness of the whole proceeding. But it is a fact that mistakes have frequently occurred in the hurry of an election. Names have been placed on the poll-book who did not vote, and others have been omitted who did vote. We have a very recent instance of a zealous and distinguished politician who voted, but his name, though as well known as any in the county, was not entered on the book. This is the true and natural solution of all the difficulty.

Only suppose, in the case before us, that one single name was entered upon the books by mistake, (a thing that happens every day, and in all bodies or assemblies of men,) and then we have additional proof that the ticket *was double*. And permit me to inquire whether this is not a much more probable supposition, than that the judges should be deceived as to a fact of so plain, so palpable, and so simple a character? Even a slight attention to the different depositions is sufficient to show that no claim can be raised upon such evidence. Whether Hynson, for example, opened the ticket in question, or whether it was passed to Bradshaw, and opened by him, is asserted and denied most positively by different witnesses. But all the testimony is calculated to demonstrate that the ticket was *truly a double one*. It then only remains to explain the disagreement between the poll-book and the tally; which, it is presumed, has been satisfactorily done.

The deposition of Judge Bradshaw is entitled to entire confidence: a gentleman of high respectable character, in every view of it, and a witness who has acted with the most perfect propriety throughout. When called upon, on the 2d of January last, to give testimony in presence of the petitioner and the sitting member, he *attended*, and coolly and deliberately stated the facts before them, in so clear and circumstantial a manner as to leave no doubt of his veracity.

It would give me pleasure to be able to indulge in similar remarks as to Mr. Hynson; but this gentleman, though called upon in the same manner, and requested to attend at the same time, and give his evidence in the presence of the parties, refused or neglected to do so. This is proved by the deposition of Morgan Brown, jun., who had requested the attendance of Mr. Hynson.

A letter was then sent to Mr. Hynson, by the sitting member, requesting him to state in writing his knowledge and recollection upon the subject. Mr. Hynson, it is confidently believed, received this letter, but took no notice of it. Afterwards, in the absence of the sitting member, on the 10th of January, it seems he gave a deposition to the petitioner, which the latter states he lost on his way to this city. Subsequent to this, on the 12th of February last, Mr. Hynson, it seems, made oath again for the petitioner, and, to guard against casualties, swore to two depositions, signing one, and not signing the other: the latter is endorsed "a duplicate," and is produced; the former, which was signed by him, as stated by the petitioner, is not produced. All this operation of making depositions and duplicate depositions, on the part of this witness, was in the absence of the sitting member. This witness had refused to attend, he had refused to put pen to paper, he had refused to utter a word when the sitting member could be present; but in his absence he voluntarily furnishes depositions and duplicates to the petitioner, to his full satisfaction; and, in the duplicate produced, Mr. Hynson is made to say that "the two votes or ballots were thrown away, and not counted to the polls of General Philip Reed, as the deponent was satisfied they should have been." And was this deponent really satisfied that two tickets were thrown away which ought to have been counted to the

poll of the petitioner? What! and he a judge, and say not one word about it, but declare publicly that the ticket was double and could not be counted! And all this, even after the whole of the tickets were counted out! Then to sign a return, under oath, which he knew was incorrect! Has Judge Bradshaw acted in this manner? I appeal to every bosom in which there may yet remain one solitary spark, one lingering trace of honorable feeling! From Judge Bradshaw's deposition, it appears that there must have been a mistake as to the names upon these tickets. He swears positively that he saw no name upon them; he only saw an eagle at the top, on the inside. Now, as this was a mark of that ticket upon which the petitioner generally run at that election, it may be that the bystanders who saw it might have inferred that the petitioner's name was upon it; for it must be remembered that the name of the petitioner was printed at the bottom of the tickets upon which it was printed at all, below the names of the county delegates; though in some instances it was stricken out, and the name of the sitting member inserted.

The deponents named in the memorial, or rather some of them, say that the double ticket had upon it "General Philip Reed, for Congress." I feel no disposition, Mr. Chairman, to cavil or to raise frivolous objections; but I hope to be pardoned for remarking, that here is a striking proof of the incorrectness of the recollection of these deponents. There were no printed tickets used at that election containing this inscription! And, to prove the fact, sir, I submit to the inspection of the committee the whole of the tickets of one entire district in that county, as they were taken from the ballot-box. The tickets are either stamped with an eagle at the top, or without one; but upon no one printed ticket can this superscription, inscription, or whatever you may please to call it, be found; yet these deponents use the same words, and in the same order precisely, and their words are carefully *marked*. What is the inference? These deponents saw what never existed! So much for these *ex parte* depositions!

I am much mistaken, Mr. Chairman, if these views of the subject do not satisfy the committee that the petitioner has wholly failed to establish his claim to the benefit of these tickets.

But, sir, be this as it may, I will now proceed to show that there was a decided majority *against him*. I have hitherto called the attention of the committee to the pretensions of the petitioner, and the allegations and proofs offered by him. Now I must claim the indulgence of the committee while I present a brief and condensed view of the pretensions, allegations, and proofs of the sitting member. First, it is in full proof that the petitioner was allowed by the judges of the Elkton district, in Cecil county, the benefit of a ticket containing *five names*, all for Congress. The ticket was carefully deposited with the clerk of Cecil county, by the judges; and a true copy, under his official seal, has been submitted to the committee, with the affidavits of the judges and clerk, stating that the petitioner was allowed *a vote* on account of that ticket.

The committee will observe that the judges, in this case, erred in a question of law, and not of fact; and that, upon every principle of law, and, indeed, of good sense, this ticket should have been rejected. By the election law of Maryland it was an absolute nullity. But, in the nature of things, it must be so, even if no positive statute existed upon the subject.

What would be done in the case of a ballot for a committee of seven, if, upon counting out, a ticket should be found with *ten* names upon it? or if, in balloting for a Speaker, a ticket should be found with two or three names upon it? We all know that such tickets must, upon the principles of reason and justice, be null and void. Mr. Chairman, I respectfully apprehend that it is altogether unnecessary to attempt further to illustrate or enforce this part of the subject, and feel the most entire confidence that the committee will deduct this ticket from the poll of the petitioner, to which it ought never to have been added.

I will next call the attention of the committee to a vote given to the petitioner in Kent county, by Theodore Burr. This man had no residence in Kent county at all, except merely going there and undertaking to build a bridge, and being actually in the county part of his time, on that account.

His residence (if he had any in Maryland) was in Cecil county, and not in Kent, where he voted. He had been sued in Cecil, as his proper county, (and, by the law of Maryland, a person must be sued in his proper county,) and prosecuted to judgment, and an execution had been issued and served upon his body, returnable, and was returned, to the April court of that county, in 1820. At that court Mr. Burr was committed to jail, where he remained until late in June or early in July. After this he went to Kent, and, on the 1st Monday of October, in that year, voted for the petitioner. The certificate of the clerk of Cecil county, already laid before the committee, the law of Maryland referred to, and the deposition of James Coleman, fully prove this statement. This man had nothing in Kent county deserving the name of residence at the October election; but, whatever he had, it was not of six months' previous continuance, as required by law to entitle him to a vote.

I will also ask the attention of the committee to the vote of Thomas Glanvill, given in Kent, for the petitioner. Glanvill had no residence. That he had no residence, is fully proved by George Copper; and that he voted for the petitioner, is proved by Morgan Brown, the present sheriff of Kent county. I refer to their depositions before the committee.

I will ask permission, Mr. Chairman, to present another case to the view of the committee.

Gideon Lusby voted for the petitioner, and was under age at the time. I refer to the deposition of Joseph Massey to prove this. Here, then, are *four votes* to be deducted from the poll of the petitioner, which will establish a decided majority against him. And it should not be forgotten that the depositions in these cases were not *ex parte*, but were taken in the presence of the petitioner, who *cross-examined* the witnesses. I am aware, however, Mr. Chairman, that objections may be made to this kind of testimony, and am prepared to support it, both upon principle and precedent. But no objection can properly now be made by the petitioner, because he entered into the evidence himself, by instituting a cross-examination; and it is believed that no serious difficulty can be raised by any one to this course of proceeding. It is as common as it is easy to make off-hand superficial objections to any thing.

What is the great difficulty in receiving this evidence? Sir, I have often felt surprised to hear the answer. It is said, by giving a man's declarations in evidence you make him a witness against himself! Surely, if a man of any understanding ever advanced this proposition, it must have been without consideration. Is it not a principle of general law that you can give a man's declarations or acknowledgments in evidence against him, both in civil and criminal cases? You cannot give a man's declarations in evidence *for him*, nor can you compel him to be a witness against himself; but if he, without compulsion, confess or declare a matter which may operate against him, either civilly or criminally, this may be properly given in evidence against him. I said this was a principle of *general*, but perhaps I might have said of *universal* law. Such a confession, it is true, may affect a *particeps criminis*, to a certain extent, or it may have a qualified effect upon one having an interest in the subject to which the confession or declaration relates; and certainly it ought to have these effects. Innumerable instances might be put to illustrate this principle, but I fear I shall be tedious. In the State of Maryland, two years ago, after much consideration, it was solemnly determined that this kind of evidence should be received and acted upon. Nor is it any answer to this case to call it a high-handed measure of party, &c.; for such was not its character. And only last winter, the General Assembly of Maryland issued a commission to three persons in Cecil county, authorizing

them to take testimony relative to illegal votes. But, Mr. Chairman, the principle has been sanctioned again and again by Congress; and, in addition to the cases heretofore named to the committee, I will, on the present occasion, only notice one; it is a case decided from Tennessee, in the 13th Congress: Thomas and Kelly. The circumstances of this case will be found applicable to the case before the committee. If I have been able to make myself understood by the committee, I presume there is a final end of the petitioner's claim. It is less substantial than the shadow of a shade.

Perhaps I owe an apology to the committee for the trouble I have given them in this case; but I trust they will credit me when I assure them that my prevailing wish has been, from the beginning, to render their investigation as easy and agreeable as possible. In the present communication I have deemed it advisable, for the sake of brevity, to omit a number of circumstances which are of some importance to the different views which might be taken of this case.

JEREMIAH COSDEN.

To the Honorable JOHN SLOAN, *Chairman of the Committee of Elections.*

17th CONGRESS.] No. 520. [1st SESSION.

WEIGHTS AND MEASURES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 11, 1822.

Mr. LOWNDES, from the committee to whom had been referred "the report on weights and measures," made by the Secretary of State on the 22d of February, 1821, reported:

That so comprehensive a view has been given in the document referred to them of the origin and history of the measures and weights now in use in the United States, and so full an examination of the different proposals which have been made for their improvement, that they deem it scarcely necessary to do more than to submit the resolutions which they think it expedient that Congress should pass at this time. Their object is only to "render uniform and stable the measures and weights which we at present possess."

To effect this, they propose that the President shall cause application to be made to the English Government to allow models of the yard, the Winchester bushel, wine gallon, and pound, (avoirdupois,) to be procured from its offices. For the purpose of easy and perfect comparison, it may be well that the yard should be traced upon the rod of platina, in the possession of the Department of State, on which is traced the French metre. These models should be made with the utmost accuracy which the art and science of England can give, and, if satisfactory to Congress, should be declared the standard yard, bushel, liquid gallon, and pound, of the United States. There is some difference of opinion as to the material of which the standards shall be formed. The committee will not detain the House by a full exposition of the reasons which lead them to conclude that at least the standards of length and weight should be of platina, as the material on which time is found to produce the smallest change. The Secretary of State, who adopts an opposite opinion, has said that "the very extraordinary properties of platina, its unequalled specific gravity, its infusibility, its durability, its powers of resistance against all the ordinary agents of destruction and change, give it advantages and claims to employment as a primary standard for weights and measures and coins, to which no other substance in nature has equal pretensions. Should the fortunate period arrive when the improvement in the moral and political condition of man will admit of the introduction of one universal standard for the use of all mankind, it is hoped and believed that the platina metre will be that standard." But, if the immutability of platina recommend it so strongly as a standard for all nations, and all time, it can hardly be amiss to adopt it for the interval which may elapse before the universal adoption of a natural standard. This interval the Secretary and the committee may be willing to shorten, but it seems likely to last as long as diversities of laws and language among men. If the standard pound shall be of platina, it must, of course, be made equiponderant with the English pound *in vacuo*, and the same means must be used in making the models of weight which are intended for distribution among the States. The standards of measures of capacity must probably be of copper or brass, and the careful preservation of all the standards may be provided for in the law which shall establish them. The committee think it best that they should be kept in the Department of State, and used only to verify the models which may be issued under the authority of the Government.

The committee believe that, by distributing accurate copies of these standards among the States, the present inequality of weights and measures will be so far removed as to leave little practical inconvenience in that regard. They propose that the President shall cause to be procured such a number of copies or models of these standards of weight and measure, with their most convenient multiples and divisions, as may be necessary to allow one model of each standard to be lodged with the clerk of each district court of the United States, and one to be given to each State and Territory, to be disposed of as its Legislature may direct. The most convenient material for those copies will probably be copper or brass, but the determination of this question may best be referred to the authority which shall procure them.

It is believed that no other obligation will be required to enforce, on the part of the officers in the service of the United States, the use of weights and measures conformed to the standards established by law, than that which a sense of duty, and a dependance upon the Government for their continuance in office, must produce. The committee think it best that Congress, after providing the standards of weights and measures, and furnishing models of them to every State, should leave it to the laws of the several States to enforce their use by persons who are not in the service of the United States. In the custom-houses and land offices, the measures and weights may be provided from the same funds, and under the same authority, which have been hitherto employed. The committee suppose it necessary only to provide for such a distribution of models as may make it easy to verify the weights and measures which may be used either by public officers or in private transactions. It was proposed by a former committee of the House of Representatives, in a report made in January, 1819, that the relations between the different standards should be accurately ascertained and declared in the law which should establish them. It was

observed, that "the determination of the proportions between lineal measures and measures of capacity, and between both these and weights, may have some effect in enabling us to detect, without too difficult a process, the defects of measures of capacity, and possibly of weights, in common use. For this purpose it would perhaps be convenient to establish not merely the cubical contents of the common measures of capacity, but to fix determinate forms for all these, and dimensions whose correctness might be ascertained by the common measures of length." But the relations between the standards cannot be ascertained with that absolute certainty which should be exacted in a law fixing permanent standards. The calculation of the dimensions of vessels of capacity is found, even by the most practical artists, to be so uncertain that they rely entirely upon the trials by the weight of water which they contain. It is of some importance that the forms of measures of capacity which are used in commerce should be left to depend upon the material or the art which it is found most convenient in the different parts of our country to employ. And, in fine, those relations and dimensions which it is useful to know, will be ascertained by philosophical inquiry, and published in books of easy reference. Indeed, they have been so.

The committee have proposed to establish but one standard of weight. It will be necessary that accurate models of the grain and its usual multiples should be provided, to verify the weights which are used for the precious metals and for medicine. The law which shall establish the standard pound may declare the grain to be the seven thousandth part of the pound, as frequent and careful examination has shown it to be.

The committee submit the following resolutions:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested (if the consent of the Government of Great Britain shall be given thereto) to cause to be traced on a rod of platina the yard of the year 1601, which is kept in the British exchequer; to cause to be made of platina a pound, of the weight *in vacuo* of the English avoirdupois pound; and that he also cause to be made, of whatever material he shall deem best for standards of those measures, a vessel of the same capacity as the standard Winchester bushel, and also a vessel of the same capacity as the standard wine gallon of England.

Resolved, That the President be requested to cause to be made, for distribution among the States and Territories, and for the purpose of verifying the weights and measures used therein, models of the yard, on which shall be traced its divisions of feet and inches; models of the bushel, half-bushel, quarter-bushel or peck, thirty-second part of a bushel or quart; models of the wine gallon, of the wine quart and pint; models of the pound, half-pound, quarter-pound, of the sixteenth of a pound or ounce, of the seven thousandth part of a pound or grain; models of the pennyweight or twenty-four grains, of the scruple or twenty grains, and of the apothecaries' dram or sixty grains; models of the weight of twelve and a half pounds, of twenty-five pounds, of fifty pounds, and of one hundred pounds; that these models of weight and measure be formed with the utmost practical exactness from the weights and measures procured under the authority of the foregoing resolution; and that the number to be procured of each model shall not exceed ——.

17th Congress.] No. 521. [1st Session.

EXTENSION OF A PATENT RIGHT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 12, 1822.

Mr. Butler, from the Committee on Agriculture, to whom was referred the petition of Anthony Dey and James Macdonald, reported:

The petition alleges that the said Macdonald, at the expense of the said Dey, has invented and constructed a new and useful machine for breaking and cleaning of hemp and flax in an unrotted state; and that the said Dey has discovered the means by which hemp and flax, after being cleaned in an unrotted state in their machine, may be bleached by a process hitherto unknown; that they believe their method of dressing hemp and flax is of very great importance to the agricultural interest of the country; and, therefore, ask an extension of the exclusive right to make, construct, use, and vend to others to be used, the said invention and discovery.

From the evidence adduced by the petitioners, it appears that they have invented a machine for breaking and cleaning hemp and flax in an unrotted state, which is different in its principles and construction from any machine that ever has been used for that purpose; and that the said Dey has also discovered a process, never before used, for bleaching hemp or flax after it has been dressed in an unrotted state; and, also, it appears, by the certificates of respectable gentlemen who have witnessed the operation of the machine, that it will, by the power of one horse, with the assistance of one man and three boys, separate the integument and wood from the fibrous part of the hemp and flax plants, and clean the same, at the rate of one pound in a fraction of time, even a minute, fit for bleaching.

The petitioners further assure us, from the operation of one machine by horse power, with the attendance of one man and three boys, from one thousand six hundred to two thousand pounds of unrotted hemp or flax may be cleaned in a day, yielding from four to five hundred pounds after it is bleached; and that, by the addition of another machine, which can be moved by the same horse, with the addition of one man and one boy more, from eight hundred to one thousand pounds may be cleaned at an expense not exceeding five dollars. And the committee are informed by Mr. Dey that one man can bleach three hundred and fifty pounds of hemp or flax, after it has been cleaned by their machine, in a day, at an expense of one dollar and seventy-five cents for the article which he uses in the process.

From these calculations, it appears that any quantity of unrotted hemp or flax, taken from the field where it is raised, may be broken, cleaned, and bleached, at a rate of less than two cents per pound, delivered in a bleached state; and, allowing one cent per pound for the plant as it comes from the field, the whole cost (except for the wear of the machine) in growing this valuable plant, and breaking, cleaning, and bleaching it, will be less than six cents per pound. The committee are not informed what the cost of hatcheling or combing it, (which is done after it is bleached,) and preparing it for the manufacturer, would be; but presume it will not exceed two cents per pound. If the information the committee have received and their calculations are correct, either hemp or flax may be raised, dressed, and prepared for the best manufacture, at an expense of eight cents, and not exceeding, in any case, ten cents per pound.

By the experiments of the petitioners and others, it is found that flax, dressed and hatcheled in the ordinary way, after it has been dew-rotted, yields nine pounds from one hundred pounds of the plant which has been rotted, being sixteen pounds less than is produced from one hundred pounds of unrotted flax, cleaned and bleached by the method which the petitioners have discovered. But no experiments have yet been made to determine the difference in the weight of the plant before and after it is rotted; therefore, it cannot now be ascertained how much will be saved, in quantity, by this method of breaking and cleaning it before it is rotted. It cannot, however, be doubted that the common process of rotting flax, especially by dew, destroys or injures many of its fibres, and, of course, the quality as well as the quantity must be, in some degree, diminished.

The committee have examined the machine, and have seen it operate, and believe it will prove one of the most important and valuable discoveries. The committee have also examined the hemp and flax which has been bleached in this new method and hatcheled, and find that the colored matter and harshness of the fibres are removed, and that the flax is rendered very white, and as soft and fine as silk. This method of bleaching hemp and flax, it is believed, will be of great value to the grower and manufacturer of these plants.

Considering hemp and flax among the most valuable plants which can be cultivated in this country, and believing there is an abundance of soil in every State in the Union which is well adapted to their culture and growth, the committee are highly pleased with the invention and discovery of the petitioners. If hemp and flax can be raised in this country as easily and as cheap as in any other, and these inventions should prove as valuable as the committee believe they may, the cultivation of these plants will engage the attention of a large portion of the agriculturists, and become exceedingly important to the United States. It may be seen by the statement of the Secretary of the Treasury of the quantity and value of merchandise imported, that, during the year ending on the 30th of September, 1821, 86,192 cwt. of hemp, valued at $510,489, (being about $120 per ton,) hempen goods of the value of $226,174, duck and sheeting of the value of $894,276, cordage of the value of $107,867, and linens, bleached and unbleached, of the value of $2,564,159, were imported into this country, amounting to $4,302,963; and that the whole value of the exports of domestic and foreign produce of the same kind amounted only to $822,976, leaving the value of $3,479,187 in the merchandise produced from the hemp and flax plants to be consumed in this country.

As the petitioners desire an extension of time and further protection than is secured by the patent law in its present form, and as it is the peculiar province of the Committee on the Judiciary to report any revision or amendment of that law which may be deemed necessary, your committee recommend the adoption of the following resolution:

Resolved, That the Committee on Agriculture be discharged from the further consideration of the petition of Anthony Dey and James McDonald, and that it be referred to the Committee on the Judiciary.

17th Congress.] No. 522. [1st Session.

NATURALIZATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 13, 1822.

Mr. Sergeant, from the Committee on the Judiciary, to whom was referred a resolution of the 14th February, instructing them to inquire into the expediency of permitting aliens, who resided within the limits and jurisdiction of the United States one year immediately preceding the declaration of the late war between the United States and Great Britain, and who have continued to reside within the same, to become citizens, without a compliance with the first condition specified in the first section of the act entitled "An act to establish a uniform rule of naturalization," approved April 14, 1802, reported:

That the condition proposed to be partially dispensed with by the resolution is that which requires an alien to make a declaration of his intention, on oath or affirmation, three years before the time of applying to be admitted to become a citizen of the United States. The condition is, in the opinion of the committee, a very reasonable one, and one with which it is easy to comply, in every case where the intention really exists. To dispense with it, is to commit a breach in the established system, and to make residence, without declared intention to become a citizen, sufficient to entitle a person to admission. This does not seem to the committee to be necessary or expedient, and they therefore offer the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

17th Congress.] No. 523. [1st Session.

CITY OF WASHINGTON: COMMISSIONER OF PUBLIC BUILDINGS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 8, 1822.

Mr. Nelson, of Massachusetts, from the Committee on the Public Buildings, to whom was referred a resolution of the 2d April instant, directing an inquiry to be made "into the expediency of transferring the duties heretofore performed by the commissioner of the public buildings to the principal architect," reported:

That, by an act of Congress passed on the 16th day of July, 1790, the President of the United States was authorized to appoint, and keep in appointment so long as might be necessary, three commissioners, whose duty,

among other things, it was made, by the said act, (according to such plans as the President should approve,) to provide suitable buildings for the accommodation of Congress and of the President, and for the public offices of the Government of the United States. The office of the commissioners, created by the above-mentioned act, was abolished by an act of Congress passed on the 1st day of May, A. D. 1802; and the affairs of the city of Washington, which had been under the care and superintendence of the commissioners, were placed under the direction of a superintendent, appointed by, and acting under, the control of the President of the United States. The superintendent was invested with all the powers and charged with the performance of all the duties of the commissioners, by or in virtue of any act of Congress, or any act of the General Assembly of Maryland, or any deed or deeds of trust from the original proprietors of the lots in the said city, or in any other manner whatever. The salary of the superintendent was fixed, by the act of the 3d of March, 1803, at $1,200 per annum, besides contingent expenses.

By the act of April 29, 1816, the office of superintendent was abolished, and the President of the United States, by and with the consent of the Senate, was required to appoint one commissioner, who shall hold no other office under the authority of the United States; who is allowed a salary of $2,000, and who shall perform all the duties with which the three commissioners were charged, and the duties of the superintendent. It is the duty of the commissioner of the public buildings to select and appoint the architect, and all other agents engaged in the public buildings; to fix their compensation, to determine the number and description of workmen to be employed, and their pay; to provide and purchase materials, to inspect the plans and execution of the work, and to have the general regulation and superintendence of the whole. It is his duty to make all the disbursements of money, either on account of labor or materials; to procure regular vouchers for the same; and to account at the Treasury for all sums appropriated to objects within his department. It is also his duty, as superintendent of the city of Washington, to see that the plan and regulations are observed; to attend to the sale of public lots; to collect and account for the proceeds thereof; to make, under certain circumstances, streets through, and foot-ways in front of, the public grounds, and to have the care and management of those grounds. It is also understood that the United States are parties to several suits now depending to try the right to property in the city of Washington of a considerable amount, the care and management of which suits appertain to the commissioner of the public buildings. It may not be thought irrelevant here to refer to a report made by the commissioner of the public buildings to the House of Representatives during the present session, in relation to the public lands in the city of Washington, by which it appears, that " of the building lots there remain unsold about the number of 5,150, the reservations containing together 541 acres 1 rood and 29 perches, or 23,584,745 square feet, equal to 4,479½ standard lots; that the average price of the public lots heretofore sold is $180 per lot; and, at this valuation, the whole of the grounds belonging to the United States, in the city of Washington, amount to $1,733,310." There is no such officer created, by law, as an architect of the public buildings; but it is the duty of the commissioner of the public buildings to employ an architect, when necessary, as it is his duty likewise to employ all other necessary agents; and when the public buildings shall be completed, the services of an architect may be dispensed with. From the view which the committee have taken of the duties of commissioner of the public buildings, taking into consideration the quantity and value of the public property subject to his care and management, they cannot resist the impression that the office is a necessary one, that its duties are important, and that it is inexpedient to transfer them, as proposed by the resolution. The committee, however, being anxious to retrench the expenditure of the public money, where it may be done without a sacrifice of the public interest, and believing that the duties of the commissioner of the public buildings are less arduous than they formerly were, in consequence of the progress made towards the completion of the buildings, recommend a reduction of the salary of the commissioner to the sum of $1,500 per annum; and for that purpose have directed that a bill be reported.

17th Congress.] No. 524. [1st Session.

EXTRA PAY TO THE ATTORNEY GENERAL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 12, 1822.

Mr. Sergeant, from the Committee on the Judiciary, to whom was referred a message from the President of the United States, furnishing, in compliance with a resolution of the House, certain information relating to the amount of the public money paid to the Attorney General, over and above his salary fixed by law, since the 1st January, 1817, reported:

That the office of Attorney General was established by the act of the 24th September, 1789, and his duty defined to be, "to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law, when required by the President of the United States, or when requested by the heads of any of the Departments, touching any matters that may concern their Departments."

The same act directs that he "shall receive such compensation as shall by law be provided."

By an act of the 23d September, 1789, the compensation of the Attorney General was fixed at $1,500 a year. It has been raised by successive acts of Congress, from time to time, as the increased labor and other just considerations seemed to require, and is now $3,500, which cannot be deemed more than a reasonable allowance, considering that the increased demand for the frequent legal aid of the Attorney General has made it necessary for him to reside at the seat of Government, and requires a much larger devotion of his time to the public service than was formerly called for.

From the act of 24th September, 1789, to the present time, no change has been made in the constitution of the office, or the definition of the duties which belong to it, nor is it believed that any such has been suggested; and it may therefore well be inferred that nothing has heretofore occurred to induce any one to suppose that a change was expedient; and the committee deem it fit to add, that they neither know nor have heard of any complaint that the office has not answered its purpose.

The appointments heretofore made, and the compensation heretofore and now allowed, have had reference only to the existing constitution of the office, and the duties belonging to it, as already stated.

It follows clearly that no Department of the Government has a right, nor ever has had a right, to call upon the Attorney General to perform any other duties; and it would be difficult to show that an officer is under a greater obligation than a private citizen to render gratuitous services to the Government, particularly where they are of a nature to be estimated and paid for.

In the extensive and interesting concerns of the nation, it will nevertheless happen, as it has already frequently happened, that the Government will have occasion for other or further legal aid than that which their officers are bound, or, in some cases, able to afford. Such occurrences are, in their nature, contingent, and they can only be provided for by the establishment of offices, and the appointment of officers, upon a scale to embrace every possible contingency, (with adequate salaries and emoluments,) which, if it be at all practicable, would be onerous and wasteful; or, by leaving to the executive officers of the Government the power of engaging such aid, from time to time, as the occasions may occur; exercising this very inconsiderable discretion under the same responsibility as belongs to their more important duties: the latter has been the practice of the Government.

Where such occasional aid can be afforded by the Attorney General without interference with his proper duties, (as in cases occurring at or near to the seat of Government,) there is no objection to his being employed upon the ordinary professional footing—of receiving a compensation for the service required. It was not the design of the office, as has already appeared, that he should render any other than the stated duties for the stated compensation or salary; and it was never understood or intended that the office was to deprive the officer of the right to employ his professional talents and learning for his own benefit, where that could be done without prejudice to the faithful performance of his stated duties. There is no good reason why the Attorney General should not, under the limitation just mentioned, be at liberty to engage in the general pursuits of the profession. Accordingly, such has been the usage, not only in the instance of the Attorney General of the United States, but, it is believed, of every State in the Union, to engage in private practice, abstaining only where it interfered with public duty.

In reviewing the past, then, the committee find nothing to disapprove. Where additional professional aid has been employed, it seems to have been necessary and proper, and not to have been compensated beyond a fair and reasonable amount. Where compensation has been allowed to the Attorney General, it has been for services rendered which did not belong to his office, which he was in no manner bound to perform, and for which, therefore, if he did perform them, he was entitled to be paid as any other professional man would be. And they think it fit to state, explicitly, that, in those instances where compensation has been allowed to the distinguished citizen who now fills the office, services have been faithfully rendered, well deserving what has been paid to him, and it certainly has not been greater than must have been paid to any other eminent lawyer.

In regard to the future, the committee can propose no other plan than that which has heretofore been adopted and approved. It seems to the committee to have well answered its purpose, and they perceive no good reason to fear that it will prove less effectual in future. They therefore offer the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

To the House of Representatives of the United States: WASHINGTON, *April* 6, 1822.

In compliance with the resolution of the House of Representatives, requesting the President of the United States to cause to be furnished to that House certain information relating to the amount of public money paid to the Attorney General, over and above his salary fixed by law, since the 1st of January, 1817; specifying the time when paid, the particular services rendered, and the fund out of which such payments have been made; I transmit a paper marked A, containing the information desired. I transmit, also, a paper marked B, containing a statement of the sums paid to Attorney Generals of the United States prior to the 1st of January, 1817; and, in the paper marked C, a like statement of sums advanced to district attorneys for services not required of them by law. These latter documents being necessary to a full view of the subject, it is thought proper to comprise them in this communication.

By the act of the 24th of September, 1789, instituting the office of Attorney General, it was made his duty to prosecute and conduct all suits in the Supreme Court, in which the United States should be concerned; and to give his advice and opinion upon questions of law, when required by the President of the United States, or when requested by the head of any of the Departments, touching any matters that might concern their Departments. It will be seen, therefore, by the statement communicated, that no money whatever has been paid to the Attorney General for his services in that character, nor for any duty belonging to his office, beyond his salary, as fixed by law.

It will also be shown, by the documents communicated, that the construction given of the laws imposing duties on the Attorney General and district attorneys, has been invariably the same since the institution of the Government. On the same authority, it was thought that the compensation allowed to the present Attorney General, for certain services, considering their importance, and the time employed in rendering them, did not exceed, regarding precedents, what might fairly be claimed.

JAMES MONROE.

A.

A statement of the sums paid to William Wirt, Attorney General of the United States, beyond his salary, for services not required of him by law.

1818. Dec. 18,	On account of his professional services in the circuit court of the United States, at Baltimore, as additional counsel to the district attorney, in certain criminal prosecutions, at the suit of the United States, for various piracies and violations of our laws to preserve the neutral relations of the United States,* - -	$1,500
May,	On account of his professional services in the circuit court of the United States, at Baltimore, as additional counsel to the district attorney, in several criminal prosecutions for robbing of the mail,† - - - - - -	1,000
1820. June 7,	For drawing the answer of William Otis to the bill of Blake for the United States *vs.* William and John Otis, in the circuit court of Massachusetts, - -	50
1821. March,	For advice, and an argument, in the case of James Johnson, of Kentucky, which was referred to arbitrators, ‡ - - - - - -	400
April 9,	On account of his professional services in the Supreme Court, in the case of Anderson *vs.* Dunn, February term, 1821: employed by the Speaker of the House of Representatives, - - - - - - - -	500

TREASURY DEPARTMENT, *Register's Office, March* 20, 1822.

JOSEPH NOURSE, *Register.*

* Mr. Wirt observes, in this case, that he was detained, unavoidably, in Baltimore, upwards of thirty days, at his own expense.

† Mr. Wirt observes, in this case, that the trials were separately had, the detention and trouble very considerable, and Mr. W. at his own expense.

‡ Mr. Wirt observes, in this case, he was employed to furnish a written answer to two arguments, prepared for the arbitrators on the part of the Messrs. Johnson; and, also, to give a full argumentative view of the whole case, facts, and law, in behalf of the United States. The evidence was voluminous and complicated, the sum in controversy several hundred thousand dollars, and the labor much greater than would have been necessary in an argument to be delivered *ore tenus*, in the Supreme Court, while the compensation was much less than an individual would have had to pay for this service.

B.

A statement of the sums paid to the Attorney Generals of the United States, prior to the 1st of January, 1817, beyond their salary, for services not required of them by law.

Date of payment.	To whom paid.	For what services.	Amount.
1792. October 26,	Edmund Randolph,	For his expenses incurred attending a circuit court held at Yorktown, in Pennsylvania, by order of the President of the United States, - - - -	$54
1814. January 26,	William Pinkney,	For his fee in the case of the United States against Brown and others, - - - - - -	100

TREASURY DEPARTMENT, *Register's Office, March* 20, 1822.

JOSEPH NOURSE, *Register.*

C.

A statement of the sums paid to the District Attorneys of the United States, beyond their salary and fees of office, for services not required of them by law.

Date of payment.	To whom paid.	For what services.	Amount.
August 19, 1794,	Alexander Campbell,	Attorney for the district of Virginia, being for his compensation for attendance at Norfolk, eight days, in January last, in order to take depositions respecting the capture of a British vessel alleged to have been taken by a French privateer, - - - - -	$64 00
Feb. 18, 1795,	William Rawle, -	Attorney for the district of Pennsylvania, being the amount of compensation charged by him for sundry opinions and other services rendered to the Treasury Department from April, 1792, to May, 1794; and, also, for fees as attorney for the United States in various suits at law with individuals, - - - - - -	416 00
Feb. 20, 1795,	William Rawle, -	Being for his compensation and expenses attending the militia army against the insurgents, by order of the President,	608 83
March 4, 1796,	Alexander Campbell,	For his fees, as agreed with the Attorney General, for arguing the cause before the Supreme Court in February term, 1796, respecting the constitutionality of the act imposing duties on carriages, - - - - -	233 33
Nov. 10, 1796,	Richard Harrison, -	Attorney for the district of New York, for the fees and costs in a cause against Andrew Bostwick, and in two causes against the schooner La Vengeance, - - -	287 27
June 20, 1799,	David L. Barnes, -	Attorney for the district of Rhode Island, for his advice and extra services to the collectors of Newport and Providence in that State, - - - - -	50 00

STATEMENT C—Continued.

Date of payment.	To whom paid.	For what services.	Amount.
Feb. 17, 1803,	George Blake, -	Attorney for the district of Massachusetts, being the amount allowed him for extra services in defending, before the State court, a suit brought by Cabot and others against William Bingham, late agent of the United States at Martinique, - - - - -	$212 00
March 14, 1804,	Alexander J. Dallas,	Allowed him for his services as counsel to assist the Attorney General, on behalf of the United States, in the case respecting duties on sugar refined in the United States before the 30th of June, 1802, and not removed from the refineries previous to that day, - - -	300 00
March 19, 1805,	Alexander J. Dallas,	For his services as counsel on the part of the United States in the suit against the assignees of Peter Blight, -	500 00
Oct. 10, 1806,	Pierpont Edwards, -	Attorney for the district of Connecticut, for his fee as counsel in the cases of the United States *vs.* Samuel G. Ogden and William Smith, at a circuit court held for the district of New York, in April term, 1806, and at a special court held in said district on the 14th of July, 1806, -	500 00
May 14, 1808,	Walter Jones, jun. -	Attorney for the District of Columbia, for his services in the Supreme Court in the case of the United States against the schooner Betsey and Charlotte, William Yeaton claimant, - - - - -	200 00
Nov. 1, 1808,	Silas Lee, -	Attorney for the district of Maine, for thirty-six days' service, and expenses in assisting the collector of Passamaquoddy in the execution of the laws, &c., - -	450 00
Nov. 30, 1812,	Walter Jones, jun. -	For his services as judge advocate and recorder to the military court of inquiry convened at Fredericktown, from December, 1807, to 28th June, 1808, allowed by the Secretary of War, - - - -	800 00
Nov. 30, 1812,	Walter Jones, jun. -	For his services as judge advocate to a general court-martial at Fredericktown, for the trial of General Wilkinson, from 1st September to 28th December, 1811, allowed by the Secretary of War, - - -	2,000 00
January 1, 1813,	Alexander J. Dallas,	For his services as counsel for the United States in the case of the schooner Exchange, and ten other cases in the Supreme Court of the United States, February term, 1812, -	1,200 00
Dec. 8, 1815,	Alexander J. Dallas,	Being the amount of his account allowed by the Secretary of War for his professional services in the preparation of the specifications, in the arrangement of the evidence, and in all matters preparatory for General Hull's trial at Philadelphia in February, 1813, - - -	1,500 00
August 11, 1820,	Joseph McIlvaine, -	Attorney for the district of New Jersey, being for his legal services in an action of ejectment brought by Henry Gale against Major S. Babcock, for the recovery of the Pea Patch in the Delaware, - - -	206 28
August, 1821,	George Blake, -	Attorney for the district of Massachusetts, for payment made George Blake and Phineas Blair, for advice and attendance before the supreme court, in the county of Middlesex, on a writ of *habeas corpus* in the case of Sayre Canfield, a soldier claimed as a minor, October, 1816, -	20 00
August 13, 1821,	Chas. J. Ingersoll, -	Attorney for the district of Pennsylvania, for his professional services, rendered between the years 1815 and 1821, in the case of David Cook *vs.* Callender Irvine, as commissary general, - - - -	150 00

TREASURY DEPARTMENT, REGISTER'S OFFICE, *March* 20, 1822.

JOSEPH NOURSE, *Register*.

17th CONGRESS.] No. 525. [1st SESSION.

VACCINATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 13, 1822.

Mr. BURTON made the following report:

The committee appointed to inquire into the propriety of repealing the act of 1813 to encourage vaccination, and if, on inquiry, it shall seem proper to report a bill to that effect, have attentively and deliberately examined the subject, and submit the following report:

The recent unfortunate occurrences in the State of North Carolina having involved considerations of the utmost importance to society, and intimately connected with the dearest interests of humanity, your committee feel it to be due to the occasion to commence their remarks by a distinct and unequivocal declaration of their entire and unshaken confidence in the efficacy of the vaccine disease as a preventive of small-pox. In addition to the experience

of the most intelligent medical men in all parts of the world, the committee have the satisfaction to state that even the late unhappy accident in North Carolina has been attended by the consoling circumstance of another and a triumphant evidence of the virtues of vaccination.

The inquiry, therefore, appears to be very properly limited to the mere expediency of the existing law, which authorizes the appointment of an agent, from and to whom letters may be transmitted free of postage. While the committee would on no account offer a suggestion which could be construed to imply a doubt of the efficacy of vaccination, they conceive it may, nevertheless, be a question, whether the General Government can beneficially interpose for the furtherance of an object which seems in a peculiar manner to appertain to the municipal authorities in the several States, and which must, of necessity, be finally committed to the management and discretion of professional men possessing the confidence of the community. All our regulations for the preservation of the public health are questions of police, wisely committed to those who are immediately interested, and, therefore, most likely to adopt efficient measures for their own safety; and it is doubted whether Congress can, in any instance, devise a system which will not be more liable to abuses in its operations, and less subject to a prompt and salutary control, than such as may be adopted by the local authorities. The privilege of franking letters, conferred upon an individual for the purpose of enabling him to distribute the vaccine virus, and thereby to accumulate wealth, by levying contributions from all parts of the Union, affords an instance of monopoly as repugnant to the spirit of our political institutions as it is to the character of the medical profession, which, for public spirited and active benevolence, is too well established to require auxiliaries of this description in the performance of its duties. But another and more forcible objection presents itself. An establishment of this kind, under the authority of the General Government, naturally commands the attention of all portions of the country; and the numerous requisitions for the vaccine matter, from regions so extensive, must occasionally reduce any single agent to the necessity of either relinquishing the proffered fee, or of transmitting matter of doubtful character. Sub-agents must necessarily be employed to furnish a supply equal to the demand. Careless or incompetent assistants, guided more by cupidity than intelligence, may thus be instrumental in producing mischief, by the distribution of inert matter, or by the more fatal error of disseminating a pestilence instead of a prophylactic. That such unhappy mistakes may occur, is but too well attested by the recent events in North Carolina. The committee are therefore inclined to the belief, that any single agency for the whole Union must always be liable to similar objections, and from which they apprehend no institution, clothed with the character of a lucrative monopoly or privilege, can be entirely exempted. If, however, it should be deemed advisable for Congress to continue to aid in facilitating the distribution of vaccine matter, by the mode now in operation, the committee are of opinion that some of the evils to which they have adverted might be obviated by the appointment of two or more agents, judiciously located in our large cities in different quarters of the Union. But, after mature deliberation, they have come to the conclusion that it would be still better to commit the subject altogether to the local authorities, who, with the aid of professional men, will be more competent to the successful management of it, and to whom they believe it properly belongs. They therefore report the accompanying bill.

17th Congress.] No. 526. [1st Session.

ROADS AND CANALS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 20, 1822.

Mr. Hemphill, from the Committee on Roads and Canals, reported:

That, after carefully examining the different resolutions and petitions submitted to them, they have thought it best to make a general report, embracing the several objects of reference.

The committee have already reported that they considered it expedient to have a certain section of the State of Maine explored, for the purpose of ascertaining, by survey, the proper route for a road, and whether it would be useful in a military point of view, from the Penobscot river, at or near Bangor, to some point in the eastern boundary of the State; and, also, in favor of a survey being made to ascertain whether it would be proper for the General Government to aid in the construction of a canal in the town of Gloucester, in Massachusetts, to connect the waters of Boston and Ipswich bay, in order to avoid the tedious and dangerous passage round Cape Ann.

The committee will bring the remaining cases referred to them into the view of the House.

The Legislature of the State of New York have passed the following resolution, which has been transmitted and referred:

"In Assembly, *April* 10, 1822.

"*Resolved*, (if the honorable the Senate concur herein,) That our Senators in Congress be instructed, and our Representatives requested, to call the attention of the National Government to the great importance and public utility of improving the navigation of the Hudson, so as to open a free communication and direct intercourse for vessels of all descriptions with the internal canal navigation of the State of New York."

The design of the resolution, as the committee understand, is, to remove sand-bars that exist in several places in the Hudson river, and impede its navigation by vessels over a certain size. To improve the navigation of the tide waters of this river would require an expense of about two hundred thousand dollars, and is believed to be practicable, either by the construction of piers and dams, in such places as may be proper to concentrate the current of the river, so as to give it, with the assistance of the engine called a mud turtle, where necessary, power sufficient to remove the bars, and to prevent future deposites; or avoiding them by a lateral canal, or a combination of both.

It appears to the committee to be an object, which, in an eminent degree, is deserving of the aid of the General Government, to perfect the navigation of this river, which exhibits the phenomenon of carrying its tide waters through a mountain, and is destined to communicate with such a range of lakes and fertile countries.

Resolutions of this House have been referred, instructing the committee to inquire whether it is expedient for the United States to give aid to the Delaware and Raritan Canal Company, and to the Chesapeake and Delaware Canal Company.

The advantages to be derived from these contemplated canals, as forming central links in the great line of inland navigation along the Atlantic coast, is apparent; they would afford a cheap transportation for merchandise and munitions of war, free from the dangers of storms and enemies: on this subject several committees have reported in favor of their great importance and public utility.

A resolution has been referred, instructing the committee to inquire into the expediency of appointing commissioners to examine and report as to the practicability and probable expense of connecting, by a canal, the Potomac and Youghiogeny rivers; and sundry petitions have been referred in pursuance of the same object, which state that these rivers approach each other within the short distance of two miles; and that springs and rivers which supply them are amply sufficient to furnish water on the summit level; and that the expense would be inconsiderable, compared with its great importance.

Petitions have also been referred, earnestly soliciting the attention of Congress to the navigation of the Potomac river. The petitions state that "this stream presents a direct communication from the seat of the General Government, and the tides of the ocean, to the gentle and unobstructed waters of the west: the portage across the Allegany mountain is about seventy miles, by the national road now completed. From Cumberland, on the Potomac, the commencement of this road, to the tides at the city of Washington, is the distance of one hundred and eighty-eight miles, by the river; and the total fall is seven hundred and fifteen feet, or near four feet in each mile; this fall, with the scanty supply of water in dry seasons, renders the natural channel impracticable for useful navigation; and, to remedy this defect, a canal and lock navigation must be resorted to for the whole distance. The expense to be incurred in completing this improvement, it can be easily ascertained, would not exceed two and a half millions of dollars, estimated at the ordinary cost of such works, where obstacles of equal or greater magnitude have been overcome."

The committee need not endeavor to enumerate the many and great advantages to be derived from a connexion of the river Potomac with the western waters; they will only observe, that the project becomes more elevated and interesting, when they consider the practicability of extending this inland navigation to the lakes; which, by means of the New York navigation and the proposed Atlantic canal, would form an island in the heart of the Union.

A memorial from the Legislature of the State of Alabama has been referred, praying aid of the General Government to connect some of their valuable streams. It states that the Alabama river commences, and becomes capable of a water transportation, within eight or eleven miles of a stream equally susceptible of being rendered navigable, and which empties into the Tennessee river; that the latter receives the tribute of several other streams, which take their rise and become navigable in the State of Virginia, passing through some of its most productive lands, and watering in their course the whole eastern section of the State of Tennessee; that the dividing ground separating these waters affords a favorable opportunity of connecting the waters of the Alabama with those of the Tennessee river; and that the distance required for the produce of Tennessee to reach a market on the seaboard would be reduced from nearly two thousand miles, to New Orleans, to six or seven hundred miles, to the Mobile.

The memorial likewise calls the attention of Congress to the communication of the Pensacola bay with that of Mobile.

On the important subject of the internal improvement of the country, the committee have adopted what they consider the only true plan, by reporting a bill to procure the necessary surveys, plans, and estimates, on the subject of roads and canals. This is a measure recommended by the able and valuable report of the Secretary of the Treasury of the 4th of April, 1808. The following are abtracts:

"As an important basis of the general system, an immediate authority might also be given to take the surveys and levels of the routes of the most important roads and canals which are contemplated; a work always useful, and by which the practicability and expense of the undertakings would be ascertained with much more correctness than in this report." "A moderate appropriation would be sufficient for those several objects."

The execution of this measure would present to Congress a full view of the subject, and enable them the better to decide on the propriety of engaging in these undertakings. It would lay the foundation of a well-digested and regular system, and it would not require any immediate demand on the treasury for a large amount. It is believed that fifteen or twenty thousand dollars would be sufficient; and the expenditure of this sum would be divided between three and four years, as it would consume that period to obtain the information.

For many reasons, the committee have supposed that the information could be more satisfactorily obtained by the corps of engineers than from any other source. They are a well-disciplined and organized body, and composed of the most capable of our scientific men; and it belongs peculiarly to the topographical corps to explore the country, and to give accurate knowledge of such parts as may be deemed necessary by actual surveys. In this manner, a similar corps has been employed in France, through which every necessary information, relating to the face of the country, is acquired, and deposited in what is called their military bureau.

The corps of engineers, with the assistance of two civil engineers, and the aid of others who can be detailed to do duty in that corps, are believed, by those best acquainted with the subject, to be sufficient. They proceed by a regular system, and report monthly. Young cadets, as they leave the Military Academy, can be employed. It will give them experience, and advance their usefulness to their country. It will render the science appertaining to the engineer department more perfect and extensive, and obviate the necessity of employing foreign engineers. There are farther inducements, as it respects economy: they are already in the employment of the Government, and can have no motive to delay the work. They can be actuated by no other than an honorable ambition to establish their own reputation, and to show that their institution is valuable to their country. It is the practice to allow them but $1 50 per diem beyond their usual compensation, which is merely to meet occasional expenses. The difference of expense in obtaining the information by the corps of engineers, or by commissioners and common surveyors, would be exceedingly great. The information, when obtained, would be valuable; for it cannot be otherwise than important to be acquainted with the capacities of the country for internal improvements. It would be useful to the States who have not the same economical means of acquiring it; and this part of the subject cannot be embarrassed by any constitutional question.

The commencement of internal improvements upon a large scale has generally been attended with difficulties, and improvidently delayed. The people of England, after having experienced their advantages, are astonished that such works had not been undertaken earlier. In the beginning of the reign of George III. the first charter to the Duke of Bridgewater was obtained, and his canal is said to yield £80,000 sterling per annum. The growth of canals became so rapid, that George III. lived to see a hundred completed during his reign; and it is a matter of surprise, now, that the Government suffered them to be carried on without a participation, which would have produced so much revenue.

In the authority from which the above is derived, it is stated that more than 2,400 miles of canalling have been completed, and that scarcely any district of country is more than fifteen miles from a water communication.

Nothing but the ardency of the most energetic minds could have overcome the opposing obstacles in the State of New York. By some, the project in the beginning was looked upon as romantic; they began without resources, relying upon the credit of the State, and, in the course of six years, will have completed 414 miles of canalling, which averages nearly a quarter of a mile for each working day, including the locks; the expense of the undertakings, it is now ascertained, will fall below the original estimates; the whole will not exceed five millions of dollars. The profits of these works, from what appears to be a reasonable calculation, will, in a few years, extinguish the expense of making the works, and afterwards leave an annual revenue to the State of more than a million of dollars. These works are of high importance to the nation; they show what can be done, and that a Government, with proper management, can execute great undertakings with despatch and economy: they have afforded, moreover, the most valuable experience in the science of engineering.

We must be convinced, from the example of other nations, that the natural advantages of this country will not remain unenjoyed forever; national improvements will at some time be prosecuted and perfected; but why should we be deprived of their eminent advantages by further delay?

It is said that the proper period has not arrived, and that we have neither resources nor constitutional power.

As to the time, we have opinions from different quarters that are entitled to our best respect.

In 1807 the attention of the Senate was directed to this subject, and it was in pursuance of a resolution of that body that the Secretary of the Treasury made his report. Able reports have been made in the Senate at different times, recommending some system of internal improvements.

In 1817 a bill passed both Houses of the Legislature on this subject, which was rejected by the President upon constitutional scruples.

The object of the bill was to set apart and pledge a fund for the construction of roads and canals, and improving the navigation of watercourses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions necessary for the common defence. For this purpose the dividends from the shares belonging to Government in the Bank of the United States were to be pledged for twenty years during the charter, and the proportion of the moneys to be expended on the objects in each State was to be in the ratio of its representation in the most numerous branch of the National Legislature. Mr. Madison and the present Chief Magistrate both have recommended the subject of internal improvements to the attention of Congress, as an object of sufficient magnitude to produce a change in the constitution: neither suggested the idea that the subject was prematurely pressed upon the nation.

In 1818 the House of Representatives passed two resolutions, requiring the Secretary of the Treasury and Secretary of War to furnish information respecting internal improvements.

When we reflect on the influence to which such authorities are entitled, and see that the nation has increased to nearly ten millions, we think it ought to be admitted that the time has arrived when the national improvements ought to be commenced.

As to the resources, New York commenced her immense undertakings on the credit of the State; and it is believed that it would not, in a just comparison, be a greater undertaking for the Union to accomplish the most prominent objects of national improvements.

In relation to the resources, it ought to be considered how much the country would be benefited, and, in the casualty of a war, how much would be saved. Had the country been improved by roads and canals during the late war with England, a doubt can hardly be entertained that as much money would have been saved as would be sufficient to complete them. Similar events may occur again, and it would be wise to prepare for them; and especially so when the improvements, independent of this consideration, would be worth infinitely more to the country than the amount of their cost.

In the course of three or four years, which will be consumed in procuring the surveys and estimates under the proposed bill, our finances may be improved. But suppose no favorable change is produced, the improvements must be a work of time; and if it should be necessary to resort to loans, large sums would not be wanted at any one time; and if proper objects are selected in the beginning, a revenue will be coming in long before the whole is completed. A canal along the Atlantic coast, it is probable, would yield more than six per cent. immediately after its completion; the public expenditures would be spread over a period of perhaps twenty years; and if, during that time, the General Government, with the aid to be derived from incorporated companies, would expend twenty millions of dollars, the advantages to the country would be incalculable; and the revenue to be derived from the improvements, if it did not meet the interest of the capital expended, it cannot be expected that it would fall far short of it. In time, there can be no fear but that it would exceed the interest, and become a source of revenue to the Government.

Looking forward to the completion of the works, (say twenty years,) and supposing all the money to be borrowed, if we advert to the usual course of nature, we can perceive that the pension fund might be applied to the extinguishment of the debt. It would be passing the fund from an object of charity to one of permanent utility to the country.

We will suppose the last case, and the one which is most unfavorable. Suppose the debt, together with the improvements, go down to posterity; it would only create an obligation on those who would have the enjoyment of the improvements to pay the debt. There does not seem to be the same pressing obligation on us to pay off such a debt as in the case of most others.

If we are to wait until the public debt is paid off, the scheme of internal improvements may as well be abandoned at once. We have no good reason to expect a more favorable time to make a beginning.

As to the power, it is not customary in reports to enter into a minute discussion of constitutional points. The committee will not, therefore, take up the constitution to examine it. Enough, they think, has been done on the part of Government to preclude this question from further inquiry. Nothing can be more desirable to society than to arrive at a settled construction on the different parts of the constitution. Versatility on such questions would impair the character of the nation, and be detrimental to its interest. The committee will merely observe, that, in their opinion, Congress can possess no power except that which is derived through the constitution. Consent or contract cannot confer power; and, if Congress has no power to construct roads and canals, and maintain a control over them, it can have no power to purchase lands, or appropriate money for the purpose of making them; but it has been the constant practice to allow to the new States five per cent. of the nett proceeds arising from the sales of public lands, to be laid out in the construction of roads and canals. Three-fifths are generally to be expended within the States, and two-fifths are to be expended under the direction of Congress, in the making of roads leading to the States. From forty to fifty thousand dollars are annually expended in this manner.

In 1806 the President was authorized by Congress to open a road from Nashville, in the State of Tennessee, to Natchez. This road passes through a State, without asking consent. In 1809 the President was authorized to cause the canal of Carondelet, leading from Lake Pontchartrain, by way of the Bayou St. John, to the city of New Orleans, to be extended to the river Mississippi. The Cumberland road has cost $1,800,000, which exceeds the proceeds arising from the sales of public lands in that State more than $1,000,000. How is it possible to recon-

cile these acts with the idea that Congress possesses no power to construct roads and canals? If there should ever be a construction of the constitution dangerous to liberty, there will be an apology for repeated resistance; but when there has been a series of legislation in pursuance of a construction of the constitution which is calculated to promote the best interests of the country, it is not consistent with wisdom, or the peace and welfare of society, to disturb it.

In what age or nation has the power of improving a country been wilfully abused? Even the unsuccessful attempts at great undertakings have received the admiration of mankind. No power can be more safely placed in the hands of the representatives of the people; and it may be truly said, that, among the objects of a national character, which at intervals engage the patriotism and resources of a nation, none are more beneficial, and none so permanent, as the internal improvements of a country. While others, with the institutions that gave them birth, may be effaced even from remembrance by the flow of time, these will remain as lasting as the rivers they connect, to be enjoyed and admired as long as generations are permitted to exist.

The committee, upon the whole, do not deem it expedient to recommend the immediate prosecution of any work; they think that some well-digested system ought hereafter to be devised by Congress, which can be done with greater propriety when the surveys and estimates shall have been received, by virtue of the proposed bill already alluded to.

They therefore offer the following resolution:

Resolved, That it is inexpedient at present to authorize the expenditure of any money on any of the objects referred, except to carry into effect the bill reported, entitled "A bill to procure the necessary surveys, plans, and estimates on the subject of roads and canals."

17th CONGRESS.] No. 527. [1st SESSION.

EXTENSION OF A PATENT RIGHT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 29, 1822.

Mr. SERGEANT, from the Committee on the Judiciary, to whom was referred the petition of Anthony Dey and James Macdonald, and the petition or remonstrance of David Melville, and also a report of the Committee on Agriculture, on the first-mentioned petition, reported:

That Messrs. Dey and Macdonald allege that the said Macdonald is the inventor of a new and useful machine for breaking and cleaning hemp and flax, of great public importance; which invention was prosecuted and perfected at the expense of the said Dey, who has on that account been permitted to have an interest therein. It is understood and believed, though not stated in the petition, that for this invention they have obtained a patent. On the ground chiefly of the great merit of the invention, and of a discovery by the said Dey of a process for bleaching hemp or flax, after being dressed in the said machine, (supposed also to have been patented,) they ask for an extension of the exclusive right, and for such protection in relation thereto as Congress may think just and proper. The petition does not state particularly what they wish, but the committee have understood from Mr. Dey that they desire to have the right to extend their exclusive privilege, on certain terms, beyond the period allowed by the existing law, and also to be enabled, in every case of infringement, to recover a large pecuniary penalty, instead of the damages heretofore given. They further ask for certain alterations in the general patent law, in order to render it more efficacious in favor of patentees, and they especially ask for a change in respect to costs.

The petitioner, David Melville, claims to be the prior inventor of a machine for breaking and dressing hemp and flax, which he has gradually improved at a great expense, until, as he asserts, his machine is entitled to a preference to any other ever offered to the public patronage. And he insists that the machine offered by Messrs. Dey and Macdonald embraces the principle, in part, of his invention; for proof of which he refers to the model in the Patent Office. He therefore remonstrates against the grant of any peculiar privileges to Dey and Macdonald.

Without entering at all into the consideration of the merits of the machines exhibited by Dey and Macdonald, which have been so favorably noticed by the Committee on Agriculture, they think it quite plain that, where there is a conflict of claims to the invention, Congress ought not to interfere between the contending claimants, but leave them to the proper judicial tribunals to adjust their respective pretensions. It would be obviously wrong to grant any privileges to one which are not at the same time granted to the other. It is needless, therefore, to inquire whether, under other circumstances, it might be fit and expedient to comply with such a request as that of Dey and Macdonald. The committee are not disposed to deny that cases may occur, where, from the magnitude of the invention, and other considerations of an extraordinary nature, it might be proper to grant extraordinary encouragement; but they suppose it to be an indispensable ground for the grant, that the invention should either be uncontested, or proved to be incontestable by a judicial decision.

As to the general patent law, the committee are well aware that patentees complain of it as inefficacious, and have been desirous of further and more powerful provisions in their favor. If the rights and interests of patentees were alone in question, and there could be but one patent for one invention, there would be little difficulty in affording adequate security; and it is believed that the error of the patentees (certainly a very natural one) is, that, strongly impressed with a sense of the justice of their own pretensions, they do not sufficiently estimate the rights and interests of the rest of the community, nor perhaps even the considerations which belong to conflicting claims of inventors. It is the duty of Congress, in legislating on the subject, to conciliate, if possible, all these views. In this spirit, the existing laws have been framed; and if, in some cases, they do not fully do justice to the patentees, it is also true that they sometimes give them advantages, to the prejudice of other citizens. These are evils incident to every general law. As far as is practicable, they ought to be remedied; but, where the remedy would introduce still greater evils, it is equally obvious that it ought not to be applied.

The committee do not perceive that any beneficial alteration can be made in the present law. They, therefore, offer the following resolution:

Resolved, That the petitioners have leave to withdraw their petitions.

17th Congress.] No. 528. [1st Session.

JONATHAN RUSSELL'S ACCOUNT OF CERTAIN PROCEEDINGS OF A MAJORITY OF THE AMERICAN MINISTERS WHO NEGOTIATED THE TREATY OF PEACE WITH GREAT BRITAIN AT GHENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 4 AND 8, 1822.

To the House of Representatives of the United States: WASHINGTON, *May* 4, 1822.

In compliance with a resolution of the House of Representatives of the 19th of April, requesting the President "to cause to be communicated to the House (if not injurious to the public interest) any letter which may have been received from Jonathan Russell, one of the ministers who concluded the treaty of Ghent, in conformity with the indications contained in his letter of 25th of December, 1814," I have to state that, having referred the resolution to the Secretary of State, and it appearing by a report from him that no such document had been deposited among the archives of the Department, I examined and found among my private papers a letter of that description, marked "private" by himself. I transmit a copy of the report of the Secretary of State, by which it appears that Mr. Russell, on being apprized that the document referred to by the resolution had not been deposited in the Department of State, delivered there a paper "purporting to be the duplicate of a letter written by him from Paris, on the 11th of February, 1815, to the then Secretary of State, to be communicated to the House, as the letter called for by their resolution."

On the perusal of the document called for, I find that it communicates a difference of opinion between Mr. Russell and a majority of his colleagues, in certain transactions which occurred in the negotiations at Ghent, touching interests which have been since satisfactorily adjusted by treaty between the United States and Great Britain. The view which Mr. Russell presents of his own conduct, and that of his colleagues, in those transactions, will, it is presumed, call from the two surviving members of that mission, who differed from him, a reply, containing their view of those transactions, and of the conduct of the parties in them, and who, should his letter be communicated to the House of Representatives, will also claim that their reply should be communicated in like manner by the Executive—a claim which, on the principle of equal justice, could not be resisted. The Secretary of State, one of the ministers referred to, has already expressed a desire that Mr. Russell's letter should be communicated, and that I would transmit at the same time a communication from him respecting it.

On full consideration of the subject, I have thought it would be improper for the Executive to communicate the letter called for, unless the House, on a knowledge of these circumstances, should desire it; in which case, the document called for shall be communicated, accompanied by a report from the Secretary of State, as above suggested. I have directed a copy to be delivered to Mr. Russell, to be disposed of as he may think proper, and have caused the original to be deposited in the Department of State, with instructions to deliver a copy to any person who may be interested.

JAMES MONROE.

DEPARTMENT OF STATE, WASHINGTON, *May* 3, 1822.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 19th ultimo, requesting the President "to cause to be communicated to the House (if not injurious to the public good) any letter or communication which may have been received from Jonathan Russell, esquire, one of the ministers of the United States who concluded the treaty of Ghent, after the signature of that treaty, and which was written in conformity to the indications contained in said minister's letter, dated at Ghent, 25th of December, 1814," has the honor of reporting to the President: That, until after the adoption of the said resolution by the House, there was upon the files of the Department of State no letter from Mr. Russell, of the description mentioned therein; but that Mr. Russell himself has since delivered at the Department a communication purporting to be the duplicate of a letter written by him from Paris, on the 11th of February, 1815, to the then Secretary of State, to be communicated to the House, as the letter called for by their resolution.

A copy of this paper is herewith submitted to the President.

JOHN QUINCY ADAMS.

To the House of Representatives: WASHINGTON, *May* 7, 1822.

In compliance with the resolution of the House of Representatives of the 7th of May, requesting the President of the United States "to communicate to that House the letter of Jonathan Russell, Esq., referred to in his message of the 4th instant, together with such communications as he may have received, relative thereto, from any of the other ministers of the United States who negotiated the treaty of Ghent," I herewith transmit a report from the Secretary of State, with the documents called for by that resolution.

JAMES MONROE.

DEPARTMENT OF STATE, WASHINGTON, *May* 7, 1822.

The Secretary of State has the honor of transmitting to the President of the United States his remarks upon the paper deposited at the Department of State on the 22d of last month, by Jonathan Russell, late one of the plenipotentiaries of the United States, at the negotiation of Ghent, to be communicated to the House of Representatives, as the letter called for by their resolution of the 19th of that month; and the Secretary of State respectfully requests that the President would transmit to the House of Representatives these remarks, together with the above-mentioned communication of Mr. Russell, on the renewal of the call therefor by the House.

JOHN QUINCY ADAMS.

Mr. Russell to the Secretary of State.

[PRIVATE.]

SIR: PARIS, *February* 11, 1815.

In conformity with the intimation contained in my letter of the 25th of December, I now have the honor to state to you the reasons which induced me to differ from a majority of my colleagues on the expediency of offering an article confirming the British right to the navigation of the Mississippi, and the right of the American people to take and cure fish in certain places within the British jurisdiction.

The proposition of such an article appeared to be inconsistent with our reasoning to prove its absolute inutility. According to this reasoning, no new stipulation was any more necessary, on the subject of such an article, than a new stipulation for the recognition of the sovereignty and independence of the United States.

The article proposed appeared also to be inconsistent with our instructions, as interpreted by us, which forbade us to suffer our right to the fisheries to be brought into discussion; for, it could not be believed that we were left free to stipulate on a subject which we were restrained from discussing, and that an argument, and not an agreement, was to be avoided. If our construction was indeed correct, it might not, perhaps, be difficult to show that we have not, in fact, completely refrained from the interdicted discussion.

At any rate, the proposal of the article in question was objectionable, inasmuch as it was incompatible with the principles asserted by a majority of the mission, and with the construction which this majority had adopted on that part of our instructions which related to the fisheries. If the majority were correct in these principles, and in this construction, it became us to act accordingly; if they were not correct, still it was unnecessary to add inconsistency to error.

I freely confess, however, that I did not accord with the majority, either in their view of the treaty of 1783, whence they derived their principles, or of our instructions; and that my great objection to proposing the article did not arise from an anxiety to reconcile our conduct with our reasoning and declarations.

I could not believe that the independence of the United States was derived from the treaty of 1783; that the recognition of that independence by Great Britain gave to this treaty any peculiar character; or that such character, supposing it existed, would necessarily render this treaty absolutely inseparable in its provisions, and make it one entire and indivisible whole, equally imperishable in all its parts, by any change which might occur in the relations between the contracting parties.

The independence of the United States rests upon those fundamental principles set forth and acted on by the American Congress, in the declaration of July, 1776, and not on any British grant in the treaty of 1783; and its era is dated accordingly.

The treaty of 1783 was merely a treaty of peace, and therefore subject to the same rules of construction as all other compacts of this nature. The recognition of the independence of the United States could not well have given to it a peculiar character, and excepted it from the operation of these rules. Such a recognition, expressed or implied, is always indispensable on the part of every nation with whom we form any treaty whatsoever. France, in the treaty of alliance, long before the year 1783, not only expressly recognised, but engaged effectually to maintain this independence; and yet this treaty, so far from being considered as possessing any mysterious peculiarity by which its existence was perpetuated, has, even without war, and although part of it contained words of perpetuity, and was unexecuted, long since entirely terminated.

Had the recognition of our independence by Great Britain given to the treaty of 1783 any peculiar character, (which it did not,) still that character could have properly extended to those provisions only which affected that independence. All those general rights, for instance, of jurisdiction, which appertained to the United States, in their quality as a nation, might, so far as that treaty was declaratory of them, have been embraced by such peculiarity, without necessarily extending its influence to mere special commercial liberties and privileges, or to provisions long since executed, not indispensably connected with national sovereignty, or necessarily resulting from it.

The liberty to take and cure fish within the exclusive jurisdiction of Great Britain was certainly not necessary to perfect the jurisdiction of the United States; and there is no reason to believe that such a liberty was intended to be raised to an equality with the general right of fishing within the common jurisdiction of all nations, which accrued to us as a member of the great national family. On the contrary, the distinction between the special liberty and the general right appears to have been well understood by the American ministers who negotiated the treaty of 1783, and to have been clearly marked by the very import of the terms which they employed. It would evidently have been unwise in them, however ingenious it may be in us, to exalt such a privilege to the rank of a sovereign right, and thereby to have assumed the unnecessary and inconvenient obligation of considering such a liberty to be an indispensable condition of our national existence, and thus rendering that existence as precarious as the liberty itself. They could not have considered a privilege which they expressly made to depend, to a very considerable extent, for its continuance, on events and private interests, as partaking of the character and entitled to the duration of the inherent properties of sovereignty. The settlement of the shores might at any time have been effected by the policy of the British Government, and would have made the assent of British subjects, under the influence of that policy, necessary to the continuance of a very considerable portion of that liberty. They could not have meant thus to place within the control of a foreign Government and its subjects an integral part, as we now affect to consider this privilege, of our national rights.

It is from this view of the subject that I have been constrained to believe that there was nothing in the treaty of 1783 which could essentially distinguish it from ordinary treaties, or rescue it, on account of any peculiarity of character, from the *jura belli*, or from the operation of those events on which the continuation or termination of such treaties depends. I was, in like manner, compelled to believe, if any such peculiarity belonged to those provisions in that treaty, which had an immediate connexion with our independence, that it did not necessarily affect the nature of the whole treaty, or attach to a privilege which had no analogy to such provisions, or any relation to that independence.

I know not, indeed, any treaty, or any article of a treaty, whatever may have been the subject to which it related, or the terms in which it was expressed, that has survived a war between the parties, without being specially renewed, by reference or recital, in the succeeding treaty of peace. I cannot, indeed, conceive of the possibility of such a treaty or such an article; for, however clear and strong the stipulations for perpetuity might be, these stipulations themselves would follow the fate of ordinary unexecuted engagements, and require, after a war, the declared assent of the parties for their revival.

We appear, in fact, not to have had an unqualified confidence in our construction of the treaty of 1783, or to have been willing to rest exclusively on its peculiar character our title to any of the rights mentioned in it, and much less our title to the fishing liberty in question. If hostilities could not affect that treaty, or abrogate its provisions, why did we permit the boundaries assigned by it to be brought into discussion, or stipulate for a restitution

of all places taken from us during the present war? If such restitution was secured by the mere operation of the treaty of 1783, why did we discover any solicitude for the *status ante bellum*, and not resist the principle of *uti possidetis* on that ground?

With regard to the fishing privilege, we distinctly stated to you in our letter of the 21st of December, that, "at the time of the treaty of 1783, it was no new grant, we having always before that time enjoyed it," and thus endeavored to derive our title to it from prescription. A title derived from immemorial usage, antecedent to 1783, could not well owe its origin or its validity to a compact concluded at that time; and we could, therefore, in this view of the subject, correctly say that this privilege was no new grant; that is, that our right to the exercise of it was totally independent of such compact. If we were well founded, however, in the assertion of our prescriptive title, it was quite unnecessary to attempt to give a kind of charmed existence to the treaty of 1783, and to extend its undefinable influence to every article of which it was composed, merely to preserve that title which we declared to be in no way derived from it, and which had existed, and of course could exist, without it.

It was rather unfortunate, too, for our argument against a severance of the provisions of that treaty, that we should have discovered ourselves a radical difference between them; making the fishing privilege depend on immemorial usage, and, of course, distinct in its nature and origin from the rights resulting from our independence.

We indeed throw some obscurity over this subject when we declare to you that this privilege was always enjoyed by us before the treaty of 1783, thence inferring that it was not granted by that treaty; and in the same sentence, and from the same fact, appear also to infer that it was not to be forfeited by war any more than any other of the rights of our independence; making it thus one of these rights, and, of course, according to our doctrine, dependant on that treaty. There might have been nothing incomprehensible in this mode of reasoning had the treaty recognised this privilege to be derived from prescription, and confirmed it on that ground. The treaty has, however, not the slightest allusion to the past, in reference to this privilege, but regards it only with a view to the future. The treaty, therefore, cannot be construed as supporting a pre-existing title, but as containing a grant entirely new. If we claim, therefore, under the treaty, we must renounce prescription; and if we claim from prescription, we can derive no aid from the treaty. If the treaty be imperishable in all its parts, the fishing privilege remains unimpaired without a recurrence to immemorial usage; and if our title to it be well founded on immemorial usage, the treaty may perish without affecting it. To have endeavored to support it on both grounds, implies that we had not entire confidence in either; and to have proposed a new article, indicates a distrust of both.

It is not, as I conceive, difficult to show that we cannot, indeed, derive a better title to this fishing privilege from prescription than from any indestructible quality of the treaty of 1783.

Prescription appears to me to be inapplicable to the parties and to the subject, and to be defective both in fact and effect. As to the parties: the immemorial enjoyment of a privilege within British jurisdiction, by British subjects, the inhabitants of British colonies, could not well be considered as evidence of a title to that privilege claimed by the citizens of an independent republic, residing within the exclusive jurisdiction of that republic. The people of the United States, as such, could have claimed no special privilege within the dominions of any foreign Power from immemorial usage, in 1783, when the longest duration of their own existence in that quality was little more, at the utmost, than the brief period of seven years, which is surely not beyond the memory of man, *(ultra memoriam hominis.)* The people of the United States had never, in fact, during that period, enjoyed the fishing privilege a moment; being effectually prevented therefrom by the existing state of hostilities. Nor could the inhabitants of the colonies originally constituting the United States, even in their colonial condition, acquire against their sovereign any right from long usage or mere lapse of time, *(nullum tempus regi occurrit.)* The British sovereign was always competent to regulate and restrain his colonies in their commerce and intercourse with each other, whenever and however he might think proper; and had he forbidden his subjects in the province of Massachusetts Bay to fish, and dry and cure fish, in the bays, harbors, and creeks of Labrador, (which, by the way, had not immemorially belonged to him,) it is not to be imagined that they would have conceived themselves discharged from the obligation of submitting, on account of any pretended right from immemorial usage. The fishing privilege, therefore, enjoyed by British subjects within British jurisdiction, could give no permanent and independent right to those subjects themselves, and, *à fortiori*, no such right to the citizens of the United States, claiming under a different estate and in a different capacity. Great Britain might, indeed, as well prescribe for the prerogatives of her sovereignty over us, as we for any of the privileges which we enjoyed as her subjects.

I do not think it necessary to inquire how far the practice of the people of Massachusetts was the practice of the whole original thirteen United States, or of the United States now, including Louisiana; or how far the immemorial usage of the people of Boston can establish a prescriptive right in the people of New Orleans. I trust I have said enough to show that prescription is inapplicable to the parties. It is also, I conceive, inapplicable to the subject.

Had the United States, as an independent nation, enjoyed from time immemorial the fishing privilege in question, still, from the nature of this privilege, no prescriptive right could have thence been established. A right to fish or to trade, or to do any other act or thing within the exclusive jurisdiction of a foreign state, is a simple power, a right of mere ability, *(jus meræ facultatis,)* depending on the will of such state, and is consequently imprescriptible. An independent title can be derived only from treaty.

I conceive, therefore, that our claim to the fishing privilege from immemorial usage is not only unsupported by the fact, but cannot, in effect, result from such usage.

I have, from this view of the subject, been led to conclude that the treaty of 1783, in relation to the fishing liberty, is abrogated by the war; that this liberty is totally destitute of support from prescription; and that we are consequently left without any title to it whatsoever; for I cannot prevail upon myself to seek for such a title in the relative situation of the parties at the time of negotiating the treaty of 1783, and contend, according to the insinuation contained in our letter to you of the 21st of December, that the jurisdiction of Great Britain over the colonies, assigned to her in America, was a grant from the United States; and that the United States, in making this grant, reserved to themselves the privilege in question. Such a pretension, however lofty, is so inconsistent with the circumstances of the case, and with any sober construction which can be given to that treaty, that I shall, I trust, be excused from seriously examining its validity.

Having thus stated some of the reasons which induced me to differ in opinion from a majority of my colleagues, relative to the character of the treaty of 1783, as well as with regard to every other foundation on which they were disposed to rest our title to the fishing privilege, I shall now proceed to explain the causes which influenced me to dissent from them in the interpretation of our instructions. These instructions forbade us to permit our rights to the trade beyond the Cape of Good Hope, to the fisheries, and to Louisiana, to be brought into discussion. I conceived that this prohibition extended to the general rights only, which affected our sovereignty, and resulted from it, and not to mere special liberties and privileges which had no relation to that sovereignty, either as to its nature or extent.

The right relating to the trade beyond the Cape of Good Hope was the right which belonged to us as an independent nation, in common with all other independent nations, and not the permission of trading to those parts of

the East Indies which were within the exclusive jurisdiction of Great Britain. In like manner, the right to the fisheries, contemplated by our instructions, was, I conceived, the right common to all nations to use the open sea for fishing as well as for navigation, and not to the liberty to fish and cure fish within the territorial limits of any foreign state. The right to Louisiana, which was not to be brought into discussion, was the right to the empire and domain of that region, and not to the right of excluding Great Britain from the navigation of the Mississippi.

How far we conformed to this instruction, with regard to the general right to Louisiana, it is not necessary for me here to inquire; but certainly the majority believed themselves permitted to offer a very explicit proposition with regard to the navigation of its principal river. I believed, with them, that we were so permitted, and that we were likewise permitted to offer a proposition relative to the fishing liberty, and, had the occasion required it, to make proposals concerning the trade to the British East Indies. I was persuaded that treating relative to these privileges, or discussing the obligation or expediency of granting or withholding them, respectively, violated in no way our instructions, or affected the general rights which we were forbidden to bring into discussion. Considering, therefore, the fishing liberty to be entirely at an end without a new stipulation for its revival, and believing that we were entirely free to discuss the terms and conditions of such a stipulation, I did not object to the article proposed by us because any article on the subject was unnecessary or contrary to our instructions; but I objected specially to that article because, by conceding in it the free navigation of the Mississippi, we offered, in my estimation, for the fishing privilege, a price much above its value.

In no view of the subject could I discover any analogy between the two objects; and the only reason for connecting them, and making them mutual equivalents for each other, appeared to be because they were both found in the treaty of 1783.

If that treaty was abrogated by the war, (as I consider it to have been,) any connexion between its parts must have ceased, and the liberty of navigating the Mississippi by British subjects must, at least, be completely at an end; for it will not, I trust, be attempted to continue it by a prescriptive title, or to consider it as a reservation made by the United States from any grant of sovereignty which, at the treaty of peace, they accorded to Great Britain. If, indeed, it was such a reservation, it must have been intended for our benefit, and, of course, could be no equivalent for the fishing privilege. If it is considered as a reservation made by Great Britain, it will reverse the facts assumed by us in relation to that privilege.

The third article of the treaty of 1783, respecting the fisheries, and the eighth article of that treaty, respecting the Mississippi, had not the slightest reference to each other, and were placed as remote the one from the other as the limits of that treaty could well admit. Whatever, therefore, was the cause of inserting the fishing liberty, whether it was a voluntary and gratuitous grant on the part of Great Britain, or extorted from her as a condition on which the peace depended, it could have had no relation to the free navigation of the Mississippi. Besides, the article relative to this river must, from the evident views of the parties at the time, from their supposed relations to each other, and from their known relations to a third Power, as to this river, have been considered of mutual and equal advantage, and furnished no subject for compensation or adjustment in any other provision of that treaty. Both parties believed that this river touched the territories of both, and that, of course, both had a right to its navigation. As Spain possessed both banks of this river, to a considerable distance from its mouth, and one of its banks nearly throughout its whole extent, both parties had an interest in uniting to prevent that Power from obstructing its navigation. Had not the article been intended to engage the parties in relation to Spain, they would, probably, have limited it to the navigation of the river as far as their own territories extended on it, and not have stipulated for this navigation to the ocean, which necessarily carried it through the exclusive territories of Spain.

If the circumstances had been, in fact, such as the parties at the time believed them to be, and with a view to which they acted; or had these circumstances subsequently experienced no radical change, Great Britain would have gained now no more than she would have granted by the revival of the article in relation to the Mississippi, and would not, any more than in 1783, have acknowledged any equivalent to be conferred by it for our liberty relative to the fisheries. The circumstances, however, assumed by the parties at the time, in relation to Great Britain, and from which her rights were deduced, have not only in part been discovered not to have existed, but those which did exist have been entirely changed by subsequent events. It has been ascertained that the territories assigned to Great Britain no where, in fact, reached the Mississippi; and the acquisition of Louisiana by the United States has forever removed the Spanish jurisdiction from that river. The whole consideration, therefore, on the part of Great Britain, whether derived from her territorial rights, or from her part of the reciprocal obligations relative to Spain, having entirely failed, our engagements entered into on account of that consideration may be fairly construed to have terminated with it.

In this view of the subject, Great Britain could have had no title to the navigation of the Mississippi, even if a war had not taken place between the parties. To renew, therefore, the claims of Great Britain under that article, subject to this construction, would be granting her nothing; and to renew that article independent of this construction, and without any reference to the circumstances that attended its origin, in 1783, or to the events which have since occurred in relation to it, would be granting her advantages not only entirely unilateral, as it relates to the article itself, but, as I believe, of much greater importance than any which we could derive from the liberty relative to the fisheries.

If the article which we offered merely intended to rescue the third and eighth articles of the treaty of 1783 from the operation of the present war, and to continue them precisely as they were immediately prior to this war, (the third article being then in full force, and the eighth article being no longer obligatory,) we should have attempted to exchange, like General Drummond, the dead for the living.

It is not surprising, therefore, that the British Government should, in suspecting such an intention, have rejected our proposition. I was opposed, however, to making the proposition, not only because I was convinced that it was offered with no such intention, but because I believed it would give to Great Britain the free navigation of the Mississippi, under circumstances, and evidently for an object, which would place it on very distinct grounds from those on which it was placed by the treaty of 1783.

The whole of the Mississippi being now exclusively within the acknowledged jurisdiction of the United States, a simple renewal of the British right to navigate it would place that right beyond the reach of the war, and of every other previous circumstance which might have impaired or terminated it; and the power to grant on our part being now complete, the right to enjoy on hers, under our grant, must be complete also.

It would be absurd to suppose that any thing impossible was intended, and that Great Britain was to be allowed to navigate the Mississippi precisely as she could have navigated it immediately after the treaty of 1783; as if her territories extended to it; and as if Spain was in entire possession of one of its banks and of a considerable portion of the other. The revival of the British right to navigate the Mississippi would be, under existing circumstances, a new and complete grant to her, measured by these circumstances, and thence embracing not only the entire freedom of the whole extent of that river, but the unrestrained access to it across our territories. If we did not intend this, we intended nothing which Great Britain could accept; and whatever else might have been intended, if not at

once rejected by her, would hereafter have been the subject of new and endless controversy. When, however, we connected the revival of the navigation of the Mississippi with the revival of the liberty of taking and curing fish within the British jurisdiction, (two things which never before had any relation to each other,) we evidently meant, if we acted in good faith, not only to concede as well as to obtain something, but also to be understood as conceding an equivalent for what we obtained. In thus offering the navigation of the Mississippi, and the access to it through our territories, as an equivalent for the fishing liberty, we not only placed both on ground entirely different from that in which they respectively stood in the treaty of 1783, and acted somewhat inconsistently with our own reasoning relative to the origin and immortality of the latter; but we offered to concede much more than we could hope to gain by the arrangement, with whatever view its comparative effects might be estimated.

From the year 1783 to the commencement of the present war, the actual advantages derived from the fishing privilege by the people of the United States were, according to the best information that I can obtain on the subject, very inconsiderable, and annually experiencing a voluntary diminution.

It was discovered that the obscurity and humidity of the atmosphere, owing to almost incessant fogs in the high northern latitudes, where this privilege was chiefly located, prevented the effectual curing of fish in those regions, and, consequently, lessened very much the value of the liberty of taking them there. By far the greatest part of the fish taken by our fishermen before the present war was caught in the open sea or upon our own coasts, and cured upon our own shores. This branch of the fisheries has been found to be inexhaustible, and has been pursued with so much more certainty and despatch than the privileged portion within the British jurisdiction, that it has not only been generally preferred by our fishermen, but would probably, on longer experience, have been almost universally used by them. It was to be believed, therefore, that a discontinuance of the privilege of taking and curing fish within the British jurisdiction would not at all diminish the aggregate quantity taken by the people of the United States, or very materially vary the details of the business. That part of the fisheries which would still have belonged to us as a nation (being exhaustless) would afford an ample field for all the capital and industry hitherto employed in the general business of fishing, or merchandise of fish; and on that field might the few fishermen who had hitherto used the liberty of taking and curing fish within the jurisdiction of Great Britain exert their skill and labor without any serious inconvenience. This liberty, liable, in a very considerable degree, by the terms in which it was granted, to be curtailed by the Government and subjects of a foreign state; already growing into voluntary disuse by our own citizens, on account of the difficulties inseparable from it; and absolutely incapable of extension, was totally unnecessary to us for subsistence or occupation, and afforded in no way any commercial facility or political advantage. This privilege, too, while it was thus of little or no utility to us, cost Great Britain literally nothing.

The free navigation of the Mississippi, with the necessary access to it, is a grant of a very different character. If it was not heretofore used by Great Britain, it was, perhaps, because she did not consider herself entitled to it, or because the circumstances of the moment suspended its practical utility. The treaty of 1783 stipulated for her the navigation of this river, under the presumption that her territories extended to it; and, of course, could not intend to give her an access to it through our territories. The British possessions to the westward of Lake Erie being almost entirely unsettled, rendered, perhaps, the free navigation of the Mississippi, for the moment, of little advantage to her, particularly as her right to reach it was at least equivocal, and as, by another treaty, she could carry on trade with our Indians.

This navigation might, indeed, for a long time to come, be of little use to her for all the legitimate purposes of transit and intercourse; but every change that could take place in this respect must increase its importance to her; while every change in the fishing liberty would be to the disadvantage of the United States.

The freedom of the Mississippi, however, is not to be estimated by the mere legitimate uses that would be made of it. The unrestrained and undefined access which would have been inferred from the article which we proposed, would have placed in the hands of Great Britain and her subjects all the facilities of communication with our own citizens, and with the Indians inhabiting the immense regions of our western territory. It is not in the nature of things that these facilities should not have been abused for unrighteous purposes. A vast field for contraband and intrigue would have been laid open, and our western territories would have been swarmed with British smugglers and British emissaries. The revenue would have been defrauded by the illicit introduction of English merchandise; and the lives of our citizens, and the security of a valuable portion of our country, exposed to Indian hostilities, excited by an uncontrolled British influence. If our instructions to guard against such an influence forbade us to renew the British liberty to trade with our Indians, we certainly violated the spirit of those instructions in offering the means of exercising that influence with still greater facility and effect than could result from that liberty.

What was there in the fishing liberty, either of gain to us, or loss to Great Britain, to warrant, in consideration of it, a grant to her of such means of fraud and annoyance? What justice or equality was there in exposing to all the horrors of savage warfare the unoffending citizens of an immense tract of territory, not at all benefited by the fishing privilege, merely to provide for the doubtful accommodation of a few fishermen, in a remote quarter, entirely exempt from the danger?

Such have been the reasons which induced me to differ from a majority of my colleagues with regard to the article in question, and which, I trust, will be thought sufficient at least to vindicate my motives.

The unfeigned respect which I feel for the integrity, talents, and judgment of those gentlemen would restrain me from opposing them on slight grounds; and a deference for their opinions makes me almost fear that I have erred in dissenting from them on the present occasion. I can but rejoice, however, that the article as proposed by us was rejected by Great Britain, whatever were her reasons for rejecting it: whether, as above suggested, she suspected some tacit reservation, or want of faith on our part; or supposed, from the price we at once bade for the fishing privilege, that we overrated its value, and might concede for it even more than the navigation of the Mississippi, with all its accessory advantages.

We are still at liberty to negotiate for that privilege in a treaty of commerce, should it be found expedient, and to offer for it an equivalent fair in its comparative value, and just in its relative effects. In any other way, I trust, we shall not consent to purchase its renewal.

I have the honor to be, with profound respect, sir, your faithful and obedient servant,

JONATHAN RUSSELL.

My argument to demonstrate the abrogation of the treaty of 1783 by the present war, and the consequent discontinuance of the fishing privilege, will, I trust, not be ascribed to any hostility to those who were interested in that privilege. I have been always ready, and am still ready, to make every sacrifice for the preservation of that privilege which its nature and utility can justify; but I have conscientiously believed that the free navigation of the Mississippi was pregnant with too much mischief to be offered indirectly, under our construction of the treaty, or directly, as a new equivalent for the liberty of taking and curing fish within the British jurisdiction.

We had three other ways of proceeding:

First. To contend for the indestructibility of the treaty of 1783; thence inferring the continuance of the fishing privilege, without saying any thing about the navigation of the Mississippi, which would have reserved our right of contesting this navigation on the grounds I have mentioned as specially applicable to it.

Secondly. To have considered the treaty at an end, and to have offered a reasonable equivalent (wherever it might be found) for the fishing privilege.

Thirdly. To have made this liberty a *sine quâ non* of peace, as embraced by the principle of *status ante bellum*.

To either of these propositions I would have assented; but I could not consent to grant or revive the British right to the navigation of the Mississippi in order to procure or preserve the fishing liberty.

[DUPLICATE.]

SIR: PARIS, *February* 11, 1815.

In conformity with the intimation contained in my letter of the 25th December, I have now the honor to state to you the reasons which induced me to differ from a majority of my colleagues on the expediency of offering an article confirming the British right to the navigation of the Mississippi, and the right of the American people to take and cure fish in certain places within the British jurisdiction.

The proposal of such an article appeared to be inconsistent with our reasoning to prove its absolute inutility.

According to this reasoning, no new stipulation was any more necessary, on the subject of such an article, than a new stipulation for the recognition of the sovereignty and independence of the United States.

The article proposed appeared, also, to be inconsistent with our instructions, as *interpreted* by *us*, which forbade us to suffer *our right to the fisheries* to be brought into discussion; for, it could not be believed that we were left free to *stipulate* on a subject which we were restrained from *discussing*, and that *an argument*, and not an *agreement*, was to be avoided.

If our construction was, indeed, correct, it might not, perhaps, be difficult to show that we have not, in fact, completely refrained from the interdicted discussion.

At any rate, the proposal of the article in question was objectionable, inasmuch as it was incompatible with the principles asserted by a majority of the mission, and with the construction which that majority had adopted on that part of our instructions which related to the fisheries. If the majority were correct in these principles and in this construction, it became us to act accordingly; if they were incorrect, still it was unnecessary to add inconsistency to error.

I freely confess, however, that I did not accord with the majority, either in their views of the treaty of 1783, whence they derive their principles, nor of our instructions; and that my great objection to proposing the article did not arise from an anxiety to reconcile our conduct with our reasoning and declarations.

I could not believe that the independence of the United States was derived from the treaty of 1783; that the recognition of that independence by Great Britain gave to this treaty any peculiar character; or that such character, supposing it existed, would necessarily render this treaty absolutely inseparable in its provisions, and make it one entire and indivisible whole, equally imperishable in all its parts, by any change which might occur in the relations between the contracting parties.

The independence of the United States rests upon those fundamental principles set forth and acted on by the American Congress in the declaration of July, 1776, and not on any British *grant* in the treaty of 1783; and its era is dated accordingly.

The treaty of 1783 was merely a *treaty of peace*, and therefore subject to the same rules of construction as all other compacts of this nature. The recognition of the independence of the United States could not well have given to it a peculiar character, and excepted it from the operation of these rules. Such a recognition, expressed or implied, is always indispensable on the part of every nation with whom we form any treaty whatsoever. France, in the treaty of alliance, long before the year 1783, not only expressly recognised, but engaged *effectually to maintain* this independence; and yet this treaty, so far from being considered as possessing any mysterious peculiarity by which its existence was perpetuated, has, even without war, and although a part of it contained words of *perpetuity* and was *unexecuted*, long since terminated.

Had the recognition of our independence by Great Britain given to the treaty of 1783 any peculiar character, (which it did not,) yet that character could have properly extended to those provisions only *which affected* that independence. All those general rights, for instance, of jurisdiction, which appertained to the United States in their quality as a nation, might, so far as that treaty was declaratory of them, have been embraced by that peculiarity, without *necessarily* extending its influence to mere special *liberties* and *privileges*, or to provisions *long since executed*, not indispensably connected with national sovereignty, nor necessarily resulting from it.

The liberty to take and cure fish within the exclusive *jurisdiction of Great Britain*, was certainly not necessary to perfect the *jurisdiction of the United States*. And there is no reason to believe that such a liberty was intended to be raised to an equality with the general right of fishing within the common jurisdiction of all nations, which accrued to us as a member of the great national family. On the contrary, the distinction between the special liberty and the general right appears to have been well understood by the American ministers who negotiated the treaty of 1783, and to have been clearly marked by the very import of the terms which they employed. It would evidently have been unwise in them, however ingenious it may be in us, to exalt such a privilege to the rank of a sovereign right, and thereby to have assumed the unnecessary and inconvenient obligation of considering such a liberty to be an indispensable condition of our national existence, and thus rendering that existence as precarious as the liberty itself. They could not have considered a privilege which they expressly made to depend, to a very considerable extent, for its continuance, on mere events and private interests, as partaking of the character and entitled to the duration of the inherent properties of sovereignty. The settlement of the shores might at any time have been effected by the policy of the British Government, and would have made the assent of British subjects, under the influence of that policy, necessary to the continuance of a very considerable portion of that privilege. They could not have meant thus to place within the control of a foreign Power and its subjects an *integral part*, as we now affect to consider this privilege, of our national rights.

It is from this view of the subject that I have been constrained to believe that there was nothing in the treaty of 1783 which could essentially distinguish it from ordinary treaties, or rescue it, on account of any peculiarity of character, from the *jura belli*, or from the operation of those events on which the continuance or termination of such treaties depends.

I was, in like manner, compelled to believe, if any such peculiarity belonged to those provisions in that treaty, which had an immediate connexion with our independence, that it did not necessarily affect the nature of the whole treaty, nor attach to a privilege which had no analogy to such provisions, nor any relation to that independence.

I know not, indeed, any treaty, nor any article of a treaty, whatever may have been the subject to which it related, or the terms in which it was expressed, that has survived a war between the parties, without being specially renewed, by reference or recital, in the succeeding treaty of peace. I cannot, indeed, conceive the possibility of such a treaty, or of such an article; for, however clear and strong the stipulations for perpetuity might be, these stipulations themselves would follow the fate of ordinary unexecuted engagements, and require, after a war, the declared assent of the parties for their revival.

We appear, in fact, not to have an unqualified confidence in our construction of the treaty of 1783, or to have been willing to rest exclusively on its peculiar character our title to any of the rights mentioned in it, and much less our title to the fishing privilege in question.

If hostilities could not affect that treaty, nor abrogate its provisions, why did we permit the boundaries assigned by it to be brought into discussion, or stipulate for a restoration of all places taken from us during the present war? If such a restitution was secured by the mere operation of the treaty of 1783, why did we discover any solicitude for the *status ante bellum*, and not resist the principle of *uti possidetis* on that ground?

With regard to the fishing privilege, we distinctly stated to you, in our letter of the 25th of December last, that, at the time of the treaty of 1783, it was *no new grant*, we having always before that time enjoyed it, and thus endeavored to derive our title to it from *prescription*. A title derived from immemorial usage, antecedent to 1783, could not well owe its origin or its validity to any compact concluded at that time; and we might, therefore, in this view of the subject, correctly say that this privilege was then no new grant; that is, that our right to the exercise of it was totally independent of such compact. If we were well founded, however, in the assertion of our prescriptive title, it was quite unnecessary for us to attempt to give a kind of charmed existence to the treaty of 1783, and to extend its indefinable influence to every article of which it was composed, merely to preserve that title which we declared to be in no way derived from it, and which had existed, and of course could exist, without it.

It was rather unfortunate, too, for our argument against the severance of the provisions of that treaty, that we should have discovered ourselves such a radical difference between them, making the fishing privilege to depend on immemorial usage, and of course distinct, in its nature and in its origin, from the rights resulting from our independence.

We indeed throw some obscurity over this subject, when we declare to you that this privilege was always enjoyed by us before the treaty of 1783, thence inferring that it was not granted by that treaty; and, in the same sentence, and from the same fact, appear also to infer that it was not to be forfeited by war, any more than *any other of the rights of independence;* making it thus one of those rights, and, of course, according to our doctrine, dependant on that treaty. There might have been nothing incomprehensible in this mode of reasoning, had the treaty recognised this privilege to be derived from prescription, and confirmed it on that ground. The treaty, however, has not the slightest allusion to the past, in reference to this privilege, but regards it only with a view to the future. The treaty cannot, therefore, be construed as supporting a pre-existing title, but as containing a grant entirely new. If we claim, therefore, under the treaty, we must renounce prescription; and if we claim from prescription, we can derive no aid from the treaty. If the treaty be imperishable in all its parts, the fishing privilege remains unimpaired, without a recurrence to immemorial usage; and if our title to it be well founded on immemorial usage, the treaty may perish without affecting it. To have endeavored to support it on both grounds, implies that we had not entire confidence in either; and to have proposed a new article, indicates a distrust of both.

It is not, as I conceive, difficult to show that we can, indeed, derive no better title to this fishing privilege from prescription, than from any indestructible quality of the treaty of 1783.

Prescription appears to be inapplicable to the *parties* and to the *subject*, and to be defective both in *fact* and *effect*.

As to the parties: the immemorial enjoyment of a privilege, within British jurisdiction, by British subjects, the inhabitants of British colonies, could not well be considered as evidence of a title to that privilege claimed by citizens of an independent republic, residing within the exclusive jurisdiction of that republic. The people of the United States, as such, could have claimed no special privilege within the dominions of any foreign Power, from immemorial usage, in 1783, when the longest duration of their own existence in that quality was little more, at the utmost, than the brief period of *seven* years, which is surely not beyond the memory of man, *(ultra memoriam hominis.)* The people of the United States had never, in fact, during that period, enjoyed the fishing privilege a moment, being effectually prevented therefrom by the existing state of hostilities. Nor could the inhabitants of the colonies, originally constituting the United States, even in their colonial condition, acquire against their sovereign any right from long usage, or the mere lapse of time, *(nullum tempus regi occurrit.)* The British sovereign was always competent to regulate or to restrain them in their commerce and intercourse with each other, whenever and however he might think proper. And had he forbidden his subjects in the province of Massachusetts Bay to fish, and to dry and cure fish, in the bays, harbors, and creeks of Labrador, (which, by the way, had *not immemorially belonged to him,)* it is not to be imagined that they would have conceived themselves discharged from the obligation of submitting, on account of any pretended right from immemorial usage.

The fishing privilege, therefore, enjoyed by British subjects within British jurisdiction, could give no permanent and independent right to those subjects themselves, and, *à fortiori*, no such right to the citizens of the United States, claiming under a *different estate* and in a different capacity. Great Britain might, indeed, as well prescribe for the prerogatives of her sovereignty over us, as we for any of the privileges which we enjoyed as her subjects.

I do not think it necessary to inquire how far the practice of the people of Massachusetts was the practice of the people of the whole original thirteen United States, or of the United States, now including Louisiana; or how far the immemorial usage of the people of Boston can establish a prescriptive right in the people of New Orleans. I trust I have said enough to show that prescription is *inapplicable to the parties.*

It is also, I conceive, inapplicable to the subject. Had the United States, as an independent nation, enjoyed from time immemorial the fishing privilege in question, still, from the nature of this privilege, no prescriptive right would have thence been established. A right to fish, or to trade, or to do any other thing, within the exclusive jurisdiction of a foreign state, is a *simple power*, a right *of mere ability, (jus meræ facultatis,)* depending on the will of such state, and, consequently, *imprescriptible.* An independent right can be derived only from treaty.

I conceive, therefore, that a claim to the fishing privilege from immemorial usuage is not only unsupported by the *fact*, but cannot, in *effect*, result from such usage.

I have, in this view of the subject, been led to conclude that the treaty of 1783, in relation to the fishing liberty, is abrogated by the war; and that this liberty is totally destitute of support from prescription; and, consequently, that we are left without any title to it whatsoever: for, I cannot prevail upon myself to seek for such a title in the relative situation of the parties at the time of negotiating the treaty of 1783, and contend, according to the insinuation contained in our letter to you of the 25th December last, that the jurisdiction of Great Britain over the colonies assigned to her, in America, was a grant of the United States; and that the United States, in making this grant, *reserved to themselves* the privilege in question. Such a pretension, however lofty, is so inconsistent with

the real circumstances of the case, and with any sober construction which can be given to that treaty, that I shall, I trust, be excused from seriously examining its validity.

Having thus stated some of the reasons which induced me to differ in opinion from a majority of my colleagues, relative to the character of the treaty of 1783, as well as with regard to every other foundation on which they were disposed inconsistently to rest our title to the fishing privilege, I shall now proceed to explain the reasons which influenced me to dissent from them in the interpretation of our instructions relative to that privilege.

These instructions forbade us to permit our *rights* to the *trade* beyond the *Cape of Good Hope*, to the *fisheries*, and to *Louisiana*, to be brought into discussion. I conceived that this prohibition extended to the general rights only, which affected our sovereignty and resulted from it; and not to the special liberties and privileges, which had no relation to that sovereignty, either as to its nature or extent.

The right relative to the trade beyond the Cape of Good Hope was the right which belonged to us as an independent nation, and not to the permission of trading to those parts of the East Indies which were within the exclusive jurisdiction of Great Britain. In like manner, the right to the fisheries, contemplated by our instructions, was, I conceive, the right to use the open sea for fishing as well as for navigation; and not the liberty to fish, and to cure fish, within the territorial limits of any foreign state. The right to Louisiana, which, by those instructions, was not to be brought into discussion, was the right to the empire and domain of that region, and not the right of excluding Great Britain from the free navigation of the Mississippi.

How far we conformed to this instruction, with regard to the general right to Louisiana, it is not necessary for me here to inquire; but, certainly, the majority believed themselves to be permitted (their own construction to the contrary notwithstanding) to offer a very explicit proposition, with regard to the navigation of its principal river. Now, this offer I considered, for the reasons just suggested, not to be a violation of the instructions in question, but I considered it to be against both the letter and the spirit of our other instructions of the 15th of April, 1813. By these instructions we were explicitly and implicitly directed "to avoid any stipulation which might restrain the United States from *excluding* the British traders from the navigation of the lakes and *rivers, exclusively within our own jurisdiction.*" This instruction applied with the greater force to the Mississippi, because, as it is believed, it was the *only river* to which it could apply.

While I believed, therefore, that we were permitted to offer a proposition, relative to the fishing liberty; and that, in treating concerning this liberty, or in discussing our claim to it, we in no way violated our instructions, nor affected the general rights which we were forbidden to bring into discussion; I did believe, and do still believe, that we were expressly and unequivocally forbidden to offer or to renew a stipulation for the free navigation, by the British, of the Mississippi—a river within our exclusive jurisdiction.

Considering, therefore, the fishing liberty to be entirely at an end, without a new stipulation for its revival, and believing that we were entirely free to discuss the terms and conditions of such a stipulation, I did not object to the article proposed by us because any article on the subject was unnecessary, or contrary to our instructions, but I objected specially to that article, because, by conceding in it to Great Britain the free navigation of the Mississippi, we not only directly violated our instructions, but we offered, in my estimation, a price *much above its value*, and which could not *justly* be given.

In no view of the subject could I discover any analogy or relation between the two objects; and the only reason for connecting them, and making them mutual equivalents for each other, appeared to be, because they were both found in the treaty of 1783. If that treaty was abrogated by the war, as I consider it to have been, any connexion between its parts must have ceased, and the liberty of navigating the Mississippi by British subjects must, at least, be completely at an end; for it will not, I trust, be attempted to continue it by a *prescriptive* title, or to consider it as a *reservation* made by the United States from any grant of sovereignty, which, at the treaty of peace, they accorded to Great Britain. If, indeed, it were such a reservation, it must have been intended for *our benefit;* and, of course, no equivalent for the fishing privilege, likewise for our benefit. If it is considered as a reservation made by Great Britain, it will reverse all the facts assumed by us in relation to that privilege.

The *third* article of the treaty of 1783, respecting the fisheries, and the *eighth* of that treaty, respecting the Mississippi, had not the slightest reference to each other, and were placed as remote the one from the other as the limits of that treaty could well admit. Whatever, therefore, might have been the cause of inserting the fishing liberty—whether it was a voluntary and gratuitous grant on the part of Great Britain, or extorted from her as a condition on which the peace depended—it could have had no relation with the free navigation of the Mississippi. Besides, the article relative to this river must, from the evident views of the parties at the time, from their relations to each other, and from their known relations to a third Power, have been considered of mutual and equal advantage, and furnished no subject for compensation or adjustment in any other provision of that treaty.

Both parties believed that this river touched the territories of both, and that, of course, both had a right to its navigation. As Spain possessed both banks of this river to a considerable distance from its mouth, and one of its banks nearly throughout its whole extent, both parties had an interest in uniting to prevent that Power from obstructing its navigation. Had not the article been intended to engage the parties in relation to Spain, they probably would have limited it to the navigation of the river, so far as their own territories extended on it, and not have stipulated for its navigation to the ocean, which necessarily carried it through the exclusive territories of Spain. If the circumstances had been, in fact, such as the parties at the time believed them to be, and with a view to which they acted, or had these circumstances subsequently experienced no radical change, Great Britain would have gained now no more than she would have granted by the renewal of the article in relation to the navigation of the Mississippi; and would not, any more than in 1783, have acknowledged any equivalent to be conferred by it, for our liberty relative to the fisheries. The circumstances, however, assumed by the parties at the time, in relation to Great Britain, and from which her rights were deduced, have not only in part been since discovered not to have existed, but those which did exist have been entirely changed by subsequent events.

It has been clearly ascertained that the territories assigned to Great Britain no where, in fact, reached the Mississippi; and the acquisition of Louisiana by the United States had forever removed the Spanish jurisdiction from that river. The whole consideration, therefore, on the part of Great Britain, whether derived from her territorial rights, or from her part of the reciprocal obligations relative to Spain, having entirely failed, our engagements entered into on account of that consideration may be fairly construed to have terminated with it.

In this view of the subject, Great Britain could have had no title to the navigation of the Mississippi, even if a war had not taken place between the parties. To renew, therefore, the claims of Great Britain, under that article, subject to this construction, would be granting her nothing; and, to renew that article independent of this construction, and without any reference to the circumstances that attended its origin in 1783, or to the events which have since occurred in relation to it, would be granting her advantages not only entirely *unilateral*, as relates to the article itself, but, as I believed, of much greater importance than any which we could derive from the liberty relative to the fisheries

If the article which we offered was merely intended to rescue the third and eighth articles of the treaty of 1783 from the operation of the present war, and to continue them precisely as they were immediately prior to this war, (the third article being then in full force, and the eighth article being no longer operative,) we should have attempted to exchange, like General Drummond, the dead for the living. It is not surprising, therefore, that the British Government, in suspecting such an intention, should have rejected our proposition.

I was opposed, however, to making the proposition, not only because I was convinced that it was made with no such intention, but because I believed it would give to Great Britain the free navigation of the Mississippi, under circumstances, and evidently for an object, which would place it on very distinct grounds from those on which it was placed by the treaty of 1783.

The whole of the Mississippi being now exclusively within the acknowledged jurisdiction of the United States, a simple renewal of the British right to navigate it would place that right beyond the reach of the war, and every other previous circumstance which might have impaired or terminated it; and the right to grant, on our part, being now complete, the right to enjoy, on the part of Great Britain, must be complete also. It would be absurd to suppose that any thing impossible was intended, and that Great Britain was to be allowed to navigate the Mississippi only as she would have navigated it immediately after the treaty of 1783, as if her territories extended to it, and as if Spain was in the entire possession of one of its banks, and of a considerable portion of the other.

The recognition of the British right to navigate the Mississippi would be, *under existing circumstances*, a new and complete grant to her, measured by these circumstances, and thence embracing not only the entire freedom of the whole extent of the river and its tributary waters, but unrestrained access to it across our territories. If we did not intend to offer this, we intended to offer nothing which Great Britain could accept; and whatever else we might have intended to offer, if not at once rejected by her, would at least have been hereafter the subject of new and endless controversy.

When, however, we connected the revival of the navigation of the Mississippi with the revival of the privilege of taking and curing fish within the British jurisdiction, (two things which never before had any relation to each other,) we evidently meant, if we acted with good faith, not only to concede, as well as to obtain something, but also to be understood as conceding an equivalent for what we obtained.

In thus offering the navigation of the Mississippi, and the access to it through our territories, as an equivalent for the fishing liberty, we not only placed both on ground entirely different from that on which they respectively stood in the treaty of 1783, and acted somewhat inconsistently with our own reasoning, relative to the origin and immortality of the latter, but we offered to concede *much more* than we could hope to gain by the arrangement.

From the year 1783 to the commencement of the present war, the actual advantages derived from the fishing privilege by the people of the United States were, according to the best information that we could obtain on the subject, very inconsiderable, and annually experiencing a voluntary diminution.

It was discovered that the obscurity and humidity of the atmosphere, owing to almost incessant fogs in the high northern latitudes, where this privilege was chiefly located, prevented the effectual curing of fish in those regions, and, consequently, lessened very much the value of the privilege of taking them there. By far the greatest part of the fish taken by our fishermen before the present war was taken in the open sea, or on our own coasts, and cured on our shores. This branch of the fisheries has been found to be inexhaustible, and has been pursued with so much more certainty and despatch than the privileged portion within British jurisdiction, that it has not only been generally preferred by our fishermen, but would, probably, on longer experience, have been almost universally used by them. It was to be believed, therefore, that a discontinuance of the privilege of taking and curing fish within the British jurisdiction would not at all diminish the aggregate quantity taken by the people of the United States, or vary materially the details of the business.

That part of the fisheries which would still belong to us as a nation (being exhaustless) would afford an ample field for all the capital and industry hitherto employed in the general business of fishing or merchandise of fish; and on that field might the few fishermen, who had hitherto used the liberty of taking and curing fish within the jurisdiction of Great Britain, exert their skill and labor without any serious inconvenience.

That liberty, liable, to a very considerable degree, by the terms in which it was granted, to be curtailed by the Government and subjects of a foreign state; already growing into voluntary disuse by our own citizens, on account of the difficulties inseparable from it, and absolutely incapable of extension; was totally unnecessary to us for subsistence or occupation, and afforded, in no honest way, either commercial facility or political advantage. This privilege, too, while it was thus of little and precarious utility to us, cost Great Britain literally *nothing*.

The free navigation of the Mississippi, with the necessary access to it, is a grant of a very different character. If it was not heretofore used by Great Britain, it was, perhaps, because she did not consider herself entitled to it, or because the circumstances of the moment suspended its practical utility. The treaty of 1783 stipulated for her the navigation of this river, under the presumption that her territories extended to it, and, of course, could not intend to give her access to it through our territories. The British possessions to the westward of Lake Erie being almost entirely unsettled, rendered, perhaps, the free navigation of the Mississippi, for the moment, of little advantage to her, particularly as her right to reach it was at least equivocal, and as, by another treaty, she could carry on trade with our Indians. This navigation might, indeed, for a long time to come, be of little use to her for all the *legitimate* purposes of transit and intercourse; but every change that could take place in this respect must increase its importance to her, while every change in the fishing liberty must be to the disadvantage of the United States.

The freedom of navigating the Mississippi, however, is not to be estimated by the mere legitimate uses that would be made of it. The unrestrained and undefined access, which would have been inferred from the article which we proposed, must have placed in the hands of Great Britain and her subjects all the facilities of communication with our own citizens, and with the Indians inhabiting the immense regions of our western territory. It is not in the nature of things that these facilities should not have been abused for unrighteous purposes. A vast field for contraband and for intrigue would have been laid open, and our western territories would have swarmed with British smugglers and British emissaries. The revenue would have been defrauded by the illicit introduction of English merchandise; and the lives of our citizens, and the security of a valuable portion of our country, would have been exposed to Indian hostility, excited by an uncontrolled British influence.

If our instructions of the 15th of April, 1813, already cited, forbade us, in order to guard against such an influence, to renew the treaty of 1794, "allowing the Northwest Company and British traders to carry on trade with the Indian tribes within our limits—a privilege the *pernicious* effects of which have been *most sensibly felt* in the present war"—we certainly violated the spirit of those instructions in offering the means of exercising that influence with still greater facility and effect than could result from that *privilege*.

What was there in the fishing liberty, either of gain to us or loss to Great Britain, to warrant, in consideration of it, a grant to her of such means of fraud and annoyance? What justice or equality was there, in exposing to all the horrors of savage warfare the unoffending citizens of an immense tract of territory, not at all, or but faintly,

benefited by the fishing privilege, merely to provide for the doubtful accommodation of a few fishermen, annually decreasing in number, in a remote quarter, and entirely exempt from the danger? Such have been the reasons which induced me to differ from a majority of my colleagues with regard to the article in question, and which, I trust, will be deemed sufficient, at least, to vindicate my motives.

The unfeigned respect which I feel for the integrity, talents, and judgment of those gentlemen, would restrain me from opposing them on slight grounds; and a deference for their opinions makes me almost fear that I have erred in dissenting from them on the present occasion. I can but rejoice, however, that the article, as proposed by us, was rejected by Great Britain, whatever were her reasons for rejecting it; whether, as above suggested, she might have suspected some tacit reservation, or want of faith, on our part; or supposed, from the price we at once bade for the fishing privilege, that we overrated its value, and might concede for it even more than the free navigation of the Mississippi, with all its accessory advantages.

Let me not, in any thing which I have said, be misunderstood. In judging on the interests of the great whole, I am not disposed to undervalue the interests of any of the constituent parts. No one can more highly appreciate than I do a branch of industry which not only adds to national wealth, but seems to create it. Nor can any one more warmly admire the usefulness and patriotism of those citizens who are engaged in it, and who have never ceased to deserve well of the republic. In times of peace they bring home, amidst conflicting elements, the treasures of the deep to enrich their country; and in times of war they contribute, by their skill and intrepidity, to her defence and glory. But, in our country, where all are equal, the essential security and prosperity of the many must be preferred to the convenience and minor interests of the few. In giving this preference, I will frankly confess I had to silence early prepossessions and local predilections, and to listen to the counsels of a more enlarged patriotism; and to this patriotism I dare appeal for my vindication, not only to those to whom I am officially responsible, but to those with whom I am more immediately connected in society, and whose interests may be considered to have been unfavorably affected by the views which I have deemed it to be my duty to adopt. I have always been willing to make any sacrifice for the fishing privilege which its nature or comparative importance could justify; but I conscientiously believe that the free navigation of the Mississippi, and the access to it which we *expressly offered*, were pregnant with too much mischief to be offered, indirectly, under our construction of the treaty, or directly, as they were in fact offered, as a new equivalent for the liberty of taking and drying fish within the British jurisdiction.

I will frankly avow, however, that my impressions were, and still are, that Great Britain, calculating on the success of the powerful expedition which she has sent against New Orleans, confidently expected that she would have become the mistress of Louisiana and all its waters; and that she did not, in this event, intend to abandon her conquest under the terms of the treaty of Ghent.

Her ministers had, almost from the commencement of the negotiation, not only affected to consider our acquisition of Louisiana as evidence of a spirit of aggrandizement, but insinuated a *defect* in our title to it. Expecting, therefore, to obtain the free navigation of the Mississippi for nothing, she would not consent to part even with the fishing liberty as an equivalent. If she be disappointed in her views on Louisiana, (and I trust in God and the valor of the West that she will be,) I shall not be surprised if, hereafter, she grants us the fishing privilege, which costs her absolutely nothing, without any extravagant equivalent whatever.

At any rate, we are still at liberty to negotiate for that privilege in a treaty of commerce, and to offer for it an equivalent, fair in its comparative value, and just in its relative effects; and to negotiate for it in this way is evidently more wise than to demand it as a *condition* of peace, or to offer for it a price beyond its worth, and which, however excessive, runs the hazard of being refused, merely by the operation of those unaccommodating passions which are inevitably engendered by a state of war.

I have the honor to be, with the most profound respect, sir, your faithful and obedient servant,

JONATHAN RUSSELL.

Hon. JAMES MONROE, *Secretary of State of the United States.*

A true copy of a paper left by Jonathan Russell, Esq. at the Department of State, 22d April, 1822, to be communicated to the House of Representatives of the United States.

J. Q. ADAMS, *Secretary of State.*

Remarks on a paper delivered by Mr. Jonathan Russell, at the Department of State, on the 22d of April, 1822, to be communicated to the House of Representatives, as the duplicate of a letter written by him at Paris, the 11th February, 1815, to the then Secretary of State, and as the letter called for by the resolution of the House of the 19th April, 1822.

The first remark that presents itself upon this *duplicate*, is, that it is not a copy of the letter really written by Mr. Russell, at Paris, on the 11th of February, 1815, to the Secretary of State, and received by him. The latter was marked "*private*," and, as such, was not upon the files of the Department of State; and, although of the same general purport and tenor with the so called duplicate, differed from it in several highly significant passages, of which the following parallel, extracted from the two papers, presents one example:

ORIGINAL.	DUPLICATE.
"How far we conformed to this instruction, with regard to the general right to Louisiana, it is not necessary for me here to inquire; but certainly the majority believed themselves permitted to offer a very explicit proposition, with regard to the navigation of its principal river. *I believed, with them, that we were so permitted*, and that we were, likewise, permitted to offer a proposition relative to the fishing liberty, and, had the occasion required it, to make proposals concerning the trade to the British East Indies. I was persuaded that treating relative to these privileges, or discussing the obligation or expediency of granting or withholding them, respectively, violated, in no way, our instructions, or affected the general rights which we were forbidden to bring into discussion."	"How far we conformed to this instruction, with regard to the general right to Louisiana, it is not necessary for me here to inquire; but certainly the majority believed themselves to be permitted (their own construction to the contrary notwithstanding) to offer a very explicit proposition, with regard to the navigation of its principal river. Now, this offer, I considered, for the reasons just suggested, not to be a violation of the instructions in question; but I considered it to be against both the letter and the spirit of our other instructions, of the 15th of April, 1813. By these instructions, we were explicitly and implicitly directed 'to avoid any stipulation which might restrain the United States from *excluding* the British traders from the navigation of the lakes and *rivers exclusively within our own jurisdiction.*' This instruction applied with the greater force to the Mississippi, because, as it is believed, it was the *only river* to which it could apply.

"While I believed, therefore, that we were permitted to offer a proposition relative to the fishing liberty, and that, in treating concerning this liberty, or in discussing our claim to it, we in no way violated our instructions, nor affected the general rights which we were forbidden to bring into discussion, I did believe, and do still believe, that we were expressly and unequivocally forbidden to offer, or to renew, a stipulation for the free navigation by the British of the Mississippi—a river within our exclusive jurisdiction."

It is here seen that, while in the original letter Mr. Russell did, with the majority of his colleagues, believe that we were permitted by our instructions to make the proposition with regard to the navigation of the Mississippi, as well as a proposition relative to the fishing liberty, he had, when writing the duplicate, brought himself to the belief, not only that we were not so permitted, but that he had, even at Ghent, considered it as a direct violation both of the letter and spirit of our explicit and implicit instructions of 15th April, 1813. The solution of this difference in the mind of Mr. Russell, between the writing of the original and the duplicate of his letter, may be found in this circumstance: The proposition relating to the navigation of the Mississippi and the fisheries was made to the British plenipotentiaries on the 1st of December, 1814. It had been discussed at the meetings of the American mission on the preceding 28th and 29th of November. On the 24th of that month the American plenipotentiaries had received a letter of instructions from the Secretary of State, dated 19th October, 1814, and containing the following passages:

"It has been judged proper to communicate to Congress so much of the instructions given to you by this Department as would show the terms on which you were authorized to make peace. These, as well as your communications, have been printed, and several copies are now forwarded to you, as it is believed they may be usefully disposed of in Europe. Should any circumstances have unexpectedly prolonged the negotiation, and you find the British commissioners disposed to agree to the *status ante bellum*, you will understand that you are authorized to make it the basis of a treaty."

Now, the *status ante bellum*, upon which we were thus expressly and unequivocally permitted to conclude a treaty, included not only the recognition of the entire treaty of peace of 1783, but the revival of the first ten articles of the treaty of 1794; not only the freedom to the British to navigate the Mississippi, but free ingress into our territories, and free trade with our Indians. And so entirely was that part of the instructions of 15th April, 1813, now cited by Mr. Russell, considered by the President as cancelled, that it was omitted from that copy which had been communicated to Congress of "so much of the instructions as would show the terms on which we were authorized to make peace," and of which several printed copies were thus forwarded to us. [See Wait's State Papers, vol. 9, pp. 339 and 358.]

It was scarcely possible that, within the compass of one week, Mr. Russell should have forgotten the receipt of the instruction of 19th October, 1814, fresh from Washington; nor at all possible that he should have considered us as then bound by the instruction of 15th April, 1813, to which, in his duplicate, he now so emphatically refers. The 11th of February, 1815, was yet so recent to the date of the conclusion of the treaty, that, in writing the original of his letter, the recollection of the new instructions of October, 1814, had doubtless not escaped him. But when the duplicate was written, other views had arisen; and their aspects are discovered in the aggravation of charges against the memory of a dead, and the character of living colleagues.

But whether the real sentiments of Mr. Russell at Paris, on the 11th of February, 1815, with regard to the transactions to which this passage relates, are to be taken as indicated in the original, or in the duplicate, certain it is that the vehement objections to the proposed article, which, in the *duplicate*, appear to have made so deep an impression on his mind, had as little been made known to his colleagues at the time of the discussions at Ghent, as they appear to have been to himself when writing the *original* of the same letter.

The proposal, to which the whole of Mr. Russell's letter, in both its various readings, relates, was made to the British plenipotentiaries, not by a majority, but by the whole of the American mission, including Mr. Russell, as may be seen by the protocol of the conference of the 1st December, 1814, and by the letter from the American to the British plenipotentiaries of 14th December, 1814. In that letter, already communicated to the House, the American plenipotentiaries, referring to the article in question, expressly say: "To such an article, which they viewed as merely declaratory, the undersigned had no objection, and have offered to accede;" and to that letter the name of Mr. Russell is subscribed.

At the time when the letter from Paris was written, or within a few days thereafter, all the colleagues, whose conduct it so severely censures in relation to measures to which Mr. Russell's sanction and signature stood equally pledged with their own, were at Paris, and in habits of almost daily intercourse with him. They little suspected the coloring which he was privately giving, without communication of it to them, of their conduct and opinions, to the head of the Government, by whom he and they had been jointly employed in a public trust of transcendent importance; or the uses to which this denunciation of them was afterwards to be turned.

Had the existence of this letter from Paris been, at the time when it was written, known to the majority of the mission, at whose proposal this offer had been made to that majority; who believed that the article was perfectly compatible with their instructions, consistent with the argument maintained by the mission, important for securing a very essential portion of the right to the fisheries, and in nowise affecting unfavorably the interest of any section of the Union, they would doubtless have felt that its contents called much more forcibly upon them to justify to their own Government themselves and their motives for making that proposal, than Mr. Russell could be called upon to justify himself for merely having been in the minority upon the question whether an article should be proposed, which he did actually concur in proposing, and which the adverse party had not thought worth accepting.

The writer of these remarks is not authorized to speak for his colleagues of the majority; one of whom is now alike beyond the reach of censure and panegyric; and the other, well able, when he shall meet this disclosure, to defend himself. But he believes of them, what he affirms of himself, that, had they entertained of the projected article, and of the argument maintained by the mission, the sentiments avowed in either of the variations of Mr. Russell's letter from Paris, no consideration would have induced them to concur in proposing it, or to subscribe their names to a paper declaring that they had no objection to it.

Still less, if possible, would they have thought it reconcileable with their duty to their country, had they entertained those sentiments, to have subscribed, on the 25th of December, 1814, the joint letter of the mission to the Secretary of State, already communicated to Congress, and on the same day to have written the separate and secret letter, fore-announcing that of 11th of February, 1815, from Paris.

Besides the memorable variation between the original and duplicate of the letter of 11th February, 1815, which has been exhibited in parallel passages extracted from them, there are others not less remarkable. In the

course of the *duplicate*, the total and unqualified abandonment of the *rights* of the poor fishermen is compensated by an eloquent panegyric upon their usefulness to the country, their hardy industry, their magnanimous enterprise, and their patriotic self-devotion. Little of this appears in the original; and that little, in the after-thought of a post-script. Towards the close of the *duplicate*, the spirit of prophecy takes possession of the writer. By his "trust in God and in the valor of the West," he foresees the victory of General Jackson at New Orleans; he foresees the convention between the United States and Great Britain of October, 1818. In the *original* there is no prophecy; no "trust in God, and in the valor of the West."

With all these varieties, the two copies of the letter form an elaborate and deeply meditated dissertation to prove:

1. That the treaty between the United States and Great Britain of 1783—the treaty which upon its face is a treaty of independence, a treaty of boundaries, a treaty of partition, as well as a treaty of peace—was, in his estimation, (all his signatures at Ghent to the contrary notwithstanding,) a mere treaty of peace, totally abrogated by the war of 1812.

2. That the same treaty was a treaty *sui generis*, consisting of two parts: one, of rights appertaining to sovereignty and independence; and the other, of special grants and privileges: of which the former were permanent, and the latter abrogated by the war.

3. That the principles assumed and the argument maintained by the majority of the Ghent mission, and to which he had subscribed his name in all the joint communications of the mission, as well to the British plenipotentiaries as to his own Government, were a mass of errors, inconsistencies, and absurdities.

4. That the offer to the British plenipotentiaries of a right to the British to navigate the Mississippi, was, in the opinion of the majority, and also in his own opinion, permitted by our instructions, and in no ways violated them.

5. That the same offer was directly contrary to the construction given by the majority to their instructions, and as he had always thought, and still thought, contrary to explicit and implicit, express and unqualified, prohibitions in those instructions.

6. That the offer of the right to navigate the Mississippi, as an equivalent for the fisheries, was the offer of an excessive price for a privilege worth little or nothing.

7. That, extravagant as that offer (to which he signed a letter declaring that he had no objection) was, it was rejected by the adverse party; because they thought it an offer of the dead for the living; or because they hoped to get still more for the worthless privilege; or because they expected to take and keep Louisiana, and thus get the navigation of the Mississippi for nothing; or because they were blinded by the unhappy passions incident to war: but that he *foresaw* that they would *hereafter* grant all the valuable part of the same worthless privilege for nothing.

8. That there was no sort of relation whatsoever between a privilege for the British to navigate in waters within our jurisdiction, and a privilege for us to fish in waters within British jurisdiction; because one of these privileges had been stipulated in the *third*, and the other in the *eighth* article of the treaty of 1783; and, therefore, that it was absurd to offer one as an equivalent for the other.

9. Lastly. That the offer to the British of the right to navigate the Mississippi was pregnant with mischief to the western country—to "*the unoffending citizens* of an immense tract of territory, not at all, or but faintly, benefited by the fishing privilege, merely to provide for the doubtful accommodation of a few fishermen, annually decreasing in number, in a remote quarter, and entirely exempt from the danger."

Upon most of these points, so far as argument is concerned, it might, upon the mere statement of Mr. Russell's positions, be left to his ingenuity to refute itself. His first and second points, with regard to the character of the treaty of 1783, considered as doctrines, are evidently inconsistent with each other. The variation between the original and duplicate of his letter upon the fourth and fifth points is something more than inconsistency, something more even than self-contradiction. The whole letter is a laborious tissue of misrepresentation of every part of its subject; of the conduct and sentiments of his colleagues who constituted the majority of the mission; and of his own conduct and sentiments in opposition to them. It substantially charges them with deliberate and wanton violation, in the face of his solemn warning, of the positive and unequivocal instructions of their Government, for the sake of sacrificing the interest, the peace, the comfortable existence of the whole western country, to the doubtful accommodation of a few eastern fishermen, and in support of a claim to which they had not the shadow of a right.

I say it is a tissue of misrepresentations of the subject, of the conduct and sentiments of his colleagues, and of his own conduct in opposition to them.

1. Of the subject. Mr. Russell represents the offer of an article, granting to the British the right of navigating the Mississippi as an equivalent for the grant of a fishing privilege in British jurisdiction, as if it had been a separate and insulated proposal of new grants in a distinct article, without reference to the state of the negotiation at the time when it was made, to the occasion upon which it was made, and to the considerations by which it was induced.

Mr. Russell represents the article as if offered under circumstances when it was by both parties acknowledged that the British had no claim to territory *to the Mississippi*. This is a direct and positive perversion of the whole statement of the subject.

Mr. Russell represents the offer of a right to navigate the Mississippi, and of access to it from the British territories, as general and unqualified; as giving access to British traders and British emissaries to every part of the western country, and to intercourse with all our Indians. The proposal was, of a limited access from a single spot of the British territory to the river, for the purpose of navigating the river with merchandise, upon which the duties of import should have been first paid.

In consequence of these misrepresentations, Mr. Russell brings in British smugglers, British emissaries, and all the horrors of Indian warfare, upon the western country, as necessary inferences from a proposal—not that which was made, but that into which it is distorted by his misrepresentations.

2. Of the conduct and sentiments of his colleagues.

Mr. Russell represents his colleagues as having deliberately, and against his declared opinion, violated both the letter and the spirit of their most explicit and implicit, express and unequivocal, instructions from their own Government. He charges them, also, with having violated their own construction of their instructions.

It is true that, in another reading of the same letter, purporting to have been written on the same day, he acquits them entirely of all violation of their instructions, and declares he had always been of that opinion.

Mr. Russell ascribes to his colleagues opinions which they never entertained, arguments which they never advanced, and doctrines which they not only would disclaim with indignation, but diametrically opposite to those which they did maintain. He imputes to them the opinion that the independence of the United States was derived only from the treaty of peace of 1783, and that all the rights stipulated by it, in favor of the people of the United States, were mere *grants* from the Crown of England. This was the British doctrine, which Mr. Russell well knew his colleagues rejected with disdain, but which he himself countenances, by maintaining the British side of the argument—that the fishing liberty, stipulated in the treaty of 1783, was abrogated, *ipso facto*, by the war of 1812.

He imputes to them, as an inconsistency with their other imputed opinion, that they rested their claim to the fishing privilege upon *prescription;* and this notwithstanding all the light of learning with which he had irradiated them, from the lucid sources of "*jus meræ facultatis;*" of "*ultra memoriam hominis;*" of "*nullum tempus regi occurrit;*" and of the imprescriptible character of fisheries. Of all this not one word was said at Ghent. The majority never asserted the right of the fishing privilege as resting upon the right of prescription; nor had they ever the benefit of Mr. Russell's learned labors to prove that it was not applicable to the subject.

3. Of his own conduct and sentiments in opposition to those of the majority of his colleagues.

The parallel passages from the original and duplicate of his letter remove all necessity for further proof of this. But that is not all. Throughout the letter, Mr. Russell holds himself forth as having been the intrepid and inflexible asserter and supporter of the rights of the West against the majority of his colleagues; as having, by a painful struggle, obtained a conquest over his early prejudices and local partialities; and enlarged his intellectual faculties and patriotism, to become the champion and vindicator of the interest of the West. Of all this, nothing was made known to his colleagues of the majority at Ghent. The article to which his letter conjures up such formidable objections was drawn up and proposed to the mission by a distinguished citizen of the western country. It was opposed by another citizen from the same section of the Union. Of the five members of the mission Mr. Russell was the person who took the least part in the discussion. He neither objected that it was contrary to our instructions; nor depreciated the value of the fisheries; nor painted the dangers of British smugglers and emissaries, or the horrors of Indian warfare, as impending over the *unoffending* inhabitants of the western country from the measure. He gave, it may be, a silent vote against proposing the article; and, when it was determined by the majority to propose it, concurred in proposing it; was present at the conferences with the British plenipotentiaries when it was proposed to and discussed with them, and heard from them the reasons which induced them to reject it; which reasons did not embrace one of those which he has so severely tasked his sagacity to devise for them, but, plainly and simply, because they said it was clogged with conditions which made it of no value to them, or, at least, not of value to induce them to concede that our fishing liberties within British jurisdiction should continue, in return: and he afterwards signed a letter to the British plenipotentiaries, together with all the other members of the mission, declaring that they had *no objection* to the article, considering it as merely declaratory.

If Mr. Russell had entertained at Ghent the sentiments relating to this measure disclosed in the duplicate, or even those avowed in the original of his letter, he is to account for it to his conscience and his country that he ever assented to it at all. He was not under the slightest obligation to assent to it. As an act of the majority, it would have been equally valid without his concurrence or signature as with it. More than one member of the mission, and on more than one occasion, signified his determination to decline signing the treaty, if particular measures, proposed by the British plenipotentiaries, should be acceded to by the majority. A refusal by any one member to concur in any measure upon which a majority were agreed, would at least have induced the majority to reconsider their vote, and in all probability to have cancelled it. In a case of such transcendent importance as this, of high interests, generous policy, humane and tender sympathies, wantonly to be sacrificed, in defiance of the most express and unqualified instructions, to the paltry purpose of accommodating a few fishermen, destitute of all claim of right, how could Mr. Russell sit patiently in conference with the British plenipotentiaries, and join in the offer of it to them? How could he subscribe his name to a letter declaring he had no objection to it? Had Mr. Russell dissented from this measure of the majority, and they had still persisted in it, he would doubtless have reported to his own Government the reasons of his dissent; his colleagues of the majority would in like manner have reported theirs; and the responsibility of each party would have rested, as it ought, upon their respective acts. To concur individually in the measure, to sign all the papers approving it, and then secretly to write to the Government a letter of censure, reproach, and misrepresentation, against it and those who proposed it, was indeed a shorter and easier process.

Mr. Russell, therefore, did not entertain or express at Ghent the opinions disclosed in his letter from Paris, and has been as unfortunate in the representation of his own conduct and sentiments as in that of the subject of his letter, and in that of the sentiments and conduct of his colleagues.

But there is a point of view more important than any regard to his conduct and sentiments in which his letter is yet to be considered. If there were any force in his argument against the measures, or any correctness in his statements against his colleagues, it is proper they should be sifted and examined.

Let us, therefore, examine the proposed article in both its parts: First, as relates to the fishing liberty for us; and, secondly, to the navigation of the Mississippi by the British. And in order to ascertain the propriety of the principles assumed, and of the measures adopted by the American commissioners, as now in question, let us premise the state of things as they existed, and the circumstances under which this proposal was offered.

By the third article of the treaty of 1783, it was agreed that the people of the United States should *continue* to enjoy the fisheries of Newfoundland and the Bay of St. Lawrence, and at all other places in the sea where the inhabitants of both countries *used at any time theretofore to fish;* and, also, that they should have certain fishing liberties on all the fishing coast within the British jurisdiction of Nova Scotia, Magdalen islands, and Labrador. The title by which the United States held those fishing rights and liberties was the same. It was the possessory use of the right, or, in Mr. Russell's more learned phrase, of the "*jus meræ facultatis,*" at any time theretofore as British subjects, and the acknowledgment by Great Britain of its *continuance* in the people of the United States after the treaty of separation. It was a national right; and, therefore, as much a *right*, though not so immediate an *interest*, to the people of Ohio and Kentucky—ay, and to the people of Louisiana, after they became a part of the people of the United States—as it was to the people of Massachusetts and Maine: the latter had always used it since they had been British colonists, and the coasts had been in British dominions. But, as the settlement of the colonies themselves had not been of time immemorial, it was not, and never was pretended to be, a title by prescription.

Such was the title of the United States to the fisheries—prior possession, and acknowledgment by the treaty of 1783.

The commissioners at Ghent had received from the Secretary of State a letter of instruction dated 25th of June, 1814, containing the following passage:

"Information has been received from a quarter deserving of attention, that the late events in France have produced such an effect on the British Government as to make it probable that a demand will be made at Gottenburg to *surrender our right to the fisheries*, to abandon all trade beyond the Cape of Good Hope, and to cede Louisiana to Spain. We cannot believe that such a demand will be made; should it be, you will, of course, treat it as it deserves. These rights must not be brought into discussion. If insisted on, your negotiations will cease."

Now, it is very true that a majority of the commissioners did construe these instructions to mean that the right to the fisheries was *not to be surrendered.* They did not subtilize, and refine, and inquire whether they could not surrender a part, and yet not bring the right into discussion; whether we might not give up a liberty, and yet retain a right; or whether it was an *argument* or an *agreement* that was forbidden. They understood that the fisheries *were not to be surrendered.*

The demand made by the British Government was first advanced in an artful and ensnaring form. It was by assuming the principle that the right had been forfeited by the war, and by notifying the American commissioners, as they did at the first conference, "that the British Government did not intend to *grant* to the United States, gratuitously, the privileges formerly granted by treaty to them—of fishing within the limits of the British sovereignty, and of using the shores of the British territories for purposes connected with the fisheries." Now, to obtain the *surrender* of thus much of the fisheries, all that the British plenipotentiaries could possibly desire was, that the American commissioners should acquiesce in the principle that the treaty of 1783 was abrogated by the war. Assent to this principle would have been surrender of the right. Mr. Russell, if we can make any thing of his argument, would have *assented* and surrendered, and comforted himself with the reflection that, as the right had not been brought into discussion, the instructions would not have been violated.

But, however clearly he expresses this opinion in his letter, and however painfully he endeavors to fortify it by argument, he never did disclose it to the same extent at Ghent. The only way in which it was possible to meet the notification of the British plenipotentiaries, without *surrendering* the rights which it jeopardized, was by denying the principle upon which it was founded. This was done by asserting the principle that the treaty of independence of 1783 was of that class of treaties, and the right in question of the character, which are not abrogated by a subsequent war; that the notification of the intention of the British Government not to *renew the grant* could not affect the right of the United States, which had not been forfeited by the war; and that, considering it as still in force, the United States needed no new grant from Great Britain to revive, nor any new article to confirm it.

This principle, I willingly admit, was assumed and advanced by the American commissioners at my suggestion. I believed it not only indispensably necessary to meet the insidious form in which the British demand of surrender had been put forth, but sound in itself, and maintainable on the most enlarged, humane, and generous principles of international law. It was asserted and maintained by the American plenipotentiaries at Ghent; and if, in the judgment of Mr. Russell, it suffered the fishing liberty to be brought into discussion, at least it did not *surrender the right.*

It was not acceded to by the British plenipotentiaries. Each party adhered to its asserted principle; and the treaty was concluded without settling the interest involved in it. Since that time, and after the original of Mr. Russell's letter of the 11th February, 1815, was written, the principle asserted by the American plenipotentiaries at Ghent has been still asserted and maintained through two long and arduous negotiations with Great Britain, and has passed the ordeal of minds of no inferior ability. It has terminated in a new and satisfactory arrangement of the great interest connected with it, and in a substantial admission of the principle asserted by the American plenipotentiaries at Ghent, by that convention of the 20th October, 1818, which, according to the *duplicate* of Mr. Russell's letter, he foresaw in February, 1815, even while writing his learned dissertation against the right which he had been instructed not to surrender, and the only principle by which it could be defended.

At this time, and after all the controversy through which the American principle was destined to pass, and has passed, I, without hesitation, reassert, in the face of my country, the principle which, in defence of the fishing liberties of this nation, was, at my suggestion, asserted by the American plenipotentiaries at Ghent.

I deem this reassertion of it the more important, because, by the publication, at this time, of Mr. Russell's letter, that plenipotentiary has not only disclaimed all his share in the first assertion of it, but has brought to bear all the faculties of his mind against it; while the American side of the argument, and the reasons by which it has been supported against arguments coinciding much with those of his letter, but advanced by British reasoners, are not before the public. The principle is yet important to great interests, and to the future welfare of this country.

When first suggested, it obtained the unanimous assent of the American mission. In their note of the 10th November, 1814, to the British plenipotentiaries, which accompanied their first projet of a treaty, they said, "in answer to the declaration made by the British plenipotentiaries respecting the fisheries, the undersigned, referring to what passed in the conference of the 9th August, can only state, that they are not authorized to bring into discussion any of the rights or liberties which the United States have heretofore enjoyed in relation thereto. From their nature, and from the peculiar character of the treaty of 1783, by which they were recognised, no further stipulation has been deemed necessary, by the Government of the United States, to entitle them to the full enjoyment of all of them." This paragraph was drawn up and proposed to the mission by the member with whom Mr. Russell concurred in objecting to the proposal of an article confirmative of the fishing liberties and navigation of the Mississippi, and as a substitute for it. The mission unanimously accepted it; and the fishing liberties being thus secured from *surrender*, no article relating to them or to the Mississippi was inserted in the projet sent to the British mission.

But one of the objects of the negotiation was to settle the boundary between the United States and the British dominions, from the northwest corner of the Lake of the Woods, westward. That boundary, by the treaty of 1783, had been stipulated to be "from the most northwestern point of the Lake of the Woods, on a *due west* course *to the river* Mississippi; and thence, down the middle of the Mississippi, to the thirty-first degree of north latitude;" while, by the eighth article of the same treaty, it had been stipulated that "the navigation of the river Mississippi, from its source to the ocean, should forever remain free and open to the subjects of Great Britain and the citizens of the United States."

The right of Great Britain and of the United States, at the time of the treaty of 1783, to make this stipulation with regard to the navigation of the Mississippi, might be, and afterwards was, questioned by Spain, then a possessor also of territories upon the same river, and indeed of both its banks from its mouth to a higher latitude than that thus stipulated as the boundary of the United States. But, as between Great Britain and the United States, there could, at the time of the conclusion of the treaty of 1783, be no possible question of the right of both to make the stipulation; the boundary line itself being in substance a concession of territory to the river, and down its middle to latitude thirty-one, which Great Britain was undoubtedly competent to make, and the United States to receive. Now, the United States having received the cession and the boundary, with the right to navigate the river, with the express condition that the navigation of the river should forever remain free and open to British subjects; and having expressly assented to that condition, without considering it as infringing upon any right of Spain; they could not, consistently with good faith, by acquiring afterwards the right of Spain, allege that this acquisition absolved them from the obligation of the prior engagement with Great Britain. There is, indeed, in Mr. Russell's letter, a hesitating argument to that effect; the odious character of which is but flimsily veiled by its subtlety. The United States had always insisted upon their right of navigating the Mississippi by force of the article of the treaty of 1783, and had obtained the acknowledgment of that right from Spain herself, many years before they acquired her territorial right by the purchase of Louisiana. With what front, then, could an American negotiator have said, after the latter period, to a British minister: You have no right to the navigation of the Mississippi; for although, on receiving from you a part of the river, we expressly stipulated that you should forever enjoy a right to its navigation, yet that engagement was a fraud upon the rights of Spain; and although, long before we had acquired these rights of Spain, she had acknowledged *our* right to navigate the river, founded upon

this very stipulation of which you now claim the benefit, yet I will now not acknowledge your right, founded on the same stipulation. Spain, no party to the compact between you and me, after controverting it as infringing upon her rights, finally acceded to its beneficial application to us, as compatible with those rights. But we, who made the compact with you, having now acquired the adverse rights of Spain, will not allow you the beneficial use of our own compact. We first swindled and then bullied Spain out of her rights, by this eighth article of the treaty of 1783; and now, having acquired ourselves those rights, we plead them for holding our engagement with you for a dead letter.

This, and nothing more or less than this, is the substance of Mr. Russell's argument to show that *perhaps* the United States were, by the acquisition of Louisiana, absolved from the obligation of the eighth article of the treaty of 1783, even before the war of 1812.

But, says Mr. Russell, the treaty of 1783 was made under a belief of both parties that it would leave Great Britain with a portion of territory upon the Mississippi, and *therefore* entitled to claim the right of navigating the river. But the boundary line of the treaty of 1783 was a line from the northwesternmost point of the Lake of the Woods, due west *to the Mississippi*. And after the treaty of 1783, but before the war of 1812, it had been found that a line due west from the northwest corner of the Lake of the Woods did not strike the Mississippi. Therefore, continues Mr. Russell, Great Britain could claim no *territorial* right to the navigation of the river; and therefore had no longer any claim to the benefit of the eighth article of the treaty of 1783.

To this it may be replied: First, that the British claim of right to navigate the Mississippi was not founded solely on the territory which it was believed they would retain upon that river, by the boundary west from the Lake of the Woods. The eighth article of the treaty of 1783 was a separate and distinct article, stipulating the right of both nations to navigate the river, without any reference to boundary or to territory. But the boundary, the territory, and the right to navigate the river, were all, in that treaty, cessions from Great Britain to the United States. And, had it even been the intention of both parties that Britain should cede the *whole* of her territories on the Mississippi, it was yet competent to her to reserve the right of navigating the river for her subjects, in common with the people of the United States; and competent for the United States to accept the cession, subject to that reservation. They did so, by the eighth article of the treaty. And, in this point of view, the British right of navigating the river within the American territory was precisely similar to the American liberty of fishing within the British territorial jurisdiction, reserved by the third article of the same treaty.

But, secondly, the discovery that a line due west from the northwesternmost corner of the Lake of the Woods would not strike the Mississippi, had *not* deprived Great Britain of all claim to territory upon that river, at the time of the negotiation at Ghent. The line described in the treaty was, from the northwesternmost point of the Lake of the Woods, "on a *due west* course to the river *Mississippi*." When it was found that a line *due west* did not touch the Mississippi, this boundary was annulled by the fact. It remained an unsettled boundary, to be adjusted by a new agreement. For this adjustment, the moral obligation of the parties was to adopt such a line as should approximate as near as possible to the intentions of both parties in agreeing upon the line for which it was to be substituted. For ascertaining this line, if the United States were entitled to the benefit of the words "on a due west course," Britain was equally entitled to the benefit of the words "to the river Mississippi." Both the demands stood on the same grounds. Before the war of 1812, three abortive attempts had been made by the parties to adjust this boundary. The first was by the treaty of 1794, when it was already conjectured, but not ascertained, that the line due west from the lake would not intersect the Mississippi. By the fourth article of the treaty of 1794, it was agreed that a joint survey should be made to ascertain the fact; and that if, on the result of that survey, it should appear that the west line would not intersect the river, the parties would proceed, "by amicable negotiation, to regulate the boundary line in that quarter, according to justice and mutual convenience, and in conformity to the intent of the treaty of 1783." This survey was never made. The second attempt to adjust the line was by the convention signed on the 12th of May, 1803, by Mr. King and Lord Hawkesbury; the fifth article of which, after reciting the same uncertainty whether a line drawn due west from the Lake of the Woods would intersect the Mississippi, provided that, instead of the said line, the boundary of the United States, in that quarter, should, and was declared to be, *the shortest line which could be drawn between the northwest point of the Lake of the Woods and the nearest source of the river Mississippi*. This convention not having been ratified, the third attempt at adjustment had been made in the negotiation of Mr. Monroe and Mr. Pinkney, of 1806 and 1807; at which an article had been proposed, and agreed to, that the line should be from the most northwestern point of the Lake of the Woods to the forty-ninth parallel of latitude; and from that point, due west, along and with the said parallel, *as far as the respective territories extend in that quarter*. And with that article was coupled another, as follows:

"It is agreed by the United States, that His Majesty's subjects shall have, at all times, free access from His Majesty's aforesaid territories, by land or inland navigation, into the aforesaid territories of the United States, to the river Mississippi, with the goods and effects of His Majesty's said subjects, in order to enjoy the benefit of the navigation of that river, as secured to them by the treaty of peace between His Majesty and the United States, and also by the third article of the treaty of amity, commerce, and navigation of 1794. And it is further agreed, that His Majesty's subjects shall, in like manner, and at all times, have free access to all the waters and rivers falling into the western side of the river Mississippi, and to the navigation of the said river."

This negotiation was suspended by a change of the British ministry, and was not afterwards resumed. But the following observations upon the two articles, contained in a letter from Mr. Madison to Messrs. Monroe and Pinkney, of the 30th July, 1807, show how far Mr. Jefferson, then President of the United States, had authorized those commissioners to accede to them:

"Access by land or inland navigation from the British territories, through the territory of the United States, to the river Mississippi, is not to be allowed to British subjects, with their goods or effects, unless such articles shall have paid all the duties, and be within all the custom-house regulations applicable to goods and effects of citizens of the United States. An access through the territory of the United States to the waters running into the *western side* of the Mississippi is, under no modification whatever, to be stipulated to British subjects."

Such, then, was the state of things, in relation to this interesting question, at the time when the war of 1812 broke out; and, at the negotiation of Ghent, the same question of boundary again occurred for adjustment. The right of the British to a line from the Lake of the Woods *to the Mississippi* had never been renounced; and at the last negotiation between the parties, four years after the United States had acquired Louisiana, and with it all the Spanish rights upon the Mississippi, the British Government, in assenting to take the forty-ninth parallel of latitude as a substitute for the line *to the Mississippi*, had expressly restipulated for the free navigation of the river, and free access to it from our territories: to both of which Messrs. Monroe and Pinkney had been explicitly authorized to accede.

Under this state of things, it had never been admitted by the British, nor could we maintain against them by argument even, that the Mississippi river was within our *exclusive* jurisdiction: for so long as they had a right by treaty to a line of boundary to that river, and consequently to territory upon it, they also had jurisdiction upon it;

nor, consequently, could the instructions of 15th April, 1813, had they even been still in full force, have restricted the American commissioners from making or receiving a proposition for continuing to the British the right of navigating the river, which they had enjoyed, without ever using it, from the time of the treaty of 1783, when the United States had received, by cession from them, the right of enjoying it jointly with them.

Bearing in mind this state of things, we are also to remember that, in the conference of 19th August, 1814, and in the letter of that date from the British to the American plenipotentiaries, (see Wait's State Papers, vol. 9, pp. 334, 338,) they had claimed a new northwestern boundary line from *Lake Superior* to the Mississippi, and the free navigation of that river. To this the American commissioners had answered, on the 24th of August, 1814: The undersigned perceive that the British Government "propose, without purpose specifically alleged, to draw the boundary line westward, not from the Lake of the Woods, *as it now is*, but from Lake Superior:" and they objected to it, as demanding a cession of territory.

The British plenipotentiaries, on the 4th September, 1814, replied:

"As the necessity for fixing some boundary for the northwestern frontier has been mutually acknowledged, a proposal for a discussion on that subject cannot be considered as a demand for a cession of territory, unless the United States are prepared to assert that there is no limit to their territories in that direction; and that, availing themselves of the geographical error upon which that part of the treaty of 1783 was formed, they will acknowledge no boundary whatever; then, unquestionably, any proposition to fix one, be it what it may, must be considered as demanding a large cession of territory from the United States.

"Is the American Government prepared to assert such an unlimited right, so contrary to the evident intention of the treaty itself? Or is His Majesty's Government to understand that the American plenipotentiaries are willing to acknowledge the boundary from the Lake of the Woods *to the Mississippi*, (the arrangement made by a convention in 1803, but not ratified,) as that by which their Government is ready to abide?

"The British plenipotentiaries are instructed to accept favorably such a proposition, or to discuss any other line of boundary which may be submitted for consideration."

I stop here for a moment to observe how instinctively, if the expression may be allowed, both the parties in this correspondence recur to the treaty of 1783, with a consciousness that it was yet in full force, as an appeal for either in support of its claims. The expression in the above American note applied to the boundary "as it now is;" the reference of the British note to the geographical error in the treaty of 1783, and their willingness to discuss the arrangement of 1803, (the shortest line from the Lake of the Woods to the Mississippi.) Both acknowledge the treaty of 1783 as the basis of all proposition and all argument, and as being yet in force for every thing which should not be otherwise provided for in the new treaty.

In their note of 21st October, 1814, the British commissioners said:

"On the subject of the fisheries, the undersigned expressed with so much frankness, at the conference already referred to, the views of their Government, that they consider any further observations on that topic as unnecessary at the present time.

"On the question of the boundary between the dominions of His Majesty and those of the United States, the undersigned are led to expect, from the discussion which this subject has already undergone, that the northwestern boundary, from the Lake of the Woods to the Mississippi, (the intended arrangement of 1803,) will be admitted without objection."

Thus stood the parties and the subject, when, on the 10th of November, 1814, the American plenipotentiaries sent the first projet of a treaty to the British commissioners. It contained no article relating either to the fisheries or to the Mississippi; but, in the note which accompanied it, to meet the notification twice given on the part of the British Government, that they did not intend to grant, without equivalent, the liberty of fishing within the British jurisdiction, the counter-notification, already noticed, was introduced, informing them that the American Government did not consider the fishing liberties as forfeited by the war, and that they would remain in full force, without needing any new grant to confirm them. At this stage of the negotiation, therefore, the American plenipotentiaries did actually pursue the first of those three *other* ways of proceeding, which Mr. Russell, in the postscript to the *original* of his letter of 11th February, 1815, says they might have taken, and to which he adds that he would have assented, namely: to contend for the continuance of the fishing privilege, notwithstanding the war, without saying any thing about the navigation of the Mississippi. It cannot but be surprising to find Mr. Russell, within three months after these events, writing privately to the Secretary of State, stating this as a course *other* than that which we had pursued, and that he would have assented to it if we had; when it was the very course that we did pursue, and he had assented to it. We did contend, not for the *indestructibility*, as Mr. Russell terms it, of the treaty of 1783; but that, from its peculiar character, it was not abrogated by the mere occurrence of war. We never maintained that the treaty of 1783 was indestructible or imperishable; but that the rights, liberties, and boundaries, acknowledged by it as belonging to us, were not abrogated by mere war. We never doubted, for example, that we might be compelled to stipulate a new boundary; but that would have been, not as a consequence of mere war, but the effect of conquest resulting from war. The difference between our principle and that of the British was, that they, considering the rights acknowledged as belonging to us by the treaty as mere *grants*, held them as annulled by war alone; while we, viewing them as rights existing before the treaty, and only acknowledged by it, could not admit them to be forfeited without our own assent. Britain might have recovered them by conquest; but that could not be consummated without our acquiescence, tacit or expressed. Mr. Russell, who assented to our principle, and asserted it with us, now says he always thought the British principle was the true one. If the American mission, at that trying time, had acted upon it, he never would have prophesied the convention of October, 1818.

The eighth article of the projet of a treaty, sent by the American commissioners on the 10th of November, offered the boundary which had been proposed in 1807, a line north or south to latitude 49°, and westward, on that parallel, as far as the territories of the two countries extended; and said nothing about the Mississippi. But when, on the 26th of November, the British plenipotentiaries returned the projet with their proposed amendments, they accepted the 49th parallel westward from the Lake of the Woods for the boundary, but with the following addition to the article: "And it is further agreed, the subjects of His Britannic Majesty shall at all times have access, from His Britannic Majesty's territories, by land or inland navigation, into the aforesaid territories of the United States to the river Mississippi, with their goods, effects, and merchandise; and that His Britannic Majesty's subjects shall have and enjoy the free navigation of the said river."

It was to meet this demand that, at the conference of the 1st of December, the American plenipotentiaries proposed to strike out all those words, and to substitute the amendment contained in the protocol of that conference, already communicated to Congress. It was thus that the relation which Mr. Russell, within three months afterwards, so singularly professes not to perceive between the fishing liberties and the Mississippi navigation, not only naturally arose, but forced itself upon the American plenipotentiaries. They had saved the fishing liberties from *surrender*, as they had been specially instructed to do, by asserting that the treaty of 1783 had not been abrogated *ipso facto* by the war. Two days before receiving this counter-projet, they had received from Washington a fresh

instruction, expressly authorizing them to conclude a treaty on the basis of the *status ante bellum*, including, of course, the fishing liberty on one side, and the navigation of the Mississippi on the other. They could not, therefore, consistently with those instructions, either reject this British demand, or abandon to surrender the fisheries. They offered, therefore, the amendment containing the renewed acknowledgment of both; and they said to the British plenipotentiaries: We have told you that we consider all the rights secured to us by the treaty of 1783 as still in force. What we demand, if you assent to it, we must yield in return. If, as we say, the treaty of 1783 is yet in force, you have the right of navigating the Mississippi, and we have the fishing rights and liberties unimpaired. If, as you say, the treaty is abrogated, how can you claim the right of navigating the Mississippi? You must admit the one, or not demand the other. We offer you the alternative of a new stipulated admission of both, or a total omission of both. We offer you, in application, the choice of our principle or of your own.

The British commissioners took the proposal for reference to their Government, by whom it was immediately rejected. But, to show how anxious they were to obtain from us the surrender of our fishing liberties, and how cheaply they valued the right of navigating the Mississippi, as one of the last expedients of negotiation they offered us an article, agreeing that, after the peace, the parties would further negotiate "respecting the terms, conditions, and regulations, under which the inhabitants of the United States" should again enjoy the fishing liberties, "*in consideration of a fair equivalent*, to be agreed upon between His Majesty and the said United States, and granted by the said United States for such liberty aforesaid;" and a reciprocal stipulation with regard to the British right of navigating the Mississippi. As the parties after the peace would have been just as competent further to negotiate on these points, if so disposed, without this article as with it, its only effect would have been a mutual *surrender*, on the American side, of the fishing liberties, and, on the British side, of the right to navigate the Mississippi; with this difference, that we should have surrendered, in direct violation of our instructions, a real, existing, practical liberty, which, even in the war of our independence, had been deemed of the highest importance, and at its close had been with infinite difficulty secured: a liberty, of which that portion of the Union whom it immediately concerns had been, from the time of the treaty of 1783, in the constant, real, and useful possession; while the British would have surrendered absolutely nothing—a right which, by inference from their own principle, was abrogated by the war; a right which, under the treaty of 1783, they had enjoyed for thirty years without ever using it; and which, in all human probability, never would have been of more beneficial use to the British nation, than would be, to the people of the United States, the right of navigating the Bridgewater canal or the Danube.

There was certainly an inconsistency, on the part of the British Government, in claiming a right to navigate the Mississippi, while asserting that the treaty of 1783 was abrogated by the war: and when pressed by us to say on what principle they claimed it without offering for it an equivalent, they said the equivalent was their acceptance of the forty-ninth parallel of latitude for the northwestern boundary, instead of the line to which they were entitled by the treaty of 1783—*to the Mississippi*. As they gave up the line to the river, they said they had a right to reserve its navigation, and access to it for that purpose. They had said the same thing to Messrs. Monroe and Pinkney in 1807; and the principle had been assented to by them, with the subsequent sanction of President Jefferson. Still, the whole argument leaned upon the continuing validity of the treaty of 1783; for the boundary line, as well as the Mississippi navigation, was null and void, if that treaty was abrogated. We replied to them, that, although we were willing to agree to the forty-ninth parallel of latitude for the boundary, and thought it of mutual interest that the line should be fixed, we were yet not tenacious of it: we could not agree to their article of mutual surrender, with a pledge of future negotiation; but we would consent to omit the boundary article itself, and leave the whole subject for future adjustment. And to this they finally agreed.

The advantage of this to us was, that we came out of the war without having *surrendered* the fishing liberties, as they had been enjoyed before, and stipulated at, the treaty of 1783. We were still free to maintain, and we did, after the conclusion of the peace, effectively maintain, the existence of the right, notwithstanding the intervening war. The British Government still insisted that the treaty of 1783 was abrogated by the war: but when called upon to show why then they treated the United States as an independent nation, and why, in the treaty of Ghent, they had agreed to four several commissions to ascertain boundaries, "according to the true intent and meaning of that same treaty of 1783," they finally answered, that they considered our independence, and the boundaries, as existing facts, like those of other nations, without reference to their origin. This left nothing but a dispute about words; for we applied the same principle to the fishing liberties of the third article, which they conceded with regard to the acknowledgment of independence and to the boundaries. They considered the whole treaty of 1783 as a British grant. We considered it as a British acknowledgment. They never drew the nice distinction, attempted by Mr. Russell, between a perishable and imperishable part of the treaty, or admitted that it consisted of rights which they could not, and of privileges which they could, resume without our consent. By their principle, they might have resumed the whole: and when they notified to us, at Ghent, that they did not intend to *grant* us again the fishing liberties within their exclusive jurisdiction, but that they meant to leave us the right of fishing in the open sea, they gave us distinctly enough to understand that they were treating us with magnanimity in not resuming the whole. There was, in truth, no difference in the principle; and Mr. Russell, in consulting his Vattel, to find that fishing rights were *jura meræ facultatis*, and therefore imprescriptible, ought to have seen what that writer very explicitly says—not that they were rights which could not be *acquired* by long usage, but rights which could not be *lost* by non-user. He ought also to have seen, what Vattel no less clearly lays down, that, although a nation may appropriate to itself a fishery upon its own coasts and within its own jurisdiction, yet, "if it has once acknowledged the common right of other nations to come and fish there, it can no longer exclude them from it; it has left that fishery in its primitive freedom, at least with respect to those who have been in possession of it." And he cites the herring fishery on the coast of England, as being common to them with other nations, because they had not appropriated it to themselves *from the beginning*.

In perusing the letter of Mr. Russell, whether original or duplicate, I cannot but reflect with gratitude to Providence upon the slender thread by which the rights of this nation to the fisheries were in fact suspended at the negotiation of Ghent. Positive and precise as our instructions were not to *surrender* them, if Mr. Russell had disclosed at Ghent the opinions avowed in either version of his letter; if he had so broadly asserted and so pertinaciously maintained his conviction of the utter worthlessness of the fisheries, in comparison with the exclusion of the British from a mere phantom of right to navigate the Mississippi, which they had always enjoyed without use, without benefit to themselves or injury to us; if he had so learnedly disserted to prove that the treaty of 1783 was totally and absolutely abrogated by the war; if he had so thoroughly inverted the real state of the question, and painted it in such glowing colors as a sacrifice of the deep, real interests of the West, to a shallow, imaginary interest of the East; if, with that perseverance which is the test of sincerity, he had refused to sign the proposal determined upon by the majority of his colleagues, and given them notice that he should transmit to his Government the vindication of himself and his motives for differing from them; and, above all, if another mind could have been found in the mission capable of concurring with him in those views, it would at least have required of the majority an inflexibility of fortitude, beyond that of any trial by which they were visited, to have persevered in their proposal. Had they concurred with him in his opinion of the total abrogation of the treaty of 1783, by the mere fact of the

war, the fisheries in the Gulf of St. Lawrence, on the coast of Labrador, and to an indefinite extent from the island of Newfoundland, were lost to the United States forever; or at least till the indignant energy of the nation should have recovered, by conquest, the rights thus surrendered to usurpation. In notifying to us that the British Government intended not to renew the grant of the fisheries within British jurisdiction, they had not said what extent they meant to give to these terms. They had said they did not mean to extend it to the right of the fisheries, generally, or *in the open seas*, enjoyed by all other nations. *(See letter of the American commissioners to the Secretary of State of the 12th August*, 1814. *Wait's State Papers, vol. 9, p. 321.)* But there was not wanting historical exposition of what Great Britain understood by her exclusive jurisdiction as applied to these fisheries. In the twelfth article of the treaty of Utrecht, by which Nova Scotia or Acadia had been ceded by France to Great Britain, the cession had been made "in such ample manner and form, that the subjects of the Most Christian King shall hereafter be excluded from all kind of fishing in the said seas, bays, and other places on the coast of Nova Scotia; that is to say, on those which lie towards the east, within THIRTY LEAGUES, beginning from the island commonly called Sable, inclusively, and thence along towards the southwest."

By the thirteenth article of the same treaty, French subjects were excluded from fishing on any other part of the coast of the island of Newfoundland than from Cape Bonavista northward, and thence westward to Point Riche. By the fifteenth article of the treaty of Utrecht, between Great Britain and Spain, certain rights of fishing *at* the island of Newfoundland had been reserved to the Guipuscoans, and other subjects of Spain; but in the eighteenth article of the treaty of peace between Great Britain and Spain, of 1763, His Catholic Majesty had desisted, "as well for himself as for his successors, from all pretension which he might have formed, in favor of the Guipuscoans and others his subjects, to the right of fishing IN THE NEIGHBORHOOD of the island of Newfoundland." In these several cases, it is apparent that Great Britain had asserted and maintained an exclusive and proprietary jurisdiction over the whole fishing grounds of the Grand Bank, as well as on the coast of North America, and in the Gulf of St. Lawrence. Nor are we without subsequent indications of what she would have considered as her exclusive jurisdiction, if a majority of the American commission at Ghent had been as ready, as Mr. Russell declares himself to have been, to subscribe to her doctrine, that all our fishing liberties had lost, by the war, every vestige of right; for, in the summer of 1815, the year after the conclusion of the peace, her armed vessels on the American coast warned all American fishing vessels not to approach within SIXTY MILES of the shores.

It was this incident which led to the negotiations which terminated in the convention of 20th October, 1818. In that instrument the United States have *renounced forever* that part of the fishing liberties which they had enjoyed, or claimed, in certain parts of the exclusive jurisdiction of British provinces, and within *three marine miles* of the shores. This privilege, without being of much use to our fishermen, had been found very inconvenient to the British; and, in return, we have acquired an enlarged liberty, both of fishing and drying fish, within the other parts of the British jurisdiction, *forever*. The first article of this convention affords a signal testimonial of the correctness of the principle assumed by the American plenipotentiaries at Ghent; for, by accepting the express renunciation by the United States of a small portion of the privilege in question, and by confirming and enlarging all the remainder of the privilege *forever*, the British Government have implicitly acknowledged that the liberties of the third article of the treaty of 1783 had *not* been abrogated by the war, and have given the final stroke to the opposite doctrine of Mr. Russell. That words of perpetuity, in a treaty, cannot give that character to the engagements it contains, is not indeed a new discovery in diplomatic history; but that truism has as little concern with this question, as the annulment of our treaty of 1778 with France, so aptly applied to it in his letter. It is not, therefore, the word *forever*, in this convention, which will secure to our fishermen, for all time, the liberties stipulated and recognised in it; but it was introduced by our negotiators, and admitted by those of Great Britain, as a warning that we shall never consider the liberties secured to us by it as abrogated by mere war. They may, if they please, in case of a war, consider the convention as abrogated, but the privileges as existing, without reference to their origin. But they and we, I trust, are forever admonished against the stratagem of demanding a surrender, in the form of notifying a forfeiture. They and we are aware, forever, that nothing but *our own renunciation* can deprive us of the right.

The second article of this same convention affords a demonstration equally decisive how utterly insignificant and worthless, in the estimation of the British Government, was this direfully dreaded navigation of the Mississippi. The article gives us the forty-ninth parallel of latitude for the boundary; and neither the navigation of the river, nor access to it, was even asked in return.

These are conclusive facts—facts appealing not to the prejudices or the jealousies, but to the sound sense and sober judgment of men. Without yielding at all to Mr. Russell in my "trust in God and the valor of the West," I have an equal trust in the same Divine Being as connected with the *justice* of the West. I have the most perfect and undoubting reliance that, to the clear-sighted intelligence of the western country, the gorgons, and hydras, and chimeras dire, of Mr. Russell's imagination, raised by incantation from the waters of the Mississippi, will sink as they rose, and be seen no more. Without professing to sacrifice any of those ties of duty and allegiance which bind me to the interest of my native State, I cannot allow Mr. Russell's claim to a special ardor for the welfare of the West to be superior to my own, or to that of the deceased or of the living colleague with whom I concurred, without mental reservation, in the measure subscribed to and denounced by Mr. Russell. We were all the ministers of the whole Union; and sure I am, that every member of the majority would have spurned with equal disdain the idea of sacrificing the interest of any one part of the Union to that of any other, and the uncandid purpose of awakening suspicions at the source of their common authority here against the patriotism and integrity of any one of his colleagues.

I shall conclude with a passing notice of the three alternatives, which, in the postscript to the original of his letter of 11th of February, 1815, he says we might have taken instead of that which, as he alleges, we, against his will, did do. "We had," says he, "three other ways of proceeding:

"1st. To contend for the indestructibility of the treaty of 1783; thence inferring the continuance of the fishing privilege, without saying any thing about the navigation of the Mississippi, which would have reserved our right of contesting this navigation on the grounds I have mentioned as specially applicable to it. 2. To have considered the treaty at an end, and to have offered a reasonable equivalent, *wherever it might be found*, for the fishing privilege. 3d. To have made this liberty a *sine quâ non* of peace, as embraced by the principle of *status ante bellum*.

"To either of these propositions" (he adds,) "I would have assented. But I could not consent to grant or revive the British right to the navigation of the Mississippi."

He could not consent! He did consent: see his name subscribed to the letter from the American to the British plenipotentiaries of 12th December, 1814—p. 44 of the message of 25th February last.

It is, indeed, painful to remark here, and throughout this letter of Mr. Russell, how little solicitude there is discoverable to preserve even the appearance of any coincidence between his real sentiments and his professions: half his letter is an argument in form to prove that the treaty of 1783 was abrogated by the war; yet he says he would have assented to contend for its *indestructibility*, so long as it applied only to the defence of the fisheries,

reserving his special grounds of objection to its being applied to the navigation of the Mississippi. I have shown that the indestructibility of the treaty of 1783 never was asserted by any of the American commissioners; but that the principle that it had not been abrogated by the war, and that none of the rights stipulated and recognised in it, as belonging to the people of the United States, could be abrogated, but by their own renunciation, was at first assumed in defence of the fisheries only, and without saying any thing of the Mississippi. When, therefore, the demand for the navigation of the Mississippi came from the British plenipotentiaries, Mr. Russell's special objections to the application of our principle, in favor of our demand, might have been urged. But what were these special objections? I have shown that they were our own wrong—fraud and extortion upon Spain, to justify perfidy to Great Britain. Mr. Russell never did allege these objections at Ghent: and, if he had, a majority of the American mission would assuredly have been ashamed to allege them to the British Government.

The second way of proceeding, to which Mr. Russell says he would have assented, was to consider the treaty of 1783 at an end, and offer for the fishing privilege a reasonable equivalent, *wherever it might be found.* And where would he have found it? He will not affirm that we had authority to offer any equivalent whatever; we had been specially instructed *not to surrender them.* He says he would have surrendered, and purchased them at a reasonable price again.

The third substitute, to which he says he would have assented, is the strangest of all. He says he would have made it a *sine quâ non* of peace, as embraced by the principle of *status ante bellum.*

A *sine quâ non* for the *status ante bellum!* And yet *he could not consent* to grant or revive the British right to the navigation of the Mississippi, in order to procure or preserve the fishing liberty; when the *status ante bellum* would have given them not only the whole treaty of 1783, but the permanent articles of the treaty of 1794; not only the navigation of the Mississippi, but unrestrained access to our territories and intercourse with our Indians.

I have shown that the most aggravated portion of Mr. Russell's charge against his colleagues of the majority—that of wilful violation of positive and unequivocal instructions, by a senseless offer to the British plenipotentiaries, sacrificing an important western to a trifling eastern interest—is not only utterly destitute of foundation, but that it was not even made; nay, more, that it was distinctly contradicted by the letter really written by Mr. Russell at Paris, on the 11th of February, 1815. Into Mr. Russell's motive for introducing it into the duplicate of that letter, delivered by himself at the Department of State, to be communicated to the House as the letter called for by their resolution, I shall not attempt to penetrate; having, as I trust, equally shown that the charges implied in the real letter are as groundless as their aggravations in the duplicate. The professions of unfeigned respect for the integrity, talents, and judgment of those colleagues whose conduct is, in the same letter, represented as so weak, absurd, and treacherous, I can, for my own part, neither accept nor reciprocate. To have been compelled to speak, as in these remarks I have done, of a person distinguished by the favor of his country, and with whom I had been associated in a service of high interest to this Union, has been among the most painful incidents of my life. In the defence of myself and my colleagues against imputations so groundless in themselves, at first so secretly set forth, and now so wantonly promulgated before the legislative assembly of the nation, it has been impossible entirely to separate the language of self-vindication from that of reproach. With Mr. Russell I can also rejoice that the proposal offered on the 1st of December, 1814, was rejected by the British Government; not because I believe it now, more than I did then, liable to any of the dangers and mischiefs so glaring in the vaticinations of Mr. Russell, but because both the interests to which it relates have since been adjusted in a manner still more satisfactory to the United States. I rejoice, too, that this adjustment has taken place before the publication of Mr. Russell's letter could have any possible influence in defeating or retarding it. The convention of 20th of October, 1818, is the refutation of all the doctrines of Mr. Russell's letter, to which there can be no reply. It has adjusted the fishing interest upon the principle asserted by the American mission at Ghent, but disclaimed by Mr. Russell. It has given us the boundary of latitude 49°, from the Lake of the Woods westward; and it has proved the total indifference of the British Government to the right of navigating the Mississippi, by their abandonment of their last claim to it, without asking an equivalent for its renunciation.

With regard to the magnitude of the fishing interest which was at stake during the negotiation at Ghent, I believe the views disclosed in Mr. Russell's letter as incorrect as the principles upon which he would have surrendered it. The notification of exclusion was from all fisheries within exclusive British jurisdiction. I have shown that, historically, Great Britain had asserted and maintained exclusive proprietary jurisdiction over the whole. Had we tamely acquiesced in her principle of forfeiture without renunciation, we should soon have found that her principle of exclusion embraced the whole. That a citizen of Massachusetts, acquainted with its colonial history, with the share that his countrymen had had in the *conquest* of a great part of these fisheries, with the deep and anxious interest in them taken by France, by Spain, by Great Britain, for centuries before the American revolution; acquainted with the negotiations of which they had been the knot, and the wars of which they had been the prize, between the three most powerful maritime nations of modern Europe; acquainted with the profound sensibility of the whole American Union, during the revolutionary war, to this interest, and with the inflexible energies by which it had been secured at its close; acquainted with the indissoluble links of attachment between it and the navigation, the navy, the maritime defence, the national spirit, and hardy enterprise of this great republic: that such a citizen, stimulated to the discharge of duty by a fresh instruction from his Government, given at the most trying period of the war, upon the very first rumor of an intention, on the part of Great Britain, to demand its surrender, *not to surrender it*—sooner to break off the negotiation than surrender it; that such a citizen, with the dying words of Lawrence, "Don't give up the ship," still vibrating on his ear, should describe this interest "as totally unnecessary for us for subsistence or occupation," and affording, "in no honest way, either commercial facility or political advantage," as "the doubtful accommodation of a few fishermen, annually decreasing in number," is as strange and unaccountable to me as that he should deliberately sit down, two months after the treaty was concluded, and write to his Government a cold-blooded dissertation to prove that there was nothing—absolutely nothing—in the principle upon which he and his colleagues had rested its future defence; and that he considered the fishing liberty "to be entirely at an end, without a new stipulation for its revival."

Such were not the sentiments of a majority of the American commissioners at Ghent; such were, particularly, not the sentiments of the writer of these remarks. He reflects, with extreme satisfaction, upon that deep and earnest regard for this interest manifested, at that time, by the Executive Government of the United States, in the positive and unqualified instruction of the 25th of June, 1814, to the commissioners, on no consideration whatever *to surrender the fisheries.* He rejoices that this instruction was implicitly obeyed; that the nation issued from the war with all its rights and liberties unimpaired, preserved as well from the artifices of diplomacy as from the force of preponderating power upon their element, the seas; and he trusts that the history of this transaction, in all its details, from the instruction *not to surrender the fisheries* to the conclusion of the convention of the 20th of October, 1818, will give solemn warning to the statesmen of this Union, in their conflicts with foreign Powers, through all future time, never to consider any of the liberties of this nation as abrogated by a war, or capable of being extinguished by any other agency than our own express renunciation.

JOHN QUINCY ADAMS.

MAY 3, 1822.

17th CONGRESS.] No. 529. [1st SESSION.

SLAVES IMPORTED BY AN INDIAN AGENT CONTRARY TO LAW.

COMMUNICATED TO THE SENATE, MAY 6, 1822.

To the Senate of the United States: WASHINGTON, *May* 6, 1822.

In compliance with a resolution of the Senate of the 26th of April, requesting the President of the United States "to communicate to the Senate the report of the Attorney General, relative to any persons (citizens of the United States) who have been charged with or suspected of introducing any slaves into the United States contrary to existing laws," I transmit, herewith, two reports from the Attorney General.

JAMES MONROE.

SIR: OFFICE OF THE ATTORNEY GENERAL U. S., *February* 2, 1820.

The slaves, to which Governor Clark alludes, having been imported prior to the act of 3d of March, 1819, do not fall within the sphere of the powers and duties assigned to the President by the first and second sections of this act. These slaves appear to have been introduced in the fall of 1817, or in the following winter; at which time, by the laws of the United States, they were subject to be disposed of by the laws of the several States. If they were not proceeded against under the State laws, I understand that proceedings may now be had against them under the fourth section of the act of Congress of March 3, 1819, which provides, "that when information shall be lodged with the attorney for the district of any State or Territory that any negro, &c. has been imported therein, *contrary to the provisions of the act* in such case made and provided, it shall be the duty of the attorney forthwith to commence a prosecution by information; and process will issue against the person charged with holding such negro, &c.; and if it shall be ascertained, by the verdict of a jury, that such negro, &c. has been brought in contrary to the true intent and meaning of the act, &c., then the court shall direct the marshal of the said district to take the said negro, &c. into his custody for safe-keeping, subject to the orders of the President," &c. I understand this section of the act of 1819 as applying to all negroes theretofore brought in against the provisions of any of the acts of Congress on the subject, who had not been disposed of previously by the State laws; and, consequently, that if these negroes are in this predicament, and are now in any State or Territory of the United States, proceeding may still be had against them under that section; but that the President has nothing to do with them until they shall, by the judgment of a court, be placed in the hands of the marshal, subject to the orders of the President; and that, when so placed in the marshal's hands, the President may order them, if he pleases, to the coast of Africa, under the spirit of the act in which this fourth section is found.

I think, also, that it is due both to the Government and General Mitchell that a prosecution should be instituted against him for the penalty given by the laws of the United States for the importation of slaves. Such a prosecution will give him an opportunity of acquitting himself, if innocent, and will inflict a just punishment on him, if guilty.

With respect to the propriety of submitting this case to Congress in their call for information as to the practices in evasion or violation of our slave laws, Governor Clark's communication appears to me to come directly within the object of the call, and, being derived from so respectable a source as the Governor of the State of Georgia, I cannot perceive with what propriety it can be withheld.

I have the honor, &c.

WM. WIRT.

The PRESIDENT OF THE UNITED STATES.

SIR: OFFICE OF THE ATTORNEY GENERAL U. S., *January* 21, 1821.

I proceeded on the 1st instant, according to appointment, to take up the case of General David B. Mitchell, the agent of the United States for Indian affairs at the Creek agency, under a charge from Governor Clark, of Georgia, that he was concerned in the unlawful importation of Africans, in breach of our laws, in the winter of 1817–'18; and have now the honor of reporting to you, according to your direction, my opinion both of the law and the facts of the case.

The only law of the United States which has any bearing on the conduct of General Mitchell is the act of Congress of the 2d of March, 1807, entitled "An act to prohibit the importation of slaves into any port *or place within the jurisdiction of the United States* from and after the 1st day of January, 1808." This act, after inflicting severe penalties on any who shall after that day import, or aid in importing, any negro, &c. to any port or place within the jurisdiction of the United States, with the view of selling them, or holding them to service or labor, proceeds to declare, among other things, in the fourth section, that "*neither the importer, nor any person or persons claiming from or under him, shall hold any right or title whatever to any negro, mulatto, or person of color, nor to the service or labor thereof, who may be imported or brought within the United States, or territories thereof*, in violation of this law; but the same shall remain subject to any regulations, not contravening the provisions of this act, which the Legislatures of the several States *or Territories* at any time *hereafter* may make for disposing of any such negro, mulatto, or person of color." This section of the act does not provide what shall be done with the persons thus imported, in case the Legislatures of the several States shall not *thereafter* have made any regulations for disposing of them; but the seventh section of the same act, after authorizing the seizures to be made by the armed vessels of the United States of any vessels with slaves on board that may be found hovering on the coast, and giving a moiety of the forfeiture to those who make the seizure, provides that, in order to entitle them to such moiety, the officers, &c. shall safely keep every negro, &c. found on board, &c., and shall deliver every such negro, &c. to such person or persons as shall be appointed by the respective States to receive the same; "*and if no such person or persons shall be appointed by the respective States, they shall deliver every such negro, &c. to the overseers of the poor of the port or place where such ship or vessel may be brought or found, and shall immediately transmit to the Governor or Chief Magistrate of the State an account of their proceedings, together with the number of such negroes, &c., and a descriptive list of the same, that he may give directions respecting such negroes*," &c. It is true that this directory provision is confined, in terms, to the *officers and men of the armed vessels of the United States* making seizures of slave vessels on the coast; yet, as it forms a part of the same act with the section before

in part quoted, and contains the only direction in the act as to what shall be done with negroes, &c. seized, where the State shall not by its laws have pointed out a person to receive them, it may be well considered as incorporated with the fourth section, as supplying its defects, and giving the rule of action in the analogous case of a seizure on land, so far as the direction could be carried into effect under the circumstances of such a case. For example, in the case of a seizure made in the Indian country, where no counties were yet organized, and where there were no overseers of the poor, that part of the direction which orders a delivery of the negroes to the overseers of the poor could not be carried into effect; but that part of it which requires an immediate report to the Governor of the State could have been carried into effect, and the direction ought *to be respected* as an expression of the purpose of Congress where the State had omitted to provide persons for the function in question. Yet this construction of the act is not so obvious or necessary as to attach guilt to any man who, having made a seizure by land, shall have omitted to adopt and act upon it. But the fourth section, taken by itself, and without any reference to the seventh, in divesting the importer of all title to the negroes, and subjecting them to be disposed of *according to the legal regulations of the State*, would seem very naturally to *advertise the seizer* that the Governor of the State, officially charged with the execution of the laws of the State, ought to be forthwith apprized of the seizure and its circumstances, that he might give direction respecting such negroes.

The act of Congress thus referring the disposal of slaves illicitly imported to the regulations which should *thereafter* be made by the Legislatures of the several States, leads us to inquire, in the next place, whether the Legislature of the State of Georgia, the theatre of the transactions under consideration, had made the regulations contemplated by the act of Congress.

The constitution of the State of Georgia of the year 1798 forbade the future importation of slaves from Africa or any foreign place after the 1st day of October following. There have been several prohibitory acts of the Legislature of that State, both before and since the act of Congress, under very severe penalties; some of them, enacted just before the occurrence under review, made the importation a penitentiary offence. But all these acts stopped at the infliction of the penalty, leaving the importer still in possession of the slaves. I can find no act of the Legislature of Georgia, in the volumes furnished from the Department of State, which connected itself with the act of Congress of 1807, by providing the regulations therein contemplated for the disposal of the negroes, &c. unlawfully introduced prior to the 19th December, 1817. On that day an act was passed "for disposing of any such negro, mulatto, or person of color, who has been, or may hereafter be, imported or brought into this State in violation of an act of the United States entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the 1st day of January, 1808." The first section of this act authorizes the Governor of the State "to appoint some fit and proper person to proceed to all such ports and places within this State, as have or may have held, or may hereafter hold, any such negroes, &c. as may have been, or hereafter may be seized or condemned under the above-recited act of Congress, and who may be subject to the control of this State; and the person so appointed shall have full power and authority to ask, demand, &c. all such negroes, &c., and to convey the same to Milledgeville, and place them under the immediate control of the Executive of this State." The second section of the act authorizes the Governor to make sale of such negroes, &c. in such manner as he may think best calculated for the interest of the State. The third section authorizes the Society of Colonization, &c. to anticipate the sale by a demand for the negroes, &c. to be transported to Africa, or any foreign place, on certain conditions, and requires the Governor to aid in promoting their benevolent views in such manner as he may deem expedient.

This act of the Legislature of Georgia has been objected to in its application to this case on several grounds:

1st. That the negroes, in the case under consideration, had been imported before the passage of the act.

The answer is, that the act expressly embraces previous importations.

2d. This feature of the act is objected to as *ex post facto*.

Answer. If the act inflicted any new penalty on the importer in a past case, or divested a previously vested right, the objection would be valid; but it inflicts no new penalty, and, indeed, no penalty whatever. It divests no previously vested right, because the act of Congress of 1807 had already declared that neither the importer, nor any one claiming under him, should hold any right or title whatsoever to negroes thus imported, nor to the service of them.

It is further objected, that the act of Georgia is inconsistent with the *policy* of the act of Congress.

The first answer to the objection is, that Congress, by the act of 1807, left it to the Legislatures of the States to make any regulations for disposing of any such negro, &c., not contravening the *provisions* of the act of Congress. Now, the act of Congress makes no *provision* as to the state or condition, whether of freedom or slavery, in which such negro should be left. It stops with divesting the importer, and those claiming under him, of all title; but the mode of disposing of the negroes, &c. is left, and properly left, to the absolute control of the State into whose bosom they have been illicitly imported: for it must have been considered that the State immediately affected by the importation was most capable of judging in what way the mischief could be best counteracted. Nor do I perceive that the act of Georgia can be justly charged with being inconsistent with the *policy* any more than with the *express provisions* of the act of Congress. The policy of the latter act was to prohibit the future importation of slaves. The means which it adopts for this purpose are the infliction of heavy penalties on the importer, and stripping him, and all claiming under him, of all title to the persons thus imported as slaves. If the State law was in conflict with either of these provisions, or instituted others calculated to encourage the importation, it would certainly be inconsistent both with the policy and provisions of the act of Congress. But the question as to the manner in which the negroes are to be disposed of, after they have been actually imported in violation of the law of Congress, is a question of self-defence, of self-preservation, which Congress submits entirely to the discretion of the State affected by it.

In further reply to the objection, it may be asked, what could the State do better than it has done? Should it have provided by law for exporting the persons thus introduced out of the United States and the territories thereof? Whither were they to be exported? There was, then, no place provided to which the State could send them. Should they have been turned loose as freemen in the State? The impolicy of such a course is too palpable to find an advocate in any one who is acquainted with the condition of the slaveholding States. Should they have been redelivered to the persons who had brought them in, under a bond to carry them out of the United States and out of the territories thereof? The inefficacy of such a measure has been set forth in a strong light in the several communications of General Mitchell, which are now before me; and I find myself unable to add a single illustration of the imbecility of such a course, in relation to the object of the act of Congress: I will barely suggest that, so far from aiding that object, it is among the happiest courses which could be devised to frustrate and defeat it.

I do not perceive that the act of Georgia is fairly liable to either of the objections which have been taken to it; nor do I perceive that the State could have adopted a better or a more liberal course (in relation to the slaves themselves) than the alternative regulations proposed by this act. If the Colonization Society would undertake to carry them out of the country to Africa, or any foreign place, the negroes were to be delivered to them for that purpose, and the Governor was required to aid in the execution of this benevolent purpose: if that society should

not apply, it remained for the State to look to its own safety, by placing them in that condition in which they would be the least likely to do mischief; and the State has done so, *according to their judgment;* to which alone they are remitted, by the act of Congress of 1807.

Before I leave the laws which bear on this subject, it is proper to advert to an act of the Legislature of Georgia, which was passed before Congress was authorized by the constitution to prohibit the importation of slaves; and to which I advert, not because it has, in my opinion, any fair relation to the question, according to the date, or the terms of the act, but because it has been assumed as an auxiliary guide in directing the conduct of General Mitchell in this case. I allude to the act of the Legislature of Georgia of the year 1796, entitled, "to organize the militia in the several new counties of this State;" by the third section of which it is enacted "that the officers of the militia in the first brigade, in the first division, shall be authorized and empowered, in their respective patrol districts, to apprehend any negro, mustee, or mulatto, freeman or freemen, slave or slaves, who shall hereafter arrive in any port of this State, from any of the West India or Bahama islands, and to keep such mustees, negroes, or mulattoes, in close and safe custody, until they can be examined before the corporation of Savannah, or any three justices of the peace for any of the counties lying in the said division, who are hereby authorized to cause such freeman or freemen, slave or slaves, to be exported at the expense of the importer or owner, which such importer or owner is hereby made liable for, as well as for the expense of apprehending or keeping such persons." I learn from the statements of General Mitchell, which are before me, that the officers of the first brigade, in the first division of the militia of Georgia, covered, in local residence, the whole extent of the seacoast of Georgia; and that this law, as its date and terms sufficiently indicate, was levelled at the brigands, whom the convulsions of St. Domingo had rendered objects of terror, not only in that island, but in all the neighboring countries.

That this act had no connexion with the act of Congress of 1807 is manifest from the following considerations, which, indeed, are so palpable that they scarcely require suggestion: 1st. That the act of Congress was certainly regarded by that body as the basis of a new system, to be reared under the federal constitution, for the prohibition of the whole slave trade, with which it was anticipated that the States would co-operate. Congress acted, as soon as it was at liberty to act, on this great subject; leaving much, however, to the future co-operation of the States to forward the grand object which they had in view: hence the language of the fourth section of the act of Congress of 1807, subjecting negroes imported in violation of it to such regulations as should be *thereafter* made by the several States. The State act under consideration was not *thereafter* made, but had passed more than ten years before the era of the prohibitory system under the constitution of the United States.

2d. The act of Congress of 1807 is an act universal in its operation against the importation of *all persons of color from Africa or elsewhere;* the State regulations, therefore, which it contemplated, were to be the regulations of commensurate extent: whereas, the act of Georgia under consideration grew out of a particular occasion; is confined in its terms to that occasion—to persons of color, imported or coming *from the West Indies and Bahama islands, exclusively;* and this act expired so completely with the transient events which produced it, that, I understand, it has been considered as obsolete for twenty years.

3d. It is to be further observed, that the *power to apprehend*, under this act of Georgia, is confined to the militia officers who covered the seacoast; and

4th. That the power to export is confined to the corporation of Savannah, or any three justices of the peace for the counties lying in the first division.

5th. That the exportation was to be, not out of the United States, or the territories thereof, but an exportation *simply out of the State of Georgia;* which, however, was to be at the expense of the importer or owner, "which such importer or owner was thereby expressly made liable for, as well as for the expense of apprehending and keeping such persons."

I think it perfectly clear that this act has no bearing on the case.

The results of this view of the law are—

1st. That, by the act of Congress of 1807, the importation of slaves from Africa or elsewhere into the United States, or any place within their jurisdiction, is prohibited under severe pecuniary penalties.

2d. That, by the same act, the importer, and all claiming under him, are declared to have no manner of title to the negroes imported, nor to their services.

3d. That, by the same act, it is left to the Legislatures of the States to regulate the manner in which the negroes thus imported are to be disposed of.

4th. That, by these two last provisions, it became the duty of every good citizen, who should be apprized of a breach of the law, to take prompt and immediate steps for the seizure of the negroes, and the information of the Governor of the State within which the seizure should be made, that he might give directions for disposing of the negroes.

5th. That the Legislature of Georgia had passed no act making the regulations contemplated by the law of Congress of 1807, until the act of the 19th December, 1817, before mentioned; to which act there is not, I conceive, any valid constitutional objection.

I come now to a much more difficult part of the subject—the facts of the case. The vast mass of documents, composed of affidavits, sometimes on notice, sometimes *ex parte;* of letters, hearsay statements, &c.; the irreconcilable contradictions among the witnesses; the host of certificates and affidavits, reciprocally assailing and supporting the character of these witnesses, render it next to an impossibility for me to come to an accurate conclusion on *all* the facts of the case. The great advantage of the trial of facts by a jury of a vicinage arises from their knowledge of the parties and their witnesses, and the opportunity they enjoy of observing the countenances and manners of those witnesses while delivering in their testimony *viva voce*. I have none of these advantages. I have no personal knowledge either of the accuser or the accused, or any one of the witnesses, on the one side or on the other; and have nothing to guide me but contradictory statements, or the statements made by the parties themselves. Since, however, it is your wish that I should proceed by the best lights that I have to express my opinion of the facts, I shall do so, with this consolation under this ungrateful duty: that if I shall, unwittingly, do injustice to the parties, or either of them, by the opinion I may form, the whole case will pass again under your own review, and the error can be corrected before it shall have inflicted a wound.

I will premise, however, that copies of the evidence originally sent on to the Departments of State and of War, composed, in part, of *ex parte* affidavits, letters, certificates, hearsay statements, &c., have been mutually furnished to the parties, with information that the evidence is not regular: this was done with the view to enable them to retake it more formally, if they should think proper to do so, and to give them an opportunity mutually to make such strictures as they pleased on the adversary proof. General Mitchell declines taking the proof over again, on two grounds: first, of the difficulty, if not impracticability, of taking it in better form, because of the dispersion of the witnesses, and the impossibility of commanding their attendance in this extrajudicial prodeeding, in which no process can issue to coerce them; and, secondly, because if Governor Clark, his accuser, wishes it, he can himself take the depositions of those witnesses (General Mitchell's) anew, and thus have all the benefit which he could have derived from an original cross-examination. These considerations appear to me to be just, and I believe it would

be in vain to wait in the hope of getting the testimony in better form. Taking the remarks of General Mitchell, therefore, as just, and giving them a reciprocal action, I shall consider the evidence on both sides as if all objections in regard to form were waived as to the original affidavits; noting as *ex parte* those only which have been since offered, so far as I can make the discrimination; and noting, also, as I state the documents, (through the whole of which we must necessarily travel,) any other legal objections which strike me to any reliance on them as proof.

It is proper to state, before I open these documents to you, that the questions which they seem to me to suggest for your consideration are these:

I. Has the conduct of General Mitchell, throughout this transaction, been consistent with our laws?

II. If inconsistent, is that inconsistency to be fairly and reasonably imputed to an innocent mistake of the laws, or to a wilful and conscious violation of them?

III. If the latter, what is the extent and character of his offence?

1st. Was he concerned as a partner in the original purchase and introduction of the Africans, either by the advance of money to aid in the purchase, or by an engagement to be responsible for a proportion of the capital to be advanced by the other partners; or by an engagement, in lieu of money, to render services by protecting the Africans at the agency, and facilitating their transfer to Alabama, or otherwise, for a proportion of the negroes, or any other part of the profits of the speculation?

2d. If there was no previous and specific arrangement as to time or terms, was there a previous general understanding between him and Bowen, or others, that if negroes should be brought to the agency, he would, for a reward, protect and give them a passport to the Alabama Territory, or place them in a situation to be sold?

3d. If there was no previous general understanding on the subject, did he, from improper motives, when the negroes were actually brought to the agency, connive at and aid in a breach of our laws, by protecting those negroes, and giving them a passport to Alabama?

I proceed now to the documents, and I shall first present those which appear to me to operate in support of the charge, and then those which go to repel it; interweaving, in the course of these statements, the remarks suggested by the parties, as well as those which occur to me as arising from them; and the objections to the documents themselves as proof.

In March, 1817, General Mitchell resigned the executive chair of the State of Georgia, and accepted the appointment of Indian agent at the Creek agency, as the successor of Colonel Hawkins; whereupon Captain John S. Thomas, a relation of General Mitchell by affinity, and Captain William S. Mitchell, the general's son, (both of whom are witnesses in this transaction,) went immediately to reside at the agency, and undertook to plant a small crop of corn for the agent. [See General Mitchell's letter to the Secretary of War, of date July 27, 1820.]

The salary of the office of a Governor of Georgia, at the time that General Mitchell resigned it, was $2,000 per annum. That of Indian agent at the same time was equal to that sum: but the Governor was elected for two years only; the agent was to hold during the pleasure of the President; that is, during good behavior. The salaries being equal, the inferior honor of the agency may be considered as fairly counterbalanced by its superior tenure; and I see nothing in this circumstance, in itself considered, to awaken just suspicion against a character previously fair. I make this remark, to exclude any inference from this step to the prejudice of General Mitchell.

Major JOHN LOVING states a conversation which he had with General Mitchell, to this effect: Loving informed the agent that he (Loving) was desirous of making a purchase of Africans at Amelia Island, or elsewhere, within the Floridas, provided the same could be done safely and legally. Upon these points the agent's opinion was requested; and he was further asked whether he would allow Africans to be introduced through the Indian country. The reply of the agent was, that he had been thinking of such purchase himself, and that Loving might bring any Africans whom he might purchase through the Indian country, with safety, *to the agency, where he* (the agent) *would protect them.* Loving having stated that he expected to make his residence at Fort Hawkins, the agent suggested that the negroes might be removed, if Loving wished it, to the reserve, where he (Mitchell) thought they might be disposed of to advantage. Their conversation then became more minute and detailed, and Loving was advised what route to travel. The witness says he took a memorandum of the route, but that, having lost or mislaid it, he cannot now trace all the points by which he was to pass; he recollects, however, that he was to start from Amelia Island, and *pass through the Creek country, by Barnard's, to the agency.*

THOMAS S. WOODWARD.—This is a statement not on oath, and the circumstances which it states are *hearsay* merely. The document, however, has been in the hands of General Mitchell, and has been the subject of some remarks by him, which will be noticed hereafter. Woodward states that some time, shortly after General Mitchell was appointed agent for Indian affairs, he (Woodward) was in company with Colonel Joseph Howard, a man of unblemished reputation, who asked the witness if he would go to East Florida or Amelia Island to purchase Africans. The witness replied that he did not wish to engage in a speculation of that sort, as the United States' laws and laws of Georgia did not tolerate such trade; and that, if he was willing to engage in such speculation, he had not the funds to commence with. Colonel Howard replied, that if the witness would go to that country, for that purpose, General D. B. Mitchell would furnish him with money, and draw a certain part of the profits, and that the negroes, if purchased, could be brought up through the Creek nation, by way of the agency, undiscovered, and then be disposed of to the best advantage; that this conversation occurred before the negroes were brought to the agency by Bowen. The witness adds to this statement, that while he was in Florida with General Jackson, Captain William S. Mitchell (I presume the agent's son before mentioned) stated to him that he had an aunt in the low country, that died and left him fifty negroes.

CHRISTIAN BREITHAUPT.—This is an *ex parte* affidavit, recently received, and which, therefore, General Mitchell has never seen. It is covered under a letter from Mr. Breithaupt to the Secretary of War, dated "Mount Vintage, South Carolina, 27th December, 1820;" on which the Secretary endorses, "I know Mr. Briethaupt well, and his statement is entitled to the fullest confidence." This witness states that in the month of August, 1817, a Mr. John Martin, who had made purchases for the deponent at the land sales held at Milledgeville, came to the deponent's house, in company with *Jared E. Groce;* that, in the course of the conversation, Groce congratulated the deponent on the great bargains he had got, and observed that he (Groce) knew, however, of a much better speculation, by which a fortune could be realized in a very short time; his words were, "it could be easily done with your means, and the services of a few such men as Martin." Deponent replied, that he supposed Groce to possess ample funds for the purpose. Groce answered in the negative, and said that *his connexion with the Erwins*, and *his settling in Alabama, together with his recent purchases*, had quite exhausted them, and that he was now upon borrowing: "but you (meaning the deponent) might, I know, procure the money, and *we* could do great business." The deponent then asked Groce what he had in view; that Groce appeared unwilling to disclose it, but, after a while, said to deponent, "Do you know what is carrying on in Amelia Island?" The deponent then answered that he could guess what he now meant by his speculations, to wit, the purchase of African negroes; that Groce smiled; the deponent then further observed, that an adventure of that nature was not only a violation of the laws, but also connected with great personal danger. To the latter, Groce replied, either that he knew of a plan, or that he could suggest one, by which

no danger was to be apprehended; the deponent thinks that the first was the expression made use of by Groce, and that the conversation here ended by the appearance of Mr. Martin or some other person.

This incident acquires significance and importance by the subsequent part of this case, and the prominent part which the same Jared E. Groce acted in it.

It is now proper, in the order of time, to introduce Captain William Bowen, the principal actor in this transaction. This gentleman had been for some time employed in the Indian Department by Colonel Hawkins, the immediate predecessor of General Mitchell, as we learn by General Mitchell's letter of the 25th December, 1817, to the Secretary of the Treasury. John S. Thomas says that he was well acquainted with Bowen. What had been the duration and extent of General Mitchell's previous acquaintance with him, we are not informed by General Mitchell; he does not speak of him, however, as a stranger. Captain Melvin, of the army, says, "How, or in what manner, Mr. Bowen was connected with the Creek agent, General Mitchell, it is not in my power to state; I have heard Mr. Bowen say that he had received, some time in 1817, ten thousand dollars from General Mitchell, for the purpose of purchasing goods for the Creek Indians; *goods said to amount to ten thousand dollars were distributed to the Creek Indians, at Fort Hawkins, some time in June or July*, 1817, *by the said Bowen.*" Thus far Captain Melvin; and General Mitchell, in his letter to the Secretary of War of the 27th of July, 1820, states, incidentally, that he had seen Bowen in the month of July, 1817.

In that same month (the same month in which Loving represents the conversation to have passed between General Mitchell and himself, and one month before the conversation between Groce and Breithaupt, in South Carolina,) Bowen says that he left Fort Hawkins, to visit his friends in South Carolina. Thence he passed to Augusta, (the residence of Andrew Erwin, the senior partner in the firm of Groce & Co., which Groce is the same *Jared E. Groce* just mentioned.) Thence Bowen passed to Savannah, the residence of James Erwin, the son of Andrew, and another member of the firm of Erwin, Groce, & Co. Here he learns, casually, that great speculations were to be made at Amelia Island, in sugar and coffee. Having been furnished with means, chiefly by the credit of James Erwin, to embark in those speculations, he proceeds to that island. Here he finds that the articles of sugar and coffee were higher than he expected, and he determines to return to the main. *By accident*, however, he is left by the vessel in which he had intended to embark; and, while he remains waiting for another conveyance, by another *casualty* (the arrival of a cargo of negroes in one of Commodore Aury's privateers) he is induced to change the subject of his speculation, and vests in the purchase of that cargo of negroes the funds which he had carried over to buy sugar and coffee. The negroes are delivered to him at a place agreed on, being about one hundred in number; he selects about sixty of the most prime and able ones, (having procured a place of lodging for the residue,) and sets out for the westward, following a small Indian trail leading from the direction of St. Augustine to Flint river, (which, according to the map, crosses that river at Barnard's.) He says that he became alarmed for the security of his property, and had determined to settle in West Florida. With this view he proceeds for fifteen days through the woods and wilderness, and strikes Flint river about sixty miles below the Creek agency, where he becomes alarmed again, by the intelligence of the Seminole war. He finds himself, moreover, pressed by the want of provisions—an event, it seems, not to have been anticipated in travelling through a wilderness with sixty Africans. In short, by the joint operation of alarm and famine, he is induced to carry the negroes to the Creek agency, where he arrives about the beginning of December; having travelled, by chance, over the exact route which Loving states General Mitchell to have indicated to him, so far as I can collect from the comparative descriptions.

In the facts that his original destination was West Florida, and that the resolution to carry them to the agency was, for the first time, taken at Flint river by the alarm and famine which pressed them at that point, Bowen is contradicted by one of the men hired to assist in the removal of the negroes. This witness states in his affidavit that, at the house of Charles Love, in East Florida, or close in the neighborhood of it, he found the negroes in possession of William Bowen and James Long; that he was employed by Long *to assist in carrying the negroes to the agency;* that they (Bowen, Long, and himself) with the negroes crossed the St. Mary's river at a ford called the Pine Log ford, and proceeded with the negroes *to the agency*, where they deposited the negroes at the lower end of General Mitchell's field, and where they built houses for the negroes, and put them to work: a step certainly not deficient in boldness, on the presumption that all this was done without any previous understanding with General Mitchell.

It seems that General Mitchell was not at the agency at the precise time of the arrival of these negroes, which is fixed by the witnesses at the first week in December. But he admits that he arrived at the agency on the 8th of that month, when he was informed of the arrival of the Africans; that he spent a night at the agency, and saw and conversed with Bowen on the subject. What was the nature of this conversation throughout, it will be more safe to learn from the acts of the parties than from their declarations. It was, certainly, not of a nature to excite any new alarm in the mind of Bowen, susceptible as he seems to have been of that emotion, nor to deter him from a repetition of the offence; for, having giving to Long five of the negroes as a reward for his assistance in carrying the gang to that place, he sets out to Amelia Island for the purpose of bringing on the residue of his purchase *to the agency:* a step which it is not in the nature of things to believe that he would have taken, unless he, at least, understood it to be authorized by General Mitchell. Bowen's statement, in his affidavit, is calculated to make the impression that the negroes, when purchased, were not delivered to him at Amelia Island, but somewhere on the main, and that, when he carried off the sixty before mentioned, the residue were left on the main. It seems, however, that they were in fact left on Amelia Island; and to Amelia Island he proceeded, taking with him, as assistants, the same John Oliphant already mentioned, and an Indian by the name of *Tobler.* They left Amelia Island with the last parcel of negroes, forty-two in number, and carried them up to St. Mary's river in a boat to Drummond's landing, in East Florida, where Bowen sold four of the negroes to Captain Drummond.

From this point it is understood that Bowen sent on the negroes by Tobler and Oliphant, not intending himself to accompany them any further, but to pass through the interior of Georgia, where he had business, and then to "proceed by way of Milledgeville and Fort Hawkins, to the agency, and meet the whole of the negroes." Before parting, however, with Tobler and his convoy, he addresses the following letter to General Mitchell, which was sent by Tobler:

DRUMMOND'S BLUFF, *December* 25, 1817.

I have got the balance of the stock that I had left on Amelia, (say forty-two,) and am just starting them under the care of Tobler. I believe I am narrowly watched, but think I have evaded discovery as yet. The risk of getting this lot through, I believe to be more—considerably more—than the first. A party was made up for the purpose of following me and Long, three days after we left St. Mary's river. Mr. Clark, the collector, was at his mills, and some person lodged information that they were gone up the river, and had crossed; he offered half to the inhabitants in that neighborhood to detect us. Since the people have learned that they would not have got any part for the detention of those last sent up, I am informed they are displeased with the collector for the imposition he endeavored to practise on them, in offering what he could not perform.

A detachment of soldiers has, for a month past, been stationed near Camp Pinckney, to guard the river and prevent smuggling.

On the 23d instant, the United States took possession of Amelia Island. I had left there on the 21st instant, but am informed they seized all the Africans they could find. There was a cargo of one hundred and sixty when I left the island, which had been run off to the main the night before the United States troops landed.

I cannot say how the other prize property fared. I go to Milledgeville *by Savannah*, and wish you to keep the negroes employed until I can come out to the agency.

I have directed Tobler to take charge of the horses and packs, &c., and to put the horses out in the cane swamp, and attend to them.

The channel through which Africans could be had being obstructed, they will rise considerably. Notwithstanding, excellent bargains could be had in the purchase of those that were run off to the main from Amelia.

I would make another purchase, but my other business is too much neglected to take the necessary time to accomplish the security of them.

Captain Thomas could have done well if he had come with me. Prime fellows were offered at Amelia at $250; ordinary, from $175 to $200.

I am, respectfully, your obedient servant,

WM. BOWEN.

Gen. D. B. MITCHELL, *Creek Agency*.

Besides this letter, Tobler was furnished with a bill of sale, purporting to have been executed on the 4th of December, 1817, at Camden county, in the State of Georgia, by one William Lane; by which, for the consideration of $12,600, Lane sold to Tobler, an Indian of the Creek nation, forty-two negroes, whose names are stated, and purporting to have been attested by William Drummond and John Smyth. Tobler was also instructed to claim the negroes as his own.

Shortly after Tobler and his party had separated from Bowen, they were met by two men, whose affidavits have been taken, and are in substance as follows:

LODOWICK ASHLEY states, that, about the 24th December, 1817, he set out from his residence for the low country, accompanied by Jason Brinson; that, on their way, about twelve miles this side of Trader's hill, (the affidavit being taken in Telfair county,) on St. Mary's river, on what is called Blackshear's road, on the 26th day of the same month, they met a white man by the name of Oliphant, and a Creek Indian called Tobler, who had with them upwards of forty negroes, which Tobler said belonged to him; that they proceeded on to the house of William Drummond, in East Florida, where they saw Bowen, and informed him that the negroes were taking a very hazardous route, as they would probably fall in with General Glasscock's army; upon which, Bowen offered to give the witness his choice of the negroes to go and assist in conducting them to Timothy Barnard's, or to the neighborhood of the agency. The witness observed that he should not like to be caught there with the negroes by General Mitchell; to which Bowen replied that he believed General Mitchell was his friend; and that, if the negroes were left or set down in the back part of the agent's field, it should entitle the witness to the negro before mentioned.

JASON BRINSON.—The affidavit of this witness supports that of Ashley in every material point: the final answer that he imputes to Bowen, for the purpose of overcoming Ashley's apprehensions of General Mitchell, is, "*that General Mitchell was his (Bowen's) friend.*" It is proper here to notice that Bowen has acknowledged the genuineness of the letter from Drummond's Bluff; and the manner of his acknowledgment is worthy of notice.

The original letter, having been lost by Tobler, came into the hands of Governor Clark, through the agency of one William Moore. On the 30th October, Governor Clark presented this letter to Bowen, in the presence of the three persons named in the margin,* and demanded to know of him whether the letter was his handwriting, and bore his signature? To which Bowen replied, "*It is useless for me to deny it, as my handwriting is so well known;*" which I understand to mean, "I would deny it, if I did not know that my handwriting could be so easily proved; but, since it can, it is useless for me to deny it." Governor Clark, however, considering the answer as evasive, pressed him by another interrogatory: "Are we to understand that you acknowledge this letter to be yours?" To which Bowen answered in the affirmative.

Bowen, in his affidavit, admits the correctness of the statement of his answers as given by the above-named witnesses; he states, also, that he was informed, at the time, that the object of the inquiry was not to injure him, but to ascertain General Mitchell's connexion in the affair; yet, anxious as he has since shown himself to repel the charge from General Mitchell, no solution of this incident then occurred to him to remove from that gentleman the suspicion which the letter was so well calculated to excite. Perceiving the bearing of the letter on General Mitchell, the confession of its genuineness is wrung from him with manifest reluctance; and he leaves it, for the present, to explain itself. The plausibility of the explanation which he afterwards offered will be considered in its proper place.

Before the arrival of the second parcel of negroes at the agency, and about the 20th December, 1817, Colonel Gideon Morgan, jun., of the State of Tennessee, being on his return home from Georgia, called at the agency, at the request of Andrew Erwin, of Augusta, for the purpose of inquiring, it seems, if there were any negroes there in which Mr. Erwin was interested, the said Andrew having been wholly ignorant of the previous operations of Bowen and his son James; and, if such should be found to be the fact, for the further purpose of removing the negroes to a place of more safety, or making such other disposition of them as *he* (Erwin, I presume,) thought most advantageous for the benefit of the purchasers. (Colonel Morgan's deposition is stated wholly in the first person; he never mentions himself in the third person; hence, I presume, that, by the relative *he*, in this sentence, Mr. Erwin is meant.) As Colonel Morgan's authority to act in the case, he was furnished by Mr. Erwin with a letter, in the name of Erwin, *Groce*, & Co., addressed to General Mitchell, which is annexed to Colonel Morgan's affidavit, and in which not a word is said of the negroes, or any intelligible allusion made to them. Colonel Morgan is there represented as "a gentleman of first-rate integrity, who visits Fort Hawkins and the *Alabama Territory on business.*" "Should he," says the letter, "have occasion for funds or any other services in your power, you will confer a singular favor on me by rendering him any service in your power. *We will accept his drafts at any sight for any sum he may think proper to draw on us for.*" Colonel Morgan, in passing Fort Hawkins, (which is understood as being about sixty miles from the agency,) fell in with General Gaines, from whom he received a letter of introduction to General Mitchell, couched in the following terms: "This will be handed to you by Colonel Gideon Morgan, who is desirous to travel the nearest and best route to the Cherokee nation. *He has applied to me for a passport;* instead of which, knowing him to be a man of sterling worth, I take the liberty to introduce him to you, and request you will be pleased to view him as my friend. Should he request a formal passport, I beg you will be pleased to give him one."

The character of Colonel Morgan is unimpeached. The hostility of General Gaines to these speculations meets us at every step. Yet here are the two letters which Colonel Morgan bore to the agency: that of Mr.

* S. Rochwell, Z. Lamar, and L. Atkinson.

Erwin, representing him as proceeding to *Alabama Territory* on business; and that of General Gaines, which represents him as requiring a guide and passport to travel by the nearest and best route to the *Cherokee nation.* Colonel Morgan, in his affidavit, represents himself as going home from Georgia to Tennessee, and as having called at the agency, at the request of Mr. Erwin, on the business before mentioned. That General Gaines took from Colonel Morgan himself his intended destination, is unquestionable; that his letter is merely such a one as the standing of Colonel Morgan justified, appears equally undeniable; and that General Gaines, so far from countenancing, counteracted this transaction in every stage of it, is so far from being denied by General Mitchell, that he seems to have been involved in a perpetual and rather irritated defence of himself against the charges of General Gaines, because of the suggestions of the latter gentleman, that he appeared either to be participating or conniving at this breach of our laws. I am at a loss, therefore, to apprehend the fairness of the following passage in a letter from General Mitchell to the Secretary of War, under date of the 3d of February, 1818: "The truth, however, is, that so far from the negroes having been brought here by speculators, they were claimed by gentlemen of respectability, *some of whom* came to me with letters of introduction from the general himself, couched in the strongest terms of friendship." The documents before me show no letters of introduction from General Gaines to the agent, save only in the single case of Colonel Morgan; and it does not appear that this gentleman claimed the negroes as his own.

That Colonel Morgan showed the letter of Andrew Erwin, in the name of Erwin, *Groce*, & Co., to General Mitchell, cannot be doubted, because it constituted (according to appearances, at least) the only authority which Colonel Morgan had to interfere with the negroes. Yet it is admitted by General Mitchell that he was willing to have delivered the negroes to Colonel Morgan. Colonel Morgan verifies the same fact. And it is very clear that neither bond nor security to carry them out of the United States was contemplated to be required of Colonel Morgan as the condition of their delivery. He finally declined, however, to have any thing to do with them; and why he did so, is very conceivable.

The engagement in the letter of Erwin, *Groce*, & Co. that *they* would pay *at any sight* the drafts of Colonel Morgan in favor of General Mitchell, *to any amount*, is certainly calculated to suggest inquiries which it would not be easy to answer satisfactorily. In a case, however, so pregnant with remark, it would be a work equally endless and useless to comment on every topic that presents itself.

The fact of the introduction of such a number of native Africans at the agency, the mysterious and clandestine manner in which they had been introduced, and the circumstance of their being fed and supported at the expense of the agent, and protected by his authority, were calculated to excite suspicion and inquiry, and did excite them. It became necessary for General Mitchell to take some step to remove these suspicions, and to vindicate to the Government his official purity; and both he and his assistants, Captain Thomas and Captain Mitchell, were soon heard to say that he had reported the negroes to the Government, with the view of taking their orders in the case. This report was a letter written by General Mitchell to the Secretary of the Treasury of the United States, of which an extract has been furnished by General Mitchell. It bears date on the 25th of December, 1817, the same day on which Bowen wrote his letter from Drummond's Bluff to General Mitchell, and consequently before the arrival of the second parcel of negroes at the agency. In this letter, General Mitchell says, "A certain Captain Bowen, who had been for some time employed by Colonel Hawkins in the Indian Department, is now engaged *with some mercantile houses in Augusta and Savannah*, and, as their agent, has purchased *somewhere on the St. Mary's* a SMALL parcel of African negroes, and during my absence carried them to the *neighborhood* of the agency, on their way *to the Alabama Territory.*" After commenting on the imperfection of the laws in restraint of the evil, he proceeds to say, "I told Captain Bowen I suspected him of being the importer; *upon which he immediately produced a bill of sale for them, duly executed in Camden county*, and solemnly affirmed that the bill of sale was made and executed *by the agent and part owner of a privateer, and were actually delivered to him in that part of Georgia.* Under these circumstances, I felt *I had no other course but to order him to carry them out of the United States;* and when I reflected upon the facility with which such an order could be evaded, by just carrying them over the Spanish line, and re-introducing them; and believing, too, that the negroes were actually intended for the use of the parties interested, *who, I have no doubt, are large land-holders on the Alabama* by purchase at the recent sales, and not for sale, I declined detaining them." After returning to the insufficiency of the laws, he proceeds: "My knowledge of the fact that the Government had determined to suppress the present proceedings at Amelia Island, and thereby prevent *the occurrence of* THE OFFENCE, *had* some weight with me in the present case. If, in your opinion, the subject-matter of this letter, or any part of it, be of sufficient importance to be presented for the consideration of the President or the Secretary of War, you may so use it; in which case, I shall hope for a communication of the opinion that may be formed of the facts stated, and for such instruction as may be thought proper for the government of my conduct;" that is, for the government of his conduct in any *future* case that might occur; for, as to the present case, the whole letter represents it as one which had been already disposed of. It could never, I think, be inferred, from the structure of this letter, that the negroes were yet at the agency. General Mitchell does not state what he *intended* to do, but what *he had actually done.* He says, indeed, that on his arrival at the agency, which was soon after the arrival of Captain Bowen and the negroes, he immediately ordered that they should not be removed *until he had time to look* into the subject; an order, by the by, which was wholly unnecessary, if the general's witness, Bowen, is to be believed. The general did then look into the subject; he states his reflections and recollections of the laws of Georgia and of the United States; the result of which was, to use his own words, "I felt that *I had* no other course but to order him to carry them out of the United States;" then, after stating some other considerations, he winds up the sentence by saying, "*I declined detaining them.*" Who could infer from this statement that the negroes were yet detained at the agency, and that Bowen, so far from having gone to carry them out of the United States, had, to General Mitchell's knowledge while he was writing this letter, gone back to the seaboard for another parcel to add to them? Yet such are the facts; and I am sorry to be obliged to add, that this letter, from its apparent want of ingenuousness, is calculated rather to thicken than to dispel the suspicions which antecedent facts had unavoidably excited.

This letter proves that General Mitchell, at the time of writing it, knew—

1st. That those *Africans* had been unlawfully brought into the United States, and that Bowen's tale of the purchase in Camden county, from the owner of a privateer who had brought them in, even if true, would not have altered the case. He must, consequently, have known that, under the act of Congress of 1807, neither Bowen, nor those for whom he acted, nor any person claiming under them, could have any right or title whatever to those negroes or to their services.

2d. That certain mercantile houses in Savannah and Augusta were interested in them; and, if Bowen had not previously informed him, the letter from Erwin, *Groce*, & Co. by Colonel Morgan, and the visit of that gentleman to the agency, could not have left him in ignorance of the fact that the house of Erwin, *Groce*, & Co. was one, at least, of those houses.

3d. He knew that these Africans were intended for *Alabama*, and to be settled on the lands of those gentlemen in that Territory.

4th. General Mitchell must have known that to carry them to Alabama was as clear a violation of the act of Congress as to carry them into any one of the United States; for General Mitchell is a man not only of uncommon intelligence and acuteness, but, as it appears by these documents, a lawyer by profession; and his talents, which are manifest, leave no doubt that he was a lawyer of distinction.

5th. That he had come to the conclusion to deliver them up to Bowen to be carried out of the United States, and this without any such bond as was afterwards required.

6th. That, under the exporting act of Georgia of 1796, *he* was not the person authorized to take the bond and act in the case, for this is his account of the mode of proceeding under that law: "The negroes are reported to *the Executive* of the State, with a view to their being sent out of the United States; to do this, *the Executive* orders them delivered to some one who will give bond, with security, for their exportation."

Not long after the date of this letter, and in the early part of January, 1818, Tobler and Oliphant arrived with the second parcel of the Africans; and, on the 28th of that month, General Mitchell delivered forty-seven of the negroes *to William Bowen and Jared E. Groce*, with the following passport:

CREEK AGENCY, *January* 28, 1818.

Captain William Bowen having brought to the Creek agency, some time since, forty-seven African negroes, which I had detained until time was afforded to inquire into *the circumstances of their transportation through the Creek nation;* and the said Bowen having *now* produced to me a bill of sale for the said negroes, duly executed in Camden county, Georgia, and *asserting* that the said negroes were purchased in that part of Georgia, and *intended for settlement in the Alabama Territory, and not for sale;* and, in order to remove all difficulty or cause of *further detention*, has this day entered into bond, with *Jared E. Groce* as his security, binding themselves to carry the said negroes out of the States:

I have therefore caused the said forty-seven negroes to be delivered to the said William Bowen and the said Jared E. Groce, *for the purpose aforesaid*, and, by these presents, grant them, or either of them, permission to proceed through such parts of the Creek nation as may be necessary, and *which they may find convenient*, in conveying the said negroes out of the United States.

D. B. MITCHELL, *Agent Indian Affairs.*

The bond is not among the documents; but it is a nullity, because General Mitchell had no authority, nor even the color of authority, to take such a bond; and, even if it had been a valid bond, the act of taking the negroes "out of the United States" into the Alabama *Territory* would have been no breach of its condition, if the terms of the bond comport with those of the passport. Indeed, I consider the passport, according to the fair and candid construction of its recital, to authorize, and to have been intended to authorize, a removal of the negroes to *the Alabama Territory*. It is proper here to state, that this step was not taken by General Mitchell on a vague recollection of the laws which related to the case; for, in his letter to Governor Rabun, of the 13th of February, 1818, he says that, *previous to doing it*, he examined the act of Congress and the laws of Georgia with some attention: the slightest attention to which, I should have supposed, would have convinced a man of ordinary mind that the whole proceeding was irregular and illegal.

It is worthy of remark, that forty-seven of the Africans only were delivered to Bowen and Groce, (or rather to Groce, for Bowen did not proceed with them towards the Alabama,) leaving still at the agency the forty-two brought by Tobler: if, to this latter number, you add the five which had been delivered to Long, and carried away by him, as before stated, you will perceive that just one-half of the whole number that had been brought to the agency were now carried away by Groce. Connect this fact with another, stated by Andrew Erwin on his cross-examination, that, when his son advanced to Bowen the funds which were invested in the purchase of those Africans, "he has been informed by James Erwin that he had received from Bowen *individual notes for about half of the amount*," and you have the interest of Erwin, Groce, & Co. fixed at one-half the number of the Africans: thus coinciding with the number taken away by Groce. *Whose these individual notes were*, we are not informed; James Erwin says nothing about them, and Andrew says no more than I have quoted.

It is proper here to call your attention to other documents which bear on the question of General Mitchell's interest in those negroes.

JOHN LAMBERT.—This witness states that he was in the employment of General Mitchell, at the agency, as a gardener, from March, 1817, to the latter part of December of the same year; he states the arrival of the Africans; he does not know who owned them, but he fed them with General Mitchell's provisions, by order of Captain Mitchell (the son.) He further states that he understood from General Mitchell, Captain Mitchell, Doctor Long, William Bowen, and others, that there was a division made of said negroes among them, and a part of which was said to be General Mitchell's; which part was distinguished from the others by a piece of yellow ferret or tape tied in their hair, and were sent to one Michael Elliott's, about two miles from the agency, and afterwards returned back to the agency, and there remained when the deponent left the place.

JOHN OLIPHANT.—This is the same witness and the same affidavit before adverted to in relation to another point. He states that General Mitchell and Captain Bowen frequently came to see the negroes after the second drove arrived; that, some time after, the witness discovered that thirty or thirty-five of said negroes had a red flannel string tied around their wrists, which, the witness understood, was to distinguish General Mitchell's from Mr. Bowen's; that, some time after this, a gentleman they called Mr. Groce came and took away those that had not the red string on: these remained, and were kept at work on General Mitchell's plantation until they were taken by McQueen McIntosh, &c.

You will observe that these witnesses cannot be referring to the same designation. The occurrence to which Lambert refers must have taken place before the arrival of the second parcel of negroes; that of Oliphant, afterwards; besides, the color of the badge and the mode of wearing it are different.

Oliphant further states, "that Mr. Bowen paid him for all his services in bringing the negroes to the agency, and that General Mitchell paid him for his attention in taking care of them and issuing to them their provisions."

HENRY WALKER.—This is an extract of a letter from Mr. Walker to Governor Clark, and, consequently, is not such evidence as would be received in a court of law.

I do not observe that this paper has been in the hands of General Mitchell; and, to crown all its imperfections, the facts which it professes to state are hearsay merely. The character of the writer, however, is sustained by gentlemen high in office; and as the document will necessarily pass under your eyes, it is within the sphere of the duty which I understand to be assigned to me to notice it in this report, intended only for your use.

The letter is dated 7th of June, 1820, and the writer states that he understands General Mitchell intends taking, or has already taken, the testimony of certain persons in the Creek nation, to exculpate himself from the charge which

is now exhibited against him; and, in order that Governor Clark might have an opportunity of availing himself of evidence in the same place, he thinks proper to make the communication. He then states as follows:

"Whilst I was at the late talk on the Chattahoochie, I held a conversation with Mr. Doyle, marshal of the nation, on the subject of the African business, in which he informed me that the accusation against General Mitchell was, to his knowledge, true; and that the money which the Creeks ought to have received through the agent was paid by the agent for the Africans.

"General McIntosh and Doyle have both informed me that the agent solicited them to buy the negroes whilst they were stationed at the agency; that they refused to do it unless he would make titles; *he* said *he* would not do it *himself*, but that *Captain Bowen would*."

McQueen McIntosh, the surveyor of the district of Brunswick and port of Darien, in Georgia, having been informed that these Africans were at the agency, proceeded to that place with a view of seizing them. He arrived four days after Groce had set out with his gang; pursued, and overtook them about *twenty miles to the westward of Fort Mitchell, on the road to the Alabama Territory*. Groce claimed the negroes as his, and was, thereupon, made a prisoner by McIntosh.

On his way back to the agency, he was deserted by a man of the name of Langham, who had promised to assist him as an escort, but who perfidiously hurried on to the agency for the purpose of giving notice of McIntosh's approach and intention, and enabling those who had charge of the negroes there to put them out of the way. Several days previous to McIntosh's arrival, Captain Melvin, of the fourth infantry, states that he had observed fifteen of the Africans (the choicest of those brought to the agency by Bowen) building huts and clearing land at the agency, the plantation of General Mitchell; on the night of McIntosh's return to the agency, these fifteen were removed and secreted in the woods by William B. Mitchell, the assistant agent. McIntosh states that Captain Melvin accompanied him to the negro houses of General Mitchell, about one mile and a half from the residence of the agent, where they found fifteen Africans which, from the severity of the cold, were suffered by him to remain in those houses; that, on their return to the agency, he informed Captain Mitchell of the seizure of the fifteen Africans, who replied that *it was well*. Captain Mitchell, at that time, gave no other information of any other Africans. On their return to the negro houses next morning for the fifteen Africans who had been seized the evening before, they received information, *from the negroes*, that General Mitchell's overseer had the night before supplied a great many Africans with provisions, and taken them into the woods; that Captain Melvin and himself fell upon their trail, *and found about fifteen in the woods*, who tried to make their escape, but were apprehended, and the whole thirty were brought to the agency; Captain Mitchell then delivered up eleven small Africans (children, I presume) from the huts in the yard. Captain Mitchell also followed McIntosh, after he had proceeded about a mile and a half from the agency, on his return to Georgia, stating that he had left two or three more of the Africans behind, and that if he would send back for them they should be delivered; which McIntosh declined.

McIntosh further states, that the whole number of Africans seized at the agency was forty-one instead of fifteen, the number reported to him by Colonel Brearley, which last was the number given to the colonel by the agent. That Colonel Brearley also informed him that General Mitchell claimed a portion of the Africans that had been left at the agency. The negroes thus seized by McQueen McIntosh were carried and delivered to the collector of the port of Darien, and some proceedings seem to have been had against them in the courts at Savannah; of what kind I cannot state, no copy of the record having been furnished to me.

William Moore's *affidavit and letters*.—If this witness is to be believed, there is an end to this question; the guilt of General Mitchell is placed beyond doubt. This man was a public blacksmith at the agency, and seems to have been (at least it may be believed) of some trust and confidence there. He states that, having been requested by Captain Mitchell, the son, to search the general's desk for some letters from Arbuthnot, which the general was anxious to bring to the city of Washington, he found, in his search, two letters from Bowen to General Mitchell; of which, under a sense of public duty, he made copies and handed them to Governor Clark. He swears that the originals were in the handwriting of William Bowen, and he believes are now in the possession of General Mitchell, if not destroyed by him, or some other person at his request. These letters are as follows:

Milledgeville, *March* 7, 1818.

Mr. Groce arrived here last evening on his way to the Alabama, and leaves this morning by the upper route. I am happy to state that Mr. Groce has succeeded in bridling his tongue, in some measure; he appears sensible of the importance of being less communicative to the inquisitive. He averred to me last night, by many protestations, that he never will, in any court, divulge any thing to the prejudice of any party; and further states that he would go to all lengths to serve any of the party concerned, and requested me to name to you his wish that you would signify your belief that he was not concerned in the introduction. From the very eccentric character of Mr. Groce, it would probably be well to indulge him in this particular; as I fear nothing but from his apparent anxiety to convince the public by explanations of his innocence. A letter from you stating to him your belief that he was merely a bondsman for the removal of the ——— would satisfy him. He states that if the party will justify him, he will not stop at any thing [in] the justification of the others. Mr. Andrew or James Erwin will be here this day, and I shall be able to hear on what footing the affair stands in Savannah. I cannot understand Mr. Groce's explanation any more than if he were speaking Congo. However, I have it from Mr. Groce that he has employed Mr. W. S. Bullock for an advocate. Mr. Groce presented himself to the district attorney, and has been released with a certificate that libel has been lodged against him for the illegal introduction of slaves.

I learned yesterday that the Governor has received a letter from the district attorney, informing him that the negroes would be libelled on the part of the United States. It seems that the Governor has written to the collector at Darien, wishing to know his opinion of the propriety of having the * * * libelled in behalf of the State of Georgia, or letting them be libelled by McIntosh in behalf of the United States; the collector informed him it was his opinion that the best method, for the present, was to libel in behalf of the United States, prosecute Mr. Groce, and force him into explanation of other discoveries. This I have mentioned to Mr. Groce, who swears that a court shall never draw from him any thing detrimental to the character or interest of any one whatever.

I find that it will be most prudent to humor the capricious notions of that consummate fool, to secure, or rather prove, his silence on the affairs.

I have never dreaded any thing but his imprudence; however, I hope he will now stick to what he has promised.

I am, very respectfully, your obedient servant,

WILLIAM BOWEN.

Gen. D. B. Mitchell, *Creek Agency*.

Milledgeville, *March* 23, 1818.

I wrote you last mail respecting the bills of sale, and for your opinion of the best probable means of conducting the affair. I have procrastinated my departure to Savannah to hear from you. It appears to me best that the last

parcel should be claimed by me from a right of purchase from Tobler; his right could be made from a purchase in Camden county, or from East Florida, as the case may be thought most safe: in the case of Tobler's claim, if he does not claim from a purchase in Camden, they cannot prove that they ever were in the State of Georgia.

Captain Thomas speaks of going to Savannah with me; and if I can get the whole on board, I can make some apparent arrangement with him for the twenty-eight of yours. I should be very glad to hear from you as soon as possible, and, if no immediate chance offers, perhaps Brady could come in again, and bear your advice. Several of the attorneys who have attended court here have expressed their opinions that the property could not be lost, nor be kept from me. Very little is said of the matter at all, and it seems to have died away since your publication.

I remain, with much regard, your most obedient servant,

W. BOWEN.

Gen. D. B. MITCHELL, *Creek Agency.*

It is only necessary to add to these letters, at present, that the character of Moore is supported by a host of witnesses, some of whom hold the most respectable offices in the State, and, among the rest, by Governor Clark himself; while, on the other hand, he is represented as among the basest of characters; and affidavits have been taken to support the representation, which will be hereafter referred to.

Thus far the circumstances which appear to me as going to support the accusation.

I turn now to the evidence in defence; and, as explanatory of it, will give an epitome of General Mitchell's several communications on the subject, for the purpose of showing what he admits and what he denies, and, consequently, the points to which his evidence is applied. As I proceed with this analysis, I propose, in order to prevent the necessity of returning to these communications again, to suggest any circumstances which strike me as inconsistent with the claim of entire innocence on the part of the agent.

I have already presented the substance of the agent's communication of the 25th December, 1817, and noted my objections to it.

The next communication of the agent is a letter to the Secretary of War, under date from the Creek agency, the 3d February, 1818, and, consequently, written before McIntosh's seizure of the negroes, but after the parcel under Groce had left the agency. In this letter the agent enters into a defence against several accusations which had been lodged against him by General Gaines with the Governor of Georgia, and which had been published in the Milledgeville Gazette, of the 27th January, 1818. Among others, he takes up the subject of the Africans thus: "As to the African negroes, of which the general speaks, I have already communicated the facts in relation to them to the Secretary of the Treasury."

This alludes to the letter of the 25th December, on which I have already commented, and which I think it manifest did not contain a communication of the facts. Among other things, the letter was written before the arrival of the second parcel of negroes; and this, being a new fact, having occurred since the date of that letter, but before the date of this which we are now examining, ought to have found a place in this. Let us see if it does. The letter proceeds, "and, in addition to that communication, *have now only to add*, that after I had made that communication, and *on the most mature reflection and consideration of the act of Congress, and the law of Georgia, I deemed it best to require the party claiming the negroes, before I permitted their removal, to give bond and security to carry them out of the United States; because that is the course pursued under the law of Georgia, and appeared to me to be the proper course.*"

There is nothing here, you perceive, of the parcel which had arrived after the communication to the Secretary of the Treasury.

There is nothing said of the forty odd negroes which yet remained; but the statement is calculated (like that to the Secretary of the Treasury) to convey the idea that all the negroes which had arrived at the agency at the time of its date had been sent off out of the United States, and the sequel of the statement tends to confirm this idea. The letter proceeds: "*The scarcity of provisions* at this place made their detention extremely inconvenient, *and hence I became anxious for their removal;* otherwise, I should have delayed acting in the case until I had received the orders of Government. The negroes having been here, however, and my taking no care to explain their situation to every one I saw, left room for conjecture; and the general sees in this case an organized system of opposition to himself, and consequently to the public service. The truth, however, is, that so far from these negroes having been brought here by speculators, they were claimed by gentlemen of respectability, some of whom came to me with letters of introduction from the general himself, couched in the strongest terms of friendship. I do not know that the general was apprized of the object for which those gentlemen visited the agency, but I mention the fact for two reasons: first, to show that the general is entirely in error when he asserts that negroes have been recently carried to the agency by speculators, by whom a spirit of opposition is excited to his measures, injurious to the public service; and, secondly, *because it is my desire that you should know every material fact which takes place here;* and *the fact* in this case really is, that the negroes, it appears, are the property of some respectable gentlemen, purchased by an agent for their use, and not one of them for sale, and *were intended for settlement on the Alabama, but will now, I am confident, be carried beyond the limits of the United States.*"

This is the whole of the agent's letter of the 3d February which relates to this case, and on which I think it my duty to remark:

1st. That the *scarcity of provisions* is a new motive for permitting the departure of the negroes, which finds no place in the agent's letter of the 25th December;

2d That the course of proceeding under the law of Georgia, as described in this letter, is radically different from the account given of it in the letter of the 25th December. In this last-mentioned letter the course is represented to be, "to report the negroes to *the Executive of the State;* the *Executive* then gives the order for their exportation, and takes the bond," &c.

3d. That every consideration urged for permitting the departure of the negroes applies to them *all;* and the letter gives the impression that *all* had gone, which is a material variance from the facts of the case.

4th. That the general here expresses his confident belief that the negroes, although originally intended for Alabama, would now be carried out of the United States: the fair meaning of which is, that they would not be carried to Alabama, while his passport authorized them to be carried to that Territory.

But the great objection to the communication is, that it omits to state the material facts which had occurred since the date of the letter of the 25th December, and before the date of the letter under consideration, to wit, the arrival of the second parcel of Africans, under the direction of Bowen; and this, too, after he had had an interview with Bowen on the arrival of the first parcel; and, secondly, the fact that, at the date of the last letter, nearly one-half of the Africans still remained at the agency. It is difficult to conceive that General Mitchell was not aware that these were among the most suspicious facts in the case. They ought, therefore, to have been promptly and frankly stated and accounted for. The total omission to notice them, and, what is worse, the giving an aspect to the case, in both these communications, calculated to keep them out of view, and to make an erroneous impression on the Government as to the true state of the case, is, to say the least of it, extremely unfortunate.

Will it be said that, although General Mitchell, in stating, in this last letter, the exportation of these people, uses and repeats the terms "the negroes," which are equally applicable to them all, yet, inasmuch as he refers to his letter of the 25th of December to the Secretary of the Treasury, he must be considered as alluding to the negroes therein mentioned? The answer is, that even if this were a fair view of the case, (which it certainly is not,) General Mitchell was then bound to state, as a new and substantive set of facts, the arrival of the second parcel, the detention of that parcel, and the reason which existed for the discrimination he had made. Charity, and even credulity, cannot suppose that he thought these immaterial facts, more especially after the sample he has given us of what he thought *material* in relation to the respectable gentleman who had come to claim these negroes bringing letters of introduction from General Gaines.

The next communication is to the Secretary of War, and bears date, Creek agency, 18th February, 1818. In this letter he gives a very acrimonious account of the proceedings of Mr. McIntosh and Captain Melvin, and says that, if they had seized only those which had been given up on bond and security, under the impression of that being an unauthorized proceeding, he should not have complained, although he should have conceived their conduct unwarrantable: "but to seize by force those in my possession, *regularly reported to the Government, and the commanding officer (Colonel Brearley) duly notified of the fact*, and even of the fact, too, of the official opinion of the district attorney being required in the case, and assured by me that they should not be removed upon any terms until that opinion was received, *or the Government should order the course to be taken*, I can find no apology for their conduct."

This is the first official intimation from the agent of the fact that any portion of the negroes had been detained at the agency; yet he speaks of them as having been *regularly reported to the Government.* I should have thought, from the statement, that some communication had been made by the agent to the Government, other than those that I have already brought to your view, were it not that he himself, in his letters to the Secretary of War, of the 25th March, 1818, and 27th July, 1820, refers to all the communications which he had made to the Government on this subject, and notices none other of prior date to this under consideration, save only his letters of the 25th December, 1817, to the Secretary of the Treasury, and of the 3d February, 1818, to the Secretary of War; and in neither of these, as I have shown, is there any communication of the fact *that any negroes had been detained at the agency.* That he alludes in this statement to his letter of the 25th December, 1817, as constituting the regular report to the Government, I collect from the assertion which accompanies it—"and the commanding officer duly notified of the fact." The commanding officer was Colonel Brearley; and General Mitchell has proved by his son, Captain Mitchell, that on the 20th or 21st of the month of December, 1817, the general returned to Georgia, accompanied by Captain Thomas and the witness, to spend Christmas with his family: that at Fort Hawkins he fell in with Colonel Brearley, whom the agent informed of the Africans being at the agency, and of *his intention to detain them, and report the case* to the Government; and the witness adds, that he knows a letter was written to the Secretary of the Treasury on *Christmas day*, reporting the negroes, and that he had since seen the Secretary's answer. The letter of the 25th December, then, is the letter relied on to authorize the assertion that the negroes detained at the agency had been regularly reported to the Government; whereas, this letter states that *he had not detained them*, but had ordered Bowen to carry them out of the United States. Besides, the letter of the 25th December could not possibly have had any allusion to the negroes which had been detained; for their arrival at the agency occurred after the date of that letter; the letter expressly related to the negroes brought thither by Bowen himself, and for which *he then showed a bill of sale to himself.* This was the parcel, according to the description in the passport, which had been delivered to Groce; whereas the last parcel, and consequently that which was detained, was covered by a bill of sale to Tobler, the Indian. This representation of General Mitchell, that he had reported to the Government the negroes detained at the agency at the time of McIntosh's seizure, is so boldly made, when he must have known, or at least supposed, that his communications were here to confront him, that charity might have imputed the statement to a want of recollection, but for the discovery of the fact that the general keeps copies of his correspondence. In relation to his letter of the 25th December, I have nothing before me except the extract furnished by himself, the original having been misplaced; so that if it contained any thing beyond this extract which would have justified the statement in question, (and which extract was furnished to the Department of War, for the information of that Department as to what the general had done,) the omission to insert it is unfortunate. It is not conceivable, however, that this is the case.

Before I leave this letter of the 18th February, it is proper to remark, that although we have it here officially announced for the first time that a part of the negroes had been delivered up on bond to Groce, and the residue detained at the agency, no reason is yet given for the discrimination; much less is any thing said of the fact of their having been introduced in separate parcels, and the last parcel after the agent had had an interview with Bowen.

"It is now insinuated," says General Mitchell, in this letter, "as an excuse for this flagrant contempt, that I am interested in the negroes; and as evidence of the fact, that I have fed them and had them at work; and that, whilst on their way to this place, they were seen by some one in the possession of Indians, who said they were taking them to the agency, and a variety of other surmises equally futile."

This word *surmises* is loosely used in this place; for the circumstances of feeding them, and having some of them at work, together with the acts of distributing articles of clothing among them, and administering medicine to the sick, are immediately admitted by the general himself; and as to the fact of their being met in the possession of an Indian, who was bringing them to the agency, under the superior authority of Bowen, and who, in fact, did bring them there, it is in proof, and is not controverted. These were not *surmises*, therefore, but *facts;* and yet facts which of themselves (so far as feeding, &c. go) are futile, as to fixing any degree of guilt on General Mitchell. The most innocent and honorable man, on whom such a body of helpless human beings had been lawlessly thrown, would have acted in the same way while they were necessarily in his care. I think, therefore, that no importance is to be attached to these facts of feeding, clothing, &c., while the negroes were necessarily at the agency.

In this same letter, we meet with General Mitchell's first denial of the charges against him—the first, at least, communicated to this Government; it is in these words: "Sir, I assure you, upon my honor, I had no interest whatever, directly or indirectly, *in the purchase or introduction of those negroes;* neither had I any knowledge or information of *the intention of the parties interested to bring them here, until their actual arrival.*" On first reading this document, I was transiently struck with the special form of this denial, as not covering the whole case: I dismissed it, however, as a subtlety which ought not to be permitted to enter into the judicial consideration of such a subject, fraught with such serious and affecting personal considerations; and should have probably thought of it no more, but for the perpetual recurrence of the same form of expression, not only in the general's other communications, but in the affidavits of his witnesses. A coincidence of expression so singular, among so many various minds of different orders, naturally excited me to attend to the terms; and I perceived, at once, that the truth of the assertion that General Mitchell had nothing to do with the original *purchase or introduction* of these Africans, and that he was even *ignorant of the intention of the parties to bring them to the agency*, until their actual arrival there,

was perfectly compatible with a guilty connexion formed with Bowen after the arrival of the first parcel, and with that connivance which General Gaines had charged on him; and, pursuing this train of thought, it appeared to me, that although there were circumstances tending to the belief of *a previous general understanding*, at least, between Bowen and Mitchell, yet the evidence was much more strong to establish the probability of a *subsequent connexion*. It is not necessary to stop, for the purpose of bringing together the instances in which this same form of expression recurs in the letters of General Mitchell and the affidavits of his witnesses; they will present themselves as we go along; and if, at least, you shall think the criticism more ingenious and severe than solid, you will easily throw it out of your consideration of the case.

The next communication of General Mitchell is a letter of the 19th February, 1818, addressed to the Secretary of the Treasury, as I learn by reference; which, however, is not before me.

On the 25th March, 1818, the agent addressed another letter to the Secretary of War, in which he answers various charges that had been preferred against him by General Jackson, and, among others, this charge of the African negroes. In this, he goes into a statement as to those delivered to Groce; censures Colonel Brearley for certain misstatements which he charges him to have made on the subject; and this the more severely, because he says Colonel Brearley was fully informed of all his proceedings, and, among other things, of his having declined bonding any more after the forty-seven, "*in consequence of understanding that there was some difference of opinion as to the proper course to be pursued with regard to them.*" This is the first explanation of the cause why the last parcel was detained; but as they were in his possession when the first parcel was delivered to Groce, we are yet to be informed why they were not delivered at the same time.

This passage, however, calls up a still more serious question: *when* did this difference of opinion occur, and when was it made known to General Mitchell? When he wrote to the Secretary of War on the 3d February, he suggests no such difference of opinion; he represents the case as quite an easy one, and gives an impression that the whole of the negroes had been sent out of the United States. It was only four, or at the most five days afterwards, that they were seized by Mr. McIntosh; for the general's letter to his son on this subject, annexed to the affidavit of the son, bears date on the 8th of February. This difference of opinion, then, which had changed the general's course as to the negroes, must have occurred and been made known to him between the 3d and 8th of February; of which there is no evidence in the case, and, I fear, no probability in fact. Even in his letter of the 18th, he does not place the past detention of these negroes on any such difference of opinion as this, but on the ground of his having reported the case to the Government, (by his letter of the 25th December,) and his waiting their orders, or the opinion of the district attorney.

In the letter now under consideration (25th March, 1818,) the agent says to the Secretary of War: "Permit me to reiterate the assurance already given you, that I not only had no interest *in the purchase of these negroes*, but *was entirely ignorant of the purchase and introduction of them*, until brought to the agency."

In General Mitchell's letter of the 28th April, 1818, to the Secretary of the Treasury, (of which an extract furnished by the general is before me,) he takes no notice of the detention of a part of these negroes at the agency, nor of any such difference of opinion as that which he assigns in his letter of the 25th of March to the Secretary of War; on the contrary, he vindicates the course taken in bonding and sending out the negroes as the only course, as to the propriety of which he speaks of no opposing opinions.

In this letter he also says: "As to the purchase and introduction of those negroes, I give you my solemn assurance that I had neither knowledge of, nor participation in, either."

Here the communications of General Mitchell end, until the charge was revived by Governor Clark, and presented in such a form as made it the duty of the Government to examine it by evidence. A judicial investigation of the subject had now been barred by the act of limitation of the United States. An attempt was made to institute such a trial before the circuit court of the United States in Georgia, but was stopped at the threshold by the court, on the ground of the bar by the act of limitation. The grand jury, however, took up the subject on general grounds, and founded a presentment upon it. The Legislature of the State, too, expressed its indignation at the illicit continuance of the slave trade, in a report, which, together with the presentment of the grand jury before mentioned, and the sentence of the court, have been communicated by Governor Clark, and are now before me. The Government, desirous in a case so deeply interesting to the country on one hand, and to the individual, one of the officers of Government, thus accused, on the other, required that the facts should be presented in the form of affidavits, taken on notice: a direction which was so imperfectly executed, that it was repeated; and, in the mean time, both the Governor of Georgia and General Mitchell were mutually furnished with copies of the evidence which had been communicated by the other.

The first communication of General Mitchell with which I meet in this new series is his letter to the Secretary of War, dated the 27th July, 1820. This letter accompanied the general's original evidence, and comments on that and on the accusing evidence.

On the fourth page of this letter he makes the first communication to the Government (with which I have met) of *the separate parcels* of Africans brought in by Bowen, in succession. He again admits the interview with Bowen on the arrival of the first parcel, but says that he remained only one night at the agency, "consequently, had no time or opportunity to make any arrangement with him on the subject." What General Mitchell is represented as having said to Loving, was quite enough, and could have been said in a very few moments. He proceeds: "Neither did he know that I had seized the first parcel of his negroes, until the arrival of the last parcel, when I informed him of the fact, and detained the whole;" that is to say, that General Mitchell had seized the first parcel, but kept Bowen in ignorance of that fact until the arrival of the last parcel, which was about the first week in January, when he informed him of the fact, and detained the whole. This statement is supported by the evidence of Captain Bowen, Captain Mitchell, and Captain Thomas; but is perfectly irreconcilable with the agent's letter of the 25th December to the Secretary of the Treasury, in which he represents himself *as having declined to detain any of them*, but having ordered Bowen to take the whole of them out of the United States.

In the course of this letter, General Mitchell comments on the evidence furnished by Governor Clark; and before I take up the general's own evidence, in order, I think it proper to state what he has said in regard to the first two witnesses presented in support of the charge—Loving and Woodward.

In regard to Loving, he says, in substance, that he has no recollection of any such conversation as Mr. L. relates; that Mr. Loving was a stranger; and that it is very improbable that he would have given advice to a stranger, which he would not have given to one of his own family. He states, also, that he has heard from a gentleman of veracity, that the very conversation which he represents himself to have had with him, (Mitchell,) he had with that gentleman, *who replied precisely in the language which Loving has attributed to the general:* and the general leaves it to any man of sense to determine whether it be reasonable that he would have held such a conversation with a stranger. Who this gentleman of veracity is, we are not informed by General Mitchell; we learn, however, from the affidavit of A. Erwin, that it was Captain Thomas, one of the general's assistants at the agency, as we have seen; and Mr. Erwin further states, that on his suggesting the probability of this mistake to Loving,

he had appeared much mortified, and expressed his regret at having given this information. The whole of which statement Loving flatly denies in a subsequent affidavit, and declares to be a falsehood, destitute of all foundation.

But these remarks of General Mitchell suggest the following reflections: why should every man of sense pronounce it improbable that he should have held such a conversation, or given such advice to a stranger? There can be but one answer, so far as I perceive, which is, that the advice was criminal, or the course advised illegal; for, if neither, there can be no reason why General Mitchell should not have held such a conversation with a stranger as soon as with any other. General Mitchell, then, was aware, in July, 1817, of the criminality or illegality of this course; and yet *his acts* with regard to Bowen, and the Africans imported by him, are *substantially* in unison with the conversation which is imputed to him by Loving.

Again: is it probable that, in a case of so much importance, Loving should have mistaken Captain Thomas for the agent? and, still more, is it probable that Thomas should have rendered the very answers which Loving attributes to Mitchell; that Thomas should have advised Loving to bring Africans to the agency, and that *he (Thomas) would protect them there, and give facilities for their sale at the reserve, &c.?* more especially when we are told by Thomas himself that the agent (whose power at the agency was sovereign) had uniformly advised him to have nothing to do with such a business, *for that those who did would not only involve themselves in trouble, but would also destroy their reputation.* The assumption of these answers by Captain Thomas may be an evidence of gallant self-devotion in behalf of a friend: but I confess that the statement surpasses my credulity. Loving's character is most respectably supported; and if his evidence required any extrinsic circumstances to render it probable, those circumstances would, I think, be found in the conduct of the agent himself, in the affair of Captain Bowen.

With respect to the evidence of T. Woodward, which, as you will recollect, is a hearsay statement only from Colonel Howard, General Mitchell observes, that as Mr. Woodward is of respectable family and connexions, and some of them his particular friends, he will just observe, that Colonel Joseph Howard, from whom he says he had his information, is living on the Alabama, and is certainly better evidence than Mr. Woodward; he thinks that Colonel Howard will not support the statement of the witness, as to bringing Africans into the United States in violation of law. "I have no doubt," says he, "but that I have had conversations with many upon this subject; for, at one time, it was much spoken of, and some have reduced it to practice, while others, *like myself*, have only talked of it."

Mr. Woodward's statement of Colonel Howard's conversation is no evidence which would be received in a court of judicature, had it even been on oath. Not being even on oath, it ought not to have been offered. Why the affidavit of Colonel Howard has not been taken on either side, I am unable to conceive. General Mitchell was not bound to take it; and yet it is a matter of surprise to me that, knowing the residence of the witness, his high standing, and the use which had been made of his alleged conversation, the just sensibility which General Mitchell seems to feel for his own character had not impelled him to call on Colonel Howard to rescue him from this imputation.

The words which I have quoted from General Mitchell, above, seem to me to mean, in their fair and obvious sense, that General Mitchell had *at one time* talked of embarking in the business. They are used in relation to the conversation which Woodward, on the report of Colonel Howard, imputes to him—a conversation which implies his disposition, after his acceptance of the agency, to engage in such an enterprise, and to furnish funds for it. At this time, too, he had reason to believe that the affidavit of Colonel Howard might be taken against him, and how it would result was yet uncertain.

It was provident, therefore, to anticipate any result of such an affidavit by an explanation; the words are to be construed in reference to the occasion and circumstances in which they are used. When, therefore, he says "I have no doubt but that I have had conversations with many persons upon this subject; for, at one time, it was much spoken of, and some have reduced it to practice; *while others, like myself, have only talked of it*," I understand him to mean "while others, like myself, only talked of doing it:" which amounts to an admission that he had at one time talked of doing it, and is substantially all that either Woodward or Loving states.

I proceed to General Mitchell's testimony, in the order in which he has offered it.

William Bowen's affidavit.—He left Fort Hawkins, where he had resided for some time, in July, 1817; went to South Carolina to visit his friends; after a short time proceeded by Augusta to Savannah; here he entered into a mercantile partnership with Stanterbry & Thorn, in a store to be kept by Bowen in Milledgeville. Having selected his goods, and while employed in forwarding them, he was informed by a friend of the great speculations which were to be made in sugar and coffee at Amelia Island, and determines to procrastinate the opening of goods in Milledgeville till he could visit Amelia Island, which he does. Disappointed in the price of sugar and coffee, and having been left by the vessel in which he intended to return to the main, he is detained in the island; and, during his detention, a cargo of negroes arrives in one of Aury's privateers, which he purchases with funds furnished wholly by the credit of Erwin & Co., and Stanterbry & Thorn. He then details his journey with the first parcel of these negroes to the agency, where he is received by Captain Thomas, who advises him to proceed on his route before the arrival of General Mitchell, who, if he found the negroes there, would probably interfere with them; but this he told Thomas was impossible, as the negroes were worn down with cold, fatigue, and hunger, and could not move till their strength was recruited and he could procure better transportation; besides, he told him he had left a number of the smallest ones behind, *more exposed than he had expected.*

Finally, having arranged with Thomas to supply provisions for the first parcel, he returns for the second: (not a word of his interview with General Mitchell; it is obvious that this is kept studiously out of sight.) He then proceeds to detail his operations with the second parcel of negroes; admits that he wrote the letter from Drummond's Bluff, but this was without the consent or knowledge of General Mitchell. It was purely to secure the passage of the property, should it meet with difficulty. He never intended, after the arrival of the negroes at the agency, for that letter to be produced or delivered to the agent, and had instructed the bearer to destroy it on his arrival. On seeing the bearer of it, after the negroes had arrived, he asked him for the letter, and was answered that it was lost in the woods; and, thinking the letter would never be found, he was satisfied. On his arrival at the agency, he was informed by General Mitchell that he would detain the negroes until he could be better satisfied with the circumstances of their transportation through the Creek nation. He *then* informed General Mitchell that he had purchased the negroes in Camden, and intended going westward with them. (General Mitchell, in his letter of the 25th December, 1817, to the Secretary of the Treasury, says that Bowen gave him this information at *their first interview*—that is, on the arrival of the first parcel—and showed him the bill of sale.) General Mitchell declared that he should detain the negroes *until he could hear from the Government on the subject.* Finally, *Jared E. Groce* came to the agency, with a letter of introduction to Bowen from James Erwin; and Groce, as the agent of Erwin & Co., and for the purpose of securing the $25,000 which they had advanced, entered into bond with Bowen to carry out of the United States as many of the negroes as he wished, who were to be under his control as collateral security to the Erwins. A selection of forty-seven was made out of the whole parcel, and delivered to Groce on bond, as

already stated. Bowen returned to Georgia to procure security for bonding the rest, which was superseded by the seizure made by McIntosh. He then states what was done with the negroes after their seizure, which is irrelevant to our inquiry. He then avers that General Mitchell never had any knowledge of *the purchase or introduction of these negroes into the United States*, that he paid not one cent towards the purchase, that the whole sum was raised through the aid of the before-mentioned firm, and *that General Mitchell knew nothing about it until the negroes were taken to the agency and reported by him to the Government;* that, but for the interference of General Mitchell, he would probably have had his property safe in *West Florida, where it was intended that they should be carried.* "Any imputation, therefore," says Bowen, "that General Mitchell was concerned with me in the *purchase and introduction* of that property, is *mere conjecture.*"

Before I proceed to the cross-examination of this witness, I will remark, that, long before the taking of this deposition, not only the letter from Drummond's Bluff, but the two letters purporting to have been written by Bowen to General Mitchell, from Milledgeville, had been before the public, and had produced considerable excitement. The last two letters, if genuine, placed the guilt of General Mitchell beyond all doubt, and were consequently resisted by the general and his friends, by every means which they could command. The general had denied on oath that he had ever seen such letters; his son, Captain Mitchell, had denied on oath that he had ever given Moore that direction to search his father's desk for letters from Arbuthnot, from which the discovery was alleged to have proceeded; and both Captain Mitchell and the general's clerk, Imlay Vanscriver, had sworn that they had never seen such letters in the general's desk, or elsewhere, and that they must have seen them if they had been there. Bowen had denied the authenticity of the letters *in a handbill*, which is annexed to his affidavit, and declared them base fabrications. The reputation of William Moore, the alleged discoverer of these letters, was assailed with great vehemence; he was accused of having forged an order for money from one Timothy Barnard, of having forged a bill of sale from Tobler for the last parcel of negroes, and having attempted to suborn witnesses to attest it. *But still the oath of Bowen denying that he had written these letters was wanting.* When, therefore, in the body of the affidavit before me, his mind was called to this subject by his admission of the letter from Drummond's Bluff, it is surprising that he did not avail himself of the same solemn occasion to do justice to himself and General Mitchell, by denying the last two letters, which he had already denied in his published handbill. This, however, he does not do: he says not one word of these letters in the body of his affidavit, which is the whole of his voluntary statement; and, to increase the suspicion arising from this circumstance, when, on his cross-examination, he is directly interrogated as to these letters, he twice evades the question altogether, and each time so exactly in the same words, that it is extremely difficult for the most candid man to resist the conviction that the evasion, as well as the form of it, was premeditated and settled.

He is asked by Governor Clark, Did you not write the letter, or one similar to it, of the 7th March, 1818, to the agent, General D. B. Mitchell, which was published in the Journal some time since, and which William Moore states he copied? &c.

The answer is: "*I have already denied the authenticity of that letter, and I consider Moore a forger.*"

He is then asked, Did you not write the letter of the 23d March, 1818? &c.

His answer is: "*I have also denied the authenticity of that letter, and I answer as above.*"

It was true he had already denied the authenticity of those letters, but not on oath; it was in a handbill; and it might be true that he considered Moore a forger, in regard to the two acts of forgery already mentioned, of which he had been publicly accused—the order from Barnard, and the bill of sale from Tobler. Were Bowen now to state on oath that he did write those letters, he could not be convicted of perjury on the strength of those answers, for he has not here denied them on oath, nor has he said any thing at all incompatible with the fact that he did write them.

Are these the terms which would have been used by any man who was in truth innocent of the charge of having written those letters? For my own part, the evasion appears to me so gross and palpable, and withal so *studied*, that I consider it as very little short of a confession that he did write the letters.

On his cross-examination he states that he did "once give General Mitchell a certificate that he was not concerned *in the purchase or introduction of these negroes into the United States.*"

He is asked, "Do you not know that the agent expressed himself in a way *from which you inferred his permission to convey the second gang of Africans to the agency?*"

The answer is: "He never expressed *any approbation to me.*" Here is another evasion; the question was not as to the expression *of approbation.* In the rest of his cross-examination he states, in substance, that he does not know that General Mitchell claims any part of the Africans that had been brought to the agency *in his own right.* He never had any conversation with General Mitchell as to the profits to be made or speculations in Africans, *previous to his taking the Africans to the agency.* General Mitchell might have been apprized of Long's taking off the five negroes, for aught he knows. The witness refuses to answer a question concerning Jared E. Groce, (which stands connected with the authenticity of one of the last of the letters before mentioned,) on the ground that it relates to *his and Groce's private affairs.*

In answer to General Mitchell, he states the interview which he had with the Governor, at the time of his confessing that he wrote the letter from Drummond's Bluff. He understood from his excellency, and probably from some of the other gentlemen, that the object of the inquiry was not to injure him, as most of them were friendly to him, but to ascertain General Mitchell's connexion in the affair. He does not recollect that any particular promise was made him.

He says, on further examination, that General Mitchell did not know from *him* that he intended to carry the second gang of Africans to the agency in the winter of 1817–'18.

Being asked whether the agent, or some one for him, did not purchase *or come to an understanding with him* for some of the Africans?

He answers: "The agent did not purchase any of me; I had many offers, by sundry persons, to sell, but not for the express *use*, or implied *use, as I understand*, of General Mitchell. I invariably declined selling any of them to any one."

Andrew Erwin's affidavit.—This is a very long and verbose affidavit; to give you an idea of it, although the witness knows nothing personally of the guilt or innocence of General Mitchell, five folio pages of the affidavit are employed in giving us a history of the oscillations of the witness's mind as to General Mitchell's guilt. The number of these vibrations, and the causes which produced them, are detailed with a minuteness and prolixity rather amusing than instructive; until, at last, the witness, *on the representations of General Mitchell and Captain Bowen*, settles down in the conviction that the general was entirely innocent "of any concern, interest, or participation *in the purchase or introduction* of the negroes alluded to." According to this witness, Groce also is innocent; not only innocent, but it seems Mr. Erwin had some difficulty in appeasing the virtuous indignation of Mr. Groce upon the discovery that his partners had been concerned in a breach of the laws. "I convinced him, I believe," says the witness, with the utmost apparent simplicity, "of my innocence in any such trade." To make sure work of it, however, he sent

or wrote for his son, James Erwin, to Savannah, to explain the true situation of the business. James Erwin then came to Augusta; and, while there, Mr. Groce returned, and *James Erwin* then expressed *his* innocence in the business, as above. This Mr. Groce, whose moral delicacy the Messrs. Erwin manifested so much solicitude to soothe, is the same Jared E. Groce whose conversation with Mr. Breithaupt has been already detailed. Andrew Erwin swears *in the most positive manner*, to use his own words, "that Jared E. Groce had no interest in the property," (meaning the negroes.) Why, then, did Andrew Erwin, in his letter to General Mitchell by Colonel Morgan, bind the firm of Erwin, *Groce*, & Co. to any amount, without limit, which Colonel Morgan might choose to draw for, in his negotiations with regard to negroes?

Will it be said that when he wrote that letter he was ignorant of the fact that Mr. Groce was not interested? But we are told that there were two firms: Erwin, Groce, & Co., at Augusta, in which Mr. Groce *was* interested; and Erwin & Co., *at Savannah*, in which Mr. Groce was not interested; and Andrew Erwin does not profess to have been ignorant, when he wrote the letter, that the funds had been advanced by Erwin & Co. at Savannah, in which Mr. Groce was not interested. By what right, then, did he use the name of *Groce* in that letter? The circumstance is calculated to infuse a strong suspicion that the witness knows more on this subject than he has thought proper to disclose. His guilt or innocence, however, is not the question, except so far as it may affect his credit as a witness. His primary object, and what may be called the business of his affidavit, is to exculpate himself from any charge of being involved in this business; and, in this point of view, it is unfortunate for Mr. Erwin that, in a case so deeply affecting his character, he has not preserved the letter from *a Mr. Thomas*, who now resides near Milledgeville, (then, *perhaps, near the agency*,) from whom he received his first intelligence on this subject, nor any copy of his letter in reply, and that the original answer also has been lost by Mr. Thomas.

The only facts material to General Mitchell which this witness states are: 1. The fact that the whole purchase money for the negroes was advanced by Erwin & Co., and, consequently, that General Mitchell is innocent of having made any pecuniary contribution to the purchase. 2. The circumstances which he states to impugn the credit of Loving, to which I have already adverted. With respect to the first, however, he admits that for one-half of the advance individual notes were placed in the hands of his son; these notes were *anonymously* mentioned. Why they are so, is not explained: there may be some motive of mercantile delicacy in the case; but, without mentioning names, it would have been easy to have said that no note in which General Mitchell's name appeared was among them; and, in a case like this, it would have been better to have done so, even if the caution had been over abundant.

James Erwin's affadavit.—This witness supports the statements of Bowen as to the partnership with Stanterbry & Thorn, as to the information which carried Bowen to Amelia Island, and as to the fact that all the funds were furnished by Erwin & Co. He gives also his letter of instructions to Bowen, the first sentence of which is, "*Buy all and every thing you are sure of making money on.*" He supports Bowen in the assertion that the funds sent were vested in negroes; and *before the sale was closed he was consulted by the vendor as to the authority of Bowen to draw on him for the amount. That he assured the vendor Bowen's bill would be good. And, from the impossibility of communicating even by express with General Mitchell, &c., as well as from Bowen's private, confidential, and positive communications*, he is confident that General Mitchell had no knowledge of *the purchase and introduction of those negroes.*

Joseph Thorn's affadavit.—In strict accordance with James Erwin, he also is of opinion, for the reasons he gives, that it is impossible General Mitchell could have had any knowledge or interest whatsoever *in the purchase or introduction* of those negroes into the United States.

Colonel G. Morgan's affadavit.—The effect of this evidence has been, as to all substantial points, before stated. This witness states that "*from the best information he could get at the agency*," with what he had been told by James Erwin and his father—James Erwin's advancing money to Bowen—as well as from a knowledge of their situation at that time, it is his opinion, decidedly, that General Mitchell had no interest, directly or indirectly, in the *purchase, ownership, and introduction of those African negroes.*"

John S. Thomas's affadavit.—He supports all the statements of Bowen, Andrew Erwin, and General Mitchell, which could be supposed to fall within the sphere of his observation, and gives it as his decided conviction that General Mitchell not only had no interest or concern in *the purchase or introduction of the negroes*, but was entirely ignorant of both. He then states the advice which General Mitchell had given him, to have nothing to do with the purchase of Africans, &c., "for those who did would not only experience pecuniary loss, but destroy their reputation:" sound advice, which proves that General Mitchell was aware of the illegality and disrepute of such proceedings.

This John S. Thomas is the Captain Thomas who belonged to General Mitchell's family at the agency. The deposition opens with saying, "Being called upon by the Governor of Georgia, by authority, as he states, from the Secretary of State," &c., importing that the evidence has been given in the presence and under the superintendence of the Governor. This appears not to have been the fact. It is certified by H. Allen, who signs himself J. I. C.; that on the 6th March, 1820, having been called upon, by one of the Secretaries of the Executive Department of Georgia, to attend at the Executive Chamber in the State-house, for the purpose of taking some depositions, John Sherwood Thomas was called, and, appearing, refused to be qualified, or to give evidence in regard to his knowledge of the participation of the Indian agent, D. B. Mitchell, in the illicit introduction of Africans into the United States, as he said, "*on account of some communication or writing, made by himself to one of the parties, which he wished first to secure.*"

It is here proper to give General Mitchell's view of this subject of Captain Thomas's reluctance to give evidence in the case; it is in these words: "The Governor, I understand, has resorted to various expedients to justify his conduct to Captain Thomas; and, among the rest, has obstinately charged him with refusing to give his testimony; but if Captain Thomas would *condescend* to make a statement of the facts as they really occurred, it would cover the Governor with shame and confusion, if he is capable of feeling either the one or the other. *But Captain Thomas is diffident and unassuming;* and the Governor presuming upon that, and an intimacy of long standing between himself and the family of Captain Thomas, he thought he could manage the captain as he pleased, by dictating to him the testimony he should give. His first effort was to draw from the captain a declaration that he knew nothing about my transactions with the Africans; but, finding that he was not to be surprised into an assertion of a falsehood, he then changed his tone, *and endeavored to dragoon him into his measures.* The integrity of Captain Thomas, however, baffled all the arts of his excellency, and he then thought it necessary to throw a shade over his testimony."

I have before had occasion, sir, to call your attention to the extreme inconveniencies under which strangers to the witnesses must labor in deciding any question of fact, depending on their characters. How impossible would it be to infer this *diffidence and want of assumption* in the character of Captain Thomas from the following statement:

EXECUTIVE OFFICE, GEORGIA, MILLEDGEVILLE, *April* 3, 1820.

We, whose names are hereunto annexed, do hereby certify, that on this day, about 3 o'clock P. M., Captain John S. Thomas entered the Executive Office, and inquired of his excellency Governor Clark if he had understood him (Thomas) to have said, when summoned to testify at the Executive Office, some time since, [pointing back to the time mentioned by Mr. Allen,] that he declined to give evidence, *then*, from having some paper or document of some kind in the hands of General Mitchell? The Governor replied that he (Thomas) *had* declined, alleging that "he had a paper in the hands of one of the parties, which he wished first to withdraw, as it might injure him," and that the Governor understood from his (Captain Thomas's) expression that the paper spoken of was in the hands of Mitchell. Thomas then rejoined, that he did not think the Governor was right; that he thought he had been mistaken; that he did not state or intend to be understood that it was in *Mitchell's hands*, but in the hands *of one of the parties interested.* Some conversation then ensued, and the Governor then mentioned that he (Thomas) had promised again to call at a particular day and give his evidence, and had failed to do it. This was *rudely* denied by Thomas, and re-asserted by the Governor; and, *on Thomas's assuming an insolent tone and manner*, the Governor inquired if he had come to the office with an intention to insult him, and, if that was his intention, he (the Governor) wished him to retire. After *some further insolent deportment*, he said he (Thomas) *would retire;* and, on doing so, exclaimed, in a loud and menacing tone, "*by the eternal God, I will have satisfaction out of you one day or other.*"

In witness whereof, we have hereunto set our signatures.

DANIEL HUGHES,
WILLIAM F. STEELE.

WILLIAM S. MITCHELL's affidavit.—This witness declares his conviction of the innocence of the agent; and I hope he is sincere. It is the evidence of a son in relation to his father. The document will be before you; and I forbear further comment.

JAMES MOSS's affidavit.—Was at the agency at the time of the arrival of the Africans; had frequent conversations with Bowen, Long, and Captain Mitchell, and from none of them was induced to believe that General Mitchell was, in any way, engaged in the *purchase or introduction of the negroes into the State.* He impugns the credit of John Lambert, a witness on the other side, because he had spoken, ignorantly, from hearsay; and because Lambert told him there were things put into his affidavit that he did not consent to have put in it, &c.

JOHN BINION's affidavit.—He was a captain of cavalry on the Flint river, stationed at the agency in January, 1818. Observing the Africans at the agency, he asked General Mitchell if they were for sale; to which he replied that they were not, *for he had put his thumb upon them;* meaning thereby, as he explained, that the agent had taken them into his possession, *and reported them to the Government*, and that, consequently, he would permit no sale of them.

COLONEL BREARLEY's affidavit.—This witness is neutral; he knows that the Africans were at the agency; but he *knows* nothing of General Mitchell's guilt or innocence.

MCQUEEN MCINTOSH.—This purports to be an original letter from Mr. McIntosh; to whom addressed does not appear; at the foot of it is this statement: "This letter, and the extract from McIntosh's report which I have quoted, were sent to me by a friend.—D. B. M."

The letter expresses McIntosh's opinion that he was entitled to one-half of the negroes seized. The motives of McIntosh in making the seizure are foreign to the question of the agent's guilt.

JOHN OLIPHANT's affidavit.—This is the same witness whose evidence has been exhibited in support of the charge. This affidavit is subsequent to the former; and the witness here complains that the magistrates on the former occasion would not insert that he had denied the explanation of the red strings *upon the negroes, &c.*

THOMAS RODNEY's affidavit.—The witness was employed about the agency. About the day before General Mitchell's departure to spend Christmas with his family, (the Christmas of 1817,) General Mitchell called the witness, and directed that, during his absence, the witness should have an eye upon the Africans; *that they had been brought in contrary to law, and that witness must not suffer any one to touch the negroes during his absence, for that he meant to report them to Government, and they must remain for further orders, &c.*

Let this testimony offered by General Mitchell be compared with his letter to the Secretary of the Treasury, written a few days afterwards, to wit, on Christmas day.

GEORGE STERISON's affidavit.—This witness charges William Moore with an attempt to suborn him as a witness to a bill of sale from Tobler, &c.

JAMES THOMPSON's affidavit.—To the same effect. This man is said by Governor Clark to be a discharged convict from the Pennsylvania penitentiary; and this to the knowledge of General Mitchell when he took his testimony, which I do not understand the general as denying.

TIMOTHY BARNARD's affidavit.—The witness accuses William Moore of forging an order for money in his name; and states that Moore and Mr. Humphreys (a justice of peace of the State of Georgia) had endeavored to prevail upon him to swear to the contrary, and he believes would forge an affidavit in his name to that effect.

The counter-affidavit, with the statement of Mr. Humphreys, will be found among the papers furnished by Governor Clark, and by him numbered 17.

WILLIAM S. MITCHELL and IMLAY VANSCRIVER's affidavits.—I have already given the effect of these papers; their tendency is to show that Moore could not have found in General Mitchell's desk the two letters from Bowen, of which he professes to have furnished copies.

LODOWICK ASHLEY's affidavit.—Immaterial. A copy of a deposition in an admiralty proceeding, concerning these negroes, in the name of Miguel de Castro, against ninety-four African negroes. The proceeding must have been fictitious. The affidavit is not substantially variant from that formerly presented from the same witness.

I have thus endeavored to extract from this vast mass of communications and documents all the facts which appear to me to be material. In the laborious operation, however, of examining upwards of seventy separate documents, and some of them very long, and then comparing them together throughout, and of connecting and combining the circumstances, dissevered and scattered as they are through such a dark and extensive wilderness, some important circumstances may have escaped me, and I may have thought some important which you may deem inconsiderable. It will be of some assistance to you, however, to have had the case broken, even in this imperfect manner; and any errors that I may have committed will be easily corrected in your own examination of it.

You must, I take it for granted, have been struck with the force of the three letters alleged to have been written by Bowen to General Mitchell: that from Drummond's Bluff, and the two from Milledgeville. It will be proper, therefore, to examine the grounds on which the probability or improbability of those documents rests; and the answers that have been given to them by the parties interested.

1. *Letter from Drummond's Bluff.*—On the 2d November, 1819, when Bowen made his acknowledgment to Governor Clark that he had written this letter, no solution of it favorable to the innocence of General Mitchell

occurred to him; for, if it had, the solicitude which he has uniformly discovered to defend General Mitchell, even at his own expense, can leave no doubt that he would have suggested it.

On the 4th November, 1819, when he published his handbill, he says: "The letter wrote at Drummond's Bluff was written by me: I wrote it *without the consent or knowledge of General Mitchell:*" but still *no reason for writing it* is mentioned. As this handbill was intended for the express purpose of vindicating General Mitchell, this was the time, and this the occasion, that he should have given an explanation *of the purpose*, consistent with General Mitchell's innocence, if he could. Bowen is obviously a shrewd and acute man; and he knew that the world would not be satisfied with being told that he wrote that letter without the knowledge or consent of General Mitchell. This was saying nothing, for it was never pretended that General Mitchell was at Drummond's Bluff on the 25th December, 1817, to know or consent to the writing of that letter; nor was it at all material to the question of a guilty connexion between Bowen and Mitchell that General Mitchell should have consented, by anticipation, to the writing of such a letter; or that the arrangement which occasioned it (to wit, the sending on the last parcel by Tobler) should have been made and provided for before Bowen left the agency. When Bowen, therefore, was stating in his handbill that he wrote that letter without General Mitchell's knowledge or consent, he could not but know that the next question which would occur, at once, to every inquiring mind, would be, "Why, then, did you write it?" and this question it was material for him to have answered in this handbill—at least if any satisfactory answer was at hand. Such an omission, on such an occasion, justifies the conclusion that he had no answer at hand, but that one was yet to be sought for.

On the 5th day of June, 1820, when he gave his deposition, he could think of no better solution of this difficulty than "that it was *purely to secure the passage of the property, should it meet with difficulty.*" To this it is answered, and with a force which, I confess, I cannot resist, that the letter is not at all adapted to that purpose; it is, as you will perceive on referring to it, an open avowal that the negroes were smuggled in from Amelia Island, and states Bowen's apprehensions that they would be seized before they could be carried through to the agency. Suppose Tobler and his party to have been stopped, under a suspicion that the Africans had been smuggled in: would the production of that letter, which confessed the very fact of smuggling, have removed the suspicion? Is it not manifest that its production, instead of insuring protection, would have insured the seizure of the whole party? Had Bowen been devising a letter for the purpose he mentions, he has sense enough to have devised a very different one from this. There are in this letter a minuteness of confidential details, and a friendly familiarity of speculation and advice, exactly adapted to the supposed relation between Bowen and Mitchell, but totally unadapted and most flagrantly hostile to the purpose avowed.

Besides, Tobler was furnished with a bill of sale for the negroes to himself. For what was this intended? Surely, *to protect them* in his own right, if he should meet with difficulty. Thus he was doubly armed; the only misfortune being, that the one weapon was at direct war with the other, and that they reciprocally destroyed the effect of both: for while the bill of sale affirmed the negroes to be Tobler's, the letter showed them to be Bowen's.

Bowen further affirms that he never intended this letter to be delivered to General Mitchell, and that he so directed the bearer. "Why, then, did he write it?" The purpose he assigns is incredible; and no other is suggested.

I have no doubt that the letter was intended to be delivered to General Mitchell, because I can conceive no other rational purpose for which such a letter, attending to all its parts, could have been written. "I go to Milledgeville, by Savannah, *and wish you to keep the negroes employed until I can come out to the agency.* I have directed *Tobler to take charge of the horses and packs, &c., and to put the horses out in the cane swamp, and attend to them.*" Was this request not intended to reach General Mitchell? Why, then, was it inserted? It was not necessary to the purpose of protection; unless, indeed, we could be so credulous as to suppose that, by arguing a familiarity and understanding with General Mitchell, it would act as a protection. It was from white men, however, and citizens of the United States, that interruption was expected; it was from men, too, as the letter shows, whose suspicions were already broad awake as to the violation of our slave laws that was going on in that quarter of the Union, and who were determined to suppress it; with such men, a letter couched in these terms, had it been written by General Mitchell himself, instead of Bowen, would have afforded no protection, but, on the contrary, would have insured a seizure.

It appears to me impossible for credulity itself to scan the terms of this letter, and to doubt that it was written and sent with the intention of being delivered to General Mitchell; for it seems to me that there is no other conceivable purpose within the scope of human invention for which it could have been written. On the moment we reach this conclusion, there is only one further question: would Bowen, or any other man in his senses, have sent such a letter to General Mitchell, without any apology, or the semblance of apology, for so doing, but, on the contrary, with the air of easy and familiar friendship and confidence, unless authorized to do so by the footing on which he knew himself to stand with that gentleman, without a perfect understanding with him beforehand? And if this question must, from the nature of things, be answered in the negative, the inquiry is at an end; the fact of a guilty understanding and connexion between Bowen and the agent is established.

It is true this letter did not reach its place of destination. It was not delivered to General Mitchell, because both the letter and bill of sale were lost by Tobler—lost, I presume, before he had an opportunity of delivering the letter. I presume so, because as it is clear to my understanding that the letter could have been written for no other purpose than to be delivered, I can conceive no reason why it should not have been delivered if an opportunity had occurred of doing so. That those papers were lost before such opportunity occurred, is rendered highly probable by the following circumstances: Bowen's affidavit is calculated to give the impression that, after parting with Tobler and the negroes at Drummond's Bluff, he had never seen them again until after their arrival at the agency; that the negroes arrived before him; and that he found them there on his arrival. It is true he does not say this explicitly; such, however, is the fair inference from his narrative. But he does say explicitly that his inquiries of Tobler for the letter were made after the negroes had arrived at the agency. Now, it is important to observe, that John Oliphant, the witness, states, that after landing the negroes in Camden county, about six miles below Camp Pinckney, they proceeded about sixteen miles on Blackshear's road, "where Mr. Bowen left us about midnight, and did not join us again *until we got within a few days' travel of the agency.*" In confirmation of this statement, General Mitchell in his communication to the Secretary of War implies, and Captain Mitchell in his affidavit expressly states, that Bowen did arrive *with* the second parcel of negroes.

Now, if Bowen was so desirous that the letter from Drummond's Bluff should not be seen by the agent, would it not have been natural for him to have demanded it immediately upon his joining the party *within a few days' travel of the agency?* Nay, if it *had* been intended to *be delivered to the agent*, yet inasmuch as the necessity of its delivery had been superseded by Bowen's personal presence, and more particularly as the letter was full of danger both to himself and General Mitchell, can it be believed that he would not have demanded and destroyed it immediately on rejoining the party? Can it be believed that he would have travelled for several days with the party towards the agency, leaving to Tobler, an Indian, (addicted, it seems, to habits of intoxication,) the custody of

a paper which it was no longer necessary to preserve, while every moment of its existence was big with danger both to his friend and himself? And if, with all these means of prevention, he *did* permit Tobler to continue in possession of that letter—nay, to carry it to the agency—can it be believed that he felt all the solicitude he professes to keep this letter from the knowledge of the agent? To me, the only natural and probable course seems to be, that, whether the letter was originally intended for General Mitchell's eye, or not, Bowen should have demanded the letter immediately on rejoining the party, a few days' journey from the agency. I believe that if he deemed it necessary to demand it at all, he must have demanded it there, and that he *there* received the answer that it was lost, and consequently that no opportunity ever was afforded of delivering the letter: hence the weight which General Mitchell attaches to its non-delivery is destroyed; and the solution of this difficult problem, which Bowen has labored to extract from the hypothesis that Tobler had arrived before him, and had not delivered the letter, according to his order not to deliver it, is dissipated. Indeed, if the letter had been lost after the arrival at the agency, and among the usual haunts of the Indians and white people at that place, it is difficult to conceive how Mr. Bowen could have regained his composure and satisfaction at such a discovery, on the supposition that it would never be found. Such a supposition, and such an effect from it, would be natural enough, if the letter had been lost in the wilderness, before he joined the party, and several days' journey from the agency; but they are both extremely unnatural and improbable, in relation to the loss of such a document happening at the agency, among the dwellings of the people, where there was every probability, and almost certainty, that it would be found. Finally, if this paper was lost at the agency, after the continued opportunity which Bowen had had, for several days, of preventing such an accident, I repeat it, that he must give up all pretensions *to any concern* from its meeting the eye of the agent.

You will observe that Moore does not profess to have been, himself, the finder of this letter. He received it, together with Tobler's bill of sale, from an Indian woman by the name of Mary. When and where Mary found it, or from whom she received it, we are not informed. Moore's impression is, that it *was* lost by Tobler, *at the agency*. Be it so: of one thing we are certain, that Bowen wrote the letter; and there is no rational doubt that it was originally written with the intention of being delivered to General Mitchell. We are certain of another thing: that if the letter reached the agency in the charge of Tobler, it was because Bowen felt no solicitude about its fate.

2. The letters of the 7th and 23d March, from Milledgeville, are next to be considered. Notwithstanding the strong negative proof furnished by General Mitchell, these letters carry with them an internal proof of their own genuineness, which, when compared with the acknowledged letter from Drummond's Bluff, with the other circumstances in the case, and with General Mitchell's whole conduct throughout, it is very difficult to resist; and when to these violent presumptions we add Bowen's abrupt evasions of Governor Clark's interrogatories on this subject, (so much like the cowardly flinching of a guilty conscience, and so utterly unlike the intrepid openness of conscious innocence,) I confess that I have little doubt that the letters were written by Bowen. Governor Clark's remarks on these letters are well worthy your attention.

The results of this examination are—

1st. That there is no proof that General Mitchell made any pecuniary advance for the purchase of these negroes.

2d. That there is no proof that he had any personal agency in the purchase or introduction of them.

3d. That there is no proof that he had any knowledge of this specific purchase and introduction, until the negroes arrived at the agency.

4th. But that there is presumptive proof that there was a *previous general understanding*, at least, between Bowen and him, on which Bowen founded his whole plan of operations in regard to those negroes.

These circumstances are—

1st. The conversations imputed to General Mitchell by the witnesses Loving and Woodward, and the conversation of Groce with Breithaupt, as explained by subsequent acts.

2d. The connexion of General Mitchell with Bowen in the distribution of the $10,000 worth of goods at Fort Hawkins in July, 1817, mentioned by Captain Melvin; and the fact that, in this *very month*, (when, too, General Mitchell acknowledges that he had seen him,) Bowen set out on the expedition which terminated in the purchase of the negroes.

3d. The fact of his taking the negroes to the agency.

4th. His reception there, which was just such as the conversations related by Loving and Woodward, and that related by Breithaupt as being held by him with Groce, made it natural to expect; for Bowen, so far from being molested for what he had done, is permitted to return to Amelia Island, and repeat the offence.

5th. General Mitchell's whole conduct in the affair, which is in strict consonance with those conversations, and with the hypothesis of such a previous understanding with Bowen.

But, let it be admitted *that there was no such previous understanding*, and that General Mitchell not only had no concern of any kind *in the purchase and introduction of those negroes*, but that he was *wholly ignorant of their purchase and introduction until their arrival at the agency;* yet,

6th. His conduct *after their arrival at the agency* is, in my opinion, utterly inconsistent with the supposition of his innocence.

General Mitchell admits, in his letter of the 25th December, 1817, that he was fully apprized of the solicitude of this Government to suppress the African slave trade; and if his witness, Thomas, is to be believed, he was also perfectly aware both of the danger and disrepute of having any thing to do with such a business. He must, in the nature of things, have been perfectly apprized of the odium which was attached to it, not only in Georgia, but in every other part of the Union, among respectable men.

Thus informed, let us inquire how it would have been natural for a man of common intelligence and of ordinary pride of character to have acted when, on the 8th December, 1817, he discovered that Bowen had dared to intrude himself into the agency with half a hundred of smuggled African negroes—a measure so directly and inevitably calculated to throw upon the agent public suspicion and infamy? Would not his indignation have been excited to the highest pitch at such an act of audacity? and must he not have seen that nothing could save him from the consequences of such a step but the most prompt and vigorous measures of resistance? Would he not *instantaneously* have seized the culprit, and given him up to the laws of his country? Would he not have immediately given up the negroes to the Governor of the State, within whose constitutional limits and jurisdiction the agency was established? And would he not, forthwith, have forwarded a *full and fair* report of *the whole case* to the Government, whose officer he was? Such, it seems to me, would certainly have been the course of any man, even of common intelligence and prudence, so circumstanced; and *this* for *his own sake*, putting aside every incentive of patriotism; for such a course would have repelled every suspicion which the presumption of Bowen was calculated to throw upon him, and have placed his purity beyond the reach of question.

How different was the course pursued by General Mitchell! Intelligent, proud of character, and energetic as he seems to be, instead of arresting Bowen, he permits him to return to Amelia Island, and repeat the offence, by bringing another cargo of Africans to the agency. Instead of handing over the negroes to the Executive of the

State, he makes no communication of facts whatever (so far as the proofs speak) to that Executive, until after the seizure by McIntosh; and to his own Government (whom he was bound by his duty to keep correctly informed) he writes only the letters of December 25, 1817, and February 3, 1818: both of which are calculated to mislead the Government as to the true state of the case; for both keep out of view the double importation by Bowen; both represent the negroes as being all gone; from neither could the Government infer that there was any case actually pending at the agency on which their counsel was asked, for both letters treat the case as if finally disposed of; nor was there any disclosure of the important fact that nearly one-half of the negroes were yet at the agency, until the explosion produced by McIntosh rendered longer concealment impossible, and robbed the subsequent disclosure on the part of the agent of all pretensions to merit.

But what is worse: while the Government was thus kept in the dark, General Mitchell, under color of an obsolete law of Georgia, wholly inapplicable to the case, and which, if it had been in full force and vigor, and also applicable, he well knew gave *him* no power to act, gives up to Groce one-half of these Africans, with a passport which authorized him to carry them to the place for which he knew (as appears by his communications) that they had been orginally purchased: thus lending the authority of his office to aid in the consummation of a conscious breach of the laws.

The other half are detained at the agency. Why? Because, says Mitchell, he was waiting the orders of the Government, (when he had reported no case calling for any orders;) because, says Bowen, it was necessary for him (Bowen) to go back to Georgia, and get other security to bond this parcel too. Between them, however, there the negroes remained until they were seized by McQueen McIntosh.

That General Mitchell should suffer the agency under his command to be made a place of rendezvous for smuggled African negroes; that he should make the Government no fair report of the case; that he should co-operate with the violators of the law in the execution of their purpose, and *that* under so flimsy a pretext as the law of Georgia of 1796; that he should reduce himself to the degrading necessity of obtaining from the culprit, whom he ought, in the first instance, to have seized and dragged to punishment, *a certificate that he (Mitchell) had no concern in the affair*, as Bowen states he did; and that he should do all this without reward, and from an innocent mistake of the law, would certainly be a very charitable conclusion; but, as it would also, in my opinion, be a very irrational one, especially in regard to a man of General Mitchell's superior understanding, I am constrained to adopt the conclusion (painful as it is) *that General Mitchell is guilty of having prostituted his power, as agent for Indian affairs at the Creek agency, to the purpose of aiding and assisting in a conscious breach of the act of Congress of* 1807, *in prohibition of the slave trade—and this from mercenary motives.*

I have the honor to remain, sir, most respectfully, your obedient servant,

WILLIAM WIRT.

The PRESIDENT OF THE UNITED STATES.

17th CONGRESS.] No. 530. [1st SESSION.

NAVIGATION OF THE POTOMAC RIVER ABOVE TIDE WATER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 7, 1822.

Mr. KENT made the following report:

The Committee on the District of Columbia, to whom were referred sundry memorials from the inhabitants of Pennsylvania, Maryland, and Virginia, praying the aid of the Federal Government towards the improvement of the navigation of the river Potomac, have, according to order, attentively considered the object of the memorialists, and beg leave to submit to the House of Representatives, in relation thereto, the following report:

That, by the concurrent acts of the Legislatures of Maryland and Virginia, a company was incorporated in the year 1784, on the recommendation of General George Washington, for the improvement of the navigation of the river Potomac and its principal branches above tide water. The seventeenth and eighteenth sections of this act prescribed the conditions upon which the tolls granted to the company should be exacted, and a limitation to the duration of their charter. By a supplementary act, those conditions were modified; and the period limited for the completion of the navigation of the river in the mode prescribed has been, from time to time, extended by subsequent laws of Maryland and Virginia.

No legal inquiry has ever been regularly executed, so far as your committee are informed, in order to ascertain whether the "Potomac Company have complied with the terms of their charter." After the expenditure of their subscribed stock to the amount of $311,555, of the tolls of more than twenty years' collection, and of the further sum of $174,000, borrowed by the company of the State of Maryland, of the banks of the District of Columbia, and of private individuals, it is universally acknowledged that the navigation of the river is most defective.

In all this period the stockholders have received but one inconsiderable dividend; and their stock will not command in the market (where, however, it is seldom found) a moiety of its nominal value.

It is, in fine, now ascertained that, without further and very considerable aid from the States immediately interested in the navigation of the Potomac, or from the General Government, the great object sought to be attained by the improvement of that navigation, a commercial intercourse through this channel between the western and Atlantic States, will be entirely defeated.

Will the Congress of the United States interpose? and have they the power to prevent a result so deplorable?

A hasty survey of the general map of the United States, and a brief recurrence to the theory and policy of the Federal Government, with their practical illustration by the structure of the Cumberland road, would seem almost to supersede the necessity of any comment from your committee on the importance of the navigation of the Potomac, or the power of Congress to provide for its improvement.

One of its southern branches, itself a considerable river, rises to the southwest of Staunton, in Virginia, and is capable of connecting, by a navigable canal, the geographical centre of that State (in territory the largest of the Union) with the market towns of the District of Columbia. Emptying into the Potomac above the chief obstruc-

tions of its navigation, the Shenandoah, like those navigable streams which descend from the northwest through the limestone valleys of Maryland and Pennsylvania, depends for an outlet to the ocean on the improvement of the navigation of the main river to a considerable distance above tide water. These branches, when the stem shall have been improved, are capable of affording, with the Potomac, an internal water communication exceeding in extent six hundred and fifty miles.

The value of this navigation to the ample and fruitful territory washed by the tide or drained by the tributary streams of this noble river—a territory comprehending four counties of Pennsylvania, seven of Maryland, and eighteen of Virginia, exceeding in extent and population some of the largest States of the Union—should not be disregarded. It sinks, however, into comparative insignificance when this river is contemplated as a necessary link of the shortest chain of communication between the Atlantic and western States. The enlightened policy which seated the Federal Government on the banks of the Potomac indicates its peculiar adaptation to this purpose; and nature has facilitated its accomplishment by a rupture of the many ranges of lofty mountains, including even the great ridge of the Allegany, in the direction which such a purpose requires. It is no longer questionable but that the head waters of the Ohio may be mingled with those of the Potomac by a tunnel or subterraneal canal not exceeding two miles in extent; and the produce of the soil and industry of the West, after ascending the Youghiogeny, find a safe and commodious channel thence to the valley of Savage creek, and, through it, the north branch, and the main river, to the Chesapeake and the Atlantic.

The patriotism which exults in the approaching connexion of the Hudson with the northern lakes; in the efforts of the Carolinas and Virginia to unite, by short portages, the sources of the Santee and Pedee with those of the Tennessee, and of the Roanoke and James rivers with the Great Kenawha, cannot but regard this central river of the Union with peculiar interest.

Notwithstanding all its claims to general favor, the Potomac is, however, exposed to the serious disadvantage of being, throughout its whole course, the common boundary of States whose enterprise and resources are attracted to other objects of internal improvement, some or all of which are rivals of this; and all its markets, once the property of those States, are, by the cession of the District of Columbia to the General Government, confided to the exclusive guardianship of Congress.

With an almost boundless authority over the District of Columbia, the Government of the United States acquired new, urgent, and daily increasing interests in the navigation of the Potomac.

In the rapid improvement, and consequent security of the seat of the Federal Government from foreign danger, are involved not only the preservation of the property and lives of its inhabitants, the accommodation and comfort of its numerous public functionaries, but, in no small degree, the national character and honor. The most deplorable calamity of the late war would, doubtless, have been averted had the Capitol of the United States been encompassed by the dense population of a large city—by such a population as would unquestionably succeed the contemplated improvement of the navigation of the Potomac. And if sordid views may be allowed to mingle with considerations of such inestimable consequence, it may be added that, with the growth of the numbers and opulence of a great commercial emporium, would of necessity arise a corresponding appreciation of the value of all the disposable public lands in the city of Washington, consisting of more than five thousand vacant lots, and now computed at near two millions of dollars, and it is not unreasonable to suppose that their value would be quadrupled by a prospect of their early occupation and improvement.

Your committee are aware that this calculation may be—indeed, has been—impugned, by referring to the value of the commodities which have hitherto descended the Potomac. The very origin of this report, in the present imperfect and hazardous navigation of the river, suggests an *answer* to this objection. It may be corroborated by another: the tolls of a single turnpike, in length but thirty-four miles, leading to the town of Alexandria, have exceeded in one year twenty-five thousand dollars, or very near a fourth of the annual interest of a sum sufficient to complete the navigation of the Potomac from its tide water to the Cumberland road. This great and costly work, itself so honorable to the wisdom and beneficence of the United States, awaits this improvement to yield all that it has promised to the Union.

If the relative expense of transportation by land and by water be properly estimated, the completion of a canal from the tide to Cumberland would have the effect of approximating the seat of Government to within a few miles of the Allegany; while the extension of this canal, at some future period, would occasion that formidable barrier to disappear in the intercourse of the eastern and western States. It is by such a canal that your committee propose to supply the place of the present defective navigation of the Potomac. As this river affords the shortest water line of communication between the tide of the sea and the eastern base of the Allegany; so is its current the most rapid, when compared with that of the other great rivers which have their sources in this chain of mountains. Wherever the science of civil engineering has been long and successfully applied to inland navigation, your committee are assured that the use of the natural beds of wide and rapid rivers has been superseded by a resort to navigable canals, extending along their margin, and fed by their currents until met by the tide. Without a recourse to this expedient, the ascent of the Potomac by a loaded boat cannot be overcome, it is believed, at an expense less than that which attends the transportation of equal burdens over like distances along the ordinary roads of the adjacent country. The consequence must be, that every downward cargo is chargeable with double freight, exclusive of insurance against the repeated hazard to the boat, and the lives of those who guide it, of total destruction.

From a navigation so impeded and so dangerous, all bulky commodities are of necessity excluded; and yet it is from the transportation of such articles that the chief part of the revenue of any canal is derived. In the table of tolls annexed to this report, it is apparent that the entire estimate of the commodities which ascend the Potomac, although they comprise a greater value in less bulk, bears but a very small proportion to the amount of those which descend the river; while these must be regarded as of very inconsiderable value, when compared with the numerous and diversified productions of the extensive and fertile country which should find its market on the banks of this river.

Can it be owing to any other cause than the defective navigation of the Potomac that the buildings of Washington are cemented with the lime of Rhode Island, and warmed in winter with the mineral coal of James river? The last is dug and raised at much cost, transported twelve miles over land to the port of shipment, and thence conveyed by a circuitous navigation of five hundred more to the District of Columbia. The former is calcined by a fuel of a value enhanced by its scarcity and its vicinity to a market in which it is applied to various uses; and it is afterwards transported even further than the latter, with the superior hazard of the sea, augmented not a little by the peculiar character of the commodity itself. What would be the tolls upon the transportation of these necessary and bulky commodities, beds of which, inexhaustible in quantity and excellent in quality, are found in the vicinity of each other near the surface of the earth, and on the very margin of the Potomac, if a navigable canal connected Cumberland with Washington? and how rapidly would the demand for them increase with the progress of the population and wealth of the markets of the Chesapeake? The consumption of salt, by which the East would pay, in part, for these valuable minerals of the West, in the extensive grazing country of the Allegany and its parallel

ridges, would give increased activity and profit to this intercourse. In the channel of communication between the works of Onondaga and the waters of the Ohio, this heavy commodity is now subjected to a most circuitous water conveyance, by vessels of different capacities and draughts, and that transportation itself is interrupted by several portages.

Iron every where abounds, and copper has already been found in the mountains drained by the Potomac. Their valleys yield luxuriant crops of hemp and flax; and the forests of oak and pine, which climb their summits, are destined, it is to be hoped, to supply future navies with the means of raising the blockade of the Chesapeake.

It was by this channel of intercourse, imperfect as it now is, that, during the late war, Louisiana supplied the Atlantic States with sugar; Tennessee with cotton; and Kentucky with saltpetre, that necessary material of defence. Were this communication as perfect as it can be rendered, an enemy who should succeed in closing the mouth of the Mississippi, in order to paralyze the industry of the West, would have also to win from the fleets of the Union the possession of the Chesapeake. Through this channel, in case of war with a formidable naval Power, the West would not only supply the East with the valuable products of the Mississippi, but make its return for the wines of Africa and the various manufactures of Europe and Asia in the cloths of Steubenville and the cutlery and glass of Pittsburg. Should such a war be as extensively conducted on land as on the ocean, the cost of the contemplated canal would be saved by the United States in a single campaign.

Your committee are aware that other channels of communication across the Allegany may be greatly improved, and rendered tributary to the general welfare of the United States, both in peace and war: in the latter, by the additional security which they would afford to the commerce of the interior, and by the vigor which they would impart to all the operations of the Federal Government for the common defence. On the other hand, it will readily be conceded, notwithstanding the preference which may be given, by local interests, to other objects of internal improvement, that whatever facilitates the commercial, social, and political connexion between the remote extremes and the seat of the General Government of so vast a republic as the United States, must have the same propitious influence as would result, were it otherwise practicable, from contracting the extent of its territory, without reducing the number, impairing the wealth, or abridging the comfort and happiness of its people. To all the friends of liberty in America, who regard the State Governments as essential parts of a republican system, erected on a scale so broad as to create alarm for its duration, or who, with no less truth, regard the union of those States as the bond alike of their freedom and independence, *every measure* which has the effect of diminishing the extent of the one, while it multiplies and strengthens the ties of the other, must be viewed with earnest solicitude.

But another inquiry remains: has Congress the power to insure its success?

So numerous and so various are the benefits accruing to every nation from inland navigation; so urgently have the United States been invoked, by the character and genius of their institutions, to diffuse their advantages over a territory which nature has eminently fitted to receive them, that a former Congress sanctioned by their voice a system of internal improvement co-extensive with the wants of the nation.

Your committee are not unmindful of the impediment which arrested the progress of that system, and could not expect success in their present effort, in behalf of one of its objects, if the propositions which they are about to submit to the House of Representatives were liable to similar objections. The committee have studiously sought to guard against their application, and confidently hope that they will be found to have succeeded.

Two proposals have already been offered to the House, in the course of the present session of Congress, by the Committee on Roads and Canals, in relation to the Potomac. Neither of them interferes with the plan for the improvement of the navigation of that river which this committee have presumed to recommend. One of them, embraced by a resolution for the appointment of commissioners to survey the route and estimate the expense of a navigable canal, seems to your committee to be, in a great degree, superseded by the annexed report of the principal engineer of Virginia to the Board of Public Works of that State; and as an incorporated company already exists, with ample authority to make the contemplated improvement, there does not remain any apparent necessity of waiting for the prosecution of this work until a more extensive system of internal improvement be devised by Congress.

The committee simply recommend the combination of the proceeds of sales of the public property in the city of Washington, which, according to the original plan of the city, was designed to be sold, with such sums of money as the Legislatures of Maryland and Virginia, and the citizens of those and of the adjacent States, may voluntarily subscribe, for the purpose of extending a navigable canal from the foot of the Little Falls of the Potomac to the commencement of the Cumberland road. They propose to annex to this public and private subscription the condition that the Potomac Company shall previously assent, with the approbation of the Legislatures of Maryland and Virginia, to such alterations of their present charter as will admit the United States, those States themselves already interested in the stock of the company, and the new subscribers, to participate, on fair and equitable principles, in their future revenue. These alterations would, among other obvious effects, provide for the payment of the debts of the company, and for the reduction of the nominal, by some liberal reference to the actual, value of their present stock.

In order to obviate the necessity of selling the public lots in the city of Washington before the contemplated improvement of the navigation and commerce of the District of Columbia shall have caused the anticipated appreciation of their value, as well as to complete the canal in the shortest possible time, without drawing immediately for large sums upon the public treasury, the States of Maryland and Virginia, and the individual subscribers of new stock, your committee propose that the United States shall borrow, on the public faith, and a specific pledge of all the public lots reserved for sale, a sum, receivable in semi-annual instalments, sufficient to complete the entire work in three years from the date of the first instalment.

Referring to the annexed report of the chief engineer of Virginia, and computing the total cost of the contemplated canal at two millions and a half of dollars, your committee recommend that an amount of stock in the capital of the company, not exceeding half a million, be reserved to pay the debts of the Potomac Company, and to reimburse the present stockholders, including the States of Maryland and Virginia; and that the above loan be limited to two millions of dollars, and applied to defray the expense of the additional works required to complete the canal.

Your committee have reason to believe that two millions of United States stock, bearing an interest of four per cent., payable semi-annually, and irredeemable for twenty-eight years, could be sold in Europe or America at par. To provide for the payment of the interest, and the final reimbursement of the principal of this debt, it is proposed that the United States shall subscribe one million of dollars to the stock of the Potomac Company, on the conditions already suggested, the States of Maryland and Virginia six hundred thousand dollars, and individuals the remaining four hundred thousand; that, on the stock thus subscribed, there shall be charged an annuity, for twenty-eight years, of six per cent. per annum, payable semi-annually; four per cent. of which shall be applicable to the payment of the interest on the two million loan, and two per cent. to the creation of a sinking fund, to be invested, from time to time, as received, in productive stock, in order to provide for the redemption of the principal of the loan at the expiration of twenty-eight years.

Such is the scheme which the committee presume to recommend for extricating the Potomac Company from their present embarrassments, and accomplishing a work which, unassisted, they cannot effect, although of inestimable importance to the public.

Complicated as this scheme may at first appear, it involves in its prosecution the exercise of no other powers on the part of Congress than, first, the power of selling the public lots in the city of Washington, which were acquired expressly for sale; secondly, that of borrowing money on the public faith, and a specific pledge for its repayment; and, lastly, the application of the public treasure to an object of general welfare, or the investment of it in the stock of an incorporated company, expected to yield an annual income.

The committee will not swell this report, already too far extended, by arguments to demonstrate that all these powers are vested by the constitution in the Congress of the United States, either expressly, or by natural implication. They involve neither the incorporation of a private company, nor the condemnation of the lands of individuals, within the territory of any State for national purposes. They do not extend the jurisdiction of the General Government over the persons or property of the citizen, nor purpose to derive, from the assent of any one or more States, any power which has not been granted to the Federal Government by the people of the United States.

Your committee forbear to answer all the objections which this, like any other plan of internal improvement, may be expected to encounter. They are contented to set against such objections some of its peculiar advantages: that, connected with the Cumberland road, it will complete a great national object, calculated to perpetuate the Union, and to promote the prosperity and glory of the United States; that, while it accomplishes this object in the short compass of three years, its cost will be distributed over the revenue of eight-and-twenty; that this cost will be greatly reduced by the credit which enables the American Government to negotiate its loans at so low a rate of interest as four per cent.; that, by the completion of the entire work in so short a period, that loss of interest on unproductive stock, which most canal companies have encountered, and which, in some similar enterprises, has exceeded the principal of their stock, will be prevented; that if the dividends of the Potomac Company shall, after the completion of the canal, yield six per cent. per annum to the stockholders, they will, from that moment, have nothing further to pay for their stock; and after the lapse of twenty-eight years, or possibly a shorter period, they will be found to have paid but nine per cent. of its par value, for a property which, in all human probability, will have more than doubled that value. One of the most prominent and best features, perhaps, of this plan, for accomplishing an object of general welfare, is, that it combines in its execution private with public wealth, and thus effects such a co-operation of individual interest with public good, as will insure, in the original construction as well as the subsequent repairs of the canal, vigilance, economy, and fidelity in all the disbursements of money—qualities so often required in vain in the expenditure of public money on public account.

Should the loan, on which this plan eventually depends, be negotiated abroad, it will be because it leaves for more profitable application, in America, the sum which it is designed to withdraw from other channels of wealth and enterprise. If it charge a debt upon posterity, it must be again repeated, that it is to complete a work as durable as that Union to which the people of America must look, now and hereafter, for the security of all their political and social happiness. Your committee submit the following resolution:

Resolved, That the Committee on the District of Columbia be instructed to report a bill in conformity with the principles contained in the preceding report.

17th Congress.] No. 531. [2d Session.

NUMBER OF CLERKS AND MESSENGERS EMPLOYED IN THE EXECUTIVE DEPARTMENTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 3, 1822.

DEPARTMENT OF STATE.

DEPARTMENT OF STATE, WASHINGTON, *December* 2, 1822.

The Secretary of State, in compliance with a resolution of the House of Representatives of the United States, of the 16th of April last, has the honor of reporting to the House that the number of officers and messengers retained in the Department of State is as follows:

One chief clerk, nine clerks, one messenger, one assistant messenger, one laborer, two watchmen.

At the Patent Office.—One superintendent, one clerk, one messenger.

There has been employed, since the 23d of August last, at a compensation of two dollars a day, an artist for repairing and keeping in preservation the models of the Patent Office. The wages of this workman have hitherto been paid from the fund of the contingent expenses of the Department. A copy of the letter from the Superintendent of the Patent Office, urging the permanent employment of such a workman, is herewith respectfully submitted.

That none of these are unnecessary or inefficient, nor engaged in other pursuits or professions in nowise relating to the public service, excepting as follows:

The chief clerk and one of the other clerks in the Department are owners of farms in the neighborhood of the city, which are cultivated under their directions, and to which they occasionally resort in person to pass the Sunday.

Andrew T. McCormick, one of the clerks in the Department, is a clergyman, and officiates in that capacity to a religious society in the city.

The Secretary of State is unable to suggest an organization of the Department more efficient or more economical.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

Hon. P. P. BARBOUR, *Speaker of the House of Representatives.*

Mr. Thornton to Mr. Adams.

SIR: DEPARTMENT OF STATE, PATENT OFFICE, *August* 21, 1822.

The models of the inventions that have been deposited in my office have been so much injured by the daily examination of individuals, that they require frequent repairs; and it would be better to engage a good workman by the year, at a reasonable compensation monthly, than to engage a person to repair particular models; for many of the models belong now to the public, the patents having expired, and these are kept for the use of the nation, serving not only as patterns from which many of the ingenious derive great advantages, but they also tend to prevent impositions, and the grant of patents or exclusive privileges, by showing what has been done before.

If the good and the immense benefits that have arisen from the protection of genius by this institution be duly considered, too much cannot be done for the protection of this office and its concerns; but, when we consider that, even with the trivial fees of office now received, such a return is annually made as not only to pay every expense, but to make a handsome return into the treasury, the reasonable calls made by this office for the necessary support of its establishment will, I hope, be thought justifiable; and, if the honorable the Secretary of State should concur in this opinion, and admit the propriety of such an engagement, I would take the liberty of recommending Mr. Keller, who is a very worthy, honest, and industrious man, a very ingenious and excellent workman, with a large family of helpless children.

I am, sir, with the highest respect and consideration, yours, &c.

WILLIAM THORNTON.

Hon. JOHN QUINCY ADAMS, *Secretary of State of the United States.*

DEPARTMENT OF STATE, WASHINGTON, *December* 3, 1822.

The Secretary of State being directed, in compliance with a resolution of the House of Representatives, of the 7th of May last, to report to the House, on this day, the number of active and well qualified clerks and accountants that will be necessary to perform the duties of their respective offices in the Department of State, by requiring a reasonably constant and diligent attention to business, has the honor of stating, that the number of clerks employed in the Department of State, by the act of Congress of the 20th of April, 1818, has, by constant experience since that time, been found inadequate to perform the duties devolving upon the Department; insomuch that there has been a necessity for the employment, almost uninterrupted, of one person, and occasionally of several persons, for extra copying and translating of papers for the Department, or to be laid before Congress. Notice of this necessity has been given to Congress at the commencement of every session, in the estimates of appropriations for the expenditures of the Department; and the appropriations have been made, accordingly, from session to session.

The persons employed in the Department of State as clerks or accountants are all active and well qualified for the performance of the duties respectively assigned to them. The practice of attending to business has not been confined to the hours from nine o'clock in the morning to three in the afternoon. One or more of the clerks is, throughout the year, in attendance till five or six in the afternoon, before which the offices of the Department are scarcely ever closed. Occasional absences for a few days are indulged in turn to all, and it sometimes happens that a temporary disqualification for active service is occasioned by illness. In the course of the last two years, the officers of the Department have shared in the general unhealthiness of the autumnal seasons; and a large proportion of them have at one period been disabled from the performance of their ordinary duties by severe indisposition at the same time. The business of the Department is otherwise performed with as much assiduity as a vigilant exaction of regular duty can insure.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

Hon. P. P. BARBOUR, *Speaker of the House of Representatives.*

TREASURY DEPARTMENT.

SIR: TREASURY DEPARTMENT, *December* 2, 1822.

In obedience to a resolution of the House of Representatives of the 16th of April last, requiring, among other things, the Secretary of the Treasury to report to the House, on the first day of the next session, the number of officers and messengers retained in the Treasury Department; and whether any of them are unnecessary, inefficient, or engaged in other pursuits or professions in nowise relating to the public service; and, also, whether a more efficient, as well as a more economical, organization of the Department cannot be adopted; I have the honor to submit the annexed reports of the several officers in the Treasury Department, which state the number of clerks and messengers employed at this time in their respective offices. From these reports, it appears that the officers employed are efficient and necessary for the correct and prompt discharge of the duties required of them.

The number of those officers employed in pursuits and professions in nowise relating to the public service is also stated.

In the office of the Secretary of the Treasury, seven clerks, a messenger, and assistant messenger, are employed, under the provisions of the act of the 20th April, 1818. They are all efficient, and necessary for the correct and prompt discharge of the duties of the office, and are not engaged in any pursuit or profession in nowise relating to the public service.

The change made in the organization of the Treasury, War, and Navy Departments, by the act of the 7th of May last, has greatly increased the labor of the clerks of this office. It has been found indispensably necessary to employ an additional clerk to keep the accounts of the appropriations of the War Department, and make out and record all warrants necessary for the disbursement of those appropriations. It is my duty, therefore, to submit to the House the propriety of authorizing the employment of an additional clerk, with a salary of $1,150.

The present organization of the officers in the Treasury Department is simple; no change in that organization is believed to be necessary. There are but two modes of economizing their expenses: the first is, the reduction of the salaries allowed by law to the officers employed; the second, the reduction of the number of those officers.

It is believed that it will be impolitic to reduce their salaries. They are now not more than sufficient for the support of the officers, and are considered not more than a fair equivalent for the services required of them. It is believed that a reduction of the number will be found to be practicable in some of the offices. This, however, will

depend more upon the character and conduct of the principal officers of the Department than upon legislative enactments.

It is proper to state, that, since the adjournment of Congress in May last, the Third Auditor has dispensed with the services of five clerks in his office, by which a saving of $5,250 has been effected.

I remain, with respect, your most obedient servant,

WILLIAM H. CRAWFORD.

Hon. P. P. BARBOUR, *Speaker of the House of Representatives.*

SIR: TREASURY DEPARTMENT, COMPTROLLER'S OFFICE, *November* 27, 1822.

I had the honor to receive your communication of yesterday, enclosing a copy of a resolution of the House of Representatives, dated the 16th of April last; in relation to which you request me to state whether any of the officers now employed in this office are unnecessary, inefficient, or engaged in other pursuits in nowise relating to the public service; and to furnish such other information, within the terms of the resolution, as it might be in my power to give.

In reply, I take leave to state, that there are fifteen clerks, and a messenger and assistant messenger, employed in this office; that I do not consider any of them inefficient; that, except one of the clerks, who has been a justice of the peace since the year 1809, none of them are employed in any pursuits or professions other than those connected with the public service; and that the number employed has hitherto been considered absolutely necessary to a correct and expeditious discharge of the multifarious duties of the office, which (it may be added) have been recently increased under the provisions of the act of 7th of May last, further to amend the several acts relative to the Treasury, War, and Navy Departments; according to which the Secretary of the Treasury is required to issue warrants, in detail, for all moneys for the use of the War and Navy Departments; which warrants are countersigned by me, and entered, in this office, in two distinct and separate sets of books, under the different heads of appropriations, as required by law.

With considerations of high respect, I have the honor to be your obedient servant,

JOS. ANDERSON, *Comptroller.*

Hon. WILLIAM H. CRAWFORD.

SIR: TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE, *November* 28, 1822.

In reply to your note of the 26th instant, received yesterday, relative to the officers employed in this office, I have the honor to state, that the office contains eight clerks and one messenger, all efficient and necessary for the due discharge of the public business; and that none of them are engaged in "other pursuits or professions in nowise relating to the public service," except E. Reynolds and J. N. Moulder, who are justices of the peace.

Very respectfully, sir, your most obedient servant,

RICHARD CUTTS.

Hon. WILLIAM H. CRAWFORD, *Secretary of the Treasury.*

SIR: TREASURY DEPARTMENT, AUDITOR'S OFFICE, *November* 27, 1822.

In compliance with the request contained in your letter of the 26th instant, I have the honor to state, that there are now employed in this office twelve clerks and one messenger, of whom none are deemed by me unnecessary or inefficient; nor do I know or believe that any of them are "engaged in other pursuits or professions in nowise relating to the public service."

I have the honor to be, &c.

R. HARRISON.

Hon. WILLIAM H. CRAWFORD, *Secretary of the Treasury.*

SIR: TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *November* 27, 1822.

In reply to the letter you did me the honor to write me, under date of the 26th instant, requesting me "to state whether any of the clerks now employed in this office are unnecessary, inefficient, or engaged in any other pursuits in nowise relating to the public service," I have the honor to observe, that I do not see, in the present state of the business of the office, how any of them can be dispensed with; and, as to their talents and industry, the work done in the office proves they are not wanting in either.

In relation to any pursuits they may be engaged in, other than those appertaining to their public vocation, I have thought it my duty to take a declaration from each, which I have the honor to enclose, and which I know to be correct.

I have the honor to be, &c.

WILLIAM LEE.

Hon. WILLIAM H. CRAWFORD, *Secretary of the Treasury.*

List of Clerks employed in the Office of the Second Auditor.

James Eakin, first clerk, engaged in no business but that of the office.

Clerks.—John Wells, engaged in no business but that of a clerk; John Peters, do.; Samuel Lewis, do.; William Stewart, do.; Richard M. Boyer, do.; Ignatius Boone, do.; Robert Ellis, do.; Andrew C. Mitchell, do.; William Mechlin, do.; Richard B. Maury, do.; Leonard Mackall, as a notary public, but to that vocation he gives no time until after office hours; Andrew Kirk, engaged in no business but that of a clerk; Brook Mackall, do.

Messenger.—Samuel Hoot, engaged in no business but that of messenger.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *November* 27, 1822.

WILLIAM LEE, *Auditor.*

SIR: TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE, *November* 26, 1822.

I have the honor to acknowledge the receipt of your letter of this day's date, enclosing the copy of a resolution of the House of Representatives of the 16th of April last, and requesting me to state whether any of the officers now employed in this office are unnecessary, inefficient, or engaged in other pursuits or professions in nowise relating to the public service; and, if any of them are comprehended within the above description, to state their number; and also intimating that any other information within the terms of the resolution, which it is in my power to furnish, would be acceptable.

I have, accordingly, to state, that all the officers now employed in this office are necessary to the discharge of its duties; that none are inefficient; and that four of them are engaged in pursuits or professions in nowise relating to the public service, as will appear by the enclosed list of officers and messengers employed in the office.

In regard to the more economical organization of the office, alluded to in the resolution, I have to state, that the business relating to the old unsettled accounts having so far diminished as to authorize a reduction of the number of clerks employed in this office, I availed myself of the occasion to dispense with the services of five of them, and they were accordingly discharged in July and August last: thus effecting a reduction of the annual expense of this office from $28,600, as authorized by the act of the 20th of April, 1818, to $23,350, the amount estimated for the next year, and beyond which, in my opinion, no further reduction can at present be made, consistent with the prompt and efficient discharge of the duties of this office.

With great respect, I have the honor to be your most obedient servant,

PETER HAGNER, *Auditor.*

Hon. W. H. CRAWFORD, *Secretary of the Treasury.*

List of Officers and Messengers now employed in the Office of the Third Auditor of the Treasury.

Peter Hagner, auditor, engaged in no other pursuit or profession; James Thompson, chief clerk, engaged in no other pursuit or profession, except being a bank director.

Clerks.—John Abbot, engaged in no other pursuit or profession; Charles Vinson, do; Richard Burgess, do., except being a partner in a line of stages from Georgetown to Baltimore, conducted by an agent; Edward S. Lewis, engaged in no other pursuit or profession, except being a member of the city council; Christopher Andrews, engaged in no other pursuit or profession; Robert Read, do.; James Kincaid, do.; Henry Whetcroft, do., except being a notary public; William Cook, engaged in no other pursuit or profession; William Ramsay, do.; Bennet Clements, do.; Thomas Gunton, do.; Henry C. Matthews, do.; John Compton, do.; James Davidson, do.; Marcus Latimer, do.; Samuel B. Goddard, do.; James Montgomery, do.; William S. Wilkins, do.

Messengers.—William Lenman, engaged in no other pursuit or profession; Thomas Dove, assistant, do.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE, *November* 26, 1822.

PETER HAGNER, *Auditor.*

SIR: TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE, *November* 28, 1822.

I have the honor to enclose, herewith, a list of the clerks employed in this office; and to state that there are not more than are necessary, but that the business requires some more aid to complete the examination and settlement of the old accounts, which I have not been able fully to accomplish.

I have noted on the list answers to the other inquiries in your letter of the day before yesterday.

I have the honor to be, with great respect, sir, your obedient servant,

CONSTANT FREEMAN, *Fourth Auditor.*

The Hon. WM. H. CRAWFORD, *Secretary of the Treasury.*

A list of the Clerks and Messenger employed in the Office of the Fourth Auditor of the Treasury, showing their efficiency and pursuits, agreeably to a resolution of the House of Representatives of the United States, passed April 16, 1822.

Thomas H. Gilliss, chief clerk, commenced in 1798; George Macdaniel, clerk, commenced in 1799; Joseph Mechlin, clerk, commenced in 1799; John Macdaniel, clerk, commenced in 1800; Henry Forrest, clerk, commenced in 1800; James H. Handy, clerk, commenced in 1814; John B. Martin, clerk, commenced in 1816; George Gilliss, clerk, commenced in 1817. These gentlemen are efficient, and have no business or employment but their clerkship.

Ezekiel Macdaniel, clerk, commenced in 1806, is justice of the peace for the county of Washington, D. C.; Robert Getty, clerk, commenced in 1813, is clerk of the market in Georgetown, D. C.; William W. Clagett, clerk, commenced in 1808, is partner in the house of Robert Kirby & Co., merchants, Georgetown, D. C.; James Cassin, clerk, commenced in 1816, is concerned in business with which I am not fully acquainted. These gentlemen are also efficient clerks; their private business does not interfere with their duties in this office. John Craven, clerk, commenced in 1799, is eighty-one years of age; he has been one of the best clerks in the office, but age has impaired his strength; he is, however, now one of the most attentive, and does all in his power. Thomas J. Sutherland, messenger, commenced in 1799.

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE, *November* 28, 1822.

CONSTANT FREEMAN, *Fourth Auditor.*

SIR: GENERAL LAND OFFICE, *November* 28, 1822.

In answer to your letter and the resolution of Congress which it enclosed, I have the honor to state, that, from the short time I have been in the Land Office, it has not been possible for me to become perfectly acquainted with the detailed duties of all the clerks engaged. Without this knowledge, I cannot so safely determine on their qualifications to discharge the duties assigned them. A very short time will enable me to speak with confidence on this subject. At present, I can only remark, that, so far as my personal observations have extended, (and they have been unremitting since I have been in the office,) I find some of the clerks more efficient than others, but I might do injustice by saying that any of them are inefficient. Nothing but a want of the proper means shall prevent me from giving efficiency, where it may be wanting, to every part of this office.

There are twenty-three clerks engaged in the Land Office, and, from the great increase of labor under the late law granting relief to purchasers of the public lands, the number cannot be lessened, at present, without prejudice to the public service. There is one messenger attached to the office, who, in my opinion, is both necessary and efficient.

Two of the clerks engaged in this office have professions unconnected with their duties as clerks. I refer to the Rev. Daniel Baker and the Rev. Joseph S. Collins. The former, I understand, was employed by my predecessor, with the condition that every Saturday should be allowed him to make suitable preparations for the discharge of his ministerial duties; the profession of the latter in no respect interferes with his duties in the office. In justice to Mr. Baker, I would remark, that I have found him very attentive to his duties, and well qualified to perform them.

F. C. De Krafft, who is one of the clerks in this office, is a surveyor for the corporation of this city; but I am informed that this business takes but little time, and does not require his absence during office hours.

Alexander Estep, who is also a clerk in the office, lives on a farm, and superintends its cultivation, though this does not interfere with his attendance at the office during the hours which have been assigned for business. I believe none of the other gentlemen employed in this office are engaged in any pursuit or profession unconnected with their public duties.

As I have so recently entered upon the duties of this office, it will not be expected that I should suggest any changes in its organization. I, however, expect that some retrenchment in expenditure may be made, to accomplish which legislative aid will not be necessary.

Very respectfully, your obedient servant,

JOHN McLEAN.

Hon. Wm. H. Crawford, *Secretary of the Treasury.*

Sir: Treasury Department, Fifth Auditor's Office, *November* 28, 1822.

I have the honor to state, in compliance with your letter of the 26th instant, and the resolution of the House of Representatives of the 16th April last, which was enclosed, that there are employed in this office twelve clerks, besides a messenger; that all the former are necessarily and usefully employed in adjusting, under the supervision of the Auditor, the accounts emanating from the Department of State and the General Post Office; in attending to the business of the late Commissioner of the Revenue, including the light-house establishment; and in keeping the docket, and copying and recording the correspondence arising out of the business of the agent of the Treasury, now of great magnitude and importance. It is not known that any of them are engaged in pursuits distinct from their official duties.

With great respect, I am, sir, your obedient servant,

S. PLEASONTON, *Auditor.*

The Hon. W. H. Crawford, *Secretary of the Treasury.*

Sir: Treasury Department, Treasurer's Office, *November* 28, 1822.

In obedience to your instructions of the 26th instant, I have the honor to state to you that none of the officers now employed in my office are either unnecessary or inefficient; nor do I know or believe that any of them are engaged in pursuits not relating to the public service, other than their ordinary family concerns, which do not at all interfere with their official duties. It does not occur to me that I can furnish any other information within the terms of the resolution of the House of Representatives of the 16th of April last.

I have the honor to be, most respectfully, sir, your obedient servant,

TH. T. TUCKER, *Treasurer of the United States.*

Hon. W. H. Crawford, *Secretary of the Treasury.*

Sir: Treasury Department, Register's Office, *November* 28, 1822.

I had the honor of receiving your letter, transmitting the resolution of the House of Representatives of 16th April last, in relation to clerks; and I beg leave to state the following division of the records of this office, and the number of clerks employed therein:

Four clerks are employed on the accounts of the revenues of the United States, including those of the collectors of the customs; of the internal revenues in their final settlement; of the Land Office; and of the General Post Office.

Five clerks are employed in the various books and accounts relating to the accounts of the general appropriations of public moneys made by law, and of the expenditures under these appropriations; the receipts of moneys into the Treasury, and keeping the personal accounts. To this branch of the records, a law of the last session of Congress requires additional entries of every payment made by the Treasurer in the War and Navy Departments: this arrangement took place on the 1st of July last.

The accounts of the General Loan Office books, and the accounts on the books of the Treasury, containing the credits to individuals, including the unclaimed dividends, employ two clerks.

Two clerks are employed on the books and records of the commerce of the United States, (an arrangement of a recent date,) under the sanction of a law of Congress: these relate to the importation and exportation of foreign or domestic articles, and of foreign and domestic tonnage; the statistical tables whereof are, by law, laid annually before Congress.

Four clerks are employed on the marine records, pursuant to the acts of Congress of the years 1792 and 1793, in relation to the recording, registering, enrolling, and licensing of ships and vessels of the United States. Those acts are respectfully referred to, in regard to the numerous records arising out of them at the Treasury, and the consequent correspondence with the collectors of the customs.

Two clerks are employed on miscellaneous records, in preparing statements for Congress; they answer the inquiries having a relation to the old Government books, (which are entire,) and records in part preserved, in relation to those books; and the keeping of the accounts of the contingent expenses of the several offices of the Treasury Department.

Two clerks are employed occasionally in copying accounts prepared with the formalities of law for suit. One of them has exclusively the charge of the fire-proof records, and keeps the registers of the accounts passed by the First Comptroller of the Treasury, embracing the accounts settled by the First and Fifth Auditors.

The Register begs leave to observe, that it is a rule to keep the records, as nearly as possible, fully up; and that, when additional business requires more time than is usually devoted, the clerks are engaged in finishing their business at all hours; and, in cases of sickness or indispensable absence, their business is, notwithstanding, kept up by one or more of the other clerks in the class to which it may apply.

He, therefore, respectfully states that, from the best view he can take, it does not appear to the Register that, with the additional duties arising under the afore-mentioned recently passed acts of Congress, the business can be conducted with less than twenty-one clerks. Those employed are all efficient; without other professions, excepting one who is a notary public, one who is a minister of the Gospel, and one who, although connected in trade, the activities thereof are devolved upon his son.

I have the honor to be, sir, with great respect, your obedient, humble servant,

JOSEPH NOURSE.

Hon. W. H. CRAWFORD, *Secretary of the Treasury.*

DEPARTMENT OF WAR.

SIR: DEPARTMENT OF WAR, *December* 2, 1822.

In compliance with the resolution of the House of Representatives of the 16th April, 1822, directing "that the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General, be required to report to this House, on the first day of the next session, the number of officers and messengers retained in their respective Departments; and whether any of them, and, if any, how many of them, are unnecessary, inefficient, or engaged in other pursuits or professions in nowise relating to the public service; and, also, whether they cannot adopt a more efficient, as well as a more economical, organization of their respective Departments;" I have the honor to report, that there are employed in this Department thirty-four clerks and four messengers, viz:

In the War Office proper.—C. Vandeventer, chief clerk; Lewis Edwards, Gideon Davis, Samuel S. Hamilton, John P. Fenner, clerks; and William Markward and Francis Datcher, messengers.

In the Bounty Land Office.—Nathaniel Cutting, William M. Stewart, Edward Stevens, Hezekiah Miller, and John E. Frost.

In the Pension Office.—James L. Edwards, William Gordon, William Hickey, Ebenezer Stout, John H. Henshaw, Francis Wright, Thomas B. Addison, David Henley, and Benjamin L. Beall.

In the Engineer Department.—G. T. Rhodes, George Bibby.

In the Ordnance Department.—John Morton, William Riddal, and Reuben Burdine.

In the Paymaster General's Office.—Nathaniel Fry, Andrew Ramsey, clerks; Jacob Brodback, messenger.

In the Office of Commissary General of Purchases.—Timothy Bangor, James Irvine, Robinson R. Moore, clerks; John Willmer, messenger.

In the Surgeon General's Office.—James Lovell.

In the Office of Commissary General of Subsistence.—Charles G. Wilcox, John Mitchell.

In the Adjutant General's Office.—Brooke Williams, John M. Hepburn.

The duties in the Bounty Land and Pension Offices having decreased within the present year, by the examination and settlement of claims, it is found that one clerk in the former, whose particular duties have nearly expired, can be dispensed with after the present year, and two in the latter, at the end of the present session of Congress; and, consequently, the estimates for the ensuing year have been made for only four clerks in the Bounty Land Office, and seven in the Pension Office, after the first quarter.

The only inefficient clerk in the Department is Colonel Henley, who is seventy-four years of age, and has been in the service of the United States, except an interval of twelve years, from the year 1775 up to the present day. He filled several offices in the staff during the Revolution; was aid-de-camp to Lord Stirling; at one period commanded the *elite* of the army, and has subsequently occupied several important stations under the Government. From his age he is incapable of performing the duties of a clerk, but, from his recollection of revolutionary events, he is useful in the examination of revolutionary claims.

Of the clerks and messengers employed in the Department, there are none "engaged in other pursuits or professions," with the exception of Gideon Davis, a clerk, who has a bookstore in Georgetown, conducted principally by an agent.

"A more efficient or economical organization" of the Department, it is believed, cannot be adopted.

I have the honor to be your obedient servant,

J. C. CALHOUN.

Hon. PHILIP P. BARBOUR, *Speaker of the House of Representatives.*

NAVY DEPARTMENT.

SIR: NAVY DEPARTMENT, *December* 2, 1822.

In compliance with a resolution of the House of Representatives, passed on the 7th day of May last, I have the honor to report to you, that six active and well-qualified clerks, devoting a reasonably constant and diligent attention to business, are necessary to perform the duties of this Department.

Enclosed is a report from the Commissioners of the Navy, stating the number of clerks necessary to perform the duties of their office.

I have the honor to be, with very great respect, sir, your most obedient servant,

SMITH THOMPSON.

The Hon. the SPEAKER *of the House of Representatives.*

SIR: NAVY COMMISSIONERS' OFFICE, *November* 25, 1822.

Upon that branch of the resolution of the House of Representatives of the 7th May, 1822, which calls for a report as to the "number of active and well-qualified clerks and accountants that will be necessary to perform

the duties of their respective offices and departments, by requiring a reasonably constant and diligent attention to business," the Commissioners of the Navy have the honor to report, that a reasonably constant and diligent attention to business has ever been required of the clerks in their office, and that, to perform the duties of the office, six clerks and one draughtsman have been, and continue to be, in their opinion, necessary.

I have the honor to be, with great respect, sir, your most obedient servant,

JNO. RODGERS.

To the Hon. SMITH THOMPSON, *Secretary of the Navy.*

SIR: NAVY DEPARTMENT, *December* 2, 1822.

In conformity to the resolution of the House of Representatives, passed on the 16th day of April, 1822, requiring information as to the number, efficiency, &c. of the officers and messengers retained in the respective Departments, I have the honor to report, that six clerks, a messenger, and assistant messenger, are retained in this Department; and that none of them are unnecessary, inefficient, or engaged in other pursuits or professions than the public service.

As regards the present organization of the Navy Department, I am not aware of any mode by which it could be rendered more efficient or economical.

Enclosed is a similar report from the Navy Commissioners.

I am, most respectfully, sir, your obedient servant,

SMITH THOMPSON.

The Hon. the SPEAKER *of the House of Representatives.*

SIR: NAVY COMMISSIONERS' OFFICE, *November* 25, 1822.

Upon the subject of the resolution of the House of Representatives of the 16th April, 1822, calling for information with regard to "the number of officers and messengers" retained, "and whether any of them, and, if any, how many of them, are unnecessary, inefficient, or engaged in other pursuits or professions in nowise relating to the public service," the Commissioners of the Navy have the honor to report, that there are retained in the office under their charge one secretary to the board, six clerks, one draughtsman, and one messenger; that none of these are unnecessary or inefficient; and that none of them are engaged in other pursuits or professions which interfere with their public duties.

With regard to the last branch of the resolution, "whether they cannot adopt a more efficient, as well as a more economical organization of their respective Departments:" as the Commissioners' Office is an appendage to one of the Departments referred to, it is not, it is presumed, expected of them to express any opinion. So far as regards the office immediately under their charge, they would respectfully observe, that the principle upon which it has been organized appears to them efficient and economical.

I have the honor to be, with great respect, sir, your most obedient servant,

JNO. RODGERS.

To the Hon. SMITH THOMPSON, *Secretary of the Navy.*

POST OFFICE DEPARTMENT.

SIR: GENERAL POST OFFICE, *December* 2, 1822.

I have the honor to enclose a report made in pursuance of a resolution of the House of Representatives, passed on the 16th April, 1822.

I have the honor to be, very respectfully, your obedient servant,

R. J. MEIGS, JUN.

Hon. PHILIP P. BARBOUR, *Speaker of the House of Representatives.*

POST OFFICE DEPARTMENT, *December* 2, 1822.

The Postmaster General, in compliance with a resolution of the House of Representatives passed on the 16th April, 1822, respectfully reports:

That there are two Assistant Postmasters General, one chief clerk, twenty-two clerks, one messenger, and one assistant messenger, employed in the General Post Office; all of whom are necessary and efficient. The senior Assistant Postmaster General is president of a bank, but the meetings of the board are not held during office hours, and it does not in the least interfere with the public duties. One clerk is minister of one of the Baptist congregations in this city, and one other clerk accommodates members of Congress with board during the session.

The Postmaster General does not perceive that any advantageous or economical change can be made in the organization of his office, excepting by the employment of two additional clerks.

The number now authorized to be employed was founded on the duties required to be performed in 1817. These have greatly increased since that time: this will appear from the various acts of Congress establishing new post roads, and the reports made by this office to Congress of the number of post offices and number of miles of post roads. In the year 1817, the whole number of post offices was three thousand four hundred and fifty-nine, and they now amount to nearly five thousand three hundred; and the number of miles of post roads was then fifty-two thousand six hundred and eighty-nine, and they are now estimated at upwards of eighty-four thousand. The number of post offices being so much increased, greatly increases the labor of the office; each having to render four accounts in a year, which are increased by the balances to be collected, &c. The numbers of contracts to be made, superintended, and paid for, &c. are increased in a greater proportion. In consequence of this, notwithstanding occasional help has been employed, and great industry exerted in the office, the business cannot be kept up so well as is desirable.

An account of the amount of occasional clerk hire is herewith transmitted, and it is hoped that it may be provided for.

All of which is respectfully transmitted.

R. J. MEIGS, JUN.

An account of expenditure by the Postmaster General for extra clerk hire, viz:

Horace H. Edwards,	$300 00
Henry P. Wilcox,	250 00
Robert H. Ward,	87 79
Alexander Dyer,	25 00
John McLeod,	150 00
John Lathrop,	416 43
Joseph Haskell, October 1st, 1819, to April 1st, 1821,	1,200 00
Samuel Fitzhugh, May 15th to October 1st, 1821,	300 00
Josiah F. Caldwell, October 26th to December 1st, 1818,	97 21
Thomas B. Dyer, W. G. Eliot, J. Suter, and A. Dyer,	100 00
Thomas McLeod, July 1st to December 31st, 1822,	300 00
B. S. A. Low, September 1st, 1821, to April 20th, 1822,	255 55
	$3,481 98

R. J. MEIGS, JUN.

POST OFFICE DEPARTMENT, *December* 2, 1822.

17th CONGRESS.] No. 532. [2d SESSION.

MEDALS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 19, 1822.

Mr. ALEXANDER SMYTH, from the Joint Library Committee, to whom was referred the letter of George W. Erving, Esq. accompanying a collection of medals, reported:

That they have had the same under consideration, and recommend the adoption of the following resolution:

Resolved, That the Speaker be directed to express to George W. Erving, Esq. the thanks of this House for the liberal donation of French and American medals made by him to Congress, for the use of the national library.

SIR: BOSTON, *July* 4, 1822.

The letter which I had the honor to address to you on the 4th July, 1819, and which Mr. Lowndes was so obliging as to take charge of and deliver, was intended to have been accompanied by the collection of medals therein referred to, but this was unfortunately lost on board the ship "Factor" bound to New York; of which accident it appears that the House was duly informed by its committee. As soon as I heard of it, I endeavored to procure a duplicate of the collection, and succeeded a few days before I left Paris, in April last. This, together with the medals which have been struck at Paris to commemorate some principal events of, and men distinguished in, our Revolution, I take the liberty, through you, sir, of herewith sending and offering to Congress for the use of the national library.

With sentiments of the highest respect, sir, your most obedient servant,

GEORGE W. ERVING.

To the Hon. the SPEAKER *of the House of Representatives.*

P. S. A printed catalogue of the French medals is enclosed in the case which contains them. The American medals are but five, proper, viz: One of General Washington at the siege of Boston; one of Doctor Franklin; one of Paul Jones; two of the battle of the Cowpens. To these I have thought it well to add Columbus and Kosciusko, taken from the collection of illustrious men deceased, now publishing in the French mint. G. W. E.

MONNAIE DES MEDAILLES.

Collection des Médailles en bronze, des campagnes et du règne de l'Empereur Napoléon.

DESIGNATION DES MEDAILLES.

1796 Bataille de Montenotte.*
" Bataille de Millésimo.
" Bataille de Castiglione.
1797 Reddition de Mantoue.
" Capitulation de Mantoue.*
" Passage du Tagliamento.
" Traité de Campo-Formio.
1798 Conquête de la Basse-Egypte.*
" Conquête de la Haute-Egypte.*
" L'Egypte Conquise.*
1799 Retour à Fréjus.*

1800 Passage du Grand Saint-Bernard.*
" Bataille de Marengo.
" Mort du Général Desaix.
" Colonne Départementale.
" Colonne nationale.
" Le Quai Desaix.
" Honneurs rendus à Turenne.
" Attentat du trois Nivose.
1801 Paix de Lunéville.
" Autre sur le même sujet.
1802 Paix d'Amiens.

1802 Autre sur le même sujet.
" Rétablissement du Culte.
" Organisation de l'Instruction publique.*
1803 Négociations avec l'Angleterre.*
" Conquête du Hanovre.*
" La Vénus de Médicis.*
" Les Ecoles de Pharmacie.*
" La Fortune Conservatrice.*
" Le Musée Napoléon, (2 medals.) { Salle de l'Apollon.* Salle du Laocoon.*
" La Légion d'Honneur.*
" L'Ecole des Mines du Mont-Blanc.*
" Le Camp de Boulogne.*
" Construction des deux mille Barques.*
" Le Code Napoléon.*
1804 Le Couronnement à Paris.* (4 medals.)
" Le Sacre.*
" Repas donné par la ville de Paris.
" Fêtes du Couronnement.
" Distribution des Aigles.*
" La Monnaie des Médailles rétablie.*
" Société Centrale de Vaccine.*
1805 Visite du Pape Pie VII.*
" Couronnement à Milan.*
" Le Tombeau de Desaix.*
" Autre, avec inscription.*
" La Ligurie réunie à la France.*
" Les Ecoles de Médecine.*

Première Campagne d'Autriche.

" Levée du Camp de Boulogne.*
" Allocution sur le Pont du Lech.*
" Capitulation d'Ulm et de Memmingen.*
" Prise de Vienne et de Presbourg.*
" Reprise des Drapeaux à Inspruck.*
" Bataille d'Austerlitz.*
" Les trois Empereurs.*
" Entrevue des deux Empereurs.*
" Députation des Maires de Paris et Schoenbrünn.
" Paix de Presbourg.*
" Cathédrale de Vienne.*
" Conquête de Venise.*
1806 Conquête de l'Istrie.*
" Conquête de la Dalmatie,*
" Conquête de Naples.*
" Souverainetés données.*
" Mariage du Prince de Bade.*
" Colonne de la Grande Armée.*
" L'Arc de Triomphe.*

Campagnes de Prusse et de Pologne.

" Confédération du Rhin.*
" Bataille d'Iéna.*
" Autre sur le même sujet.
" Entrée à Berlin.*
" Capitulation des quatre Forteresses de la Prusse.*
" Alliance avec la Saxe.*
" Occupation de Hambourg.*
1807 Les Aigles Françaises sur la Vistule.*
" Bataille d'Eylau.*
" Séjour à Ostérode.*
" Bataille de Friedland.*
" La Victoire du 14 Juin.*
1807 Occupation des trois Capitales.*
" Conquête de la Silésie.*
" Paix de Tilsit.*
" Le grand Duché de Varsovie.*
" Le Royaume de Westphalie.*
" Mariage du Roi de Westphalie.*
" Réunion de l'Etrurie à l'Empire.*
" Le Simplon.*
" Route de Nice à Rome.*
" L'Aigle couronnée.*

Campagne d'Espagne.

1808 L'Entrée à Madrid.

Seconde Campagne d'Autriche.

1809 Rupture du Traité de Presbourg, et Batailles d'Abensberg et d'Eckmühl.*
" Départ de Paris, et entrée à Vienne.*
" Bataille d'Essling, et passage du Danube.*
" Prise de Raab.*
" Attaque d'Anvers, et Séjour à Schoenbrünn.*
" Réunion de l'Etat Romain à l'Empire.*
" Rome seconde Capitale.*
" Conquête de l'Illyrie.*
" Bataille de Wagram.*
" Paix de Vienne.*
" Visite du Roi de Saxe à la Monnaie des Médailles.*
1810 Visite du Roi et de la Reine de Bavière à la Monnaie des Médailles.*
" Mariage de l'Empereur.* (4 medals.)
" L'Amour emportant le Foudre.*
" Visite du Grand Duc de Wurtzbourg à la Monnaie des Médailles.*
" Statue de Desaix.*
" Le Canal de l'Ourcq.*
" Orphelines de la Légion d'Honneur.*
" Pompe Funèbre du Duc de Montebello.
1811 Naissance du Roi de Rome.*
" Baptême du Roi de Rome.
" Le Roi de Rome.* (3 medals.)

Campagne de Russie.

1812 Prise de Wilna.*
" Bataille de la Moskowa.*
" Entrée à Moscou.*
" Les Aigles Françaises sur le Borysthène.*
" Les Aigles Françaises sur le Wolga.*
" Retraite de l'Armée.*
" Fondation de l'Ecole des Beaux Arts à Rome.
1813 Bataille de Lutzen.*
" Bataille de Wurtchen.*
" Le Monument du Mont Cenis.*
1814 Février, 1814.*
1815 Retour de l'Empereur.*

" L'Impératrice Marie Louise.*
" La Princesse Elisa.*
" La Princesse Pauline.*
" La Reine de Naples.*
" La Reine Hortense.*

NOTE.—Those marked thus (*) were ordered by the Government, and designed and executed under the direction of M. Denon.

17th Congress.] No. 533. [2d Session.

MARYLAND IN [FAVOR OF THE NAVY AND INTERNAL IMPROVEMENTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 3, 1823.

Whereas the State of Maryland is, in a peculiar degree, dependant on that aid and protection, to secure which was the great object of the confederation of these United States; and especially is exposed, from its vast extent of navigable waters, and the geographical position of the city of Baltimore, to the attacks of a maritime enemy, who, as has been demonstrated by the events of the late war, can harass our citizens, plunder and destroy our property, possess themselves of our territory, and prevent our necessary transactions, so far as a large proportion of our citizens are affected: And whereas exemption from such danger to the lives, and exposure of the fortunes of our citizens, can only be secured to us by the liberal application of those means which the good people of the United States have placed at the disposal of the Government of the Union for the common defence and general welfare; and it is not only the soundest policy, but the best dictate of prudent economy, to use the period when a general peace, and the ordinary resources of our country, afford opportunity to the Government to provide for the defects in our system which a state of war has disclosed, and to be prepared against a recurrence of injuries which may be repeated at a moment impossible, by any political calculation, to be anticipated: And whereas it is at all times the duty of the citizens of a free Government to deliberate on the policy and measures of those to whom they have confided the administration of their political concerns, and, on occasions when contrariety of opinion is entertained on matters vitally affecting their best interests, to express their sentiments with candor and firmness:

We, the members of the Senate and House of Delegates, acting as the representatives of the people of Maryland, and influenced by a belief that it is highly expedient, in the present situation of our political concerns, to announce the opinions and wishes of the people of this State, in relation to such measures of the Government of the United States as have in view the better security of our country against the approaches of a hostile maritime force, do, therefore,

Resolve, That we cordially approve the efforts of the General Government to foster our navy, and to cause a progressive increase of this means of defence, which experience has taught us to regard as necessary to our protection, and to the maintenance of that high and dignified character which has exalted our country amongst the nations of the earth. That we cordially approve of every effort of the General Government to extend and perfect a system of defence by fortifications, highly useful in other places, and essentially necessary to the waters of the Chesapeake and its tributary rivers.

And whereas, from the relative position of this State and those vast sources of successful enterprise and wealth, (the rivers Potomac and Susquehannah,) as well as from the relation of our largest city to an extensive district of inland country, it is of the utmost importance to our citizens that a system of internal improvement should be vigorously pursued: *Therefore, we do further resolve*, That we will highly approbate, and zealously co-operate with the General Government in the adoption of such measures as will afford our country the facilities and advantages which nature has placed in our control, and which a wise policy should induce us to improve.

Resolved, That a copy of the foregoing preamble and resolutions be forwarded by the Executive to each of our Senators and Representatives in Congress, with a request that they will co-operate in the promotion of the measures which, in the sense of the Legislature, are best calculated for the interests of the Union at large, and especially of this State.

By order: WILLIAM KILTY, *Clerk.*

SENATE OF MARYLAND, *December Session*, 1822.

I hereby certify that the above is a true copy of the resolutions, the original of which passed both branches of the Legislature at its present session, unanimously.

WILLIAM KILTY, *Clerk Senate of Maryland.*

True copy from the original on file in the Executive Department of the State of Maryland.

NINIAN PINKNEY, *Clerk of the Council.*

17th Congress.] No. 534. [2d Session.

MILITARY ROAD FROM PLATTSBURG TO SACKETT'S HARBOR.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 22, 1823.

SIR: DEPARTMENT OF WAR, *January* 21, 1823.

Pursuant to a resolution of the House of Representatives of the 15th instant, directing the Secretary of War "to communicate to this House what progress has been made towards the completion of the military road leading from Plattsburg to Sackett's Harbor, in the State of New York; how much of said road remains unfinished; the probable expense of completing the same; and, also, any information in his possession showing the importance of said road in a military point of view;" I have the honor to transmit, herewith, a report of Major General Brown, which furnishes the information required.

I have the honor to be your obedient servant,

J. C. CALHOUN.

Hon. P. P. BARBOUR, *Speaker of the House of Representatives.*

SIR: HEAD-QUARTERS OF THE ARMY, *January* 20, 1823.

In obedience to your orders of the 17th instant, relative to "the military road leading from Plattsburg to Sackett's Harbor, in the State of New York," I have the honor to make the following report, commencing with a statement of "the importance of said road in a military point of view."

In case of war against the Canadas, Plattsburg and Sackett's Harbor must be the principal depots of the United States for the Ontario, St. Lawrence, and Champlain frontiers. At those points the military resources of the country can be most conveniently assembled, and from them most effectually directed against the Canadian territories. To avoid in a future war the embarrassments of the last, it is conceived necessary that we should possess the power of conveying these resources, through internal channels, to any point of the river St. Lawrence on our own border.

For this purpose the road from Plattsburg was commenced, with the intention of extending it to French Mills, on the Salmon river, which empties into the waters of the St. Lawrence. The road from Sackett's Harbor was commenced with the same object, and was intended to be extended to Morristown, on the St. Lawrence. It was foreseen that the natural growth of the country between French Mills and Morristown would soon complete the connexion without external aid. By means of this communication, the land forces on the two lakes (Ontario and Champlain) may be promptly united at any point on our St. Lawrence border, and thrown at once upon the possessions of the enemy. On the possession of this power a vigorous prosecution of hostilities must essentially depend. Besides the advantage of being able to penetrate the Canadas in this direction, at any point which we may select, we may also, by occupying a point which shall command the navigation of the river, cut off the water communication between the two provinces, and force the enemy to convey his troops and munitions through an inland channel, with great increase of expense, delay, and uncertainty. His operations in the upper province would be embarrassed in a like proportion, and this part of his possessions would be more speedily reduced.

It is to be observed that the communication proposed to be opened between the St. Lawrence frontier and the interior of the country can only be effected by roads to Plattsburg and Sackett's Harbor, as a right line drawn from any point on this frontier to Albany passes over a country so rough, marshy, and sterile, as to be almost uninhabitable.

From Plattsburg to French Mills, about twenty miles of road have been completed. The remainder is opened, but requires to be cleared of stumps and stones, and to be so formed as to carry off water.

From Sackett's Harbor to Morristown, about twenty miles have been completed. The remainder is opened, but requires to be cleared and formed in the same manner.

As both the roads lead through a level country, avoiding mountains and rivers, and even considerable hills, and as on both the great obstructions have already been removed, the expense of completing them will arise from the extra compensation allowed to soldiers, when employed, and the hire of oxen. It is estimated that they may be completed in two seasons, and that the expenditure in each season would not exceed $3,500.

From indications already given, there can be no doubt that the natural efforts of the country between French Mills and Morristown will in a few years perfect the communication, and secure those facilities for making a vigorous application of our military powers in war, which were the object of the Government in commencing the work.

I have the honor to be, sir, your obedient servant,

JACOB BROWN.

Hon. J. C. CALHOUN, *Secretary of War.*

17th CONGRESS.] No. 535. [2d SESSION.

NAVIGATION OF THE POTOMAC RIVER ABOVE TIDE WATER.

COMMUNICATED TO THE SENATE, JANUARY 27, 1823.

SIR: IN COUNCIL, ANNAPOLIS, *January* 24, 1823.

In pursuance of a resolution of the General Assembly of Maryland, we have the honor to send to you, enclosed, a copy of the report of the commissioners appointed by the Executives of Maryland and Virginia to survey the river Potomac, and have respectfully to ask that you will lay the same before the Senate of the United States, over which you preside.

We have the honor to be, with great respect, your obedient servant,

SAMUEL STEVENS, JUN.

The Hon. the PRESIDENT *of the Senate of the United States.*

To His Excellency the Governor of Maryland:

The commissioners appointed by the law of Virginia, and the resolutions of Maryland, of the year 1821, jointly to examine the affairs of the Potomac Company, the state of the navigation of the river Potomac, its susceptibility of improvement, and to make report whether the said company had complied with the terms of its charter granted by the two States, and its ability to comply within a reasonable time, and whether any, and what, aid should be given to the said company, and what would be the best means of effecting an improvement in the navigation of the said river, report:

That, in compliance with the injunctions of the two States, they did assemble in Georgetown, on the 2d day of July last, and commenced the discharge of their duties by examining the affairs of the Potomac Company; and it appears the company had not only expended the whole of the dividing stock, but have incurred heavy debts, which their present resources can never enable them to discharge; nor is it reasonable to expect, in such circumstances, that they can ever effect the objects of their incorporation. A succinct statement of the accounts, debts, receipts, and expenditures of the said company, is hereto annexed, marked A.

The provisions and special conditions of the charter and laws of the two States then occupied their attention, previous to the examination of the works which had been executed under the direction, and at the expense, of this company, on the river. From the best consideration which they could give the subject, it appears to the commissioners that the Potomac Company have failed to comply with the terms and conditions of the acts of their incorporation.

An abstract of the charter, and the laws relative to that subject, are herewith presented, marked B. It will be there seen that the right to take tolls, and all other privileges, were granted them on condition that the navigation of the river should be completed within a given specified time, which has been variously extended by subsequent laws, and finally expired, under the Maryland law, on the 1st of January, 1813; and, under that of Virginia, on the 1st January, 1820: that the navigation required to be effected was such as should "render the river well capable of being navigated, in dry seasons, by vessels drawing one foot water:" that, upon an application by the Potomac Company to the Legislature of Virginia, in 1802, for an exposition of the words "dry seasons," that Legislature declared that those words, as used in the charter, were to be intended and understood "all seasons;" an interpretation of which the correctness cannot be well questioned. From an actual measurement of the depth of the river by the commissioners, it was ascertained that, at the time of their examination of it, there was not a sufficient depth of water for the navigation of boats drawing even six inches. It is true that, at their session of 1802, the Maryland Legislature passed a law, founded upon the idea that the Potomac Company had accomplished the object of their incorporation, confirming to that company all the rights and privileges conditionally granted in the charter. But it is extremely apparent that to absolve from an obligation requires equal or paramount power to that which imposed it; and, of course, neither Virginia nor Maryland could, singly, release a condition which the Potomac Company had bound themselves to both to perform. The act of the Maryland Legislature can, therefore, only be considered as nugatory; and, indeed, that Legislature itself seems so to have considered it; for, in the year 1809, seven years after the passage of the confirmatory act, it passed another law, extending to that company the time of completing the navigation of the river. The commissioners, upon full consultation, do not deem it prudent or expedient to give further aid to the Potomac Company; the only alternative, therefore, that remains, is, to divest them of their charter, and adopt some more effectual mode of improving the navigation of the river. Nor can this procedure be regarded as harsh, when duly considered; the law and justice of it, it is presumed, have been made manifest. Will it be an injury to the stockholders? Look at the exposition of their affairs, furnished by the company itself; see the annual amount of their tolls; and, in the present defective state of the navigation, which they have no means of improving, can it ever be increased? Deduct from it the expense of repairs and contingencies, as salaries to clerks and toll-gatherers, and then compare it with the amount of their debts, or even the annual interest of those debts; and visionary indeed must be that man who can expect ever to draw a cent of profit from such stock, with such resources. Can such debts ever be redeemed? The fact is, the Potomac Company are precisely in the situation of all other chartered companies who fail in their undertakings: their expected profits have eventuated in loss and disappointment.

It is due, however, to that company, to state, that, although the errors under which they labored in the principles and practice of improvements in navigation have been great, and have caused a useless expenditure of large sums, still they acted with the best lights heretofore possessed by the best informed persons in our States. They have not only expended the whole of their original stock in attempts to improve the river, but nearly all their tolls, with the exception of their necessary annual expenses, have been appropriated to the same purpose. And this failure to accomplish the objects of their incorporation may be fairly attributed to a want of information on the subject at the very early period of our existence as a nation when that company was formed.

The journal of notes made by the commissioners of the condition of the navigation and depth of water, taken from day to day, as they descended the river, is hereto annexed, marked C; from which it will be seen that the river, to Goose creek, which has been ascertained to be one hundred and fifty-seven miles long, is in no section of ten miles at all navigable, in low water, by loaded boats of any kind or dimensions; and, for more than eighty miles, obstructions from shallows, sufficient to stop a skiff, are to be met with, on an average division of that distance, every half mile.

The present state of the navigation.

It has been stated, and is believed by many persons, that the river Potomac, in its present condition, is navigable nearly half the year. The Potomac Company are required to give a low water navigation, of a foot deep, throughout the year. This circumstance, and the idea entertained of the possibility of confining the waters in the bed of the river to narrow sluices, have confirmed this opinion. The commissioners have given a minute examination to this branch of the duties imposed upon them, and satisfied themselves, from their own observations, and the most careful inquiries, that no such blessing is enjoyed by the fertile districts through which the river flows.

The floods and freshets give the only navigation at present used. They occur, usually, from the 1st September to the 20th June; variously, however, in various years. And it so happens that, although boats are known in some years to pass down through each of the months intervening between these dates, yet, in consequence of the ice during winter, and the short continuance of a flood giving navigable water, the average duration of the boating time, in a course of many years, does not much, if at all, exceed eight or ten days passable water for full-loaded boats, late in the year, and from twenty-five to thirty-five days in the spring of the year; making the whole time when produce and goods can be stream-borne, in the course of one entire common year, from thirty-three to forty-five days. The duration of this period necessarily increases as you approach the Great Falls, and decreases as you ascend to the head of the river. The evils attending the present state of the navigation lessen the benefits which might be supposed to be derived from even this short period. They chiefly consist in its uncertainty and dependance on the vicissitudes of the seasons; in the great rapidity of the current of the river, in consequence of the great fall or inclination of its plane, in proportion to its length; in its dangerous character, arising from the wildness of the torrent, and the suddenness of its courses and meanders—having worn its devious way, in the lapse of ages, through countless ridges of rocks and mountains; and in consequence of huge fragments of rocks and large loose stones, the remains of the wasted mountains, scattered thickly, and in some places rising over the entire bed of the river, and leaving no passage for loaded boats, impelled by the rapid and impetuous current, but what may be found by warping and winding, with the utmost exertion of strength, agility, and watchfulness, on the part of the crew, through a most irregular course. By these dangers many boats and cargoes are destroyed. The uncertainty and the shortness of the duration of the floods are the very worst features in the character of this navigation. This uncertainty frequently occasions the most ruinous disappointments to the farmers, millers, and merchants. The expected rains are often denied; and the consequence frequently is, that contracts cannot be complied with, which occasions loss and ruin. Sometimes, a small rise and deceitful appearances induce a collection of the scattered crews of the boatmen from the mountains, and a general shipment of produce; by the time they have descended forty or fifty miles down the river, a fall in the water takes place; the boats are compelled to stop, and their storage,

increased expenses, neglect of agents, and natural causes, waste the profits or damage the produce of all concerned. This chiefly occurs in the upper part of the river. Sometimes, the rains come on sooner than they are expected, and the rise and fall of the river succeed each other before the farmers are prepared to make their shipments; then the crops lie on hand till next year, subject to all the inconveniences and losses accompanying such circumstances. And when the floods are most propitious, and the navigation is the best, under existing circumstances, the usual consequence is, that the produce of immense districts of country, among the most fertile in the Union, is all forced into market at one time, and a capital, which might be sufficient to give better prices if the merchant had time to receive the proceeds of one investment before he made a second, is found inadequate to give a fair price to all, under such disadvantages. Thus, the farmer has frequently no alternative left but to sacrifice the fruits of his year's labor. The expenses are already too great, and the produce will bear no additional cost or risk of shipping farther; and to carry it home again, is impossible; for, sometimes, even the boat which brought it down cannot be floated back empty. It is surely to be lamented that, wretched as is this navigation, it is the sole dependance of a vast extent of country, which, in spite of its fertility, and the value of its inexhaustible minerals of the most useful kind, is most evidently drooping and suffering for want of a ready market for its productions, without which stimulus it is impossible for its agriculture to flourish, or its natural resources to be developed.

Bad, indeed, as is the navigation above described, still this conveyance is preferred, by all who can avail themselves of it, to land carriage. With all its uncertainties and risks, it is found cheaper by all the farmers and millers than maintaining supernumerary horses throughout the year for the purpose of carrying produce to market. If additional proof were required, a stronger cannot be adduced than this very circumstance of the immense superiority of navigation over land carriage. If navigation, encumbered with so many risks and uncertainties and unavoidable expenses, is still preferred, by all who can avail themselves of it, to the usual land carriage, assisted by improved roads to all the seaports; and if this, the worst and dearest of all kinds of navigation, does yet give an increased value to the lands contiguous to it over those whose sole reliance is in the turnpike, what may we not reasonably calculate will be the still further increased value of the lands afforded by a safe and constant still-water navigation?

Sluice navigation.

As what has been called sluice navigation has been the kind adopted by the Potomac Company, and the one on which so large a part of their funds has been expended, it may be necessary to give an explanation, drawn from actual observation of what has been done and tried for many years, of this kind of work on the Potomac.

The sluices on this river are of three kinds: the first, which are chiefly found in the upper part of the river, are channels formed by low wells; the second are channels formed by excavating the rocky bottom of the river; the third kind, which are yet used, and have been of service to the navigation in high water, are channels opened near the banks of the river, around the rapids and small falls in the current, as at Harper's Ferry, Payne's Falls, &c., to avoid the great force of the torrent in mid stream, in such situations, and with the view of giving the boatmen a land path on the bank, on which by a rope they may drag the boat up the stream, when the violence of the current is too great to be overcome by setting poles. These channels, though used, are of very imperfect and temporary construction, the bottoms of no one of them being graduated. They are certainly too imperfect to be called canals, although such is their common appellation. The two first of these kinds of sluices are formed on erroneous principles, and have failed to render any service to the navigation of the river. The errors in the first, requiring detail, will be presently explained. The errors in the second kind, or in excavating channels in the bottom of the stream, consist in attempting on a long line of a stream, inclining all the way in its whole length, to regulate the depth by partial cutting or deepening the bottom. Unless you bring water to a level the whole length of the line of its stream, any partial cutting or deepening in spots along the line so inclined only serves to transpose a shallow a little further up the line, or to make hollow basins of no service. And in a river where the chief failure in its navigation arises from the too long and too frequent deficiency of depth of water necessary for boating, owing to the great inclination of the plane of its stream and to its consequent rapid discharge of water, if you smooth the plane by removing all obstructions, the rapidity will of course be increased, and the sooner will the deficiency in the depth be felt. The low dam or walling plan of improvement, though the opposite in its effect to the one described, and not so radically erroneous on the general principles, is no less so in its application to such a river as the Potomac. To make this manifest, some detail of the circumstances in which they are used and placed is necessary. The ruins of this kind of work are to be seen some distance above Cumberland, (not, however, reaching to Savage river,) and extend, at greater or less intervals, to where the general depth of water is considerably increased, becoming more and more rare as the water is more abundant. They consist in low dams, running across from shore to shore, elevated about eighteen inches or two feet from the bottom, and made of rounded stone, picked up out of the bed of the river, of a size that a man can conveniently handle, the greater part not larger than a man's head, and raised on a broad basis of from ten to twenty feet in width. This transverse low wall or dam is usually connected with two walls about the same height, but built on a narrower basis of from six to eight feet placed parallel to each other and to the shores, at the distance of twenty feet from each other; through which passage, by a gap in the transverse dam, it is intended to force the current of the river, and to deepen the water by collecting it into this artificial channel. The number of these transverse walls, connected, as stated, with twenty feet sluices on the river, is very great, but it was not thought necessary to count them.

Indeed, in such a state of ruin were the greater part of them found, that they were difficult to be distinguished from the numerous fish dams found along the whole course of the river. A few, but enough of them, were in a sufficient state of preservation to be examined, and to afford the means of ascertaining how far they were calculated to answer the ends intended. The commissioners are not prepared to say what might be the effect of this kind of walling on other rivers, but they are well assured that the river Potomac cannot be usefully confined by such contrivances, even if they were made in the best manner of which that kind of walling is susceptible. The bottom of this river, which forms the drain of a mountainous region of such wide extent, is very unequal in its level, and abounds in shallows and basins, according to its obduracy or softness, and to the increased or diminished force of the current; sometimes weakened by expanding in widened plains, or in the formation of islands; sometimes increased by contraction between mountains and rocky banks; and, above all, by its flowing so rapidly, in consequence of the greatness of its fall compared to its length. The result from such circumstances, on this kind of work, situated in the bed of such a river, is, that these walls cannot be made sufficiently permanent; and, if they could, so very many of them would be required to attain even a trifling depth, that the benefit would be infinitely too dear, or an absolute waste of money. These walls, from their nature, cannot be tight; but if they could be made so, and the whole body of the water in such a river could be confined to a channel of twenty feet, the velocity of the current rushing through these short channels, with full room to spread after it has passed, would be increased in proportion to its confinement; and the whole volume of water in the river, in the summer and dry seasons, especially above the south branch, would not be sufficient to give the depth required by boats of sufficient size to be useful in transportation. Where the quantity of water in this river is much increased by the larger tributaries, in order to give eighteen inches depth, (and less would

be of no use,) it would be necessary to continue the parallel walls much further than they have ever yet been attempted, so as to give them a length sufficient to reach over the whole extent of continued shallows, which were found, in places, to cover three and four miles. The effect of lengthening the sluice walls would be, in some measure, to lessen the velocity, and, of course, to increase the depth of the current; but the evils are much too great to be usefully remedied by the small effects which could be produced by these means, even if it were practicable to give durability to walls so built and so placed. Walls of this kind, when drawn so long, and winding and bending as would be necessary to follow the course of the current, would be objectionable for other reasons, independent of the increased cost and increased liability to destruction; such as the extreme difficulty of guiding a boat with sufficient accuracy in these narrow confined torrents so as to prevent her striking and bilging against or over the side walls in descending;* and, in ascending them, her progress would be very much retarded by the increased force of the current consequent on its confinement. Now, on the supposition of a large proportion of the distance being so confined, many weeks would be added to the length of time consumed in a trip to and from market, already inconveniently long. In some places capstans would be required to be placed on the banks, to overcome the opposing power of the current. For these reasons, and from the experience already had of the perishable nature and trifling utility of this sort of work, it appears that it would be idle to attempt any thing in future of this kind.

Lock and dam navigation.

Another mode is, by some, relied upon to improve the navigation of this river, in consequence of its supposed greater cheapness than a canal, properly so called; and consists in deepening the water in the bed of the river sufficiently for the purposes of navigation, by high dams, of large stone and solid construction, with a lock or two locks to each dam, and a short canal, for the purposes of descending and ascending each level.

This mode has many and great inconveniences inseparable from it; the most important objection to it is, the greater expensiveness of the kind of navigation which alone it affords; that is, in boats managed by men, instead of boats drawn by a horse. Besides this general objection, many reasons may be adduced to show why it cannot be advantageously adopted on the Potomac river: the general width of this river is too great, the fall is also too considerable, and the alluvial margins which alternate from the right to the left bank of the river, the whole length of its course to tide water, and which vary, in elevation, from fifteen to thirty feet, would, in high water, without enormous expense, form insecure abutments to the dams; this kind of margin, being formed of loose earth, of comparatively recent formation, would, when obstructions are placed in the bed of the river, be liable to be forced and washed away at the extremities of the dams; the dams themselves, although ever so solidly built, would require frequent repairs. The fall in the river, from Cumberland to tide water, being about five hundred and thirty-seven feet, would require about fifty-three dams, as the banks would not admit of a greater elevation being given to the dams than ten feet, without great risk of damaging the marginal property, and of increasing the liability to frequent injuries to the dams themselves.† Each dam would require a lock of the same lift as the dam, and also an entering canal, with a guard-lock of considerable elevation, to be used in high water. Add to these the danger of being thrown by the current over the dams, however judiciously located below the guard-lock, and the inconveniences which would arise in high water: taking all these disadvantageous circumstances into the account, consider the number of dams, locks, &c., and their great length, from one hundred to eight hundred yards, and the necessary solidity required in their construction, and then calculate the other incidental expenses, the whole amount would be nearly equal to the cost of a regular canal, and the advantages would be infinitely less. Upon a full view of the different plans, therefore, it cannot for a moment be doubted but that the adoption of a regular canal out of the river, though following its ravine, will be the most useful and durable improvement, and, when the advantages and cost of each mode are relatively considered, incomparably the cheapest. The canal which, under all circumstances, the commissioners have thought best calculated to suit the localities of Potomac river, on which our estimates are founded, is one thirty feet wide at top, twenty feet at bottom, and three feet deep; the earth to be thrown out next the river to form a tow-path, elevated two feet or thereabouts above the level of the water in the canal, and the track of the tow-path to be ten feet wide. The level of the canal to be generally elevated above the highest floods, except when it is found necessary to take in a supply of water from the river, or to pass expensive ground along a rocky shore. Thirty feet, it is supposed, is the necessary width to admit the passage of two boats of sufficient size to carry twenty-five tons, and to admit of a small platform on the bow of the boat, sufficient to take a horse in upon, (as that in two places would be necessary, where it has been found expedient to cross the river, by means of a dam, to avoid too expensive cutting or walling.) In order to ascertain the practicability and cost of this plan, the commissioners have had the assistance of the late engineer of the State of Virginia, on whose sound practical judgment and knowledge entire reliance may be placed, more especially after the test his estimates have undergone on that part of the James river where part of the canal he had designed has been completed.‡ And it has been there found that contractors and undertakers in sufficient number can be obtained, from various parts of the United States, to undertake the works at the estimated cost, whenever the States think proper to authorize the cutting of a canal. The report and calculations on this plan, made from Mr. Moore's field notes, by Mr. Isaac Briggs, who has been appointed his successor, as far as we proceeded before the adjournment occasioned by the serious sickness of the greater part of the commissioners, and of the engineer and surveyors, (that is, about half a mile below Goose creek, and since to tide water,) are herewith presented, and show the utmost probable cost of such a canal for that distance; plats of the courses of the river and canal will likewise accompany the plan and calculations, and all be hereto annexed.

The commissioners have endeavored, in their examination of the manner and costs of improving this river, to take as complete a view of the subject as circumstances would permit, so as to present to the Legislature such a representation as would enable them, without losing sight of the ulterior advantages which must grow out of a canal so located, and out of the consequent future ramifications and extension of which it will necessarily be the parent, as to be able to show, not only the entire cost of the undertaking as far as the national road at Cumberland, but the cost of so much as may now appear within the limits of the ways and means of the two States. With this view, they directed the engineer, in the outset, to make his calculations of the surveyed route in sections, so as to show the whole costs of each section, from one important point to another, along its whole course. This they supposed would place the commencement of this great work completely within the reach of the resources of the States, as, whether the canal commenced for the present at Cumberland, and descended the river where the greatest obstruc-

* The greater part of the wrecks which of late years have occurred, according to information, along the rivers, were in consequence of the boats being dashed against the sluice walls.

† Lock and dam is the kind of navigation adopted on the Schuylkill river, but that is a small, narrow river, with high banks; and much damage, it is said, has been done to marginal property in consequence of the dam.

‡ Mr. Isaac Briggs, the present engineer, was himself a contractor for the cutting of a part of the James river canal, which has been completed, and can, experimentally, attest their correctness.

tions to navigation are found, as far as Williamsport, or at tide waters, and ascended the river, every section, when completed, would add to the value of the commerce and soil of the States, and therefrom something would at once be received in tolls. The level and survey of the whole course being once ascertained and decided, any part of the work likely to afford the greatest benefit and profit might be completed in such a manner as to be united with the remainder, without addition of cost, or any derangement of the plan. This partial cutting in sections would enable the States to keep their expenditures within reasonable bounds, and to guard against the necessity of oppressive burdens; at the same time that they would lay the foundation of an improvement, which, when extended across the mountains, and completed, it is no vain boast to say will be of greater importance than any other of which the topography of the United States is susceptible.

The territorial feature of the United States which is most important to all our relations, political, commercial, and social, is the extensive range of mountainous region which divides the rivers falling into the Mississippi from those which fall into the Atlantic ocean. It forms a wall of separation between the West and East, and the difficulties it presents has diverted the western commerce from the nearest seaports, and caused its general current to seek distant outlets around its southern and northern extremities. Such, however, is the wise arrangement of Providence, that, where the evils resulting from this great barrier operate most severely, (that is, nearest to its centre,) it has placed the remedy within our reach. Of all the rivers which reciprocally drain the lands beyond and on this side the mountains, the Ohio on the one side, and the Potomac on the other, extend their ramifications, of which any use can be made, nearest to the summit and level of the dividing ridge. Such, also, is the favorable shape of the mountains at this point, where these waters approach nearest, that its flattened surface forms extensive and luxuriant meadows, called glades. A well known operation of the laws of nature, at this elevated point, at all times many degrees cooler than the surrounding air, condenses the vapors and attracts the clouds rising on either side of the mountains, so that these elevated plains or glades in the driest seasons are copiously supplied with water, and afford rich and abundant pasturage, when all the valleys below them are parched with drought. Deep creek is a western stream falling into Youghiogeny, which forms in these glades, and is situated at that point from which the commissioners commenced their measurement, within two hundred and four feet of the summit of the dividing ridge; and can be brought by a cut within two miles of a branch of Savage river, called Crabtree run, at the junction of its branches at Swan's old mill, on this side of the mountains. Deep creek is a copious stream, with the banks nearly perpendicular, running through the soft earth of the glades, and was, in the season when they examined it, (supposed to be the driest which has occurred within the memory of most men living,) from three to four feet deep, and from nine to twelve feet wide, with a current of about one mile and a half to the hour. There is a narrow pass* in a ridge of the glades, through which Deep creek makes its way; where, by erecting a dam fifteen or twenty feet high, and not more than forty or fifty yards long, these meadows may be inundated, and an immense pond may be formed equal at least to three or four miles in length, and half a mile in breadth. This reservoir, it is believed, would furnish sufficient water for locks, and a canal, if carried through the dividing ridge by a tunnel two miles long, to descend and ascend both sides of the mountains, to the Monongahela on the west, and to Savage river on the east, especially when recruited, as you descend, by Big Youghiogeny on the west side, and by Crabtree on the east side, respectively. The fact was not ascertained, but, from the position of the sources of Little Youghiogeny, it is believed they might easily be conveyed into the same reservoir.†

Sufficient attention has not heretofore been paid to the invaluable supply of water afforded at this elevated point, by the principles of attraction and condensation. Whenever mountains present a flattened surface near or at their summit, of any extent, sufficient to prevent the rapid waste of water which steeps occasion, they generally possess all the qualities of the best meadow land. Mr. Gallatin, in his masterly report on the roads and canals of the United States, has entirely overlooked the consequences of this operation of natural causes at this point; and asserts, from the supposed absence of such a reservoir, the impracticability of uniting the western and eastern waters. His words are these: "The impracticability arises from the principle of lock navigation, which, in order to effect the ascent, requires a greater supply of water in proportion to the height to be ascended, whilst the supply of water becomes less in the same proportion." "Nor does (says he) the chain of mountains through the whole extent, where it divides the Atlantic from the western rivers, afford a single pond, lake, or natural reservoir." In this assertion, happily for posterity, this eminent statesman is substantially mistaken; and it is highly satisfactory to know that this grand desideratum can be found, and that whenever the resources of the nation are deemed sufficient to undertake the magnificent labor of perforating the great barriers of the East and West by the short tunnel required, water will not be found wanting for canalling purposes. The want of the necessary supply of water is the main consideration; and next, whether the objects to be attained are worth the expenditure required. Mr. Gallatin, in another part of this report, justly remarks: "Nor should the plan, on account of its magnitude, be thought chimerical; for the elevation, and other natural obstacles of intervening ground, or want of a sufficient supply of water, and not distance, are the only insuperable impediments to an artificial navigation."‡

The route for a canal from Cumberland to the Monongahela, across the mountains, and its practicability, are so intimately connected with the canal at present contemplated, that it necessarily blends itself with every view of the subject. It was for this reason that the work was commenced at Deep creek, the better to judge of its practicability and of the reasonableness of the consequences expected to arise from opening the canal navigation, as far as now recommended. The sections across the mountains to the States of Virginia and Maryland would at present, undoubtedly, be an undertaking beyond their ordinary means. But to the States of Ohio, Kentucky, Pennsylvania, Virginia, and Maryland, who are all immediately concerned, it might not prove so, and certainly not to the United

*Called Hoophole ridge.

†These glades, and this slowly gliding stream, were to us surprising objects, elevated as they are, and situated among the spurs or lateral ribs of the Little Back Bone mountains, which have but a small rise above these natural meadows, and exhibited to the eye, fatigued with the severity and rudeness of the face of nature, in the tedious ascent to their elevated plains, an appearance no less delightful than unexpected, of an open level country, clothed with flowers and rich verdure, intersected with gently rising hillocks, crowned with trees, not thick or impervious to the sight, nor continued along the combs of these low hills, but detached in clumps, presenting the pleasing delusion of an improved and ornamented country.

‡ The following extract from Mr. Hamilton Fulton's report to the Board of Public Works of North Carolina, for the year 1821, page 22, will give you an idea of the operation of locks on canals, and of a new method of *saving the waste of water*, so precious at great elevations, by means of basins, or ponds, arranged in a particular manner, where many locks are necessary to surmount considerable elevations. Mr. H. Fulton is an engineer of celebrity, induced by North Carolina to come to this country from England. Extract: "Although I do not approve of more locks than one being built at one place, yet the work, &c. Double, treble, quadruple, &c. chains of locks cause much detention and waste of water, as the following examples will show, viz: If a boat has entered the upper lock for the purpose of descending, no other boat can ascend until she has got out of the lowest lock, and *vice versa*. If a boat ascends immediately after one has descended, as many back falls of water must be drawn from the summit as there are locks in the chain; and if a descending boat succeeds the ascending one, the whole of the water is lost except one lock full. Thus an ascending and descending boat, in a chain of six locks, will draw off six locks full of water from the summit; while an ascending and descending boat passing through six single locks, *with ponds of sufficient capacity* between each, will draw off only *one lock full* from the summit.

States, who are no less deeply interested in its accomplishment, upon political considerations involving our dearest interests of internal strength and security in war, of commerce and revenue, and the preservation of the Union. Of its practicability it is believed little doubt can exist, as the necessary supply of water can be found. The costs of the lockage and tunnel are the only real obstacles. When the practicability of a line of canal is ascertained, where a doubt can at all exist as to the relative preponderance, it is the province of prudence, previous to the adoption of an expensive plan of improvement, to weigh in the scale of computation the cost and labor against the advantages expected to be derived therefrom. The cost of the section of a canal from Cumberland to Monongahela, although it will, whenever the estimate is made, be found comparatively much greater than on lower levels, yet will fall far short of what an inexperienced public have heretofore imagined. But, on the other hand, who will undertake to enumerate the advantage and growing profits on the trade of the only canal which is practicable between the waters of the Ohio and the Chesapeake? It is only necessary to see the unequalled location of the central route; the length of the barrier of mountains which it would sever; the boundless region of the northwestern States and Territories; and the extent, literally unparalleled on the globe, of the already connected inland navigation by means of the great lakes and colossal rivers to be united with the Potomac, and to consider the greater distance and expense of getting to and from other markets on our seaboard, to be entirely satisfied that, in a country increasing in population, wealth, and the knowledge of political economy, like ours, the object to be attained, in a pecuniary point of view alone, is beyond calculation; and it affords the most ample guaranty for the interest and capital that may be invested to complete it, whatever may be the amount of such investment; and cannot fail, moreover, to be a vast and always increasing source of revenue hereafter, either to the States through which it will pass, or to the United States, whichever may undertake it. The paramount and primordial claim of this route to public attention is evinced by the location of the national road, and also of the seat of Government, and no less so by the early date of the charter of the Potomac Company, immediately after the peace establishing our independence. This last circumstance shows it to have been the very first object of this nature which engrossed the attention of Virginia and Maryland, when we had scarcely drawn the first breath of emancipation. The manuscript calculations of our Washington, who was the father of this company, show that, in his mind, the western trade and the improvement of the Potomac were always intimately connected. He makes the difference between the route from Detroit, on Lake Erie, by way of Fort Pitt (now Pittsburg) and Fort Cumberland, to Alexandria, and that to New York, in distance four hundred and ninety-six miles, or upwards of five hundred miles to tide water, in favor of the former.* This grand speculation of this great man, drawing the commerce of the lakes and the northwestern territories to Alexandria, requires only the union of the waters of the Ohio and the Potomac, in order to be realized; and, with daily increasing experience, and a full sense of the rapid advance in the value of the great prize, it cannot fail ere long to be begun and completed. It is supposed, when the nature of a voyage from the States north of Ohio to New Orleans, or to New York, is contrasted with a voyage to Washington on the Potomac, on the supposition of the navigation being perfected across the mountains, that in many respects the advantages will be so considerable in favor of Washington, that it will, in most instances, be preferred. This preference over New Orleans will arise from the down-stream navigation of the rivers emptying into the Ohio; in the gentle current of the Ohio, compared with the rapid stream of the Mississippi, taking into view the time, labor, and expense of returning, as well as going to market on each route; and the effect of the climate of New Orleans in damaging flour, and bacon, and all vegetable and animal productions, and its dangerous influence on more northern constitutions, as also the very great difficulty and length of time it requires for ships to get up from sea to that city. Over New York, the advantages will consist in the shorter distance, and the necessity of navigating the lakes in vessels of a different construction from those used in rivers and on canals, requiring a change of hands, navigators, and the repeated removal of cargo from the one kind to the other; while the owner of a boat will be able to go and come all the way to Washington, in most instances, with a crew of his own neighborhood: add to these reasons the circumstance of the New York canal being closed one month longer by ice every year than a canal on the Potomac, and the superiority of this route will be manifest.†

General advantages of canal or still-water navigation.

On a canal such as is now proposed, a boat carrying twenty-five tons burden will be enabled to go up the river course with the same facility she goes down; the navigation on the canal will be always good, except when it is closed by ice. The present condition of the navigation of the Potomac river has been explained, and the difference in these important respects is too glaring to require additional comment.

The usual load of a wagon on our turnpikes is stated at three tons; a boat, one man, a boy, and a horse will be equal for transportation, then, to more than eight wagons, eight men, and forty horses, each travelling at the same rate of distance in equal time. A calculation is hereto annexed, marked D, which shows that, taking into view the daily expenses, interest on outfit and wear of the wagons, men, and horses required to transport twenty-five tons, and the same expenses, interest, and wear of a boat, man, boy, and horse, required to bear the same

* *Manuscript calculation of General Washington.*

From Detroit, by the route through Fort Pitt and Fort Cumberland:

To Alexandria,	607 miles.
Richmond,	840 "
Philadelphia,	741 "
Albany,	943 "
New York,	1,103 "

† The comparison of the distances and difficulties now existing between New York and Washington, on the route from Pittsburg to both, is stated as follows:

Pittsburg to Brownsville, by stream,	60 miles.
Brownsville to Cumberland, turnpike,	72 "
Cumberland to Georgetown, by stream,	188 "
	320
Pittsburg, up the Allegany, to Waterford,	160 "
Portage to French creek,	14 "
French creek to the canal, by the lake,	90 "
Down the canal and Hudson to New York,	520 "
	784
	320
Difference in favor of Washington,	464 "

There are fifty-eight miles less portage to New York; but, to balance this, there are one hundred miles more up stream, and ninety miles more lake navigation.

burden on a canal, the transportation by land carriage is twenty times greater than by canal. It may well, then, be stated "that the public would be great gainers were they to lay out upon the making of every mile of canal twenty times as much as they expend upon a mile of turnpike road; while a mile of canal is often made at less expense than a mile of road." Though, commonly, it has cost on recent work in this country something more per mile, this excess has rarely exceeded a third of the cost of a mile of turnpike—locks, culverts, &c. all considered. To show how the tolls may be increased for the benefit of a canal company, while the freight is still lessened very considerably, an example given by the late Mr. Robert Fulton is so strongly stated and clearly illustrated, that we cannot do better than insert it verbatim: "By the Lancaster turnpike, from Philadelphia to the Susquehannah at Columbia, is seventy-four miles; on it, from Columbia to Philadelphia, a barrel of flour (say 2 cwt.) pays one dollar carriage; a broad-wheeled wagon carries thirty barrels of three tons, and pays for turnpike three dollars; thus, for each ton carried, the turnpike company receives only one dollar: the making of the road cost $444,000, or on an average of $6,000 a mile. I will now suppose a canal to have been cut from Philadelphia to Columbia, and, with its winding, to make one hundred miles, at $15,000 a mile; or, for the whole, $1,500,000. On such a canal, one man, one boy, and one horse would convey twenty-five tons twenty miles a day, on which the following would be the expenses: a man, one dollar; a horse, one dollar; a boy, fifty-cents; tolls for repairing canal, one dollar; tolls for passing locks, &c., one dollar and fifty cents; interest on the wear of a boat, fifty-cents; sum total, five dollars: this is equal to twenty cents a ton for twenty miles, and no more than one dollar a ton for one hundred miles, instead of ten dollars, paid by the road; consequently, for each ton carried from Columbia to Philadelphia on the canal, the company might take a toll of *six dollars* instead of *one*, which is now got by the road, and then the flour would arrive at Philadelphia for *seven dollars* a ton instead of *ten*, which it now pays. The ton of merchandise taken from Philadelphia back to Columbia would also pay three dollars less than it now pays.

"Suppose that exactly the number of tons would move on the canal that are now transported by the road; again, let it be supposed that at one dollar a ton the turnpike company gain five per cent. per annum on their capital of $444,000, or $22,200; consequently, 22,200 tons must be carried, which, at *six dollars a ton* to the canal company, would give $133,200 a year—eight and a half per cent. for the capital of $1,500,000."

In order to see the immediate effect of cutting a canal from tide water to Cumberland, it is necessary to ascertain the amount of tolls now taken on the roads leading from and through those districts of country which will avail themselves of the cheaper conveyance by canal, as from Leesburg to Alexandria and Georgetown, and from Uniontown, by Hagerstown, Boonsborough, Fredericktown, &c. to Baltimore and Georgetown; the tolls now taken on these roads, and also at the Great Falls of Potomac, may be five or six times increased in amount on the canal, and still, in consequence of the great saving in freight, as above stated and exemplified, the cost of transportation to the owner of the produce or goods will be greatly cheaper than it now is by the road.

But by far the greater part of the toll received on canals generally, and likewise on this canal, will accrue on those articles which are too bulky to be transported to any considerable distance by roads or the present navigation. The use of these necessary although cheap articles is now almost wholly denied to a large inland population, and the benefits of such as the interior affords excluded from the seaboard; among these are fuel, the materials for building, and certain articles of food and domestic use; to wit, coals, cordwood and charcoal, lime, slate, marble, iron, timber, potter's earth, tanner's bark, Indian corn, oats, barley, salt beef, pork, cider, fruit, tar, turpentine, &c. The supply of these articles, to be obtained from the banks of the Potomac and its branches, is literally inexhaustible, for which there will be a growing demand. These will constitute articles entirely new to the commerce between the interior and seaboard.

The chief articles at present exchanged by the interior with the seaboard are flour, hemp, flax, wool, bacon, lard, whiskey, tobacco, ginseng, tallow, beeswax, pearl ashes, live cattle, hogs, and horses; for the productions of which will be created a market altogether new; and those of the seaboard and of commerce, for which the demand will increase, in consequence of opening a canal, are, plaster of Paris, salt, fish oil, fish, all the other productions of the rivers, and every kind of foreign merchandise.

The fisheries on the rivers emptying into the Chesapeake will be doubled in value; the coasting trade of the Chesapeake will be increased; ship building will be promoted; and, in fine, the States will feel the beneficial effects of such an improvement in every quarter and extremity of their territory.

The article coal, which is found in such profusion in the vicinity of the north branch of Potomac, of a quality equal to the best Liverpool coal, in the event of the completion of the canal, may be afforded in Georgetown at twenty cents, making full allowance for freight and tolls, at the same rates as paid by grain and more valuable articles; and if, on such cheap bulky articles, of the first necessity, the freight and tolls are ratably lowered, as would be politic and reasonable, it may be furnished at sixteen cents, or less. The price may be thus ascertained: Supposing a ton, or 2,240 pounds, to pay one cent freight, and one cent toll per mile; and where the pits are eight or ten miles removed from navigation, as is the case of those near Cumberland, and the coal will have to be carried that distance to the canal in wagons, the price will be—

For wagoning one bushel ten miles,	6	cents.
Price of digging one bushel,	2	"
Freight for one hundred and ninety miles,	6	"
Tolls for same distance,	6	"
	20	"

But, supposing the tolls and freight on articles of this kind reduced one-third, as may well be done, with a view to extend the market, the price might be stated at sixteen cents.

The price of coal has varied of late in the seaports from twenty-five to thirty-seven and a half cents per bushel. In Europe, the existence of abundant coal mines is supposed alone sufficient inducement for cutting a canal, so many are the uses and so immense is the consumption of this article, when it can be obtained on moderate terms. Fuel enters so largely into the price of every article manufactured, that on its cheapness depends, in a measure, the success of numerous establishments, which, at first view, seem to have no connexion with it; and in all articles wrought by fire and steam, it is the principal ingredient of price in our country. Even the productions of agriculture will be increased by a reduction in the price of coal; the whole of the wood reserved for fuel in the rich valleys along the Potomac and its branches would be cleared, and the land brought into cultivation. Nor would the beneficial effect here end, but would be felt throughout the borders of the Chesapeake.

Slate banks of excellent quality for roofing are found in still greater abundance than coal, and more of them immediately on the banks of the river; so that, if facilities for transportation were carried to the quarries, which might be opened, slate for roofing could, it is believed, be furnished as cheap as the best shingles.

The immense banks of iron ore which are yet unopened along the river, on account of the limited demand, would, if iron could be transported more cheaply, and the price of fuel were considerably reduced, be another resource

added to the wealth of the States, and afford considerable tonnage to the canal. The lime which is now furnished in our seaports, and which principally supplies the demand for this most useful article in architecture and agriculture, is brought from Rhode Island; this would afford a new source of industry and of profit to our citizens, now engrossed by our more active neighbors.

Such will be the creation of new sources of wealth and population, and such are some of the prominent benefits to be derived from this canal. Within the last sixty years England has quadrupled her wealth and political importance; and this rise in her fortunes dates with the operation of her canals, commenced within that period. Holland, the Netherlands, the valley of Lombardy, and China, are yet more striking instances of the immense increase of the power and population of territories in consequence chiefly of canals. When we look at the advantages of the now contemplated canal, its immediate operation on the value of the lands of the South Branch and Shenandoah, and the whole valley of the Potomac, cannot fail to strike the intelligent observer; the mountainous counties of Hampshire and Allegany will, in consequence of the value and abundance of their minerals, become the most important counties in either State, and the points on which the lever will rest that is to advance and extend the manufactures, commerce, and agriculture of the most distant ramifications of the Chesapeake. Cumberland will become the entrepot of the merchandise commerce of the West, and, at no distant date, a thoroughfare for the greatest commerce of the Union. Baltimore being already established, and possessing enterprise and capital, will have it in her power for many years, if not forever, to enjoy the larger share of these new created fountains of wealth; nothing will be wanting to insure this but to add a short link to this great internal trade by a canal from Bladensburgh, or the head of the Eastern Branch of the Potomac, to the Patapsco at Elkridge. The distance between these two points in a straight line cannot exceed eighteen miles, and the route of a canal would not probably be more than twenty-five miles; the elevation on this route above the tide is not great, and the upper part of the Patapsco and other important streams might, there is reason to believe, furnish the supply of water required for the light level; if this be the case, (and there is little doubt of it,) the cost of this work would not be great. Or, if it should accord more with the wishes and interests of the Baltimoreans to branch the canal at a higher point on the Potomac, let provision be made for trying the practicability of a branch from the foot of the Catoctin mountain, or any point below it, to Baltimore.

Probable profits of this canal.

Taking the average tonnage of the boats which have passed through the locks in the years 1819, 1820, and 1821, from the official document furnished by the Potomac Company, it is 11,815 tons each year; supposing ten barrels of flour equal to a ton, and computing the whole produce in flour, the amount which has descended the river each year is a quantity of produce equal to 118,000 barrels of flour.

If such is the quantity transported on the river in its present imperfect state of navigation, it is not extravagant to suppose that four barrels of flour are now carried by land for one which is transported by water, and which, when the canal is completed, will seek that cheaper conveyance; this would make an additional amount of 472,000 barrels. The inhabitants of the counties of Hardy, Pendleton, and a large part of Hampshire, in Virginia, and of a considerable portion of Allegany, in Maryland, and of Bedford, in Pennsylvania, are exclusively devoted to grazing; if the facilities of transportation were afforded them by a canal, they would either slaughter their cattle at home, and send down the beef and pork, or would turn their attention to the more profitable pursuits of agriculture; from these counties we may then fairly calculate on the addition of 200,000 barrels. The establishment of a canal will, without doubt, draw commerce from the counties of Franklin, in Pennsylvania, and Shenandoah, Rockingham, and a large part of Augusta, in Virginia; for which we may confidently add 250,000 barrels. From respectable authority we learn that, in the year 1821, 400,000 barrels of flour were made in the four southwestern counties of Pennsylvania, all of which would seek a market by way of the national road and contemplated canal; add to this 160,000 barrels from the State of Ohio, and the counties of Ohio, Brooke, Preston, Harrison, &c., in Virginia, and the aggregate amount is 1,600,000 barrels. The toll, as now established on the Potomac, is twenty-two cents per barrel for the longer distance, and eleven cents for the shorter; the medium may then be stated at fifteen cents; the tolls then upon 1,000,000 barrels would amount to $240,000; the estimated cost of the canal is $1,578,954; upon which, the sum of $240,000 gives fifteen per cent. per annum profit, and an excess sufficient for annual expenses.

In this calculation, the tolls on the ascending commerce, consisting of plaster of Paris, salt, fish in barrels, and foreign merchandise required for the interior, are not enumerated; they, it is supposed, will amount to a third of the sum of the descending toll. Nor is any allowance made for the tolls on the new articles which will be added to the descending trade, viz: coal, lime, lumber, Indian corn, &c; so that if any doubt can exist concerning the increase of tolls in the proportions above stated, this additional source of tonnage will insure the profit of fifteen per cent. per annum. But there is yet stronger assurance of gaining at least this amount of profit, when it is considered how much this rate of toll assumed may be increased, and still leave the freight considerably cheaper than it now is, as is so clearly apparent from Mr. Fulton's statement already cited.

Ways and means.

From Cumberland to tide water is one hundred and eighty-five miles. The cost of a canal for one hundred and eighty-two miles of that distance is ascertained to be $1,578,954; for the remaining three miles, the canal at the *Little Falls*, when enlarged, may be used. This sum, divided between the two States, will give $789,477, to be furnished by each. It is proposed that the money should be raised by a loan for sixteen or twenty years, which could probably be effected at four per cent. per annum; but, for the greater certainty, let it be calculated at six per cent. As soon as the loan shall be determined upon, let books be opened, under the direction of the States, for the subscription of stock by individuals at such places as the Legislatures shall deem expedient; each individual to be entitled to the stock he subscribes for, upon condition of his paying annually to the State the interest on the amount, until the annual profits of the canal shall be adequate to an extinguishment of a part of the loan and a discharge of the annual interest.* Of whatever portion of the stock that shall not be subscribed for by individuals, the States themselves shall be considered as holders. The probable nett profits of the canal, when completed, upon a moderate and sober calculation, have already been estimated at fifteen per cent. upon the whole capital required to construct it; whenever the canal shall be finished, let these profits be exclusively appropriated to the payment of the interest and redemption of the loan; and even should these profits yield only ten, instead of fifteen per cent., they would be amply sufficient to liquidate the whole debt in less than sixteen years; so that, in order to accomplish this important object, each State would only have to pay for five years (within which time it is supposed the canal might be finished) the interest on $789,000, or on so much thereof as shall remain after deducting the amount of individual subscription.

* So that a subscriber, say for $100, would, in the event of the completion of the canal within five years, as calculated, and its yielding a per centum sufficient to discharge the principal and interest on $1,500,000 in sixteen years, have to advance, in all, only $30, and then would be entitled to hold $100 in stock; and, in any event, the subscriber could never be called on for more than $6 per annum.

But should it be deemed by the Legislatures inexpedient to raise so large a sum by loan, it is submitted to their wisdom, in order to test the accuracy of the above scheme, whether it would not be an object of great public utility to make those sections of the canal between Harper's Ferry and tide water; and whether it would be a measure forbidden by the suggestions of the strictest prudence to borrow a sum sufficient for their completion. The amount required would be $560,127; but take this sum, and divide it between the States, let the foregoing plan be adopted, and then the payment of the interest for two years (within which period the canal could certainly be effected) on $280,063, or so much of that sum as should not be taken by individual subscription, would be the only burden to the States, or, in fact, only half the interest for the first year, as it would be only necessary to borrow money according to the annual expenditure.

It is probable that local jealousies, which are so natural to the mass of mankind, and which have, since the first dawn of civilization, been found in array and opposition to all the internal improvements of nations, and to canals, the greatest of all others, will, on this occasion, have to be combatted: these arise from the supposed effect canals have to injure existing markets by increasing rivals, and by lessening the value of the productions of those portions of territory already enjoying the exclusive benefit of those markets. These jealousies, however, have, in every country where canals have been introduced, been proved, by experience, to be ill founded; for so great is the dependance of each part on the condition of the rest, and so intimate is the general connexion in a nation, that even the favored few, so far from being injured, have been benefited by the general prosperity; population, commerce, and consumption have invariably kept pace with increase of productions; and the uniform consequence has been a general increase of power, wealth, and civilization.

MOSES T. HUNTER,
WM. T. T. MASON,
WM. NAYLOR,
ATHANS. FENWICK,
ELIE WILLIAMS.

SIR: GEORGETOWN, D. C., *July* 5, 1822.

As joint commissioners, appointed by the States of Maryland and Virginia to report the situation and condition of the affairs of the Potomac Company, the amount and character of the debts due by the said company, and its receipts and expenditures: we respectfully request your attention to the subjoined subjects of inquiry, and ask that you will do us the favor to answer them, so far as your archives may enable you, and as speedily as your convenience will permit.

We remain, most respectfully, yours,

ELIE WILLIAMS,
ATHA. FENWICK,
WM. NAYLOR,
WM. T. T. MASON,
MOSES T. HUNTER.

General JOHN MASON, *President of the Potomac Company.*

1st. The number of shares of the capital or dividing stock, and the amount.

2d. The number of shares held by the States of Maryland and Virginia, and by individuals, respectively.

3d. The whole sum expended on the works, from the commencement of the operations of the company up to the 1st of January, 1822; stating, as far as practicable, the amount expended on the original construction of the works, and the amount expended in repairs.

4th. The amount of the debts due from the company on the 1st of January, 1822; showing to whom due, when contracted, and including principal and interest.

5th. The amount of tolls received in each year, from the 1st of August, 1799, up to the 1st August, 1821, together with the number of boats and tonnage employed, and the produce and merchandise transported during that period, with an estimate of the value of the same.

6th. The mode of expending the annual tolls, giving as *particular* an account as is practicable.

GENTLEMEN: OFFICE OF THE POTOMAC COMPANY, GEORGETOWN, *December* 20, 1822.

By instruction from the board of directors of the Potomac Company, I have the honor to make the following communication:

The letter you were pleased to address to me on the 5th of July last, requesting information relative to the affairs of the Potomac Company, was received soon after its date, and the requisite statements have been for some time prepared; but it was thought best to retain them until you should hold another meeting in this town, for the facility of giving explanations, should it be found necessary: they are transmitted, herewith, made up to the 1st of August last. This period has been taken, because, as it accorded with the date of the annual returns, prepared according to the practice for the general meeting of the company, it presented the means of more certainly fixing the sums, &c. As it is later than that designated by you, it is hoped it will not be objectionable.

The paper No. 1 furnishes answers to 1st, 2d, 3d, and 4th queries, put by you in relation to the number, the amount, and the proprietorship of the shares, to the expenditures, and to the debts of the company. As to the 3d query, no separate accounts having been kept for these items, it has been found impossible to distinguish the amount expended in the original construction of the works from the amount expended in the repairs; and further, it is proper to remark, that, although the whole sum of the expenditures is correctly stated at $729,387 29, there has been actually laid out, of money other than that produced by the profits of the works, no more than the sum of $511,349 62; since, as will be seen by the note at the foot of paper No. 2, the sum of $216,949 60, received for tolls, supplied so much of the expenditure.

The paper No. 2 gives, in detail, the information required by the 5th query, as to the tolls received, the boats employed, and the produce and merchandise transported; by which it will be perceived that, since the first use of the navigation, in 1800, by means of the works of the company, (to speak in round numbers,) upwards of $220,000 have been received for tolls; a mass of produce and merchandise has been transported on the river, equal in value to more than $9,300,000, (as one article of which, 1,135,000 barrels of flour have been water-borne to market;) and that for the last fifteen years, on an average, 720 boats have been annually employed on the river.

The paper No. 3 exhibits the manner in which the tolls of the last year were expended, and is intended as a practical reply to your 6th query, inasmuch as they have in each year been applied to the objects there described, in greater or less proportion.

Very respectfully, I have the honor to be, gentlemen, your obedient servant,

J. MASON.

To ELIE WILLIAMS, *and others,*
Joint commissioners on the part of the States of Virginia and Maryland, &c.

A.—No. 1.

Answers to the 1st, 2d, 3d, and 4th queries of the Potomac Commissioners.

	No. of shares.	Amount.
1st. Capital, or dividing stock, at £100 sterling, - - - -	700	$311,111 11
2d. Shares held by the State of Virginia, - - - - -	120	53,333 33⅓
Shares held by the State of Maryland, - - - - -	220	97,777 77⅔
Shares held by individuals, - - - - -	360	160,000 00
	700	311,111 11
3d. Total amount expended from the commencement in 1784 to August 1, 1822, including original improvements, repairs, interest paid on borrowed money, expenses of collecting tolls, &c., - - - - - -	-	$729,387 29
4th. Debts due by the company to 1st August, 1822, including interest—		
To subscribers to Monocacy loan, contracted 1803, - - -	-	3,876 49
To subscribers to Shenandoah loan, contracted 1812, - - -	-	4,698 77
To subscribers to Antietam loan, contracted 1812, - - - -	-	17,026 33
To subscribers to Cumberland loan, contracted 1813, - - -	-	7,642 12
State of Maryland, 1814, - - - - - -	-	39,950 00
Banks of the District of Columbia, including interest, whereof $55,955 17 was contracted between the years 1803 and 1816, and the remainder in 1816, 1817, and 1818,	-	101,192 88
Sundry persons, - - - - - - -	-	1,500 00
		$175,886 59

NOTE.—Although $311,111 11, as above stated, is really the sum of the capital stock or dividing capital, the amount of $336,551 10 was actually paid in; the difference, $25,439 99, was sunk to the profit of the present stockholders by the sale of delinquent shares.

J. MOORE, JUN., *Treasurer.*

No. 2.

Table showing the amount of the tolls received by the Potomac Company in each year, from the 1st of August, 1799, to the 1st of August, 1822, together with the number of boats and the tonnage employed, and the produce and merchandise transported, with the estimated value of the same, during that period.

Years.	Boats.	Tonnage.	Barrels of flour.	Barrels of whiskey.	Hhds. tobacco.	Tons of iron.	Other articles of produce, estimated.	Sundry return of goods, estimated.	Amount of tolls received.	Total estimated value.
1800	296	1,643	16,584	84	25	-	$2,950 00	$7,851 00	$2,138 58	$129,414 00
1801	413	2,993	28,209	619½	100	187½	14,060 00	6,180 00	4,210 19	328,445 32
1802	305	1,952	17,250	379	5	238½	27,232 50	-	3,479 69	163,916 00
1803	493	5,549	45,055	257	32	480½	3,936 00	10,386 00	9,353 93	345,472 82
1804	426	3,823	39,350	578	8	88	3,250 00	7,514 00	7,765 58	284,040 60
1805	405	3,208	28,507	436	11	137	32,975 18	7,486 00	5,213 24	340,334 18
1806	203	1,226	19,079	459	5	20½	3,553 40	4,998 00	2,123 69	86,790 40
1807	573	8,155	85,248	971	20	35	11,796 00	7,314 00	15,080 42	551,896 47
1808	508	5,994	48,463	1,535	3	13	10,532 37	7,613 00	9,924 27	337,007 47
1809	603	6,767	40,039	1,527	37	494	8,537 00	11,510 00	9,094 89	365,628 00
1810	568	5,374	40,757	1,080	13	191½	5,703 00	-	7,915 85	318,237 62
1811	1,300	16,350	118,222	3,768	27	200	6,810 00	6,000 00	22,542 89	925,074 80
1812	613	9,214	55,829	3,143	6	360	1,694 00	7,319 75	11,471 37	515,525 75
1813	623	7,916	55,902	3,464	11	252	1,899 00	6,119 32	11,816 22	423,340 32
1814	596	5,987	38,769	2,684	18	361	675 60	5,314 12	9,109 82	312,093 72
1815	613	6,354	47,183	4,616	9	314	2,075 00	5,211 15	9,789 57	489,498 15
1816	550	6,132	35,918	1,774	29	419	9,291 65	6,371 35	7,501 52	357,661 00
1817	856	8,197	57,662	1,385	10	335	4,094 00	14,000 00	13,948 23	787,994 00
1818	746	9,778	58,226	3,126½	2	428¾	8,750 00	15,124 00	10,332 26	781,924 00
1819	775	7,550	66,442½	1,479	-	278½	9,988 00	15,521 00	12,514 04	565,010 62½
1820	917	16,506	75,272	1,215	14	227½	16,587 95	12,230 00	13,107 31½	420,818 15
1821	760	11,400	67,557	1,391	10	115	11,515 00	10,027 00	12,490 61	318,810 00
1822	782	11,730	50,138	2,416½	31½	300	17,245 00	6,507 60	11,103 50½	369,522 62
	13,924	162,798	1,135,761½	38,382½	426½	5,476¼	$215,151 75	$180,597 29	*$221,927 67	$9,357,456 76½

J. MOORE, JUN. *Treasurer of Potomac Company.*

*Of the whole sum received for tolls, only one dividend to the stockholders was ever made, to wit, in the year 1802 of $3,890. This, with $1,088 07 in hand, subtracted, shows the remainder, to wit, $216,949 60, was, from time to time, as it came in, expended in the works of the company.

No. 3.

General statement of disbursements made by the Treasurer of the Potomac Company, from the 1st day of August, 1821, to the 1st day of August, 1822.

Cash paid mechanics and laborers employed in repairs and improvements, - - - -		$2,989 09¼
" for materials for repairs and improvements, - - - -		711 98¾
" for hire, provisions, and clothing for yearly hands to attend the locks, - -		346 77
" for salaries to treasurer and two toll-gatherers, - - - -		1,700 00
" towards principal and interest of debt, - - - - -		5,276 45½
" for contingencies, - - - - - - -		201 04¾
		$11,225 35¼

J. MOORE, JUN. *Treasurer.*

B.

Abstract of the laws of Maryland and Virginia, relative to the Potomac Company.

Charter granted by the States, conjointly, in 1784; navigation to be improved from tide water to the highest practicable point on the north branch, so as in dry seasons to permit the passage of boats drawing 12 inches water; at or near the Great Falls, canal to be made 25 feet wide, 4 feet deep, and locks, if necessary, 80 feet long and 16 feet wide, to convey vessels and rafts drawing 4 feet water; the company bound to begin the work within one year after its formation, and to complete the improvement of the navigation from Cumberland to the Great Falls within three years, and from the Great Falls to tide water within ten years, under the penalty of forfeiture of charter.

MARYLAND LAWS.

1785, chapter 3—Canal at Great Falls, depth reduced from 4 to 2 feet; spaces between the locks, if any, to be 4 feet.

1786, ch. 2—Time of completing navigation from Great Falls to Cumberland extended to the 17th November, 1790.

1790—Time further extended for improving navigation from Great Falls to Cumberland until 1st January, 1795, and liberty given to apply capital and tolls in improving branches of Potomac above Seneca Falls.

1794, ch. 29—Extends time of completing navigation to 1st January, 1798.

1796, ch. 19—Authorizes the contracting of the locks from 16 to 14 feet in breadth.

1797, ch. 93—Authorizes the receipts of tolls, as if the locks at the Great Falls were complete, on condition that the company, free of costs, carry all produce that may be brought to the inclined plane, which is stated to be constructed from the lower end of the canal to the surface of the river below the Great Falls, down and up the said plane, at their own risk. This law further provides for the extension of the time for the completion of the navigation until 1st of January, 1803.

1802, ch. 84—Declares the object contemplated in the establishment of the company to be completed, confirms the right to tolls, and authorizes the contraction of the locks from 14 feet to 12 feet in breadth.

1809, ch. 193—Further time of ten years given for completing the navigation of Potomac, to be computed from the expiration of the term already granted, viz: 1st January, 1803.

VIRGINIA LAWS.

1785, ch. 4, sec. 2—Company permitted to reduce the depth in canals, at the Great and Little Falls, from 4 to 2 feet water, at the least, in dry seasons, and if the locks have spaces between them, such spaces to be 4 feet deep.

1786—Time until the 17th of November, 1790, for completing navigation between Great Falls and Cumberland.

1790—Further time given of three years, from the 16th of December, 1790; and the company authorized to apply capital and tolls to the improvement of the branches above Seneca.

November 21, 1791—Right to improve the branches above Seneca forfeited, unless the company proceeded within twelve months from that date.

November 23, 1793—Time given for completing the navigation from the Great Falls up, until 1st January, 1795.

December 12, 1794—Time given for a similar purpose until 1st of January, 1797.

December 26, 1795—Authorizes contraction of the locks at the Great Falls to 12 feet.

December 1, 1796—Gives further time of four years, to be computed from the expiration of the time already given; locks may be contracted to a space not less than 14 feet.

January 24, 1798—Recites that considerable improvements have been made, and authorizes the receipt of tolls before the completion of the navigation to tide water; and the further time of two years is given, to be computed from the expiration of the period already given.

January 27, 1803—Recites that the locks at the Great Falls are only 12 feet wide, instead of 14, but declares them sufficient. This act also explains the phrase "*dry seasons*," as used in the 17th section of the law for extending the navigation, declaring it to mean "*all seasons*," so far as relates to the navigation from Fort Cumberland to tide water. Commissioners are also appointed by this act to review the works upon the river, &c.; they, however, never acted. Further time of three years is also given for the completion of the navigation of the river.

January 24, 1806—Further time of five years given for the like purpose.

The above laws are to be found in the 2d vol. Revised Code, old edition; appendix, No. 2, p. 12—22.

January 11, 1811—Further time of three years given.

February 18, 1817—Further time of three years, to be computed from 1st January, 1817.

[NOTE.—There are no other laws in Maryland and Virginia, so far as we have been able to ascertain, relating to the kind of navigation required, and the time within which it was to be completed.]

C.

THURSDAY MORNING, *August* 8, 1822.

Moved from the confluence of the north and south branches of the Potomac; good water a short distance; to Old Town Falls, upwards of two hundred yards long, water in best channel, at the upper end, seven inches deep; at lower end five inches; very narrow channel, and crooked; the water good a small distance, then a shoal fifty yards long, six inches water; passing a short distance of good water, enter a shoal above Taylor's, extending to the mouth of Town creek; through this shoal the commissioners' boats, (drawing under five inches water,) pursuing the best channel, rubbed, and were dragged by men wading nearly the whole way through; at the mouth of Town creek, wing-dams and chute in the middle of the river; water six inches deep in the chute. Good water to Malcomb's Island, but difficult navigation among scattered rocks appearing above the surface; then commences a shoal, in which the boats rub, and pass with difficulty a wing-dam and narrow chute; then better water, twelve to fifteen inches, to O'Neil's bottom; Young Malcomb, the tenant; here the boats moored for the night.

FRIDAY MORNING, *August* 9.

Moved at eight o'clock; good water; passed Malcomb's Island and mouth of little Cape Capon, two perches wide; good water continues to Coxe's Falls at Coxe's Island. Along this island are three rapids extending upwards of a mile, through which the boats rubbed the whole way, except about a hundred yards between each rapid, where the water was from two to three feet deep, with high rocks appearing on the surface, which rendered the navigation precarious; the lower rapid more gradual than the other two, but longer, and shoal the whole way; boats rub and stick on the shoal; then good water, still current from two to four feet deep for one mile, to the Devil's Nose, a rapid above Colonel Greenwell's house; at this rapid are wing-dams, a narrow and shallow chute, and crooked channel, making the navigation difficult; then good water one hundred yards to Greenwell's ripples, one hundred yards long, where the channel is crooked and shallow; the boats rub most of the way through; to Greenwell's second ripples, one hundred yards long, boats rub through; then better water to a reef of rocks nearly crossing the river, leaving a narrow channel where the river is not more than ten paces wide; then good water, still narrow, to John Mitchell's bottom, except a reef of rocks, where there is a small fall; then good water from five to twenty feet deep opposite McDonald's, on Virginia side; then water good, half a mile, to Mitchell's rapids, half a mile long, in which are six reefs across the river; narrow, very crooked, and difficult channels, the boats rubbing at each reef; the rapids end nearly opposite Boxwell's, the tenant of John Mitchell, where the boats moored for the night.

AUGUST 10.

Moved from Boxwell's; for two hundred yards good water, then encountered small falls or ledges of rocks quite across the river, three hundred yards in extent; the water from three to eight inches deep; good water for near a quarter of a mile; then, for the next mile, occasional ripples; water four inches, along which the boats were dragged; between the ripples, water good; came to Swede's Falls, half a mile in extent, the boats frequently rubbing, and with difficulty passing over them; good water a short distance, then difficult navigation for near half a mile, from the prodigious number of rocks peering above the surface; the water between them twelve inches. Travelling by land as difficult as the navigation.

AUGUST 12.

Moved from N. Abel's ripples, where, for some distance above and below, there are large rocks standing two or three feet above the surface of the water, and so numerous that the passage between them is very intricate, by which it was necessary to cross and recross from shore to shore, to avoid them, sometimes hanging upon the ripples, where there was not four inches water. These ripples continued a considerable distance, the boatmen having frequently to get out, and lift and drag the boat over them. Immediately above the Tumbling Dam Falls, there is a shallow bar, affording only four inches. At these falls, there is, among many others, one perpendicular pitch, apparently of eighteen inches, and exactly in the boat channel. Besides these natural obstructions, there are here and at many other places artificial ones, made by building fish dams in the river, in shameful violation of law. Below the Bar Falls the boat hung and rubbed for a long distance, in water not more than from three to four inches deep; and, before we could pass, the boatmen were under the necessity of going into the water, and clearing the channel by throwing out the stones. Good water for one mile and a half, with some short interruptions. Afterwards came to another long ripple, where the boat hung for a long time, notwithstanding all the exertions of the men. The water is not more than three inches deep.

TUESDAY, *August* 13.

Started from Neal's. Commissioners' boat supposed to draw about seven inches water; good water for a short distance, then grounded on a ledge of rock running across the bed of the river; two hundred yards lower down, ledges occur again, and form the bottom, for several hundred yards, on which we occasionally rubbed, without stopping; further on, grounded on small gravel; boatmen had to jump out and drag for near fifty yards; water varying in depth from eight to ten and twelve inches among gravel; pushed on for fifty yards further, water very little deeper, when again we had to drag, water eight inches between and off the stones; had to clear the stone out of the course of the boat; a little lower down measured the depth of water on both sides of the boat, and found five inches on one side and six on the other; shoal continued for ten or fifteen yards, then moved on among scattered stone, almost continually rubbing for some yards, when we grounded again; water nine inches and a half among the stones; course crooked, and boat touched for one hundred yards further; then passed a fish dam, firmly cemented with sand and gravel, running across the river; then good water for a quarter of a mile, then rubbed over a ridge of rock into water interspersed with large stone, on which we could not avoid rubbing frequently; then good water for some one hundred yards, when we grounded on a reef; again good water for a short distance; grounded again on a reef; then passed a small rapid, rubbing all the way, about thirty yards.

P. M.—For one hundred yards good water, then frequently rubbed, and twice stopped, on large stone, which covered the bed of the river; good water for two or three hundred yards; river filled with scattered stone, rising twelve or eighteen inches above water; then water good for a short distance; then our course was interrupted by a fish dam and broken sluice, the boatmen obliged to throw stones out of the way; further down, grounded on stone, abounding here in the bed of the river.

Nearly abreast of Mr. Tidball's house a reef crosses the river, and caused a small fall, five or six inches, over which we passed without difficulty; a reef, with a similar fall, just below the above, obliged the boatmen to shove and lift the boat over; further down passed another reef, on which we touched a sluice made through it, misplaced and not used; then reached a gradual fall, on which grounded, and passed with difficulty, having to clear a passage; then a few yards of deep water; then rubbed for many yards; again a space of good water; then grounded on large gravel, and dragged for some distance; then floated a little; then dragged again twenty yards, into a few yards

passable water; then dragged again into water which continued good for near half a mile; then rubbed again on small gravel; floated a little, then rubbed on large gravel, and soon stopped on a rapid, about one hundred yards above Lantz's house and island; dragged over with difficulty; then good water to Lantz's, where we stopped for the night.

WEDNESDAY MORNING, *August* 14.

Moved from Lantz's on shoal water; boats rub frequently, and with difficulty pass the small openings in ledges of rock across the river; these openings lying in zigzag line, render them very difficult of access; the boats rub hard at most of the passes; these cliffs and shoals extend upwards of a mile around the head of Washington's bottom; then good water half a mile; then ledges of rocks, rising to the surface in three feet water, with narrow shoal passes, rendering the navigation difficult, extending upwards of half a mile; then shoal water from shore to shore, about three-quarters of a mile past Dimmit's Island; at one place, boats could not pass until stones were removed to make a small channel; the impediments through this shoal can only be overcome by swelling the water by a dam; then good water three-quarters of a mile to O'Queen's; then shoal water, boats rub, and were dragged a mile; then good water to the Burnt Mill Falls; here is a wing-dam twelve or fifteen inches high, turning the water to the Maryland shore, working a small grist-mill owned by Thomas King; fall at the mill three feet and a half; a rapid shoal extends near two hundred yards from the upper end of the wing-dam, and ending nearly opposite the mill; then good water two hundred yards, to a point opposite to Marshall's house, on the Virginia shore, where the boats moored for the night.

THURSDAY MORNING, *August* 15.

Moved from Marshall's; good water continues half a mile, to a ripple below the mouth of Fifteen Mile creek; at this ripple three-quarters of the width of the river is bare, one hundred and fifty yards distance, leaving a narrow, crooked, and shallow channel, through which the boats rub; then good water about one hundred yards; then a ripple one hundred yards, through which the boats rub nearly the whole way; then the water deepens to three feet, with scattered rocks near the surface a quarter of a mile; then a ripple, a wing-dam, and chute, very shallow; then good water one hundred yards; then appear ledges of rocks across the river, six in number, about equal distance from each other, and extending one hundred and fifty yards down the river; boats rub through the narrow passes in these ledges; then good water by the Man of War rock, opposite Matthew Engle's; then a short reach of good water to Willet's Falls, or long canal; through these falls the boats were dragged with great difficulty; after passing them, enter on water with ledges of rocks across the river, there, and below, where shoal water extends across the river a considerable distance, passing Sidling Hill creek, and to Ferree's; no loaded boat drawing eight inches water could pass. The boat moored opposite Ferree's for the night.

FRIDAY, *August* 16.

Shoal and difficult water, by ledges of rocks and ripples, past Big Capon, and to the upper end of Ridout's bottom; then good water one hundred yards; then shoals, ledges of rock, boats passing through the narrows and crooked openings, one among rocks four feet above water; the only pass very narrow, and close to the Virginia shore; then variable water to John Roby's; then good water to Leopard's mill, worked by the river water, under a fall of three feet and a half; then variable water, the greater part shoal, to the mouth of Little Branch, below Mr. Summers's.

AUGUST 17.

Moved from nearly opposite Mr. Summers's, living on the Maryland side, and five and a half miles above Hancock; good water a short distance; then passed a reef of rocks with a fall of near three feet, extending quite across the river, and about fifty yards in width, the boat rubbing part of the way, and dragged about ten yards by the men; the water from five to ten inches; then one mile and a half of water, from twenty inches to three feet; then one hundred and fifty yards of ripple, the water upwards of twelve inches, but large stones rising above the surface, so numerous as to render it very difficult for the boat to pass along; then one-half or three-quarters of a mile of good water; then a ripple a quarter of a mile in length, above Round Hill, water from six to twelve inches; good water a short distance, then another ripple; through a canal below Round Hill, water about seven inches, except through the chute of the canal, where the boat grounded; then good water to Hancock, with the exception of two ripples, about a mile above the mouth of Little Tonoloway, the one fifty, the other thirty yards long, the water from six to ten inches deep; the boat rubbed part of the way, and twice grounded; moored at the mouth of Little Tonoloway.

AUGUST 18.

Sunday, 19th, 20th, and 21st, lay at the mouth of Little Tonoloway, whilst the levellers went back to Cape Capon, to survey the route from thence to Hancock, on the Virginia shore.

AUGUST 22.

Set off with the boats from the mouth of Tonoloway; a few perches of good water at first; then three ledges of slate rock across the river, two opposite Hancock, and one just below, on all which we rubbed between them; a few perches good water; then good water to the lower end of Donovan Island, where another ridge crosses, at which there is a fish dam, and fall of nine or ten inches, and difficult crossing; good water opposite the mouth of the Warm Spring run, (bath;) a little good water; then a shoal, and reef of slate and gravel; grounded; then good water; touched another reef; passable water fifty yards; then large stone, so close as to prevent passing without rubbing; then grounded in nine inches water, on a shoal and fish dam; eight inches water, stone so close as to allow an uninterrupted passage; some passable water to the upper end of Yate's Island; then grounding, rubbing, and touching abreast of the island. Big Tonoloway enters just above this island; for half a mile bad water, five or six inches only; bad water, and two more ledges of slate, with five inches water on them, above the widow Row's or Beven's Island; tolerable water abreast of island for three hundred yards.

AUGUST 23.

Moved from opposite Dr. Jacques's house, where the canal crosses from Virginia to Maryland. Good water for one hundred and fifty yards; then shoal begins opposite Jacques's Island, water from five to eight inches; boats rubbed for eighty yards, and then grounded, and hands had to open channel by removing the gravel and stones; not three inches water; boats lifted over with handspikes; after this, water deepens to about ten inches or a foot, filled with large loose stones, which impede the navigation, and caused the boats twice to get fast; good water begins below fish dam, opposite lower end of Jacques's Island, and continues to about one hundred yards below upper point of Miller's Island, about half a mile, where begins a shoal, at a fish dam, where hands had to make a channel, by removing stones, &c.: for twenty yards water at four to six inches, then increases to nine, but interrupted by stones and rocks for about fifty yards; then shoal from ten to four inches, for distance to Licking, say one mile and a half; men out again, and making channel between upper and lower point of Miller's Island, and repeatedly aground on ledges between this island and Licking. Moored at mouth of Licking.

AUGUST 24.

Moved from mouth of Licking; good water for one hundred yards, to a fish dam; then rapid, and full of big rocks; boats fast from six to eight inches; water then good for one hundred and fifty yards, to another dam below, which is a rapid of short continuance; then water sufficiently deep, but bed very rocky for eighty yards, boat rubbing on the rocks. Here a line of large rocks reaches nearly across the river; boats fast among them. Deep water from this, for fifty yards; then shoal, and boats fast upon a bed of large stone; then rocky bottom, but good water for eighty yards, to a fish dam, boat occasionally touching on the large stones; several ledges here across the river, upon one of which boat got fast; below this, deep water, with slate ledges, upon which boat repeatedly got fast; this kind of water and bed continues for one mile and a half; in this distance, a bed of moss across the river extends for half a mile; good water through it, but full of rocks. This water extends to the Elm spring, on the Maryland side; a shoal then begins, and continues for upwards of half a mile; boats fast, and lifted over with great labor; men obliged to open channel by removing stone, &c.; this shoal extends to Cherry run, on Virginia side, with the exception of about fifty yards just above fish dam, which is a rapid for a few yards, and then good water for one mile and a half to Johnson's Falls, nearly opposite Back creek, on Virginia side, where we moored for the night.

SUNDAY, *August* 25.

The boats lay-to, and the party rested.

MONDAY MORNING, *August* 26.

Moved from Johnson's Falls; shoal water to Garrison's Falls, one mile and a half; here are high ledges of rocks, extending across the river, and only one narrow pass for boats; then good water—the Fiddle-strings, so called from four ledges of rocks near each other appearing above water, extending across the river; the boats passed the ripple with great difficulty, there being no passage affording sufficient water; the boats were lifted and dragged over, by doubling the crews, and were more than an hour in moving less than one hundred yards; then good water to Claycomb's ripples; then shoal from shore to shore, to Pott's spring, boats rubbing; then good water to Prather's saw-mill, made by his mill-dam; then shoal one-fourth of a mile; whole distance from the Fiddle-strings four miles and a quarter to Prather's, where boats moored for the night.

TUESDAY MORNING, *August* 27.

Moved from Prather's on good water, passing Charle's mill, at the mouth of the Big Spring run, half a mile; good water continues to Barkman's fish dam, raised in a shoal part of the river, extending a quarter of a mile; here the boats passed with great difficulty, being dragged and forced over the shoals by doubling the crews in several places, and by making little channels, by moving the stones in the way; the water is then better for a small distance, (say a quarter of a mile,) which reaches another shoal, called Tryal fish dam, (a very appropriate name, as it sufficiently tried the strength and skill of the men in lifting and dragging,) the boats rubbing the whole distance of two hundred yards and upwards; the water then became deeper for a short distance, then very shoal to Middle-calf's Island, and some distance along it; the water then good to the mouth of Little Conococheague, at Middle-calf's; then becomes shoal, passing two islands known by the name of Buzzard Islands, and then, on passing Hawk's Island, the whole of the distance, the water very shoal; the boats were got over with great difficulty, and by doubling the crews, one mile and a half; the water then becomes deeper; the boats, after passing a quarter of a mile, put in for the night.

AUGUST 28.

Left the upper end of a high ridge of rocks on the Virginia shore, about five miles and a half above Williamsport; for two miles the water eight or ten feet, the boatmen using their oars the whole distance; the next mile the water varying from four feet to eighteen inches; then a mile of about one foot water; moored for the night about one mile and a half above Williamsport.

AUGUST 29.

Left the station one mile and a half above Williamsport, the river being wider than at any place above; the boats rubbed on the gravel a great part of the way to Williamsport, where we were detained four hours by the hands going on shore. From Williamsport to the place called Falling Waters, on the Virginia side, the boats often stuck fast, and were only got along by lifting and dragging them by main force.

AUGUST 30.

Started from the Falling Waters; water good; velocity of the current diminishing, general depth increasing, and the navigation less frequently interrupted by reefs and shallows; in the space to Hadley's rock, about two miles and a half, a fish dam on a gravel bank, and two ledges of limestone rising near the surface, are the only difficulties, but were passed with a rub; the bed of the river for the above space is uniformly limestone rock. Opposite Lefebre's house it rises, and forms the bank of the river, on the Virginia side, for fifty yards; at Hadley's, the rock displays itself on the shore for more than a quarter of a mile, on the Maryland side. A fish dam and ripple, on which we grounded, just below Hadley's; then good water till we passed the mouth of Opecon, when we grounded on Opecon ripples, where there is another fish dam, and water about nine inches deep; then a little good water; then grounded again on Opecon ripples; moved on a little, then rubbed hard again, then better water. For three-quarters of a mile above Opecon, rocky shore on the Maryland side; just below, the rocks approach the shore on the Virginia side, and continue for one mile and a quarter. Another fish dam obstructs the navigation in Opecon ripples, and then three narrow reefs of limestone rock; below this last dam crossed the river, on which there is not more than six or seven inches water; then deep water to Sprigg's mill, where we stopped for the night; considerable fall in the water in the space occupied by Opecon ripples. Here Boyd went home for a day, and party rested on Saturday and Sunday.

SEPTEMBER 2.

Started from Newcomer's; good water for a mile and a half; cliffs on Maryland side for quarter part of the way; a ledge of limestone extends nearly across the river, just below Galloway's mill, but does not interrupt the navigation; water very deep, out of the reach of the pole; water good to Millit's spring, except about two hundred yards of shoal water.

SEPTEMBER 3.

Left Millit's spring; good water for three-quarters of a mile; then pass the fish dam; then good water for one-half a mile; then another fish dam; good water, but intersected by big rocks and ledges; then Hog river ripple continues about a mile, wing-dam made by Potomac Company about midway; then ripples; boat fast on a ledge of rocks in five inches water; good water for a mile, then fast on a bed of rocks at Zuck's fish dam; water variable, passing three fish dams to the head of Ground's ripples, two miles. Boats moored at Spong's landing for the night.

SEPTEMBER 4.

Moved from Ground's ripples; shoal water a short distance; boats rub at one place on a ledge of rocks; the navigation interrupted by ledges of rocks ranging with the current, where is a fall of three or four feet in a quarter of a mile; narrow passes through those ledges; then good water to Chapline's; then shoal a short distance; then good water to Shepherdstown.

THURSDAY, *September* 5.

Moved from Shepherdstown, on good water, half a mile; then shoal from shore to shore; ledges of rock, with few passes for boats; very difficult navigation; the channel shoal and winding; boats rub, and are dragged in many places through this shoal, which extends a mile and a half; then good water to the Antietam Forge ripples; a narrow ledge of rocks across the river, with but one shallow and narrow pass; the fall in this ledge about a foot; then good water to Coon's, where the boats put in for the night.

FRIDAY, *September* 6.

Set off from Coon's, two miles below the Antietam iron works, with a fine sheet of deep water; one-fourth mile below this, river bends suddenly to the west, is wide, and too deep for poling; at Reynolds's mill, river bends to the south; at the bend, a rocky island, on the Maryland side, and rocky on the Virginia side; water deep to the end of the island, where a ledge of limestone crosses the river obliquely. Here we enter the Cow Ring sluice, on the Virginia side; this sluice is formed in the most approved manner, by the assistance of nature, and a ledge of rocks, so situated as to throw the collected water of the river into the sluice. With this advantage, (the greatest that can be obtained by wing-dams,) you have the increased rapidity of the current to surmount, which is so great as to require a capstan, which is placed at the head of the sluice, by which a boat is drawn up slowly, and with much labor; the force of the current is, moreover, so great, as to dislodge the stones on the walls, and even large ones, flat and well placed, making frequent repairs necessary—so that sluice navigation, under the most favorable circumstances, is a miserable shift. Below this sluice, water deep, little current, river bends to the south; one mile and three-quarters below the sluice is an extensive hill, on the Virginia side, colored with the oxyde of iron: in it, a considerable excavation for ore; this bank furnishes ore to the Antietam iron works; ore said to require mixing; below the sluice, water deep; river broad; river bends S. W.; in the bend a cliff of rocks approaches to the shore opposite Keep Trice's old furnace; a large ore bank on the Maryland side, and the Virginia banks show signs of ore; below the furnace, Virginia side high; rocky shore; the river without obstacle until you reach the head of the canal (as it is called) on the Maryland side, which we found closed by a dam, two feet high, made to enable the public works to continue in operation during the extreme lowness of the water at this season. To surmount this obstacle, by agreement with the superintendent at Harper's Ferry, (Mr. Stubblefield,) we passed over to the canal race of the public works, and had our boats drawn out on a carriage into the river, near the ferry, crossing without any interruption of our work. At the head of the long canal (so called) a rapid commences, and the bed of the river is uniformly covered with fixed rock and huge stones, projecting three and four feet above the present level of the river, presenting an aspect terrific to the beholder, and dangerous to the navigator; this appearance and state of the river continues to the ferry, a distance, on the Maryland side, of about two miles; the fall, in that space, ascertained to be twenty-seven feet.

To improve the navigation through this rapid, the Potomac Company have constructed, at great expense, partial channels on the Maryland side—three in number: the first with a tolerably level bottom, clear course, eighteen or twenty feet wide; and the two others with very unequal bottoms and irregular courses, affording an imperfect and dangerous navigation in high water, but now two feet above the level of the water; along the whole course of these rough passage-ways, a broad wall, at the foot of the Rocky Mountain, which here binds the river, is used for a tow-path, along which boats are dragged up. The boat stopped this night at the head of the long canal, and next morning the boats were hauled over into the river.

SEPTEMBER 7.

Started from Harper's Ferry, and ran through "the spout," which is extremely rapid and rocky for a distance of three hundred yards or more, among dangerous rocks, making a very crooked passage, and must be a most hazardous navigation at any time, and cannot be improved but at an expense which would make a good independent canal for the same distance. For the last three miles, and apparently for some miles ahead, it would astonish the beholder, at low water, to be told that the river could be navigated at any time, so numerous, so large, and so prominent are the rocks covering the whole bed of the river. The imperfect channel, called a canal, made by the Potomac Company, being at this time entirely dry in the run, (this day,) but especially through that part of the river called "the spout," our boats struck very hard against many of the rocks; and, had not our boats been very tight, they must have been wrecked. The boats put in opposite Mr. Weaver's meadow for the night.

SEPTEMBER 8.

Being Sunday, boats lay-to till September 9th; then moved, passed the mouth of Pleasant Valley, at Weaver's mill, on rough and shoal water, amidst rocks from three to six feet high, from shore to shore; the passes between the rocks very narrow and irregular, making it necessary to traverse the river from side to side to gain the passes. This rugged bed in the river continues above a mile, with considerable fall at different places: one called the Devil's Elbow, at Pane's Falls, opposite Pane's Island, between which and the Maryland shore is wall work, made by the Potomac Company as a channel for boats, but which channel is now dry. Below this, enter Dever's mill-dam, formed of brush and stone obliquely in the river, to throw the water to the Maryland shore. This dam is much complained of by boatmen navigating the river, and was found to prevent our boats passing through the best channel, and turned them at a right angle to the middle of the river; the boats rubbed frequently on the narrow passes between the rocks, which continued, with less fall in the river, to Philpot's or Payne's ripple, a mile and a half. Here we were clear of the south mountain, a rocky shore on Virginia side, from Harper's Ferry. The water then variable, interspersed with rocks, and principally shoal to Berlin, and a mile below it, where the boats put in for the night.

TUESDAY, *September* 10.

Mr. Naylor, jun., employed to take meanders of the river, brought on that work from Cumberland to a stake in Caspar W. Weaver's meadow, which he reached on the evening of Saturday, the 7th inst.; and declining, from indisposition, to progress any further with that work, it became necessary to employ another surveyor in his place. Corbin West engaged in that service this morning, and the boats proceeded on; water varying in depth, mostly shoal, through scattered rocks, and over ripples, often rubbing, and with difficulty getting through the narrow passes, on ledges of rock. In fine, it may be truly said, that, from the head of the long canal, above Harper's Ferry, to Sonders's ripple and Lucket's Ferry, above twelve miles, no navigation is afforded for boats of any burden, in low water; nor can it be deemed either good or safe in the best state of the water, from the great number of rocks which crowd the river a great part of the way, and are seen from three to ten feet above the surface of low water. From Lucket's Ferry to the head of Hook's Falls, good water half a mile; then shoal and rocky; through these falls,

where the river passes the break in the Catoctin mountain, one mile and a half, are more rocks and difficult navigation; then good water, passing Jenkins's Island to a fish dam; then shoal water; boats rub, and pass two other fish dams, in very shoal water, to the Kenawha spring, opposite Kemp's Island, where the boats put to for the night.

SEPTEMBER 11.

Remained at Kenawha spring, opposite Kemp's Island, until after dinner, waiting for the engineer to come down with his work. Started about two o'clock, and reached Noland's Ferry, a distance of about three and a half miles, where we moored for the night; the first two and a half miles good water, from two to four feet; the last mile shoaly, the water from ten to sixteen inches, along which we were enabled to keep our boats afloat only by frequent windings.

SEPTEMBER 12.

Started from Noland's Ferry; water good for half a mile, then shoal, being about ten inches. This water continues for about one hundred and thirty yards, to an old fish dam, just below which boat got fast. This shoal continues for at least half a mile, but occasionally rubbing, and once more fast; then good water to Monocacy, at the mouth of which one of the boats got fast; thence good water to Holmes's Ferry; thence to Douglass's Red Rock generally good water, the boat having scraped once or twice; water very shoal, and boat fast, at the head of Chapham's Island; shoal water during the whole length of this island.

D.

The amount of toll on a ton of merchandise being stated at one cent per mile, and the freight also at one cent per mile; and eight men, and eight wagons, and forty horses, being the number required to transport the burden of one boat, drawn by one horse, and managed by a man and a boy, viz. twenty-five tons: Assume, then, equal rates of expense, as the basis of calculation; say, for example, they each proceed one hundred miles—the wagons by land, and the boat by canal, and each travel twenty miles a day, carrying twenty-five tons of goods; the expense

of one wagon per day, say, is, for one man one dollar, for five horses five dollars, that is, -	$6 00
The expense, then, of eight wagons, eight men, and forty horses, is, per day, - -	48 00
The boat, at the same rates, is, for one man one dollar, one boy fifty cents, and a horse one dollar, each day, - - - - - - - -	2 50
It requires five days, at the rate of travelling assumed, to perform the trip of one hundred miles; five times the daily expense of the wagons is - - - - -	240 00
Five times the daily expense of the boat is - - - - -	12 50
The difference in the cost of freight of twenty-five tons by land or water, free from toll, is -	227 50
Next add the interest on the outfit for land carriage, and the same for the boat, &c. A wagon costs, when new, say $100; then, eight wagons cost $800, and forty horses, each $100, amount, together, to - - - - - - - - -	4,800 00
The gear of five horses, when new, say costs $50; and of forty horses, therefore, is - -	400 00
	5,200 00
A boat, seventy feet long, ten feet wide, say will cost $150, and the horse and gear $110—that is, for canal outfit, - - - - - - - -	260 00
Difference, - - -	$4,940 00

The annual interest on $4,940, at six per cent., is $296 40.

A wagon, it is supposed, cannot last in service on the road more than eight years without repairs; then, the rate of the wear of a wagon may be stated per annum at one-eighth of the cost.

For repairs of each wagon per annum, - - - - -	$12 50
Horses in constant use in heavy draught it is supposed cannot be fit for service more than five years on an average; then, one-fifth of the cost is the allowance for loss of horses; this, for five horses, is equal to - - - - - - - -	100 00
A horse in service will require a new set of shoes every two months; this, for five horses, makes the wear of shoes, - - - - - - - -	30 00

The gear of five horses is worth, new, $50, and will last on an average say five years; then, we may add for this item of wear, per annum, for each, $10.

At these rates, calculate the difference.

The interest on the outfit of eight wagons and forty horses, after deducting the cost of boat and horse, is - - - - - - - - -	$296 40
Wear of eight wagons, each $12 50, - - - - -	100 00
Wear of forty horses, as above, - - - - - -	800 00
Shoes for forty horses, as above, - - - - - -	240 00
Wear of gear, as above, - - - - - -	80 00
	$1,516 40
The cost of the boat and horse having been deducted from the sum on which interest is taken, no interest is therefore charged here; a boat will surely last longer than a wagon in service, but we will state it at the same—that is, eight years; then, take one-eighth of $150, the first cost, for the wear of a boat per annum, - - - - - - -	$18 75
Wear of one horse, - - - - - - -	20 00
Shoes for one horse, as above, - - - - - -	6 00
Wear of gear, as above, - - - - - -	2 00
	46 75
Difference in wear and interest in one year, - -	$1,469 65

To understand this difference more exactly, let the expenses per day, for five days, as above, on each kind of transportation, be added to a proportion of the sum of the annual wear and interest equal to five days.

Expenses of eight wagons, &c. per day, - - - - -	$240 00
$1,516 40, divided by 73, gives the wear, interest, &c. for five days, viz: - - -	20 77
Entire expenses of wagons per day, - -	$260 77
Same expenses, for same time, of the boat, &c. is - - - -	$12 50
$46 75, divided by 73, is - - - - - -	64
Entire expenses of boat, &c. per day, - -	$13 14

The sums total of the expense of each mode divided by each other, viz. $260 77 by $13 14, shows that the expenses of land carriage may be stated, in round numbers, at twenty times the cost of transportation by water; besides changing the employments of the supernumerary carriers, in extensive districts of country, from the unproductive to the productive classes of citizens.

To the commissioners appointed by the States of Virginia and Maryland to investigate the affairs of the Potomac Company, and to suggest such measures as may produce the benefits which would result from practical improvements of the navigation of the Potomac river: Isaac Briggs, in pursuance of authority conferred on him by the Board of Public Works of Virginia, and of the approbation of the said commissioners, as successor to the late engineer, respectfully offers the following report:

GENTLEMEN: GEORGETOWN, *December* 19, 1822.

From the notes of Thomas Moore, the late engineer, (notes which he left in pencil-writing,) I have carefully, and in detail, calculated and arranged all the estimates of expense necessary for constructing, along the valley of the Potomac river, an independent canal, in which the water is intended to be thirty feet wide on the surface, twenty feet wide at the bottom, and three feet deep. The notes of the late engineer commenced at Cumberland, and extended to a few perches more than 23 miles below Harper's Ferry—150 miles. In order to arrive at the greatest possible accuracy in making the estimates of cost, the time has been taken in minute portions, and each calculated separately, as the site has varied, according to the difficulty or facility, and, of course, the greater or less expense necessary for constructing a good canal. For the various kinds of works, prices have been assumed which have well sustained the test of experience, extensively in the State of New York, and in some measure in the State of Virginia. I, therefore, confidently believe that, if the execution of the work be faithfully and prudently managed, its cost will not exceed the estimate. It has been deemed expedient to divide into sections the proposed canal, for the purpose of facilitating its execution. The first section extends from its commencement at Cumberland, in Maryland, to the mouth of Capon, in Virginia, 54½ miles; the second section, from the mouth of Capon to the mouth of Great Conococheague, or Williamsport, in Maryland, 33½ miles; the third section, wholly on the Maryland side of the river, from the mouth of Great Conococheague to Harper's Ferry, opposite to the mouth of Shenandoah river, 38¾ miles; the fourth section, still on the Maryland side, from Harper's Ferry to the head of the Great Falls, 46¼ miles; and the fifth section, still on the Maryland side, from the head of the Great Falls to tide water, in the District of Columbia, 12 miles: amounting, altogether, to 185 miles of canal navigation, from Cumberland to tide water.

RECAPITULATION.

The first section

Commences at Cumberland, in Maryland, and, crossing the river three times, terminates at the mouth of Capon, on its western bank.

The first crossing to the Virginia shore, just above Cressap's landing, 16 miles from Cumberland, is by a dam of suitable elevation; then, descending by locks into the still-water above the dam, we pass through a guard-lock into a canal on the opposite shore.

The second crossing to the Maryland shore is also by means of a dam placed just below the mouth of South Branch, 19 miles from Cumberland, to raise the water in the Potomac eight feet. In every case where a dam is the means of crossing a river, a guard-lock is indispensable at the entrance of the canal on the opposite shore. Aqueducts, however, as the mode of crossing rivers with a canal, are, on account of the superior safety and convenience which they afford to navigation, decidedly preferable to dams, although more expensive in construction; yet, where we cannot avail ourselves of sufficient feeders from side streams to keep always a full and certain supply of water in our upper levels, dams are adopted, because by them we obtain from the river an abundant supply. This is precisely the case in the first crossing; and, in the second, there is not sufficient elevation for an aqueduct.

The third crossing to the Virginia shore, 29 miles from Cumberland, is by an aqueduct; which, by maintaining a level sufficiently high to be safe from freshets in the river, will augment the expense of a piece of walling just about $3,900.

Summary of the estimates of expense.

For excavating, walling, aqueducts, dams, &c., including 6 culverts, noted by the engineer, -	$262,656
The extra expense of a wall, mentioned above, - - - -	3,900
For lockage, 146 feet, (in 18 locks,) at $650 per foot, - - - -	94,900
For 48 culverts, (in addition to those in the first item,) at $200 each, - - -	9,600
For 30 farm bridges, at $300 each, - - - - -	9,000
For 4 road bridges, at $500 each, - - - - -	2,000
	$382,056
Add for contingencies, engineers, superintendents, &c., 10 per cent., - - -	38,206
Amount of estimates for the upper section, from Cumberland to the mouth of Capon, 54½ miles, $7,711 per mile, (which, in the same proportion, for a canal of the dimensions of those in New York, 40 feet wide and 4 feet deep, would be $13,983 per mile,) - - -	$420,262

The second section

Commences with an aqueduct across Capon, and, continuing on the Virginia side 14 miles, crosses the Potomac on an aqueduct to the Maryland shore, and terminates at the western bank of the Great Conococheague.

Summary of the estimates of expense.

For excavation, walling, aqueducts, dams, &c.,	$184,413
For lockage, 72 feet, (in 10 locks,) at $650 per foot,	46,800
For 33 culverts, at $200 each,	6,600
For 20 farm bridges, at $300 each,	6,000
For 3 road bridges, at $500 each,	1,500
	$245,313
Add for contingencies, engineers, superintendents, &c., 10 per cent.,	24,531
Amount of estimates for the second section, 33½ miles, $8,055 per mile, (stated in proportion to their dimensions on the canal of New York, it would be $14,606 per mile,)	$269,844

The third section

Commences with an aqueduct across Great Conococheague, and, continuing on the Maryland side, terminates at Harper's Ferry.

Summary of the estimates of expense.

For excavation, walling, aqueducts, dams, &c.,	$228,313
For lockage, 80 feet 8 inches, (in 10 locks,) at $650 per foot,	52,442
For 33 culverts, at $200 each,	6,600
For 30 farm bridges, at $300 each,	9,000
For 5 road bridges, at $500 each,	2,500
	$298,855
Add for contingencies, engineers, superintendents, &c., 10 per cent.,	29,885
Amount of estimates for the third section, 38¾ miles, $8,483 per mile, (rated on the canals of New York, in proportion to their dimensions, it would be $15,383 per mile,)	$328,740

The fourth section

Commences at Harper's Ferry, and, continuing on the Maryland side, terminates at the head of the Great Falls.

Summary of the estimates of expense.

For excavation, walling, aqueducts, &c.,	$229,679
For lockage, 86 feet, (in 11 locks,) at $650 per foot,	55,900
For 73 culverts, at $200 each,	14,600
For 37 farm bridges, at $300 each,	11,100
For 8 road bridges, at $500 each,	4,000
	$315,279
Add for contingencies, engineers, superintendents, &c., 10 per cent.,	31,528
Amount of estimates for the fourth section, 46¼ miles, $7,499 per mile, (rated on the canals of New York, in proportion to their dimensions, it would be $13,598 per mile,)	$346,807

The fifth section

Commences at the head of the Great Falls, and, continuing on the Maryland side, terminates at the head of tide-water navigation in the District of Columbia.

Summary of the estimates of expense.

For excavation, walling, aqueducts, dams, &c.,	$103,527
For lockage, 40 feet, (in 5 locks,) at $1,000 per foot,	40,000
For lockage, 62 feet, (in 9 locks,) at $750 per foot,	46,500
For 12 culverts, at $200 each,	2,400
For 5 farm bridges, at $300 each,	1,500
	$193,927
Add for contingencies, engineers, superintendents, &c., 10 per cent.,	19,393
Amount of estimates for the fifth section, 9 miles, $23,702 per mile, (rated on the canals of New York, in proportion to their dimensions, it would be $42,973 per mile,)	$213,320

General summary.

For 182 miles of canal, comprising, besides excavation, walling, aqueducts, and dams, 487 feet of lockage, 205 culverts, 122 farm bridges, and 20 road bridges:

For the 1st section,	54½ miles,	$7,711 per mile,	$420,262
For the 2d section,	33½ miles,	8,055 per mile,	269,844
For the 3d section,	38¾ miles,	8,483 per mile,	328,721
For the 4th section,	46¼ miles,	7,499 per mile,	346,807
For the 5th section,	9 miles,	23,702 per mile,	213,320
	182 miles,	$8,676 per mile,	$1,578,954

This average rate, on the whole canal, ($8,676 per mile,) would, if applied in exact proportion to a canal of the same dimensions as those in the State of New York, be $15,732 per mile; and this accords with the actual cost of such parts of the New York canals as resemble ours in amount of lockage and in laborious excavation.

All which is respectfully submitted.

ISAAC BRIGGS.

To His Excellency the Governor of Maryland: GEORGETOWN, *December* 19, 1822.

The commissioners, in submitting their report, deem it necessary, in justice to themselves, to state the reasons why the fulfilment of their important duties has been thus long delayed. Measures were taken to commence the survey so soon as the subsiding of the spring freshets would permit; but, owing to the distance at which the commissioners lived from each other, and to the circumstance that Mr. Moore, the late engineer of Virginia, was at that time engaged in a survey of the Roanoke, we did not assemble at Cumberland until the 15th of July last. The inspection of the river, from that point to the mouth of Savage, and the survey of the line of connexion between the western and eastern waters, occupied us until about the 31st of July, upon which day we commenced locating the canal. From that period we were most sedulously engaged; and, although several of our party were attacked with sickness shortly after leaving Cumberland, we still persevered, and, through many difficulties, on the 18th of September reached a point of the river one hundred and fifty-seven miles below the beginning. Here, nearly the whole party of commissioners, as well as others, were attacked by disease, which rendered our further progress impracticable. Mr. Moore had hitherto preserved his health, and we parted with him, under the expectation that we should again meet on the 4th of November. Soon, alas! we were distressed by hearing of his death—an event which has deprived the world of a most valuable man, remarkable for the scope of his intellect, the practical soundness of his views, and his devotion to pursuits which are becoming more and more important to our young and rising country. Deprived thus of the necessary services of Mr. Moore, and several of our number still being confined by sickness, no meeting took place at the appointed time, and it was not until about the 1st of December that we again assembled. In the interim, the Board of Public Works for Virginia, with a discernment which did them honor, appointed Mr. Isaac Briggs the successor of Mr. Moore, in his duties upon the Potomac. The advanced season of the year, and the inclemency of the weather, would probably have deterred us from finishing the survey, but the cheerful alacrity of Mr. Briggs encouraged and sustained us, and, under his auspices, we have happily completed our labors. Deeply impressed with a zeal for the internal improvements of our respective States, we regard it as a duty, at the same time that we feel it a pleasure, to recommend Mr. Isaac Briggs to their consideration. Few, if any, can be found to equal him in those most useful branches of science to which he has devoted himself. In practice, he is prompt and skilful; and, in calculation, his rapidity is like intuition, while his accuracy defies scrutiny. Considering how very little the important science of civil engineering is understood in our country, we do not hesitate to say that a man so thoroughly versed will be invaluable to that State which may have the discernment to perceive his merits, and the liberality to appreciate his services.

With great respect, we are,

ATHANS. FENWICK,
WILLIAM NAYLOR,
MOSES T. HUNTER.

SIR: GEORGETOWN, *December* 22, 1822.

In consequence of information acquired since my colleagues have returned to their homes, and since I find my signature to the joint report of the commissioners on the Potomac, I feel it a duty I owe to myself to state the partial change, on a single point, which has been operated in me.

In the opinion given in the report as to the forfeiture of the charter of the Potomac Company, no suggestion is made of any circumstances warranting any remuneration or provision to be made for the stock or for the debts of the said company, under the impression that this company stood precisely in the condition of all companies which had failed to comply with obligations entered into for a valuable consideration.

This opinion I still think strictly and legally correct, with this difference: that, inasmuch as it now appears to me, from the enclosed paper or document, (which I beg to be communicated, with others referred to in the report,) that the Legislatures themselves appear to have projected the scheme for the improvement of the river, and also the outline of the manner of its being done, which has been so unsuccessful; and that, therefore, the States, if not legally bound, by their recommendation of measures to effect the improvement of the river, to make provision, at least, for the payment of the debts of a company contracted to effect objects having thus their sanction, and due to persons who took no share in the enterprise or its expected profits, they will no doubt appreciate their moral obligations, under all the circumstances, whatever they find them to be.

In making this communication of ideas on the enclosed paper, my humble intentions will be, I trust, approved by the wisdom of the Legislature, and by your excellency.

I have the honor to be, sir, your obedient and humble servant,

ATHANS. FENWICK.

To His Excellency the GOVERNOR.

Report of the Commissioners of Virginia and Maryland.

CITY OF RICHMOND, *January* 22, 1785.

At a meeting at the city of Annapolis, on the 22d day of December, 1784, of the commissioners appointed by the Commonwealth of Virginia to confer with persons authorized on the part of the State of Maryland, upon the subject of opening and improving the navigation of the river Potomac, and concerting a plan for opening a proper road between the waters of the Potomac and the most convenient western waters; and a committee appointed by the Senate and House of Delegates of Maryland to meet the commissioners of Virginia for the purpose aforesaid, there were present—

General Washington and General Gates, from Virginia;

The Honorable Thomas Stone, Samuel Hughes, and Charles Carroll, of Carrollton, esquires, of the Senate;

And John Cadwallader, Samuel Chase, John Debutts, George Digges, Philip Key, Gustavus Scott, and Joseph Dashiell, esquires, of the House of Delegates.

General Washington in the chair; Randolph B. Latimer appointed clerk.

The conference proceeded to take the subject-matters to them referred into their consideration, and thereupon came to the following resolutions:

That it is the opinion of this conference that the removing the obstructions in the river Potomac, and the making the same capable of navigation from tide water as far up the north branch of the said river as may be convenient and practicable, will increase the commerce of the Commonwealth of Virginia and State of Maryland, and greatly promote the political interests of the United States, by forming a free and easy communication and connexion with

the people settled on the western waters, already very considerable in their numbers, and rapidly increasing, from the mildness of the climate and the fertility of the soil.

That it is the opinion of the conference that the proposal to establish a company for opening the river Potomac merits the approbation of, and deserves to be patronised by, Virginia and Maryland; and that a similar law ought to be passed by the Legislatures of the two Governments to promote and encourage so laudable an undertaking.

That it is the opinion of this conference that it would be proper for Virginia and Maryland each to become subscribers to the amount of fifty shares; and that such subscription would evince to the public the opinion of the Legislatures of the practicability and great utility of the plan; and that the example would encourage individuals to embark in the measure, give vigor and security to so important an undertaking, and be a substantial proof to our brethren of the western territory of our disposition to connect ourselves with them by the strongest bonds of friendship and mutual interest.

That it is the opinion of this conference that an act of Assembly of Virginia "for opening and extending the navigation of the river Potomac from Fort Cumberland to tide water" ought to be repealed.

That it is the opinion of this conference, from the best information they have obtained, that a road, to begin about the mouth of Stoney river, may be carried, in about twenty or twenty-two miles, to the Dunker bottom, on Cheat river; from whence this conference are of opinion that batteau navigation may be made, though perhaps at considerable expense; that, if such a navigation cannot be effected, by continuing the road about twenty miles further it would intersect the Monongahela, where the navigation is good, and has been long practised.

That a road from Fort Cumberland to Turkey Foot would be about thirty-three miles; from whence an improvement of the Youghiogeny river would be necessary, though probably it might be done at less expense than the navigation of the Cheat river could be rendered convenient from the Dunker bottom.

That it is a general opinion that the navigation on the Potomac may be extended to the most convenient point below, or even above, the mouth of Stoney river; from whence, to set off a road to Cheat river; and this conference are satisfied that that road, from the nature of the country through which it may pass, (wholly through Virginia and Maryland,) will be much better than a road can be made at any reasonable expense from Fort Cumberland to the Youghiogeny, which must be carried partly through Pennsylvania.

That it is the opinion of this conference that, if the navigation on the Potomac should be carried to about the mouth of the Stoney river, a communication with the western waters, through a road from thence, extended even to the Monongahela, would be preferable, in most points of view, to that by a road from Cumberland to Turkey Foot, the only other way practicable, and in any great degree useful; that the communication by a road from Fort Cumberland to the present navigable parts of the Youghiogeny, and thence through that river, (though, in the opinion of this conference, a secondary object only,) would facilitate the intercourse with a very respectable number of the western settlers, contribute much to their convenience and accommodation, and that the benefits resulting therefrom to these States would compensate the expense of improving that road.

The conference therefore recommend that the Legislatures of Virginia and Maryland appoint skilful persons to view, and accurately examine and survey, the Potomac, from Fort Cumberland to the mouth of Stoney river; and the river Cheat, from about the Dunker bottom to the present navigable part thereof; and if they judge the navigation can be extended to a convenient distance above Fort Cumberland, that they may from thence survey, lay off, and mark a road to the Cheat river, or continue the same to the navigation, as they may think will most effectually establish the communication between the said eastern and western waters; and that the said road be cut and cleared, not less than eighty feet, and properly improved and maintained in repair, not less than forty, nor more than fifty feet wide, at the joint expense of both States; and your conferees beg leave to recommend that each State appropriate $3,333 33 for the purpose. And this conference are further of opinion that the States of Virginia and Maryland request permission of the State of Pennsylvania to lay out and improve a road through such part of that State as may be necessary, in the best and most proper direction, from Fort Cumberland to the navigable part of the Youghiogeny; and, on such permission being obtained, that proper persons be appointed to survey, mark, clear, and improve such road, at the equal expense of Virginia and Maryland.

Which are submitted to the consideration of the Legislatures of Virginia and Maryland.

By order:

R. B. LATIMER, *Clerk.*

Managers are also appointed to receive subscriptions at the towns of Alexandria and Winchester; at Alexandria, John Fitzgerald and William Hartshorn, gentlemen; and at Winchester, Joseph Holmes and Edward Smith, gentlemen.

JACQUELIN AMBLER, JOHN BECKLEY, *Managers.*

17th CONGRESS.] No. 536. [2d SESSION.

SETTLEMENT AT THE MOUTH OF COLUMBIA RIVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 27, 1823.

To the House of Representatives of the United States: WASHINGTON, *January* 25, 1823.

I transmit, herewith, to the House of Representatives, a report from the Secretary of State, together with the document and information requested by the resolution of the House of the 19th of December last, relating to the establishment at the mouth of Columbia river.

JAMES MONROE.

DEPARTMENT OF STATE, WASHINGTON, *January* 24, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 19th of December last, requesting of the President of the United States "to lay before that House so much of the letter of Mr. Prevost as relates to the establishment at the mouth of Columbia river, and such information as he may have in his possession in relation to the arrangements made, about the year 1814, by the Northwest Company, with the proprietors of a settlement made by citizens of the United States at the mouth of Columbia river, by which that company became possessed of that settlement," has the honor of reporting to the President copies of the papers requested by that resolution.

JOHN QUINCY ADAMS.

Mr. J. B. Prevost to the Secretary of State.

SIR: MONTE REY, NEW CALIFORNIA, *November* 11, 1818.

In conformity with mine of the 27th July, which I had the honor to address to your Department from Lima, I proceeded in His Britannic Majesty's sloop of war Blossom to the mouth of the Columbia, and entered the river on the 1st of October following. A few days thereafter, to wit, on the 6th, as you will perceive by referring to a copy of the act of surrender, (marked A,) I received, in the name and on the part of the United States, the possession of the establishment at Fort George, made under the first article of the treaty of Ghent, by Captain Hickey, of the royal navy, in compliance with the orders of the Prince Regent for that purpose, signified to him through the medium of Earl Bathurst. The British flag was, thereupon, lowered, and that of the United States hoisted in its stead; where it now waves, in token both of possession and of sovereignty.

The establishment, of which the annexed sketch (marked B) will give you a correct idea, has been considerably extended and improved by the agents of the Northwest Company of Canada, who will continue to occupy and protect it, under our flag, until it shall please the President to give orders for their removal. I will, however, suggest that, when such disposition shall take place, time ought to be granted, in a ratio with the distance, to enable them to obtain the means of transporting the private property deposited there, consisting of dry goods, furs, and implements of war, to a large amount.

Shortly after the ceremony of surrender, I received a note on this subject from Mr. Keith, the gentleman whose signature accompanies that of Captain J. Hickey, which, together with a copy of my answer, (also marked B,) is submitted for your inspection. A sense of justice would have dictated the assurances I have given him in reply; but I had a further motive, which was that of subsiding the apprehensions excited by the abrupt visit of the Ontario. It appeared to me prudent, in this view, to take no notice of the suggestion relative to a discussion of boundary, and, in answering, to avoid any intimation of immediate or of future removal; as either might have induced him to form a settlement elsewhere on the river, and thus have given rise to collisions between the two Governments, which may now be wholly avoided.

The bay is spacious; contains several anchoring places, in a sufficient depth of water; and is, by no means, so difficult of ingress as has been represented. Those enjoying the exclusive commerce have probably cherished an impression unfavorable to its continuance, growing out of the incomplete survey of Lieutenant Broughton, made under the orders of Vancouver, in 1792. It is true that there is a bar extending across the mouth of the river, at either extremity of which are, at times, appalling breakers; but it is equally true that it offers, at the lowest tides, a depth of twenty-one feet of water throughout a passage, exempt from them, of nearly a league in width. The Blossom, carrying more guns than the Ontario, encountered a change of wind while in the channel; was compelled to let go the anchor; and, when again weighed, to tack and beat, in order to reach the harbor; yet found a greater depth, and met with no difficulty either then or on leaving the bay. The survey (marked C) may be relied upon for its accuracy. The bearings, distances, and soundings were taken by Captain Hickey, who was kind enough to lend himself to the examination, and to furnish me with this result. It is the more interesting, as it shows that, with the aid of buoys, the access to vessels of almost any tonnage may be rendered secure. In addition to this, it is susceptible of entire defence; because a ship, after passing the bar, in order to avoid the breaking of the sea on one of the banks, is obliged to bear up directly for the knoll forming the cape; at all times to approach within a short distance of its base; and, most frequently, there to anchor. Thus, a small battery erected on this point, in conjunction with the surges on the opposite side, would so endanger the approach as to deter an enemy, however hardy, from the attempt.

This outlet, the only one between the thirty-eighth and fifty-third degrees of latitude, embraces the entire range of country from the ocean to the mountains; and its interior unites the advantage of a water communication throughout, by means of the many streams tributary to the Columbia, two of which disembogue opposite to each other within twenty-five leagues of the port, are navigable, and nearly of equal magnitude with this beautiful river. The ocean teems with *otter*, (mustela lutica,) the seal, and the whale; while the main land affords, in innumerable quantities, the common otter, (mustela lutica,) the bear, the buffalo, and the whole variety of deer.

It has been observed, by those exploring this coast, that the climate, to the southward of fifty-three degrees, assumes a mildness unknown in the same latitude on the eastern side of the continent. Without digressing to speculate upon the cause, I will merely state that such is particularly the fact in forty-six degrees sixteen minutes, the site of Fort George. The mercury, during the winter, seldom descends below the freezing point; when it does so, it is rarely stationary for any number of days; and the severity of the season is more determined by the quantity of water than by its congelation. The rains usually commence with November, and continue to fall partially until the latter end of March or beginning of April. A benign spring succeeds; and when the summer heats obtain, they are so tempered by showers as seldom to suspend vegetation. I found it luxuriant on my arrival, and, during a fortnight's stay, experienced no change of weather to retard its course. The soil is good; all the cereal gramina and tuberous plants may be cultivated with advantage; and the waters abound in salmon, sturgeon, and other varieties of fish.

The natives, in appearance as well as in character, differ essentially from those with us. They are less in stature, more delicately formed, and singular in the shape of the head, which, in infancy, is compressed between two small plates of wood or metal, so as in its growth to obtain the semblance of a wedge. They are inquisitive, cheerful, sagacious, possess fewer of the vices attributed to the savage, and are less addicted to cruelties in war. Scalping is unknown to them; and a prisoner suffers the infliction of no other punishment than that of becoming slave to the captor: but, as they neither sow nor reap, an observer cannot easily discern in what the servitude consists. The wants of the one are supplied by his own address in the use of the bow and spear; while those of the other require the same efforts, and equal skill, for their gratification.

The language on this side of the falls bears a strong analogy with that of Nootka; so much so, that, with the aid of a Spanish vocabulary of the latter, accompanying the voyage of Valdes, I could, notwithstanding the imperfection in this mode of conveying and of obtaining sounds, express my wants and be perfectly understood. I met with several of the natives who had heretofore volunteered on board of some one of our vessels in their fur excursions; two of whom had acquired a sufficient knowledge of our language to speak it with some ease, and were extremely solicitous to embark with us.

I regret that I could not collect sufficient data upon which to ground an estimate of the furs gathered on the Columbia: it was impossible, for reasons that are obvious. Humboldt has undertaken to number those of the otter taken on the coast and shipped to China, of which he assigns five-sixths to the Americans. He may be correct as to the quantity, but I doubt whether the proportion be quite so great; as it frequently happens that the English adventurer confides his stock to our countrymen, in order to participate in the benefit of a market, from a direct intercourse with which he is excluded by the laws of his country.

Perhaps I have gone too much into detail; but it appeared to me that, by exhibiting the importance of the position only, I should not have fulfilled the object of the President; that it was equally incumbent on me to present a view of the country, of its inhabitants, of its resources, of its approach, and of its means of defence. I shall now conclude with the relation of an occurrence which may and ought to influence the course to be adopted and pursued as to this station.

The speculations of Humboldt, and his glowing description of the soil and climate of this province, have probably given a new direction to the ambition of Russia, and determined its Emperor to the acquisition of empire in America. Until 1816, the settlements of this Power did not reach to the southward of 55°,* and were of no consideration, although dignified by them with the title of Russian America.

In the commencement of that year two distinct establishments were made, of a different and of a more imposing character. The first at Atooi, one of the Sandwich islands; the other in this vicinity, within a few leagues of St. Francisco, the most northerly possession of Spain, in 37° 56′. The sketch I subjoin (marked D) was procured from a member of the Government at this place, from whom I also learned that its augmentation has since become so considerable as to excite serious alarm. Two Russian ships left this on their way thither a few days anterior to our arrival—one having on board mechanics of every description, together with implements of husbandry. We passed sufficiently near the spot assigned to it to distinguish the coast with some precision, and ascertained that it was an open road—a circumstance that renders the position liable to many objections, if intended to be permanent; in other respects, the choice is judicious for an infant colony. It enjoys a climate still milder than that of Columbia; is environed by a beautiful country; and its proximity to an old settlement enables the Russians to partake of the numerous herds of black cattle and horses that have been there multiplying for the last fifty years. The port of St. Francis is one of the most convenient, extensive, and safe in the world, wholly without defence, and in the neighborhood of a feeble, diffused, and disaffected population. Under all these circumstances, may we not infer views to the early possession of this harbor, and ultimately to the sovereignty of entire California? Surely the growth of a race on these shores, scarcely emerged from the savage state, guided by a chief who seeks not to emancipate, but to inthral, is an event to be deprecated—an event, the mere apprehension of which ought to excite the jealousies of the United States, so far at least as to induce the cautionary measure of preserving a station which may serve as a barrier to a northern aggrandizement.

I have not been able to gather other information respecting the settlement at Atooi than that of an assurance of its existence—a fact corroborated by the visit of the two ships to those islands in their route hither. The Russians are not yet such enterprising navigators as to augment sea risks by extending a voyage several thousand miles without an object. Such was the case in this instance, unless connected with the settlement, as they had sailed from Lima abundantly supplied, a few weeks prior to my first visit to that city, in April last.

These islands yield the sandal wood, so much esteemed in China, and have been resorted to by our vessels, for years past, not only in search of this valuable article, but of the necessary stock of fresh provisions to supply the crew during their cruise on the northwest coast. How far this intercourse may be affected, hereafter, by this encroachment, is also a subject for the consideration of the President.

I have taken the liberty to enclose a note (marked E) of the authorities, Spanish as well as English, that have fallen under my view, illustrating the discovery of the Columbia by Mr. Gray, in 1791. Its subsequent occupation in 1811, by which the sovereignty of the United States was completed, to the exclusion of any European claimant, is a fact of which the surrender of the sole establishment on the river is conclusive evidence.

I have the honor to be, with great consideration, your very humble, obedient servant,

J. B. PREVOST.

Mr. J. J. Astor to the Secretary of State.

SIR: NEW YORK, *January* 4, 1823.

I had the honor to receive your letter of the 24th ultimo. Indisposition has prevented my acknowledging the receipt thereof at an earlier period.

You request information of arrangements made at about 1814, by the Northwest Company and citizens of the United States, by which that company became possessed of a settlement made at the mouth of Columbia river by citizens of the United States. The settlement to which you allude, I presume, is "Astoria," as I know of no other having been made at or near the mouth of that river. Several circumstances are alleged as having contributed to the arrangement by which the Northwest Company became in possession of that settlement, but chiefly to the misuse of the confidence which had been placed in Mr. McDougall, who, at the time the arrangement was made, and at the time my chief agent, Mr. Wilson P. Hunt, was absent, acted as sub-agent.

I beg leave briefly to state, that, contemplating to make an establishment at the mouth of Columbia river, which should serve as a place of depot, and give further facilities for conducting a trade across this continent to that river, and from thence, on the range of northwest coast, &c. to Canton, in China, and from thence to the United States, arrangements were accordingly made, in 1810, for a party of men to cross the continent for the Columbia river. At the same time, I fitted the ship Tonquin, carrying twenty guns and sixty men, commanded by the late Captain Thorn, lieutenant of the United States navy. This ship sailed in September, 1810, having on board the means for making an establishment at Columbia, where she arrived on 22d March, 1811. They landed, found the natives friendly, and built a fort, erected a house, store, &c. This being accomplished, Captain Thorn left thirty men in possession of the place, to await the party who were to make the voyage over land; these also happily arrived, though not till several months after. On or about the 1st of June, Captain Thorn left Columbia river with

*Chart of the discoveries of Russian navigators, published by order of the Emperor in 1802, referred to by Humboldt in his View of New Spain, (translation,) page 270, 2d vol. (note.)

a view to make some trade on the coast, and then to return to the river; but, unfortunately, Captain Thorn never returned. At about two hundred miles north of the Columbia, he put in a bay to trade with the natives. Not attending to the precautions necessary, as he had been instructed to do, to guard against an attack, he suffered a whole tribe of Indians to come on board and about his ship; an attack was made; he was overpowered; fire was communicated to the magazine; the ship was blown up; and every soul on board, or near her, perished.

In 1811 I fitted out another ship, the Beaver, carrying twenty guns, with a duplicate cargo of the ship Tonquin, and sixty or seventy men. The captain (Sowle) was instructed to sail for Columbia river, and in search of the men who were sent across the continent, as also of the Tonquin. The Beaver sailed from this in October, 1811, arrived at Columbia in May following, found the establishment, and landed such men, goods, provisions, &c. as the establishment was in need of. My instructions to the captain were, that, after supplying the establishment, he should proceed to Chatka, a Russian settlement, for the purpose of trade; and then return to Columbia, take what furs we had, and proceed to Canton, and from thence to New York. He accordingly left Columbia; and, most unfortunately, Mr. Hunt, of Trenton, New Jersey, my chief agent, left the river with him, sailed as directed, for the Russian settlement, and effected their object; but, instead of following instructions to return to Columbia, he sailed direct for Canton, leaving Mr. Hunt at one of the Sandwich islands, to await the arrival of another ship which I had promised to send from this in 1812. The ship Beaver arrived at Canton, and received there the news of war. I had sent orders to the captain to return to Astoria, but he was fearful of being captured, and remained safely at Canton till the war was over, when he came home. In consequence of the war, I found it inconvenient to send a ship in 1812; but I did send one (the Lark) early in 1813, with directions to the captain to sail for Columbia river, and to stop at the Sandwich islands for information. Being within a few days' sail of those islands, the ship, in a squall of wind, was upset, and finally drifted on the beach of one of those islands, a wreck—ship and cargo totally lost. Here was met Mr. Hunt, who, after all the information he received, and my great desire to protect the establishment at Columbia river, procured an American vessel, took some provisions, sailed, and arrived in Columbia river. He there learned that McDougall had transferred all my property to the Northwest Company, who were in possession of it, by a sale, as he called it, for the sum of about $58,000, of which he retained $14,000, for wages said to be due to some of the men. From the price obtained for the goods, &c., and he having himself become interested in the purchase, and made a partner of the Northwest Company, some idea may be formed as to this man's correctness of dealings. It will be seen, by the agreement (of which I transmit a copy) and the inventory, that he sold to the Northwest Company 18,170¼ pounds of beaver, at two dollars, which was at about that time selling in Canton at five and six dollars; 907 otter skins, at fifty cents, or half a dollar, which were selling in Canton at five to six dollars per skin.

I estimated the whole property to be worth nearer $200,000 than $40,000, about the sum which I received by bills on Montreal. Previous to the transaction of McDougall, we had already established trading-posts in the interior, and were in contact with the Northwest Company. It is now to be seen what means have been used by them to counteract my plan. It is well known that, as soon as the Northwest Company had information of my intentions and plan for conducting my commercial operations, they despatched a party of men from the interior, with a view to arrive before my people at Columbia. These men were obliged to return without effecting their object. In the mean time, representation was made to their Government as to the probable effect of my operations on their interest, and requesting to interfere in their behalf. This being in time of peace, the Government did not deem it advisable so to do. So soon, however, as war was declared, these representations were renewed, aid was asked from the Government, and it was granted. The Phœbe frigate, and sloops of war Racoon and Porcupine, were sent from England, with orders to proceed to Columbia river, and destroy my property. They sailed from England early in January, 1813. Arriving at Rio de Janeiro, Admiral Dickson ordered the Phœbe frigate, with one of the sloops, to pursue Captain Porter, in the frigate Essex, and the sloop of war Racoon to the Columbia. She arrived there, took possession in the name of the King, and changed the name of the place, Astoria, to Fort George. Previous to this, the Northwest Company had despatched another or second party of men to the Columbia. They arrived there in the absence of Mr. Hunt. McDougall gave them support and protection, and they commenced, after some time, to negotiate with this gentleman.

The reasons assigned by him for his conduct will be seen by an extract of a letter said to have been sent by a Mr. Shaw, of the Northwest Company, and of which I send you a copy. The plan by me adopted was such as must have materially affected the interest of the Northwest and Hudson's Bay Companies, and it was easy to be foreseen that they would employ every means to counteract my operations, and which, as my impression, I stated to the Executive of your Department as early as February, 1813, as will be seen by a copy of the sketch of a letter which I wrote to the Secretary of State, to which no reply was given. On repeated application, some time after, aid was promised me; but I believe the situation of our country rendered it inconvenient to give it. You will observe that the name of the Pacific Fur Company is made use of at the commencement of the arrangements for this undertaking. I preferred to have it appear as the business of a company rather than that of an individual; and several of the gentlemen engaged, Mr. Hunt, Mr. Crooks, Mr. McKay, McDougall, Stuart, &c. were, in effect, to be interested as partners in the undertaking, so far as respected any profit which might arise; but the means were furnished by me, and the property was solely mine, and I sustained the loss, which, though considerable, I do not regret; because, had it not been for the unfortunate occurrence just stated, I should have been, as I believe, most richly rewarded, as it will be seen that the difference of price in the beaver and otter skins alone, say what I received, and the value of them at Canton at that time, is about $60,000. The copy of agreement, inventory, and extract of Shaw's letter, you will please return to me.

I am, sir, &c.

Hon. JOHN QUINCY ADAMS, *Secretary of State.* JOHN JACOB ASTOR.

Mr. Astor to Mr. Monroe, Secretary of State.

SIR: NEW YORK, *February*, 1813.

I take the liberty to call to your recollection the subject of which I spoke when I had the honor of waiting on you at Washington, and to enclose a copy of a letter which I received in November last, *via* Canada, as also copies of some notes passed between some of the agents whom I sent to Columbia river and Mr. Thompson, a partner of the Northwest Company of Canada. By these it will be seen that the Indians on that part of the continent are friendly, and it is understood that the climate is mild and the country good, and I am informed and believe that a great and valuable trade may be carried on there with more advantage by this than any other country. By the extract of a letter from the wintering partners of the Northwest Company to Mr. McGillivray, of Montreal, it will be seen that they are more or less apprehensive that the plan pursued by me will more or less endanger the valuable and extensive trade of that company, which, though of some consideration to this country, is,

in my opinion, of less consequence than the trade which may be carried on on the coast, and from thence to China, as also a considerable trade with the Russian settlements in that part of the world.

You will perceive, sir, that the people whom I sent out in a ship in the year 1810 have established themselves on the Columbia river, and have built a fort, which I understand is on a favorable situation, about ten or twelve miles from the mouth of the river. If all the men who were sent thither have arrived safe, (as I believe they have,) then there must be about one hundred and fifty, besides a number of natives from the Sandwich islands.

I know that the Northwest Company have communicated my undertaking to the British Government, and, under present circumstances, I think it more than probable that they will apply for some aid to defeat it. Whether they have, or will succeed in obtaining it, I know not.

I have, however, every reason to believe that if the Government do not aid them, they will make themselves an effort to that effect. Under other circumstances than the present, (I mean in time of peace,) I think I could have made a stand against that company; in the present, it becomes doubtful and hazardous, and, in case of an interference on the part of the British Government, impossible for an individual to hold possession of a country which may become a source a wealth and comfort to many. In this situation, it becomes very interesting to know somewhat of the views of Government relative to this object; and whether the United States have or will assert any claim to that or any part of that country; and whether the Government will deem it expedient to take possession and give protection to the infant establishment which has been made. I presume, if forty or fifty men were placed in the fort already established, or on some more eligible situation, (if such there be,) they could, with the aid of the men already there, repel any force which I think it likely the British would at this time send; and, in the mean time, means might be found to send some more men, and to strengthen ourselves. My plan was to have reconciled the Indians on the Missouri to our having a free communication up that river, which no doubt in a future day will be effected, whence we can send any force necessary to protect ourselves. But it appears necessary that some step should now be taken which will afford a more speedy aid, which can only be done by sending a vessel, &c. round Cape Horn. There are at this time about twelve or thirteen American vessels on that coast; many of them might seek and find protection in the Columbia river if we had even a small force there. I beg leave to say, that, at the commencement of my undertaking, it appeared to be necessary that some of the people sent to that country should be acquainted with the Indian trade; and, they being very scarce in the United States, I have been under the necessity of taking some from Canada, some Canadians, and some few Scotchmen. Although they have all become citizens of the United States, I am more or less apprehensive that these, in time of war, may join any force sent by the Northwest Company or the British Government; and the more so if there should be no appearance of any protection from this country. The number of these is, however, small; and the principal agent is a Mr. Hunt, of Trenton, a real American, and a gentleman of integrity, honor, and talents. I believe, at present, there is no post or establishment on the Columbia river but the one here spoken of, though I am pretty sure the Northwest Company will endeavor to fix one, as I have just received a letter dated 19th November, in London, which says the Northwest Company are fitting the ship Isaac Todd, of about five hundred tons, to go to the northwest coast. The writer does not say under what circumstances the ship goes; but that she will go to Columbia river, there can be no doubt. I pray you, sir, to have the goodness to bring this subject under the consideration of the President, and, if permitted, I would ask the favor of being informed of the result; which is the more desirable, as I expect very shortly an opportunity of sending a messenger to that quarter of the world. I am sure the Government will readily see the importance of having possession and the command of a river so important and extensive as the Columbia, the fountain of which cannot be far distant from that of the river Missouri.

I have the honor to be, respectfully, your obedient servant,

JOHN JACOB ASTOR.

To the Hon. JAMES MONROE, *Secretary of State.*

UNITED STATES OF AMERICA, *City of New York, ss.*

Be it known that, on the day of the date hereof, before me, John G. Bogert, a public notary in and for the State of New York, duly admitted and sworn, dwelling in the city of New York, personally came Wilson P. Hunt, who, being by me duly sworn, did declare and say, that the annexed agreement, inventories, and account current, [are those] by which the property of the late Pacific Fur Company was transferred to the Northwest Company of Canada; which agreement said Hunt had not in his power to reject, as the property had been some months in the possession of said Northwest Company when said Hunt returned to Astoria, the 28th February, 1814.

That, in explanation of the first article of said agreement, he declares nothing more to have been intended or understood by the word "establishment," than the dwelling-houses and stores (and not right of soil) erected by the Pacific Fur Company at Astoria, as is fully shown by reference to the fourth article of said agreement, and to the tenth page of said inventory; in each of which the item of "buildings" comprehends all the property of that description paid for by the Northwest Company. And he further declares, that he never gave or conveyed to any person whatever any right or title to lands on the Columbia river and the northwest coast; nor has he any knowledge or suspicion of any member of the late Pacific Fur Company having transferred land to the Northwest Company; more particularly as no person was authorized so to do.

WILSON P. HUNT.

In testimony whereof, I have hereunto subscribed my name, and affixed my seal of office, the twelfth day [L. S.] of January, in the year of our Lord one thousand eight hundred and eighteen.

J. G. BOGERT, *Notary Public.*

The association heretofore carrying on the fur trade to the Columbia river and its dependencies, under the firm and denomination of the Pacific Fur Company, being dissolved on the 1st of July last, by Duncan McDougall, Donald McKenzie, David Stuart, and John Clarke, with the intention to abandon the trade in that quarter, it is hereby agreed, concluded, and settled upon, of their own free will and consent, by Duncan McDougall, acting for himself and in behalf of his associates, namely, Donald McKenzie, David Stuart, and John Clarke, on the one part, and John George McTavish and John Stuart, acting for themselves, and in behalf of the Northwest Company, on the other part, that the following agreement and settlement take place between them, and be binding and obligatory in the manner, and subject to the terms and agreements, hereinafter specified and contained: Now, therefore, it is hereby mutually agreed and concluded, by and between the said parties to these presents, and they do hereby mutually covenant and agree, to and with each other, in manner following, that is to say:

ARTICLE 1. The party of the former part hereby covenants and agrees to deliver, or cause to be delivered, the whole of their establishments, furs, and present stock on hand, on the Columbia and Thompson's rivers, as soon as

the necessary inventories can be taken, unto the said party of the latter part, or any other person or persons appointed by them to represent the Northwest Company, to receive the same at the prices and rates concluded and agreed upon as hereinafter specified in article fourth.

ART. 2. In consideration of article first being duly and faithfully performed by the party of the former part, they, the said John George McTavish and John Stuart, for themselves, and on behalf of the Northwest Company, do bind and oblige themselves and the said Northwest Company, or their agents, to pay, or cause to be paid, unto the said Duncan McDougall, acting for himself and in behalf of his associates, as before mentioned, his attorneys, assigns, or order, the amount of the sum or sums arising from the sale according to article first, and the rates hereinafter specified in article fourth, at three several instalments; the first one-third, on or before the twenty-fifth of October, one thousand eight hundred and fourteen; the second one-third, on or before the twenty-fifth of November; and the remaining one-third, on or before the twenty-fifth of December. And further: it is hereby understood, that, should the party of the former part find it convenient to leave the amount of the several drafts, after becoming payable as already specified, in the hands of the party of the latter part, or their agents, they, the said party of the latter part, or their agents, will allow interest at six per cent. until paid on demand; and as there are several moneys, the produce of their wages, due unto the people employed in the service of the late Pacific Fur Company, carrying on trade on the Columbia and Thompson's rivers, the said party of the latter part, namely, John George McTavish and John Stuart, acting for themselves and the Northwest Company, or their agents, do hereby bind and oblige themselves to pay, or cause to be paid, unto the several individuals employed by the party of the former part, the amount of the balances due them, according to the statement that shall be delivered by the said Duncan McDougall, acting for himself and his associates, as before mentioned, within one month after their arrival at Montreal, in the province of Lower Canada; the amount of which several sums so paid is to be considered as part of, and deducted from, the first instalment to be paid unto the said Duncan McDougall, acting for himself and his associates as before mentioned, his attorneys, assigns, or order, on or before the twenty-fifth of October, one thousand eight hundred and fourteen.

ART. 3. And further: The said John George McTavish and John Stuart, acting for themselves and the Northwest Company, will be at liberty to make a selection, and take into their service such of the people in the employment of the party of the former part, as they may think proper; in consideration of which, the said party of the latter part bind and oblige themselves to pay, or cause to be paid, unto the said party of the former part, the several sums due them, by such as may enter into the service of the party of the latter part; and the said party of the latter part further bind and oblige themselves to provide and insure a safe passage to the said party of the former part, and the remaining part that will not be taken into their service, to their respective homes.

ART. 4. And further: It is hereby agreed and concluded upon by the said parties, that the following are the rates at which the establishments, furs, and stock on hand, be valued at, as follows:

Dry goods, stationary, gunpowder, and leaf tobacco, fifty per cent. on the prime cost; ship chandlery, sixty per cent.; shot, ball, lead, iron, and steel, one hundred per cent.; deduction on made-up iron works at Columbia river, thirty-three and one-third per cent.; new boats, each ten pounds, Halifax currency; boats in use, each five pounds, Halifax currency; shallop, with rigging complete, one hundred and twelve pounds ten shillings; two blacksmith's forges, complete, twenty-five pounds; plug tobacco, one shilling and six pence per pound; plug tobacco manufactured at Columbia, one shilling and three pence per pound; beads, assorted, five shillings per pound; arms, cannon, &c. prime cost; provisions, at fixed prices; articles in use, half inventory prices; horses, thirty shillings each; buildings, two hundred pounds; John Reid's adventure, and Freeman's, in the vicinity of Snake country and Spanish river, to deduct one hundred per cent.; beaver furs, ten shillings per pound; beaver coating, eight shillings and four pence per pound; muskrats, seven pence half-penny each; land otters, two shillings and six pence each; sea otters, large, sixty shillings each.

And for the faithful performance of all and singular the said covenants and agreements to be by them, respectively, kept and performed, all and every of the parties to these presents bind themselves, separately and jointly, for their several associates, firmly by these presents.

In witness whereof, the parties to these presents have hereunto set their hands and seals, this sixteenth day of October, one thousand eight hundred and thirteen, at entrance of Columbia river, northwest coast of America.

DUN. McDOUGALL, [L. S.]
J. G. McTAVISH, [L. S.]
JOHN STUART. [L. S.]

Witnesses.—JOHN C. HALSEY, GABRIEL FRANCHERE, ALFRED SETON, WILLIAM WALLACE, ANGUS BETHUNE, JAMES McMELLAN, JOSEPH McGILLIVRAY.

In explanation of what is meant and intended by "inventory prices" for articles in use, and fixed prices for provisions, it was mutually understood by both parties, at the time, that the inventory prices of said articles in use should be fixed at half prime cost, and that no charges at all were to be made for provisions or stores of any description; and to prevent any difference that might, in future, arise on the subject, it is hereby mutually understood and agreed upon, by the parties present, that the inventory prices of said articles in use shall be fixed at half prime cost, and no charges at all be made for provisions: which explanation is to be considered equally valid and binding as if inserted or so explained in the body of the agreement itself.

DUN. McDOUGALL,
J. G. McTAVISH,
JOHN STUART.

Witnesses.—JOHN C. HALSEY, ANGUS BETHUNE.

It is hereby agreed, by and between the parties to these presents, that, in consideration of the arrival of W. P. Hunt, the aforementioned Duncan McDougall wishes to assign, and does hereby assign, to said W. P. Hunt, the part which the said Duncan McDougall held in acting for the party of the first part; and for the completion of the aforementioned agreement, the said W. P. Hunt holds himself equally bound with said Duncan McDougall: and further, to render the article regarding John Reid's adventure to the Snake country more explicit, it is hereby fully understood that fifty per cent. was meant, instead of one hundred per cent., expressed in the said aforementioned articles of agreement, to be deducted.

Signed this tenth day of March, one thousand eight hundred and fourteen.

DUNCAN McDOUGALL,
WILSON P. HUNT,
J. G. McTAVISH,
JOHN STUART.

Witnesses.—JOHN C. HALSEY, ANGUS BETHUNE.

The Northwest Company in account with John Jacob Astor.

1814.	Dr.		
March 12,	To amount of furs delivered Messrs. McTavish and Stuart, as per invoice, -		$39,173 66½
	To amount of invoice of sundry merchandise, &c. delivered at Astoria, - -		13,256 01
	To amount of invoice of sundry merchandise, &c. delivered at Okunaakan, -		2,333 58¼
	To amount of invoice of sundry merchandise, &c. delivered at Spokan, - -		1,715 17½
	To amount of goods delivered Mr. John G. McTavish, June 26, 1813, - -		858 80½
	To amount of John Reid's outfit to the Snake country, and Freeman's accounts, as follows:		
	To amount of invoice, - - - - -	$689 68	
	To amount of J. Hobough's account, - - -	241 09	
	To amount of J. Reznoi's account, - - - -	240 57	
	To amount of P. Delaunay's account, - - -	189 76	
	To amount of E. Robinson's account, - - -	330 62	
	To amount of P. Dorion's account, - - - -	215 85	
		$1,907 57	
		953 78½	
			953 78½
			$58,291 02
1814.	Cr.		
March 12,	By amount of sundry articles delivered Wilson P. Hunt, - - -		$436 10½
	By bill of exchange of this date, drawn by John McDonald on McTavish, McGillivray & Co., Montreal, in favor of W. P. Hunt, payable 25th of October next, Hx. Cy. £927 17*s.* 6*d.*		3,711 50
	By bill of exchange of the same date, drawn by the same on the same, in favor of the same, payable 25th November next, - Hx. Cy. £4,821 5*s.* 0*d.*		19,285 00
	By bill of exchange of the same date, drawn by the same on the same, in favor of the same, payable 25th December next, - Hx. Cy. £4,821 5*s.* 0*d.*		19,285 00
	By draft of the same date, drawn by the same on the same, in favor of Donald Mc Kenzie, payable 25th October next, - - - -		1,483 24
	By amount of balances due sundry persons, assumed by Messrs. McTavish & Stuart, -		14,090 17½
			$58,291 02

E. E. WILSON P. HUNT, *in behalf of John Jacob Astor.*

March 12, 1814.

United States of America, *City of New York, ss.*

Be it known, that, on the day of the date hereof, before me, John G. Bogert, a public notary in and for the State of New York, duly admitted and sworn, dwelling in the city of New York, personally came John C. Halsey and Alfred Seton, who, being by me duly sworn, depose and say, that the letter hereto annexed is a true copy of a letter brought to Astoria by John G. McTavish, of the Northwest Company, and that they saw and read the same, and each became a witness to a copy thereof, which Duncan McDougall had recorded in a book of the Pacific Fur Company, for the purpose of justifying him in transferring the property of said company at Astoria to the Northwest Company of Canada, as appears by the subsequent transactions of said Duncan McDougall.

JOHN C. HALSEY,
ALFRED SETON.

In testimony whereof, I have hereunto subscribed my name, and affixed my seal of office, the twelfth day
[L. S.] of January, in the year of our Lord one thousand eight hundred and eighteen.

JOHN G. BOGERT.

Extract of a letter addressed to Mr. John G. McTavish, Columbia river, from A. Shaw, Agent for the Northwest Company, dated Montreal, May 9, 1813.

My Dear Sir: Astoria, Columbia River, *October* 9, 1813.

We are in hurry and confusion, preparing papers, &c. for the express canoe, having waited impatiently for some time. It was at last determined upon to send it off, without having received the least knowledge of what has been doing in England since December last; but, fortunately, the arrival of a frigate brought us accounts of the Isaac Todd, having on board Messrs. McTavish and McDonald, being ready for sea on the 18th of March. She is accompanied by a frigate to take and destroy every thing that is American on the northwest coast.

DUN. McDOUGALL,
DONALD McKENZIE,
JOHN CLARKE,
ALFRED SETON,
JOHN C. HALSEY,
GAB. FRANCHERE,
WILLIAM WALLACE.

17th Congress.] No. 537. [2d Session.

OFFICIAL CONDUCT OF THE DISTRICT JUDGE OF ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 28, 1823.

Mr. JOHNSTON, of Louisiana, made the following report:

The Committee on the Judiciary, to whom were referred the letter and documents of Edwin Lewis, containing charges against the official conduct of Judge Tait, a district judge of the United States for the State of Alabama, have had the same under consideration, and report:

That, as far as it is their duty to inquire, they find no irregular or illegal proceedings; and that they do not form any ground of accusation before this House.

The two first and principal charges upon which the petitioner relies in sustaining his application consist in—

1st. Refusing to permit Edwin Lewis to practice in his court as an attorney at law.

2dly. In using insulting language and gestures on the bench towards said Lewis, on his offering to qualify.

It appears that the petitioner did not present himself before the court in the usual form, with the evidence of his qualification and the testimonials of his character; but, unceremoniously, offered himself to the clerk, who was in the act of administering the oath, without any authorization, or even notification to the judge. This departure from ordinary usage, and this want of respectful attention, was construed, perhaps, into an act of rudeness, and might have been repressed with language deemed offensive. But, with regard to the second charge, it does not appear by the petition what language was used or gestures employed; nor is there any evidence of the fact; and there is, moreover, the negative to be inferred from the certificate of the clerk, in his silence on this point. It appears that the judge refused to allow him to qualify, stating *that he had that within his own breast which would exclude him;* and this constitutes the injury of which he complains.

The district judge makes all rules for the government of the court, which include regulations for the admission of attorneys and counsellors to the bar. These rules become the law of the court, and are administered, as all other laws, on the integrity and sound legal discretion of the judge. Admission to the bar is not a natural right, but a right to be acquired, under the rules and usages of the courts. These require the party to claim his right upon showing legal and moral qualifications to the satisfaction of the court; and, upon this showing, it is the duty of the judge to exercise his best judgment, conscientiously, but freely. The dignity of the tribunals, the purity of the bar, the rights of the people, and the transaction of business, require this to be done firmly and fearlessly—responsible only to the country for the integrity of his mind, not the errors of his judgment.

In this case, it is alleged that the judge has evidence within his own breast which ought to exclude him. If this *fact* be true, it is clear he should be rejected; that is, if a fact exists which would render him unfit and unworthy, he ought not to be admitted. The culpability of the judge must therefore depend upon the *falsity* of the statement; that falsity cannot, from its nature, be proven or inferred. There is not, in this case, any evidence of ill-will, hatred, prejudice, or passion, or any allegation of impure motive, which is not derived from this event. He has performed this duty, as all others, before the bar, who want neither independence nor professional sympathy; and in the presence of the people, who would frown indignantly upon an act of injustice or oppression. To these must be added the presumptions arising from professional character, official dignity, and religious sanctions.

The judge, moreover, in these personal cases, takes upon himself an undue responsibility; he encounters public opinion; he exposes himself to the wicked aspersion and bitter persecution of every disappointed and unworthy candidate. The fear of denunciation and the dread of public scrutiny (of which this case furnishes an example) are no small inducements to relax the rules, and shrink from the danger. It would require proof of some strong and violent cause to prevail over the mind to violate truth, duty, and conscience. We see no reason to impeach the purity of the motive, or doubt the truth of the fact. The personal knowledge of the judge is the highest evidence to him; and, having that evidence, he would have betrayed his sacred trust to have admitted him to the bar.

We are of opinion that the law has imposed on the courts the necessity of exercising a legal and salutary discretion, and that they must be relied on to perform it faithfully. We do not admit that the judge may exclude by his arbitrary will and his mere volition; he must exclude under the rules and the evidence before him. When, in the discharge of his duty, he alleges a fact to exist sufficient to disqualify, he does this under the oath of office, and must be believed. It would imply an absurdity to give him power to admit upon satisfactory evidence, and not the right to exclude upon his own personal knowledge. We are not satisfied with the propriety of locking up this secret and personal knowledge in the breast of the judge. If required, it was due to the party to state the fact, and the evidence on which it rested. But, in this case, it does not appear that he was requested to disclose the grounds of his objection; and his not having done so may have arisen from motives of delicacy to the party.

This is a novel case, and such as may not again occur. The law invests the courts with the power of admission, rejection, and dismission of attorneys; and, even when the qualifications are prescribed by *law*, they are invested with the power to decide on those qualifications. The right to admit, implies the right to reject; and the power of dismission is a much larger exercise of authority, more dangerous to the liberty of the citizen, but indispensable to preserve the purity of the bar. The exercise of this jurisdiction, in all the States, for a great number of years, has fully tested the principle. Instances of injustice or oppression have been rare; and, it is believed, the responsibility under which it is exercised has had a contrary tendency—to relax the rule, and to lower the standard of morals and merit in the bar. In this case, we cannot deny the judge the power of admission; we cannot impeach his integrity; we cannot say he has done wrong. The judiciary is a co-ordinate branch of the Government, acting under the same obligations, and amenable to us only for corruption, misfeasance, and mal-practice. We do not find either in this case. It is true that such a pretence might be seized on by an artful and wicked judge, for the purpose of oppression; but it is not to be believed without evidence. It may become an inquiry, how far an important right and a lucrative profession should be left to the will or the discretion of any individual, or how far it is proper to expose the judges to a duty so personal and delicate, and to a liability so serious?

The petitioner has gone into extensive details of judicial conduct; and his other charges relate to orders, decrees, and judgments rendered in court.

Your committee have not inquired into the regularity or legality of the proceedings. We are not the tribunal of appeal. We have no means of making the inquiry, if we had been competent. There is nothing to show that there is even error in them; and upon the face of the charges and the records there is no apparent irregularity, or

suspicion of corruption. The various questions with regard to jurisdiction, ownership, capture, condemnation, and possession, will, in due time, be brought before the Supreme Court, the only competent authority to decide those questions.

The principal charge relates to the capture of eighty-four slaves, in which two different captors, and the owners of the property, are contending. The court has rendered judgment; an appeal has been taken, and will, in due time, be tried. The parties know their rights, and will pursue their remedies in the usual way. It is stated that the State of Alabama interposed her right to the possession of the slaves, under the laws of that State, pending the trial of the cause, and that the judge refused to deliver them up. Your committee have no knowledge of the law under which the possession was claimed, nor of the rights of the State, nor of the ground of refusal. There is a legal remedy, we presume, for cases of this kind. But, if an application to this House could be proper, it would come with great propriety from the Governor or representatives of that State.

Your committee, therefore, recommend the adoption of the following resolution:

Resolved, That Edwin Lewis have leave to withdraw his letter and documents.

17th CONGRESS.] No. 538. [2d SESSION.

OFFICIAL CONDUCT OF THE PRINTERS TO THE HOUSE OF REPRESENTATIVES—SUPPRESSION OF DOCUMENTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 30 AND FEBRUARY 27, 1823.

Mr. DWIGHT made the following report:

The committee appointed in pursuance of a resolution of the House of Representatives, adopted on the 21st of January, to investigate certain charges referred to in the letter of Messrs. Gales & Seaton, have attended to that service, and ask leave to report:

That they have given to the subject all that consideration which the magnitude of the charge and the reputation of those who have long been in the service of this House, and hitherto high in its confidence, seemed to require.

That, while your committee have been impressed with the importance of the charge to the reputation of the accused, they have not been unmindful that it involved, also, a gross violation of the rules of this House, and a contempt of its authority and dignity. Nor have your committee omitted to notice that the charge against Messrs. Gales & Seaton is enhanced in importance, by imputing to them the criminal design of shielding, by the alleged omission, an important Department of the Government from a "just responsibility."

To the investigation of such a subject, involving at once the confidence which this House and the nation shall repose in the information upon which it acts—the character of one of the first officers of the Government, and the fidelity of the public printers—your committee have not proceeded without the most cautious inspection of the documents submitted to them, and the most solemn sanction to the testimony of the witnesses, upon which their opinion was to be founded.

The evidence taken in the case has been preserved, and is submitted entire at the conclusion of the report.

The charge against Messrs. Gales & Seaton, in regard to which they prayed this investigation, was contained in a communication printed in the Washington Republican of the 20th of January instant, over the signature A. B., and was, in substance, as follows: (See document marked A, and the paper annexed;) that, in printing the documents accompanying the report of the Secretary of the Treasury of the 14th of February, 1822, in answer to a resolution of the House of Representatives, calling upon him to exhibit a statement of his transactions with all those banks which had been made by him the depositories of public moneys received from the sales of public lands, they had suppressed and totally omitted, in the printed document with which they furnished the House, parts of these documents implicating Mr. Crawford the most strongly.

The attention of your committee was first directed to an examination of all the original documents which accompanied the report of the Secretary above alluded to; and they find the following paragraphs, in the originals, entirely omitted in the printed documents which were furnished the House, to wit:

In a letter from William R. Dickinson, cashier of the Steubenville Bank, to the Hon. William H. Crawford, dated April 3, 1819, and referred to in the original documents by the pencil mark A 5, the following paragraph is omitted:

"The difference of which you speak in your letter of the 12th ultimo, between the sum mentioned in my letter of the 13th of February, arises from the circumstance of your having extended your friendly disposition to this bank beyond *what was dared by our board to ask*. I mentioned only the debt to the branch at Pittsburg, whereas you have directed (as well as that mentioned) a transfer from the branch at Chilicothe, which debt this branch was taking measures to discharge. As soon as the transfer is made from the Bank of Columbia, the entries shall be made on the books of this institution, as you direct. I remark, however, in the statement which you furnish from the Bank of Columbia, that 'notes, $3,895,' is entered, which I know nothing of, having never before heard of it." The above extract, in the original, is included between lead pencil brackets; the whole is crossed with a pencil; and the words "what was dared by our board to ask," are underscored by an ink line.

In a letter from John Sering, cashier of the Farmers and Mechanics' Bank of Indiana, dated Madison, August 24, 1820, to the Secretary of the Treasury, the following paragraph is included between pencil brackets, crossed by a pencil mark, and omitted in the printing.

This letter is referred to in the original documents, by a pencil mark in the margin, as F 6: "I would, however, inquire if the Mechanics' Bank of Alexandria, as well as the Franklin and Merchants' Bank, ought not to be excepted." The words *Mechanics' Bank of Alexandria* are underscored by an ink line, and the word *out* written in pencil, in the margin, against the above extract.

In a letter referred to in the original documents by the pencil mark I 6, from Aug. Chouteau, president of the Bank of Missouri, dated Saint Louis, August 9, 1819, to the Secretary of the Treasury, the following words

are crossed by a pencil mark, the word *out* written in pencil against them in the margin, and omitted in the printed documents:

"It is known to us that the same money which has been received in payment by the receiver at this place is not identically presented for deposite at this bank."

In a letter referred to in the original documents as L 5, from Leroy Pope, president of the Planters and Merchants' Bank of Huntsville, dated 4th May, 1819, to the Secretary of the Treasury, the following paragraphs, included in pencil brackets, and crossed by a pencil, are omitted in the printed documents:

"Your conjecture in relation to your circular of the 11th July last is correct: the important words, 'subsequent to the 30th June last,' are not contained in the copy received by us; and this circumstance satisfactorily accounts for the construction it received from the board of directors. We regret that any mistake should have occurred, but we rejoice that our decision is thus acknowledged to have been proper. Agreeably to your request, I return the copy heretofore received, and under which we have necessarily acted, and retain the correct copy accompanying your last letter."

In letter M 5 of the original documents, from Israel Pickens, president of the Bank of Tombigbee, to the Secretary of the Treasury, dated St. Stephen's, August 13, 1819, two pages are sealed over with white paper, and omitted in the printed documents.

In regard to those parts of the letters L 5, F 6, and I 6, above extracted, and omitted in the printed documents, the committee are satisfied that they were thus marked by Mr. Dickens, one of the chief clerks in the Department of the Treasury, for the purpose of calling the attention of the Secretary of the Treasury to them, as containing information irrelevant to the subject-matter of the call, and improper, in his opinion, to be communicated to the public, on account of disclosures they made, or opinions they expressed, which might be injurious to the affairs of the banks or individuals to whom they alluded; and that the word *out*, in the margin of each of those three letters, was made by him as a guide to the compositor to omit them in the printing.

In reference to the matter concealed in the letter M 5, by the white paper sealed over it, they feel themselves constrained to say, that it had no bearing upon the objects of the call for information, and might have been injurious to the interests of the individuals or the banks mentioned in it, had it been published at that time. They are satisfied, also, that such were the motives which induced Mr. Dickens, the clerk, to cover the pages with paper, which he disclosed was done by him.

The committee submit that they have been thus enabled to suggest satisfactorily to the House the causes which have produced the omission in the printing of all the documents, except that of A 5, which they suppose to be the particular document referred to in the communication signed A. B.; and in regard to which, after an examination of all the witnesses who were considered to be important to the investigation, and pushing the inquiries to the extent of the supposed powers of the committee, they are now obliged to confess (and they do it with regret) that they have obtained no satisfactory information.

Had the same causes existed for the suppression of this particular paragraph which actuated the clerk in the Treasury Department to mark all the others, your committee would feel no hesitation in presenting to the House the strong probability that it might have been done by that gentleman; but a recurrence to his testimony, communicated herewith, and marked E, will satisfy the House that that probability is too much weakened to be made the ground-work of the opinion of a committee of investigation.

But whatever difficulties the committee may have encountered in ascertaining by whom the marks were made, and the paragraph suppressed, they have none in stating that the accused did not cause it. And they cannot do justice to the unanimous opinion which they have formed, from a careful consideration of all the evidence before them, without stating their strong conviction that neither Mr. Gales nor Mr. Seaton had any knowledge of, nor participation in, the suppression of the paragraph omitted in the letter marked A 5, or any other of the documents which were submitted to the House in answer to the call so often alluded to. In support of their opinion upon this part of the case, your committee would refer the House to the annexed testimony of George M. Grouard, marked B; of William Kerr, jun., marked C; of Mr. Burch, deputy clerk of the House, marked D; of Asbury Dickens, marked E; and of the Hon. William H. Crawford, marked F.

In regard to the other individual implicated in the communication attached to the letter of Messrs. Gales & Seaton, your committee do not hesitate to say that there has not been any evidence submitted to them tending, in the slightest degree, to show that the suppression of the paragraph alluded to was caused either by the influence of the Secretary of the Treasury, or was done with his knowledge.

The interesting nature of the present inquiry has suggested to your committee the propriety of submitting to the House the expediency of appointing some member or members of its own body, in every case, to superintend the publication of all documents which may hereafter be printed by order of the House.

In conclusion, your committee would beg leave to submit the following resolution, to wit:

Resolved, That the committee appointed upon the letter of Messrs. Gales & Seaton be discharged from the further consideration of the subject referred to them.

A.

SIR: WASHINGTON, *January* 21, 1823.

In the Washington Republican of last evening is an article, a copy of which we have the honor to annex hereto, impeaching the honesty of our conduct as printers to the House of Representatives.

We are glad to meet this charge in a tangible form, unfounded as it is. Always holding ourselves amenable to the authority of the House for the faithful discharge of our official functions, we ask of the House that it will do us the justice to institute a committee to inquire into the correctness of our conduct, herein impeached, with power to send for persons and papers, and report the result of its investigation to the honorable body over which you preside.

With the highest respect, we have the honor to be your most obedient servants,

GALES & SEATON.

Hon. P. P. BARBOUR, *Speaker, &c.*

The following communication we are induced to insert in our paper, not from any feeling of hostility to the respectable gentlemen to whom it is addressed—a feeling we are incapable of cherishing towards them—but because we think it *due to them* to afford them an opportunity of doing away with an impression which has been made on the minds of some members of the House, and which, if suffered to remain, may be disadvantageous to their reputation.

Messrs. Gales and Seaton:

GENTLEMEN: Influenced by the charitable principle of considering every man innocent until his guilt is proved, and knowing that presumptions, even the most violent, are not always to be relied on, it is the object of this address, which shall be short, to elicit from you explanations that are indispensably necessary to acquit yourselves of suspicions highly injurious to you, that have existed for nearly twelve months past.

It will be recollected that, at the last session of Congress, the House of Representatives adopted a resolution calling upon Mr. Crawford to exhibit a statement of his transactions with all those banks which had been made by him the depositories of public moneys received from the sale of public lands. In conformity to which resolution, he made his report on the 14th of February, 1822, and accompanied it with numerous corroborating and explanatory documents, all of which the House ordered to be printed. You were the public printers to whom these documents were delivered, and it was your duty to have printed them correctly; yet it is a fact, incontrovertible, that parts of those documents, *implicating Mr. Crawford the most strongly*, were suppressed and totally omitted in the printed document with which you furnished the House, *professedly* in obedience to its orders. Of this fact any gentleman may be fully satisfied who will take the trouble to compare the printed document with the one transmitted to the House by Mr. Crawford, and which is now in the possession of the clerk. The latter also affords intrinsic evidence that the omissions were not accidental, for they are enclosed in black-lead pencil brackets, which would seem to have been intended as a guide to your compositor.

Strong as are the implications which those facts seem to warrant, and decided as your partiality for Mr. Crawford has been, I will not indulge the belief (at least until you have had an opportunity of explaining) that you could have reconciled it to yourselves to have sheltered him from a just responsibility, by so great a violation of the confidence reposed in you, and such a flagrant contempt of the legitimate authority of the House of Representatives, that no member thereof, however infatuated by party zeal, who feels the slightest respect for the dignity of his station, could, without dishonor, regard with indifference.

A. B.

B.

George M. Grouard's deposition.

I am foreman for Gales & Seaton, and have been for eight years past. I receive the documents, generally, through the messengers of the House: it is very rare that I receive any from Gales & Seaton. As soon as received, I number and enter them in a check book, and put them under lock and key, where they remain till they are placed in the hands of the compositors. I am persuaded no person had an inspection of these documents but myself. I noticed there were several erasures in these documents when I received them. It is my invariable practice to omit all the paragraphs erased, marked, or crossed. The marks and brackets alluded to were not made in the office. The paging was made at the office, as also the figures in the margin, to assist the compositor; and the word "*out*," in pencil, in the margin, was made, as I suppose, by my assistant, as an indication to the compositor to omit the paragraph against it. There was no reason for omitting the particular paragraph which did not apply to all the omissions. No hint was given to me to omit the paragraph, from any person.

I never knew Messrs. Gales & Seaton to insert a word, or leave out a word, or wish me to insert any word, or omit any word, which was ordered to be printed or omitted. If original documents are sent to the Clerk of the House by the Departments, they are sent to the office without being copied. The different Departments have no particular mode of indicating what they wish to have omitted.

I do not recollect that any of the other Departments have ever sent original papers with white paper pasted on any paragraph. I never read any of the passages erased in this case.

I feel myself bound by the direction of any proper officer of the House as to the mode of printing.

I have an indistinct recollection that there was some direction in the margin to omit the passages stricken out, or marked; but that would have had no additional weight with me.

C.

William Kerr, jun.'s deposition.

William Kerr, jun. testifies that he is an assistant in the office of Gales & Seaton; that certain marks, made with a pencil, in a document from the Treasury Department, containing information in relation to the banks in which the moneys received from the sales of public lands have been deposited, were not made by him, neither was the word "out," accompanying those marks, written by him; the papers were received at the office as now marked with a pencil, with the exception of the paging, which was done at the office; and, in one instance, where the conclusion of a letter had been omitted by the compositor, the part that had been omitted is included in a circle, and the word "out," in large characters, was written by me. It is my practice, when a compositor has omitted any matter, to mark the part omitted in this manner, and send it back to him for insertion; and the part thus marked, above referred to, will be found in the printed document. If any part of the copy sent to the office to be printed is crossed with a pen or pencil, as in the above document, I should understand such cross to mean that that part was not to be printed; and it is an invariable rule to omit all passages thus marked. Neither Mr. Gales nor Mr. Seaton gave directions to omit these passages, nor, to my knowledge, did they ever know that said passages were omitted. We considered it a thing of course; and, therefore, they were not consulted on the subject. All copy sent down from either House of Congress is put into the hands of Mr. Grouard, the foreman, or into mine; and, if not immediately put into the hands of the compositor, is placed under lock and key. Messrs. Gales & Seaton never concern themselves about the copy, further than to hasten the publication of some particular document, when it has been intimated to them at the House that it is in a hurry. They trust altogether to their foreman.

It is my impression that, during the last session of Congress, a document was received from the Treasury Department, through the House of Representatives, accompanying which was a direction to omit some part of it; and, as several erasures were made in *this* particular document, I am of opinion *that this was the one*. I cannot, however, speak *positively* on this point. I think the instructions were written with a pencil on the margin. We sometimes receive instructions, relative to the printing, from the officers of the respective Houses, but these instructions are written notes. I should, however, have considered it my duty to obey the instructions of Mr. Dickens, or any clerk having authority to give them in any Department of the Government from which documents might be received for publication. It is not in my power to single out either Mr. Dickens or any individual from whom said instructions might have been received; but, without particular instructions on the subject, the marks made with a pencil were sufficiently imperative. Any instructions received would necessarily have passed through the hands of Mr. Grouard before coming into mine. Original documents are sometimes sent from the Departments to Congress, when they have not time to prepare copies.

I have never had any conversation with Mr. Gales or Mr. Seaton on the subject of these papers.

D.

Testimony of Mr. Burch, deputy clerk of the House of Representatives.

Mr. Berry, of the clerk's office, informed me that he was directed by Mr. Cook to make him a copy of the letter marked A 5, and asked me whether he should put in the copy the paragraph enclosed in brackets and crossed with a pencil-mark, informing me, at the same time, that Mr. Cook wished the copy certified. I told him to make an exact copy. I think this was since the 1st of January.

I took the copy and marked it with a pencil, exactly after the manner of the original. The certificate stated the original to be marked with brackets and pencil. I delivered the copy to Mr. Cook.

I have seen papers, repeatedly, within the last twenty years, transmitted to the House of Representatives, which were marked in various ways. I will not undertake to particularize them at this time, or to state from what Department; but I believe it has not been confined to any particular Department. I will, however, mention the Department of State more particularly. I remember that, in some instances, requests came from the Executive Departments that certain papers transmitted to the House might not be printed, more particularly during the late war; as, in all cases of publication, the papers never failed to find their way to the enemy, and he thereby became too intimately acquainted with our concerns and situation.

I consider the several marks shown me to be a peremptory order to the printer to leave them out of the printed copy.

I frequently give instructions as to the printing bills, and as to documents; but the instructions never go beyond the order of the House. When the House orders the printing of a document generally, we never undertake to order a part to be suppressed. When the House orders parts of papers to be printed, the papers to be excepted are either taken out and retained in the office, or are legibly marked and labelled "not to be printed."

When Messrs. Gales & Seaton first became printers, Mr. Seaton directed all documents which were to be printed to be sent to their foreman, and all instructions to be given him. The name of Mr. Grouard was given to us by Mr. Seaton as the person to whom we were to make communications upon the subject of printing. I have seldom, if ever, addressed directions or communications directly to Messrs. Gales & Seaton, upon the subject of printing.

I never knew the late clerk, Mr. Dougherty, to make any marks other than those which he was authorized and directed to do by the order of the House; nor do I believe he made those in question.

James Barron's testimony.

I am messenger in the office of the Clerk of the House of Representatives, and have been for several years past. When I am ordered to carry documents, I am ordered to deliver them to Mr. Grouard, if present; and if not, to lay them on his table.

E.

Mr. Dickens's deposition.

Asbury Dickens, clerk in the office of the Secretary of the Treasury, testified: That all the papers in relation to banks, and the deposites of money in said banks, are in my hands. The general practice is to transmit copies when papers are called for. When business presses, we are obliged to send the originals. When copies are made, they are made of the whole correspondence, unless there may be some things improper to be communicated. It is the general direction of the Secretary, when information is called for, to give every thing that relates to the subject.

The papers, after selection, are laid before the Secretary; and, in this case, he directed me to collect every thing in the office relating to the subject: they were selected, and submitted to his inspection. In this case, from the urgency of it, I took the originals and rough-draughts.

Those passages which seemed to have no reference to the subject of the call, I marked with a pencil.

I have no recollection of having marked the particular passage suspected; and did not recollect there was such a passage. I only marked three passages, and them I recollect from the subject.

1st. I 6. The three last lines but one on page 114 I marked as omitted. The reason for marking this was, that it did not, in my opinion, relate to the subject; and implicated one who had been a public officer.

2d. L 5. The four last lines in page 148 erased, and the five lines on the next page; I crossed them as not relating to the subject of the call; and they referred to another and distinct letter.

3d. Was in a letter from Farmers and Mechanics' Bank of Indiana to the Secretary.

F 6. I marked to be left out the three last lines, as implicating the credit of two banks, and as not relating to the subject of the call.

M 5. The papers pasted over a part of the letter were not with a view to suppress the information; but, as it had no relation to the subject of the resolution, and was in relation to a quarrel between the Bank of Tombigbee and the Branch Bank of the United States at Savannah, I thought it not proper to be communicated.

I now recollect the above passages, because I then thought, and still think, the information ought not to have been communicated, and would be injurious to the parties if published.

I have no recollection of the letter A 5, and should not have made the marks to exclude the information, because I did not think it ought to have been concealed.

I see no reason why it should be concealed. I made the mark of the word "out" in the margin of letters I 6, L 5, F 6.

The whole of these transactions I was acquainted with at the time. The papers originally passed through my hands.

The papers remained some time before the Secretary, while he was making the report, after I gave them to him, before he communicated them to the House.

The Steubenville Bank was solvent at the time of deposite. The Government has lost nothing by that bank; it now has deposites of public moneys, and is solvent.

I never knew any mark or erasures to be made by Mr. Crawford on papers to be communicated, after I had made such as I thought proper to make. After the report had been sent to the House, I recollected that I had omitted the reference to one of the documents which now appears in the report, and came to the House and found the report had been read, and applied to Mr. Burch for the report and documents. He went into the House, and said the report was not on the Clerk's table, and he supposed some member had taken it to read. He went into the House again, and said he could not find them. While I was waiting, Mr. Cook came, with the report in his

hand, and gave it to Mr. Burch, and asked for the documents. Mr. Burch handed to him a sealed packet, which was the same I had sealed at the Treasury. Mr. Cook broke the seals, and began to look over the papers, and said, "I suppose I may take them to my room." Mr. Burch assented, and Mr. Cook took them away. I then put in the reference (+) which now appears on the report.

FRIDAY MORNING, *January* 24.

Mr. Dickens re-examined.—The paper contained in A 8 was a confidential communication from the Bank of Steubenville of the state of the bank, which is made once a month by each bank, in which the private affairs were stated, and agreed by the Secretary to be confidential.

The handwriting on A 5, in red ink, is mine. I do not know when made, but I think it was made when the subsequent letter of May 1 was received, in relation to Brownville and Mount Pleasant banks.

This letter of the 1st of May is not communicated, as will be seen by the printed documents.

B 1.—The red ink is in my own handwriting, and was made at the time the correspondence was prepared for the House.

I made the brackets in F 6; and made the red ink brackets in B 1. I have not seen the papers, since they were communicated to the House, until yesterday, with the exception of seeing them in the presence of Mr. Burch and Mr. Cook. I never had any conversation with Messrs. Gales & Seaton, or any person in their employment, in reference to the suppression of parts of papers in the printing.

I think the Secretary would, if particularly requested, communicate these monthly statements of the banks to the House.

I cannot say that I did not make the marks upon the letter A 5, but I gave yesterday the reasons why I think I did not.

There never have been any documents transmitted from the Treasury which were marked as not to be printed before this time.

I should think the marks I made a sufficient direction to the compositor not to print the parts included between them. And I think that, if the Secretary should have been of opinion that what I had marked ought to be printed, he would have erased my marks.

The Secretary and myself had no particular consultation on the subject of these papers.

The paragraph in A 5 does relate to the subject more than many others, and, I think, ought to have been communicated, though unimportant.

SATURDAY MORNING, *January* 25.

Mr. Dickens repeats the impression that he did not mark the paragraph in A 5. It was not his intention to mark it, and he thinks he did not.

The word "*out*" was written by him upon all the three letters in his first evidence particularly mentioned.

When the correspondence with these banks was received, I filed away the whole of it.

I do remember having referred to A 5 after it was received, and before it was communicated, for the purpose of making the reference which now appears upon it in red ink.

Many documents remain, without being filed away in the office, for some time after they are received.

When the call was made, I looked over all the letters, filed and unfiled, relating to the subject.

Since the first call, I do not recollect having found any additional letters relating to this subject.

The documents communicated under the second call were not laid before the Secretary on the first call.

In the letter A 2, although there is a paper pasted over a part of the original *memorandum*, yet the letter was communicated as it was originally sent to the cashier of the Bank of Steubenville.

F.

Testimony of the Honorable William H. Crawford.

I made no marks of any kind upon these papers, and know of no practice in the office which has ever authorized the marking of parts of original letters, in order that they may not be printed. No such practice has prevailed, within my knowledge. I have no recollection that any marks were made upon these papers, but have an indistinct recollection that Mr. Dickens stated something to me in relation to the correspondence with the Bank of Missouri, which affected the receiver at that place. I gave no instructions to Mr. Dickens to mark any part of the papers; nor have I ever given him a general direction to mark any particular passages. There might have been marks and erasures in the documents submitted to me by Mr. Dickens, which escaped my notice, as my attention was more particularly directed to the contracts than the correspondence. In framing the report, my attention was not particularly attracted to the correspondence, as it contained nothing important for that purpose; the material facts being comprehended in the contracts and the statement furnished from the books kept by Mr. Dickens, which showed the amount deposited in those banks, and the sums paid by them. I have no recollection of the letter pasted over.

There is nothing in the paragraph suppressed which I should have wished to be withheld from the House. If I then knew that any part of the correspondence had been marked, I do not now recollect it. I never sanctioned the omission of any part of the correspondence. Mr. Dickens is not the chief clerk; Mr. Jones is the chief clerk, and calls for records or files of the office are generally referred to him, with directions to examine and collect all that are embraced by such calls; but, in this case, I think Mr. Dickens was the person to whom the reference was made.

I never had any communication, direct or indirect, with Gales & Seaton, as to the manner in which they discharged their official duty, in this or any other case.

It is usual, when resolutions require information which the records or files of the office afford, to send copies; but when there is a press of business, the originals are sometimes sent, as in the present case.

The difference in the sum mentioned by the cashier of the Bank of Steubenville, and that in my letter of the 12th March, 1819, may be explained by referring to the original draught of that letter, now in possession of the committee. Owing to some differences with the officers of the United States Branch Bank at Pittsburg, the cashier, in his letter of 13th February, 1819, requested that the sum of $24,568 51, then in the possession of the Branch Bank, might be considered as due directly to the Treasury, and that it might not be collected through that office. The original draught of the letter, in the possession of the committee, directs that sum to be credited to the Treasurer on the books of the bank. Just before the date of that letter, the whole of the special deposite had been transferred to the Bank of Columbia. When my letter was carried out to be copied, Mr. Dickens, who keeps the bank

accounts, came to me and stated that there was about $18,650 44 of the notes of the Bank of Steubenville in the possession of the Branch Bank at Chilicothe, and which had been also transferred to the Bank of Columbia, and proposed that the same direction should be given as to that sum; which I assented to, and directed my letter to be modified accordingly. The original letter, thus modified, was retained as a copy, and sent to the House with the report. This is the circumstance which produced the paragraph in the letter of the cashier, which was omitted in the printing of the letter, and which omission is now the subject of investigation.

G.

The testimony of Daniel P. Cook, of the House of Representatives.

When the report was sent to the House, I moved for its printing, and the whole of the documents. Mr. Taylor, of New York, moved a division of the question. The report itself was then ordered to be printed, and the motion to print the documents was laid upon the table. The documents were taken to the Clerk's office. I then went there, and found them yet sealed. In the presence of the Clerk and Mr. Dickens (who was waiting to make some correction, as I understood, in the report,) I broke the seal, and, finding the documents too numerous to read in any short time, I asked permission to take them away. It was granted, and I took them to my room, where I particularly examined those which referred to the Banks of Missouri and Vincennes. It was the abuses which I believed had taken place in relation to those banks that induced me to make the call.

I very slightly examined some other papers; some of them I did not look into at all. I brought the papers back to the House, either on Saturday or Monday, as I believe; and, after the report was printed and laid on the tables of the members, I moved to take up the motion to print the documents, which was agreed to, and they were ordered to be printed.

In the examination which I gave the papers before they were printed, I do not remember that I saw any marks on any of the papers, nor the paper pasted on one of the letters. That part of the correspondence, however, I feel quite sure I did not look into at all.

There was nothing in the information I had, which induced me to move the call, that led me to examine with any minuteness the affairs of the Steubenville Bank; but my impression is, that correspondence being in front of all others, that I did glance through it; and I think I read the letter A 5, but I have no recollection of seeing the pencil marks upon it at that time. The kind of examination I gave this part of the correspondence was such, however, that my attention might not have been fixed upon these marks; and this is the more probable, because I do not remember to have noticed the marks on the letter from the Bank of Missouri, which Mr. Dickens says was marked by him before the papers were sent to the House.

Messrs. Gales & Seaton had furnished me (I believe, at my request, though I am not certain,) with the different forms of the printing as they were struck off, and I read them as the printing went on. In reading that part which relates to the Bank of Vincennes, I was under an impression that a typographical error had been made in printing the amount of money in the Vincennes Bank. In order to ascertain whether it was so, I sent for the original documents; and, when passing through the documents to get to those relating to that bank, my attention was first called to the pencil marks on letter A 5. After satisfying myself on the subject of the supposed error, I then adverted to the printed letter A 5, and found that that part of the letter over which the pencil marks were made was omitted; which was before my second call. I feel very certain that I did not make those marks, nor do I know when, where, or by whom, they were made. The particular character of the omitted passage induced me, some short time after, when in conversation on the subject of these bank transactions, to speak of it; and I think I am not mistaken in saying that I spoke of it in that way to the honorable Hugh Nelson, a representative from Virginia, and to Mr. Moore of Alabama. I was not under the impression that the marks for omission were made by Gales & Seaton, and did not mention it to them; nor did I think the omission so important as to make any inquiry of the Secretary of the Treasury, or to make any motion or proposition in the House on the subject.

I was induced to make the second call, because the documents sent to the House, in answer to the first call, referred to several letters and documents which I thought ought to have been sent with them, but which were not; and because I believed that those letters would afford important light to show the motive of the connexion, in the manner in which it existed, between the Treasury Department and those banks. When the answer to the second call was sent to the House, I was induced, for similar reasons, to make a third call, by a resolution, which was adopted on the last day of the session, but which remains unanswered.

I obtained a copy of letter A 5 during the present session, for prudential reasons, with which the honorable Mr. Edwards, of Connecticut, is acquainted, and which he will state to the committee. The copy was obtained on the 9th of the present month. I handed this letter to a friend, a member of Congress, whose name I decline stating. The copy went into the hands of several members of Congress, who wished to see it, with my consent. It was first handed to one of the gentlemen, who suggested the propriety of getting other members to inspect the original, or of obtaining a certified copy with a *fac simile* of the pencil marks, and which was to guard against the possible loss of the letter, and the consequent possibility of the fact of the omission resting upon my statement only.

I did not communicate the copy of this letter to the editor of the Washington Republican; nor did I make any of the communications signed A. B. in the Washington Republican; nor had I any agency in writing, or publishing, or causing to be written, either of those communications, unless the procurement of the copy, and permitting it to go into other hands, had that effect.

I know from information who the author is, but it was communicated to me in confidence, and I therefore decline giving his name. I did not derive this information from the person who I understood made the communication, but from another person. I understand they are not made by the person to whom I handed the copy of the letter. I am informed the communications are made by a member of Congress. I disclaim all agency in causing those publications to be made, other than such as I have mentioned; nor did I procure the copy of the letter for the purpose of publication, nor did I hand it over for that purpose.

I had a conversation with Mr. Agg, who is reporting the proceedings of Congress for the Washington Republican. The conversation was introduced by himself, and was confined to the fact of the omission in the printed letter A 5. I told him there was such omission. The conversation took place in the House of Representatives, and after I had obtained the copy of the letter from the Clerk. Mr. Agg seemed to be apprized of the existence of the copy, but he had not been apprized of it by me. This is the only conversation we ever had on this subject, and I think I have substantially repeated the whole of it. My attention, in examining the documents previous to their being printed, was principally confined to the amount of money in the Banks of Missouri and Vincennes, and the nature of the arrangements between them and the Treasury Department.

H.

Deposition of Mr. Edwards, of the committee.

Mr. Edwards, of the committee, states, that he was present when Mr. Cook made the statement that this paragraph was omitted, and deemed to be important.

He had seen the letter, and examined it; said it was marked so as to be omitted in the printing. Mr. Cook was then advised to get a certified copy, or get some members to examine it with him. Mr. Cook wished me to go with him. I intended to do so, but did not. Shortly after, Mr. Cook told me he had got a copy of the letter. I think this was the —— January. The advice to Mr. Cook was, that he should get the copy to be able to justify himself.

I.

Roger C. Weightman's deposition.

I was for several (six or eight) years printer to Congress; and it was a common thing, from both Houses, to have original documents, parts of which were marked in the way in which several of these documents are; and had they been sent to me in the state this particular document is, I should, without hesitation, have omitted the paragraph. I should also have omitted other parts as they are marked, and those pasted over.

In such an office as Messrs. Gales & Seaton's, it is impossible for the editors to inspect the printing the documents: they must be confided to the foreman.

J.

Colonel Moore's (of the House of Representatives) deposition.

When the subject of the suppressed paragraph was mentioned to me at this session, I then had an impression that it had been mentioned to me at the last. I cannot distinctly recollect having any particular conversation with Mr. Cook at the last session; but it is my impression that the intimation was made to me at the last session by Mr. Cook.

The suggestion was, at this session, that the omission had been made by Gales & Seaton, through the influence of the Treasury Department.

I had a right to suppose the intimation was made confidentially, though not expressly so told.

I do not feel authorized to name the person. He stated, at the same time, that the fact would be made known where the censure properly lay.

K.

Deposition of Matthew St. Clair Clarke, Clerk of the House of Representatives.

My attention was first called to the letter when the subject was first broached to the House. That was the day when the committee was appointed.

A few days after the session, I was called upon to certify the copy of a letter which I now find to be A 5. I was not applied to for it. Mr. Burch brought it to the desk, and I then certified it. Mr. Burch said, in reference to the copy, that the original was marked in the manner which the copy indicated.

FEBRUARY 27, 1823.

Mr. CAMPBELL, of Ohio, from the select committee appointed on the 6th instant, *further* to investigate the subject of documents suppressed in printing, made a report thereon as follows:

Thus far the attention of the committee has been chiefly directed to the performance of the duties required of them by the first member of the resolution. As the investigation was undertaken without any sanguine expectations of being able to designate the person who caused the suppression of the paragraph in letter A 5, they feel but little disappointed in not having made the discovery.

The committee requested the appearance of every person who, it was supposed, could make any disclosure tending in the least degree to the accomplishment of the object for which they were appointed. The attendance of the witnesses was prompt, and all the depositions were made under the solemnities of an oath. That the testimony might be as explicit and intelligible as possible, interrogatories deemed the most pertinent were propounded to the witnesses, and the responses reduced to writing, in the language in which they were given.

The committee submit the following as the substance of the testimony which has been collected, in addition to that already reported to the House:

Mr. Cook, the member from the State of Illinois, deposes: That the documents, of which letter A 5 is one, were in his possession two or three days; that he believes no person, during that period, had access to them in his absence; that Mr. Edwards, a Senator from the State of Illinois, inspected them in his presence, but whether the inspection extended to letter A 5 he is unable to say; that he is impressed with the belief that Mr. Van Swearingen, late a representative from Virginia, was present; but thinks he did not examine the documents. Mr. Cook states it to be his impression that he read the letter A 5 before the documents were printed; that he has no recollection of seeing the brackets, cross, and underscoring, at that time, nor does he yet know by whom, when, or where they were made; that he did not know, until the pendency of the former investigation, that the practice, in the office of the Intelligencer, was to omit printing those paragraphs which are included in brackets and crossed; that the documents were in his drawer, in the House of Representatives, about a day before he moved to have them printed; and that he very rarely kept the drawer locked. (See A.)

Mr. Edwards, a Senator from the State of Illinois, deposes: That, some time last winter, the manuscript documents, of which A 5 is one, were, at his request, brought to his room by Mr. Cook; that he inspected those minutely which had a relation to the bank at Edwardsville; that, having no motive to examine the correspondence between the Treasury Department and the Bank of Steubenville, he did not see letter A 5, nor did he ever see it until it was shown to him by the committee; that he knows not by whom, or when, the marks it now bears were

made; that, some time last winter, Mr. Cook intimated to him that there were such expressions in the documents as are contained in the suppressed paragraph. (See B.)

Mr. Dickens, a clerk in the Treasury Department, deposes: That he had no intercourse with the printers, for the purpose of seeing or in anywise altering the documents, during their publication. (See C.)

It having been intimated that the underscoring was made with ink different from that used in the Clerk's office, the committee requested the attendance of Mr. S. Burch, chief clerk in the House of Representatives. He states that age increases the darkness of the ink used in the office, whilst that which is furnished Congress, having been in use some time, fades, and assumes a rusty appearance, such as is exhibited in the underscoring of the suppressed paragraph. He states that the underscoring is, in his opinion, made with ink of a character unlike that with which the body of the letter is written. (See D.)

William R. Dickinson, Esq., in a letter to Mr. Dickens, of the 10th instant, states, that he had examined the letter book which contains A 5, and also conversed with the clerk of the bank on the subject, and that both are of opinion that no part of the letter was underscored or marked when it left the bank.

The committee cannot conclude this report without an expression of their conviction, founded as well on the character of the transaction to which the suppressed paragraph refers, as the circumstances under which it has been communicated to the House, that there does not exist the semblance of a reason for charging upon the Secretary of the Treasury any agency in its suppression, or for connecting him in any way with the mutilation of this document. The transfer from the Bank of Chilicothe to the Bank of Columbia, and thence to the Bank of Steubenville, of the sum of $18,000, which was held by the former institution as a special deposite, was an ordinary banking operation, weakening in no degree the security of the Government, and which has eventuated in no loss to the Treasury. There could have existed with the Secretary of the Treasury, therefore, no motive for this suppression. He had no end to attain, no purpose to subserve, by the practice upon the House of a fraud, alike insulting to its dignity, and discreditable to the agent who should hazard its perpetration. The circumstance that the Secretary of the Treasury, in responding to the call of the House, communicated the *original letter* of which the suppressed paragraph is a part, is decisive, in the judgment of the committee, to negative the idea, if ever indulged, that there could have been entertained by that high officer any intention to keep out of view any part of its *contents*, particularly as it is usual, in answer to calls from the House, to communicate the copies of documents rather than the originals, which have been transmitted in this case.

The committee, after a careful examination of the pencil brackets and marks upon A 5, and a close comparison of them with the marks upon other letters communicated to the House, acknowledged by Mr. Dickens to have been made by him, are unable to form any opinion of the probable authorship of this suppression. There is nothing in the marks themselves to indicate it, nor in the correspondence of the marks upon the one letter with those upon any other, to show that they are the work of the same hand. In reference to the underscoring of part of the suppressed paragraph of A 5, the committee have taken some testimony, which they beg leave to submit to the House, with the remark, that neither the testimony of Mr. Burch, nor any other testimony they have obtained, will, in their apprehension, justify the opinion that any member of Congress made the underscoring or the brackets, which induced the printers not to publish the paragraph. The letter of William R. Dickinson to Mr. Dickens, although not strictly before the committee as evidence, they have thought it not improper to bring to the view of the House.

An expectation that any further efforts to detect the person who caused the suppression of the paragraph in letter A 5 must prove as unavailing as those already made, induces the committee to ask to be discharged from the further consideration of so much of the resolution as relates to that subject.

A.

The examination of the Hon. D. P. Cook, taken on Monday, the 10th of February, 1823, under oath.

Question 1. Can you say, at this time, how long you were in possession of the documents of which A 5 is one?

Answer. I cannot say precisely how long. My impression is, I brought them to the House on the Saturday or Monday after they were presented to the House.

2. At whose house did you board last session?

Ans. I boarded at Mrs. Heyer's at the time I had possession of the documents.

3. Were the documents above alluded to inspected by any person but yourself, while they were in your possession? If they were, by whom?

Ans. They were. They were inspected by Governor Edwards; but to what extent, I do not know.

4. Do you know whether he inspected document A 5?

Ans. I do not know that he did.

5. Were the documents, or any of them, in possession of any other person than yourself, after they were withdrawn by you from the Clerk's office, and before their return thereto? If yea, in whose possession were they?

Ans. I think they were in possession of no person except when I was present; if they were, I have no recollection of it. And the only person in whose possession they were, when I was present, was Governor Edwards. My impression is, that Thomas Van Swearingen, a member from Virginia, was present; but I do not think he examined the papers. I understood from Governor Edwards, at that time, that some communication had been made to him, by Mr. Van Swearingen, which induced him to wish to see the papers; which was some conversation held either between Mr. Van Swearingen and the Secretary of the Treasury, or between the Secretary and some other person, of which he had been informed, and which I understood related to the bank at Edwardsville, where Governor Edwards lives.

5. Were the documents, or any of them, while in your possession, read by you to any person or persons? if yea, to whom?

Ans. If they were, I have no recollection of it; though it is possible they may have been.

6. When did you first observe the pencil brackets, embracing that part of A 5 which has been suppressed in the printing? and did you at that time—if not, at what time did you, observe the underscoring in said suppressed paragraph?

Ans. I first observed the pencil brackets after the documents were printed, in the Clerk's office, at the time I sent for them to make the examination alluded to in my former testimony. In relation to the underscoring, I have no recollection of it, until since the agitation of the subject at this session.

7. Do you know by whom the underscoring in the said suppressed paragraph was done, or caused to be done? if yea, by whom, and when?

Ans. I do not know when, where, or by whom, done.

8. Look at the letter A 5, and the marks thereupon. Do you believe it possible the said letter can be read, without noticing the said marks?

Ans. My impression is, I read this letter before the printing of the documents, and have no recollection of having seen the marks at that time. I also read a letter from the president of the Bank of Missouri, which it has been

stated was marked before it was sent to the House, and of the marks on which I have no recollection; and, therefore, it is possible that A 5 may have been marked, and I not have observed it.

9. What prudential reasons influenced you in your application for a certified copy of the letter A 5?

Ans. In conversation with two or three gentlemen, the subject of my calls on the Secretary of the Treasury at the last session, in relation to the bank deposites, became a topic of conversation. The subject of this omitted paragraph, after other conversation, was also spoken of. It was then suggested to me, as I had made the statement of the omission, if any difficulty should result from it, and it should be deemed a matter of any importance, that the letter might possibly be withdrawn in some way from the files of the House, and that, in the event of such an occurrence, it might be well for me either to have the letter examined by some member of Congress, or to obtain a certified copy of it; and that was the inducement for my obtaining the copy.

10. With whom was the conversation alluded to in your answer to the last interrogatory held? were they members of Congress, or others?

Ans. They were members of Congress; Mr. Edwards, of Connecticut, was one. I do not consider myself at liberty to name others without their leave, and to which, I presume, they will not object.

TUESDAY, 1 *o'clock*, *P. M.*

The committee met and resumed the examination of Daniel P. Cook, a representative from Illinois, who, in continuation of his answer to the last interrogatory proposed yesterday, says: That, having consulted the gentlemen with whom I had the conversation before referred to, and they having no objection to the communication of their names, I now state that they were Mr. Ingham, of Pennsylvania, Mr. Edwards, of Illinois, of the Senate of the United States, and Mr. Edwards, of Connecticut. Mr. McNeil was in the room in the course of the evening, but I do not think present at this conversation. This conversation took place in the room of Governor Edwards, and between the 1st and 6th of January last.

B.

Interrogatories proposed to the Hon. Ninian Edwards, a Senator from Illinois, which were answered under oath.

THURSDAY, *February* 13, 1823.

Interrogatory 1. Have you at any time, and, if yea, at what time or times, seen the *documents* now shown to you, of which A 5 is part, and which in printed documents is No. 66? where did you see them, and how often?

Answer. I am not here of my own suggestion, but by the *request* of the committee. The manuscript documents which include A 5 were brought to my room, at my request, by Mr. Cook, for my examination; and I did examine those parts which I was desirous to see, in the presence of Mr. Cook and the honorable Thomas Van Swearingen, then a member of the House of Representatives; very soon after which examination, Mr. Cook retired from my room, and took the documents with him, and I never have seen them since until the present time. As well as I remember, the House of Representatives directed Mr. Crawford's report to be published without the documents, and Mr. Cook told me that he had been permitted to take the documents into his possession for examination; upon which I requested him to bring them to my room. This was some time during the last session of Congress, and before the documents were printed.

Int. 2. What part of said documents did you examine particularly?

Ans. I examined those that related to the Bank of Edwardsville pretty minutely, partially those that related to the Bank of Missouri, and I think it probable that I examined a part of the documents that related to the Tombigbee Bank; I am under the impression that I did. I have not the slightest recollection of having examined any other part of the documents.

Int. 3. Look at the letter A 5 now shown to you, and the pencil marks and underscoring thereupon. Did you, when you made the examination of the documents, see and read this letter? If yea, did you discover upon its face the marks it now wears?

Ans. I did not examine the documents relating to the Bank of Steubenville; I had no motive to lead me to their examination; and I did not see the letter marked A 5; nor did I see or hear of any marks upon it, or upon any other letter, at that time.

Int. 4. Do you know by whom said marks or underscoring, or any part of them, were made?

Ans. I do not. They were not made by me, nor by any other person in my presence.

Int. 5. When did you first hear the marks upon this letter (A 5) spoken of, and by whom?

Ans. I think I heard them first spoken of last winter, after the documents were printed, by Mr. Cook; but I cannot state precisely the time.

Int. 6. Did Mr. Cook state to you when or how he first discovered the marks upon A 5?

Ans. All that I can recollect that throws any light upon that subject is this: Mr. Cook had stated to me that such expressions as are contained in the suppressed paragraph of the letter A 5 were in the documents, and, afterwards, upon reading the printed documents, and not being able to find these expressions, I reminded him of his having told me that there were such expressions in some part of the documents. I have always supposed that that was his reason for examining the documents, for he afterwards stated that the paragraphs were marked.

Int. 7. What led you to the examination of the documents brought to your room by Mr. Cook, at your request?

Ans. There were two objects. The first of which was, that I heard of certain suggestions, which I supposed were intended to criminate me in relation to the Bank of Edwardsville, and wished to see what the documents contained on that subject; and, particularly, one or more letters, which I believed had been written to Mr. Crawford in 1819. The other was a statement which I had seen, or understood to be in Mr. Crawford's report, and which I thought I knew to be erroneous, to wit, that the uncurrent paper which he received from the Bank of Edwardsville had been received by that bank before the date of the contract under which it agreed to pay specie; because I, myself, had made the arrangement with him concerning the bank, and knew that the first article of the contract under which it became a depository of public money was, that the deposite should be entered to the credit of the Treasurer as cash. I did not examine the documents with reference to any other objects.

Int. 8. Were you at any time a director in the Edwardsville Bank? Did you resign your seat as such director? If yea, at what time? And was it, or was it not, because you believed that the circumstances of said bank were impaired, and that it would be compelled to stop? When did said bank stop?

Answer. I was a director of the Bank of Edwardsville. It was organized about the time I left Edwardsville, in the fall of 1818, to take my seat in the Senate of the United States. Previous to that time, the public moneys received at Kaskaskia and Edwardsville were deposited in the Bank of Missouri, at St. Louis, as I understood, by the directions of the Secretary of the Treasury; and believing that the money received by these offices would be equally

as safe in the Bank of Edwardsville as in the Bank of Missouri, (in which opinion subsequent events have proved that I was not mistaken,) I applied to the Secretary of the Treasury to have the money received by these offices deposited in the Bank of Edwardsville, which he readily agreed to do. On my return to Edwardsville from Congress, in 1819, I found that a great run was made upon the bank, resulting, as I then believed, and still believe, from a formidable combination against it; and fearing that it might at some time or other fail to fulfil its engagements to the Government, I determined to sustain it against the run that was then made upon it; to get it, if possible, out of the reach of danger, and then to free myself from all responsibility with regard to it. Accordingly, some time in the year 1819, I made a publication in the St. Louis Enquirer, Edwardsville Spectator, and I think one other paper, the object of which was to give public notice, and to apprize the Secretary of the Treasury, of my intention to withdraw from the bank, and my determination to relieve myself from all responsibility in regard to it; leaving the Secretary to judge for himself, from the returns he required it to make, of the propriety of continuing it a depository of public money: and, although I believed that the St. Louis Enquirer was sent to him, I enclosed him a paper containing my publication; and, that he might have as perfect a control of the subject as possible, I prevailed upon Colonel Benjamin Stephenson, the receiver, and the president of the Bank of Edwardsville, who apprehended that ill consequences would result from my withdrawing from it, to write to the Secretary of the Treasury upon the subject, and enclose him one of my publications: and I advised him, in the mean time, to withhold all further deposites, till he could receive the orders of the Secretary; and I believe he did so, though I do not positively know it. I saw him write the letter, and enclose the publication, and I have no doubt the Secretary received it. Colonel Stephenson afterwards informed me that he had received a letter from the Secretary, directing him to continue the deposites in the bank; and I was much surprised at not seeing this correspondence in the report, as well as one or more letters, which, I confidently believe, were written to the Secretary of the Treasury in 1819, for the purpose of apprizing him of the situation of the bank at that time, and inducing him to forbear to draw upon it until it could relieve itself from the pressure it was then encountering. The bank continued to pay specie, notwithstanding the pressure; and in the fall of that year, I expect, was in as good situation as any bank in which the public money was then deposited.

According to the pledge which I gave in my publication, I resigned my seat as a director; and though I was once elected to the same station since that time, I refused to accept it, nor have I had any thing to do with the management of the bank since the fall of the year 1819; and that I might not be liable even to the suspicion of having been influenced by interested motives, in consequence of a hundred shares which I held in the bank, I have never borrowed one cent from it, though I paid the instalments required of me upon my shares in good money. I presume the documents will show when the bank stopped; I think it was in 1821, in the latter part of the summer, or the first of the fall; it continued, after that, to redeem its notes under ten dollars.

Int. 9. Can you furnish to the committee a copy of the publication referred to in your answer to the last interrogatory? If not, state it as well as you can recollect it.

Answer. I cannot furnish such copy, but think that Mr. Crawford could; and presume that Colonel Benton recollects it. I think it substantially contained what I have stated, in pretty express terms.

C.

Mr. Dickens examined.

TUESDAY MORNING, *February* 19, 1823.

Interrogatory 1. Were you at the office of the Intelligencer at any time during the printing of the documents, of which A 5 is a part? If yea, for what purpose?

Answer. I do not know that I was at the office of the Intelligencer during that time, nor do I know how long the documents were in the possession of the printers. I never saw the documents whilst in their possession, nor expressed to them any wish in relation to the documents.

D.

Mr. Burch examined.

Interrogatory 1. Look at the underscoring upon the suppressed paragraph of A 5. Is there any thing in the ink with which said underscoring has been made which can lead you to pass any opinion upon the character of the mark?

Answer. The underscoring upon the said letter is, in my opinion, in a different ink from that with which the body of the letter is written. It is not the ink of the Clerk's office of the House of Representatives; it is not so black, but approaches nearer the color of that furnished members during the last session of Congress.

Interrogatory 2. Is there any thing peculiar in the character of the ink furnished members of Congress which can enable you to identify it?

Answer. The ink, after being used for some time, assumed a rusty color, such as is exhibited by the underscoring upon the letter A 5. Instead of growing black as it grows older, it fades and rusts.

E.

Mr. Cook re-examined.

FEBRUARY 22.

Question 1. At what time did you first become acquainted with the practice in the office of the Intelligencer of omitting to print those parts of documents marked with crosses and included in brackets?

Answer. I never heard of such a practice until I heard it stated to the other committee of investigation by the printers.

Question 2. How long after the documents were returned by you to the House was it before you moved that they should be printed?

Answer. I think it was not more than two or three days, but I cannot say exactly how long it was.

Question 3. Do you think it was not on the same day?

Answer. I think it was not. It appears to me the documents lay in my drawer in the House of Representatives at least one day before I made the motion, and probably longer.

Question 4. Were you in the habit of locking your drawer?

Answer. No, I was not, except on some occasions when the House adjourned from Friday or Saturday until Monday, and not always then.

F.

DEAR SIR: BANK OF STEUBENVILLE, *February* 10, 1823.

I have just received yours of the 29th ultimo, calling my attention to a paragraph in my letter to the Secretary of the Treasury of the 3d of April, 1819, which paragraph was omitted by the printer on a call of the House of Representatives.

I have examined the book containing the copy of that letter, and have conversed with the clerk of the bank on the subject. We are both satisfied that no part was underscored or marked in any way when it left the bank. How or by whom it was thus marked, or for what purpose, I am totally ignorant.

Surely there was no just reason for suppressing that paragraph; the circumstance to which it referred being really trifling in itself, although, in the warmth of the moment, I gave an importance to it, which this unfortunate suppression is calculated to magnify. The debt of eighteen thousand dollars, transferred from the branch at Chilicothe to the Bank of Columbia, (where the whole amount of the special deposite was ordered to be placed,) and thence to this bank, was faithfully paid, with interest. If it had remained at either of those places, it would have been as faithfully paid. It was the property of the Government, and its character was not changed by this transfer.

I am, very truly, dear sir, your obedient servant,

W. R. DICKINSON.

A. DICKENS, Esq.

17th CONGRESS.] No. 539. [2d SESSION.

FURTHER LEGISLATION REQUIRED FOR THE IMPROVEMENT AND BETTER GOVERNMENT OF THE TERRITORY OF FLORIDA.

COMMUNICATED TO THE SENATE, FEBRUARY 3, 1823.

To the Senate of the United States: FEBRUARY 3, 1823.

Having lately received a memorial from the Legislative Council of the Territory of Florida, on subjects very interesting to the inhabitants of the Territory, and also to the United States, which require legislative provision, I transmit the same to Congress, and recommend it to their consideration.

JAMES MONROE.

To His Excellency James Monroe, President of the United States:

Your memorialists, constituting the Legislative Council of the Territory of Florida, beg leave to submit to the President of the United States a statement of the prominent subjects of general interest to the inhabitants of this Territory, for which they have been appointed to legislate, and in the destinies of which they feel a deep public and individual interest.

The Legislative Council will approach the topics to which they would most respectfully solicit your attention with that frankness and sincerity which citizens have the pride and satisfaction to assume in addressing the Chief Magistrate of our grand confederacy, and, through him, the Congress of the United States. After a long and protracted negotiation, the United States acquired the Floridas—an acquisition which it was then supposed would form one of the brightest epochs in the history of the distinguished administration that negotiated, and the Congress that sanctioned the treaty of cession, and enabled the ceded inhabitants, with the influx of population and wealth, to fulfil the high destiny to which the God of nature seemed to have assigned this highly favored country. Candor, however, obliges us to say that the act of Congress for the organization of the Government of this Territory, although calculated to remedy many of the defects of the provincial establishment from which it was lately emancipated, was nevertheless not so favorable as we had a right to expect, when we contemplate the value of the acquisition; the commercial and agricultural advantages of the country; its soils, bays, rivers, and harbors; its important resources and energies, when developed and called into action; and, above all, its exposed situation, possessing a seacoast of twelve hundred miles, constituting the natural boundary of the most important part of the Union, and liable to the incursions of any foreign invader, or lawless domestic enemy, whose cupidity and enterprising avarice might lead them to desolate our towns and plunder our sparse population. Your memorialists do not, in the remotest degree, charge the neglect to a want of that careful and provident attention to the interests of the native and adopted citizens of the United States which has always characterized the policy of those who are intrusted with the guardianship of our rights, but to a want of the requisite information in regard to the necessities and wants of our Territory, deprived as it has been of representation in Congress.

The first subject to which we would particularly invite your attention, and that of the Congress of the United States, is one of as much national concern as solicitude, in reference to the immediate prosperity of this Territory. It will be recollected that the late Government of Spain over these provinces considered East and West Florida as two distinct dependencies, from a connexion of which they could discover no immediate benefit to Spain, and, consequently, the settlements were confined to the vicinity of St. Augustine and Pensacola—more particularly in West Florida, where the settlement of the country was circumscribed, by an apprehension of Indian hostility. The effect has been to prevent the establishment of a road from the capitals of the above provinces to each other, or to the interior; and, as we are at present situated, the nearest practicable road from one to the other by land is seven hundred and fifty miles, through Alabama and Georgia; and the water communication round the cape is as difficult as a trip to Liverpool or Bordeaux. A conclusion, however, unfavorable to the conjunction of the two provinces in a Territory or State, cannot be drawn from this fact, the distance not being more than three hundred and fifty or four hundred miles, through a healthy fine country, a large portion of which, your memorialists are

induced to believe, for fertility, is not to be surpassed by any land in the southern country. A slight view of the geographical situation of the country, its local and political connexion with the United States, will demonstrate the policy and necessity of preserving the connexion of the Floridas, and also dictate the propriety of laying out a road from Pensacola to St. Augustine, from which our Government, in addition to the lasting improvement of her Territory, for the labor and expense will derive more than an equivalent from the sale of public lands, which will be much enhanced in value by such an improvement. Your memorialists would, therefore, request that your excellency would direct some intelligent officers of the engineer corps to explore the country, and mark out a road from Pensacola to St. Augustine, and adopt such measures as to your excellency may seem fit, to have the same opened, in conformity with their report; and, also, that they be directed to select some suitable place, in the Mickasuky country or on the Suwanee river, or the adjacent country, for the permanent seat of Government of Florida, and make report thereof to the Governor of this Territory, to be laid before the next Legislative Council. Whilst we are on the subject of establishment of public roads, so nearly connected with the growth, wealth, and prosperity of this Territory, we would also take the liberty to recommend to the General Government the necessity and practicability of opening the road from St. Augustine into Georgia, known by the appellation of the King's road, which was opened at great expense by the British Government, and could, at this time, be re-opened with very little labor, and will afford a communication to facilitate the intercourse between that part of the Territory and the southern States. The establishment of this road was deemed an object of the utmost importance to the province of East Florida by the British Government. Your memorialists are induced to believe that the policy and necessity of such measure will be more strongly felt by the Government of the United States.

Your memorialists would beg leave particularly to direct the attention of the Congress of the United States to the necessity of erecting light-houses at Pensacola and St. Augustine; and, also, to provide some law upon the subject of wrecking, at the peninsula of Florida, which is now in the hands of foreigners, and subject to the absolute control of the colonies of Great Britain and Spain, and is frequently made the pretext for piracy and smuggling.

Another subject to which the Legislative Council will call the attention of Congress is, the organization of the judiciary in this Territory. By reference to the act of Congress, it will be found that two district courts are established, one in East and the other in West Florida. Those courts are vested with jurisdiction in civil and criminal cases, without an appeal from their decisions to any other tribunal, only when they entertain jurisdiction in their federal capacity. It follows, therefore, that the act of Congress has vested in one judge power over the lives, liberties, and property of the citizens of this Territory, without providing for an appeal or writ of error, to correct a judgment rendered by misconception of the law, partiality, or judicial impetuosity. Whatever confidence we may repose in the virtues of our judges, or the upright integrity of the American bench, your memorialists conceive that it is a novel and dangerous power, inconsistent with the policy of our Government, and contrary to the usual course in relation to all the other Territories; in all of which, if they are not mistaken, three judges have been appointed, who were required to hold courts in different parts of the Territories, and once or twice a year hold a court of errors and appeals, in all cases arising under the territorial laws. The judges are incompetent to form such a connective tribunal; to supply the deficiencies in the judiciary system, as regulated by the act of Congress, the Legislative Council considered it incumbent upon them to establish inferior courts, as a temporary expedient, making it the duty of the judges of the inferior courts to hold pleas in the several counties, with an appeal from their decision to the district court of the United States. We believe this course to be indispensable to the convenience of large settlements remote from St. Augustine and Pensacola; a contrary policy would have subjected them to great inconvenience, and, in many instances, would have been tantamount to a denial of justice. We considered it necessary to prevent crime by its speedy punishment, to restrain the refractory, to protect the weak from the oppression of the strong; and thus to insure virtue and humanity among our citizens, and accomplish the great end of society—the happiness of the people. The salaries of the judges of the inferior courts amount to $2,400; and, as we are in the first grade of territorial government, we have reason to expect that Congress will make an appropriation of that sum; and, also, provide for the appointment of another judge, to reside at the seat of Government, which will do away the necessity of a longer continuance of the inferior courts.

There is another topic of considerable interest and magnitude to this Territory and the United States, upon which your memorialists would respectfully express their opinions on the present occasion. In consequence of the great extent of seacoast by which Florida is bounded, and the consequent exposure to which she is subjected, the speedy settlement of the country will readily present itself to your excellency as an object of the most important consideration. In order to give that strength and security to Territories thus peculiarly situated, emigration should be invited to them by every advisable means within the control of the General Government. To accomplish this desirable purpose, it may be considered of the first moment that the claims to land, of every description, should be promptly ascertained and adjusted. Upon this subject, your memorialists would, with all the respect and confidence due to the constituted authorities of the Union, recommend that the powers of the commissioners should be enlarged, relative to claims upon which they are authorized to pronounce a final decision. Your memorialists would also suggest the propriety of referring the larger grants to the investigation and determination of the judicial tribunals. Were the existence of this power thus vested in our courts, and transferred from the national councils, it is confidently believed that much expense would be avoided, as well as more ample and speedy justice administered to all the parties concerned. The members of the judiciary residing in the Territory, and having obtained an acquaintance with the laws and ordinances of the Government from which the claims emanated, they must necessarily be much better qualified to pronounce an opinion than any tribunal differently constituted. From the decision of the courts here, an appeal might be given to the Supreme Court, and thus the validity of titles decided by the constitutional arbiter, the judiciary, which would eminently contribute to secure the rights of the United States and of the claimants.

Until these difficulties are obviated, it cannot be expected that emigration should be successfully directed to the Territory of Florida. Large tracts of land are in some places covered by private claims. Before the proprietors can make any permanent disposition of them to settlers, by which a dense and efficient population can be obtained, it is indispensably necessary that they should be free from all incumbrance and litigation. This end can be most speedily, cheaply, and certainly accomplished, by the judicial tribunals of our country. Next to bringing the public lands into market at an early period, your memorialists consider the prompt and final decisions of land claims as an object of the highest consideration; upon it not only depend the growth and prosperity of this Territory, but the effectuation of those valuable purposes for which the United States obtained their cession by the late treaty with Spain.

In conclusion, your memorialists would beg leave to represent to your excellency the superior advantages of the harbor of Pensacola over any other on the Gulf of Mexico south of New Orleans, and to suggest the policy of selecting it as a naval depot by the Government of the United States. Although engineers have been appointed to make a survey of the harbor, who are amply competent to form a correct estimate of its importance; yet, it is to be hoped that the suggestions of your memorialists may not be considered obtrusive, but received with complacency, as the

offspring of a lively interest in the welfare of this Territory and of the United States. From a survey that has been made of the harbor of Pensacola, under the orders of the General Government, it is understood by your memorialists that, at the lowest water, vessels drawing not more than twenty-one and a half feet water may cross the bar, and enter the harbor with perfect safety. The medium depth of water between the highest and lowest tide may be confidently estimated at two additional feet, making in the aggregate twenty-three and a half feet. It is believed, from the best advice which has been obtained upon the subject, that this depth of water on the bar is sufficient for the entrance of vessels of any description, save those of the largest class; the locality of the bay is likewise such as to secure every facility to the entrance and departure of vessels. The opposite extremes of its oblong form extend in a northeasterly and southwesterly direction, which happily corresponds with the general range of winds, so as to subject vessels to very little delay in their arrival or departure. After vessels have entered the bay, they have every assurance of the most perfect security, even in the most violent gales; it is completely land-locked by the main land and the island of St. Rosa; it is uncommonly capacious, and its bottom, affording a stiff, tenacious clay, constitutes a safe and excellent anchorage. From St. Carlos de Barancas to the opposite point on St. Rosa's Island, is computed to be about three-fourths of a mile; with suitable fortifications at those two opposite positions, it is confidently believed, by military gentlemen of science who have visited them and expressed an opinion, that no vessel could pass into the bay without receiving a fatal injury; the guns of both fortifications could be brought to bear upon it with so much certainty and effect as to insure its destruction. Every examination which has been made of these commanding stations has resulted in the decided opinion that it can be much more easily defended than any other on the gulf, if not on the whole of the Atlantic coast.

A faithful topography of Pensacola and the adjacent country will demonstrate that it may be very efficiently protected from the inroads of the enemy by land. In the rear of the town, at the distance of about half a mile, the highlands are presented, upon which military works may be constructed to advantage so as completely to command the whole space intervening between them and the bay; a single fortification, strongly and judiciously built, would successfully bear upon the entrance into the town, in every direction. There is, probably, no other station on the southern coast which could be defended by land with so small a number of troops, or at less expense.

Independently of the facility with which Pensacola may be defended, if reliance is exclusively reposed on regular troops, there are other prominent considerations, which powerfully recommend it to the attention of the General Government. These result from its immediate connexion with New Orleans, and its contiguity to most of the States on the Mississippi river. In cases of emergency and invasion, should it become necessary to call the aid of the militia for the protection of this place, they can be readily obtained from Louisiana, Mississippi, Kentucky, Tennessee, and Alabama; owing to an advantage from a water communication, they may be conveyed to Pensacola in a short time, and, comparatively, with small expense to the General Government. Your memorialists are induced to believe that half of the expenditures of the late war were included in the item of transportation; much would be saved, on this score, were Pensacola selected as a naval station, not only in the transportation of soldiery, but also in provisions and the munitions of war. This desirable object would be more completely accomplished, should ever a communication be opened between the Bay of Pensacola and the Mississippi and Mobile rivers. Another prominent advantage in favor of Pensacola, which gives it elevated claims on the patronage of the Government, is, that it is distinguished for the salubrity of its atmosphere and mildness of climate; it is a situation where her troops may always calculate on enjoying good health, and where it is represented that breadstuffs and other provisions continue almost as long in a perfect state of preservation as in most of the northern ports of the United States.

In addition to this, your memorialists will take the present occasion to remark, that a military force stationed at Pensacola would, in time of war, give efficient aid in the defence of New Orleans, as well as additional security to Louisiana, Mississippi, and Alabama, by presenting a formidable barrier, by which inroads through West Florida would be checked and prevented. This assistance could not, with any certainty, be obtained from Tampa Bay; and no other position, it is believed, can be selected, south of Pensacola, which promises the other important advantages we have described; in consequence of its remaining at a great distance from a dense population, and the difficulties of transportation, it cannot be so conveniently connected with the adjoining States, and must rely for defence almost entirely upon regular troops, a much larger number of which will be necessarily required.

The occupation of Pensacola, with the necessary fortifications, is calculated to afford a more complete command over the commerce of the Gulf of Mexico, than any other position which could be selected on the southern coast; with this peculiar advantage, the United States would exclude the shipping of an enemy, probably, from the only port in Florida in which they could anchor with safety, owing to the violence of the West India gales. Your memorialists are of the opinion that there is no other harbor, save that of Havana, in which they could ride with security during a storm. But the benefits arising from the selection of Pensacola as a naval station are not entirely of a negative character; we should not only be enabled to exclude the hostile armaments of foreign nations, but our own vessels could be protected from capture and disaster. The harbor of Pensacola will always be a place of secure retreat, a station from which expeditions may be fitted out without interruption, and from which the West India commerce of an enemy might receive the most successful annoyance. Were New Orleans assailed, Pensacola would be competent to afford co-operation for its defence, both by land and water, which could not fail to excite in the enemy the most fearful apprehensions; by our vigorous and well-directed efforts, her commerce would be cut off, her detachments captured, and, in the end, her surrender or retreat accomplished. The security of this place, then, is believed by your memorialists to be inseparably connected with the prosperity and defence of New Orleans and the contiguous States. We, therefore, pray the attention of your excellency to the subjects upon which we have taken the liberty to remark; and be assured that those who give a different account of our Territory are ignorant of its resources, or wantonly misrepresent it.

Resolved by the Legislative Council of the Territory of Florida, That the Governor of this Territory be requested to forward a copy of the foregoing memorial to the President of the United States; and that another copy be delivered to the Delegate who may be elected to represent this Territory in Congress, to be laid before the Congress of the United States at their next session.

EDMUND LAW,
President of the Legislative Council.

Test:

ROBERT MITCHELL,
Clerk of the Legislative Council.

17th Congress.] No. 540. [2d Session.

EXPEDITION AGAINST THE ISLAND OF PORTO RICO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 4, 1823.

To the House of Representatives: FEBRUARY 4, 1823.

In compliance with the resolution of the House of Representatives of the 12th of December last, requesting the President "to communicate to the House such information as he might possess with regard to any expedition prepared in the United States, and having sailed from thence, within the year 1822, against the territory or dependency of any Power in amity with the United States; and to inform the House whether any measures had been taken to bring to condign punishment persons who have been concerned in such expedition, contrary to the laws," I transmit to the House reports from the Secretaries of State and of the Treasury, with the documents mentioned in each. Those documents contain all the information in possession of the Executive relating to the subject of the resolution. That a force of a very limited extent has been equipped in the ports of the United States, and sailed from thence for the purpose described in the resolution, is manifest from the documents now communicated. The reports from the collectors of Philadelphia and New York will show in what manner this equipment escaped their notice. The first information of this equipment was received from St. Bartholomew's, the place of its rendezvous. This was confirmed afterwards from Curaçoa, with an account of its failure. Should any of those persons return within the jurisdiction of the United States, care will be taken that the laws applicable to such offences are duly enforced against them. Whether any aid was afforded by others to the parties engaged in this unlawful and contemptible adventure, in the ports in which it was planned, inconsistent with ordinary commercial transactions, and contrary to the laws of the United States, will be referred to the Attorney General, on whose advice any measures in regard to them will depend.

JAMES MONROE.

DEPARTMENT OF STATE, WASHINGTON, *January* 31, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 12th of December last, requesting the President to lay before the House such information as he might possess with regard to any hostile expedition prepared in the United States, and having sailed from thence, within the year 1822, against the territory or dependency of any Power in amity with the United States; and to inform the House whether any measures had been taken to bring to condign punishment persons who have been concerned in such expedition, contrary to the laws of the United States, has the honor of reporting to the President copies of the papers in the possession of this Department relating to the subject of the resolution.

JOHN QUINCY ADAMS.

Mr. Ingersoll to the Secretary of State.

SIR: PHILADELPHIA, *January* 8, 1823.

Since the receipt of your letter dated the 1st instant, concerning the Porto Rico expedition, I have ascertained, as the enclosed original papers will show, that an illegal expedition was fitted out in this port against that island, and sailed from here in the month of August last.

It appears that Ducoudray Holstein and Baptiste Irvine, with about forty other persons, chartered the brig Mary, of this port, from Thomas Wattson, her owner, for $20,000, and sailed in that vessel for Porto Rico, with a quantity of muskets, sabres, pistols, cartridges, gunpowder, and other munitions of war, besides a cargo of flour, but without, as I understand, other armament of the vessel than two cannon, which she had had mounted before her employment on this enterprise. A vessel from New York, and another from Baltimore, were to meet the Mary at sea, and the three to proceed in company to their destination.

With the result of the expedition you are informed, and the enclosed letters will acquaint you particularly. They have been freely put into my hands, together with the charter-party, policy of insurance, and copy on account of the invoice, also enclosed, by a gentleman who received them as assignee of Mr. Wattson, with whom also I have had an interview on the subject, in which he was fully apprized of my object in seeking it. I understand from him that, although the business was conducted with great despatch, there was nothing clandestine about it. You will see, by the list of articles annexed to the charter-party, that bills were furnished for the printing materials and ironmongery supplied. But I believe all these articles were purchased by Mr. Wattson. Policies of insurance were also effected on the Mary's cargo; two by insurance companies in this city, and one by an insurance company in Baltimore, (enclosed,) the tenor of which shows that the voyage was disclosed to the underwriters.

Why and how this expedition so far eluded the notice of the public officers of the United States as to have met with no obstruction, nor to have been made known to any of the Executive Departments at the seat of Government, I am unable to inform you, further than by submitting the enclosed note, which I addressed to the collector of the port, and his answer, on the subject.

I have good reason for believing that the minister of Spain was aware of the expedition at the time of its departure, but refrained from complaint here, preferring to take measures for its destruction after its concentration in the West Indies.

The first knowledge or intimation I had of it was derived from the newspaper accounts of its failure.

I remain, with great respect, sir, your obedient servant,

C. J. INGERSOLL.

The Hon. J. Q. ADAMS, *Secretary of State.*

Memorandum of an agreement entered into between Thomas Wattson, of the city of Philadelphia, (merchant,) and General Ducoudray Holstein, now of the said city, viz:

The aforesaid Thomas Wattson, on his part, agrees to advance to the said Holstein, in cash, twelve hundred dollars, to provide for the conveyance of himself (the said Holstein) and sixty other men that he may appoint, to be embarked

on board the American brig Mary, Captain Aaron Burns, and to be landed on the west side of the island of Porto Rico: and further, to deliver from on board the said brig to him, (the said Holstein,) or to his order, all articles, in good order and condition, as they are specified in the annexed list; the duties and expense of landing the said men and articles to be paid by the said Holstein. Captain Burns, however, is to render the necessary assistance his crew and the brig's boats can furnish, according to the custom of the island. And the aforesaid General Ducoudray Holstein, on his part, agrees to pay, or cause to be paid, unto the said Thomas Wattson, or to Mr. Isaac Reid and Captain Aaron Burns, his agents, the full sum of twenty thousand Spanish milled dollars, on or before the delivery of the said goods or articles, or to give them (the said Reid and Burns) good and satisfactory security that the aforesaid sum of twenty thousand dollars shall be paid within five days from the safe arrival of the said brig at the place of landing, which the said Holstein shall have to select; but it shall be optional with him (the said Holstein) to pay one-half of the above sum of twenty thousand dollars in produce of the island of Porto Rico, provided it be invoiced at least one-third less than the current prices of the place of shipping, and to be consigned to the said Thomas Wattson, of Philadelphia, to be sold for account and risk of the said Holstein, and the nett proceeds placed to his credit.

It is further agreed between the parties that eight days shall be allowed for the delivery of the cargo and for the shipping of the specie and return cargo on board said brig; and for each and every day's further detention of said brig over that time, the said Holstein is to pay, or cause to be paid, one hundred dollars per day demurrage; but, in no case, shall the brig be detained above fifteen days, except by consent of the aforesaid Isaac Reid and Captain Aaron Burns, agents for the said Thomas Wattson.

It is also agreed that for any small or unimportant deviation, either in quantity or quality, of the goods or articles specified in the annexed list, no abatement shall be made from the aforesaid sum of twenty thousand dollars; and that this agreement shall not be considered void until the said Thomas Wattson shall receive the full and nett sum of twenty thousand dollars; but no advantage shall be taken by either party of any informality in this agreement, as it is made in the full faith and confidence of the parties.

Witness, this first day of August, one thousand eight hundred and twenty-two.

H. V. DUCOUDRAY HOLSTEIN,
THOMAS WATTSON.

THOMAS WELSBUGER, } *Witnesses.*
ISAAC REID, }

List of articles for General Ducoudray Holstein, as per annexed agreement, dated August 1, 1822.

One hundred muskets.
One hundred and twenty sabres and belts.
Fifty drums.
Sixty speaking trumpets.
Thirty pairs of pistols.
Sixty jackets and trowsers of blue nankeen.
Sixty straw hats.
Thirty pairs of blankets.
Fifteen kegs of powder.
Fifteen fixed cartridges.
A quantity of medicine, per bill of J. Wittburger.
Three hundred pounds of musket balls.
Two thousand flints.
One box of mould candles.
One box of spermaceti candles.
Two hundred pounds of soap.
Twenty pounds of sewing twine.
Three hundred gunny bags.
Four pieces of bombazettes.
Two pounds of wafers.
Six pounds of sealing-wax.
Two spy glasses.
One dozen lanterns.
One dozen tinder-boxes.
Aquantity of paper, printing materials, and blank books, per Lafourcade's bill.
Six penknives.
Fourteen pairs of epaulettes.
And a quantity of hardware, consisting of axes, shovels, spades, hammers, hatchets, pincers, saws, files, needles, nails, &c., per Crap's bill.

BY THE PATAPSCO INSURANCE COMPANY:

No. 3568—CARGO.

This policy of insurance witnesseth, that the Patapsco Insurance Company have insured, and hereby do insure, Nathaniel Pearce, for account of whom it may concern, as well in his own name as in the name or names of all and every other person or persons to whom the same doth, may, or shall appertain, in part or in the whole, lost or not lost, at and from Philadelphia to St. Bartholomew's, St. Thomas's, and the privilege of three ports on the west side of the island of Porto Rico, (say Ponce, Mayaguez, Aguadilla,) and back to Philadelphia, or a port in the United States:

Five thousand dollars upon all kinds of lawful goods and merchandise, laden or to be laden, on board the brig called Mary, whereof is master for the present voyage Burns, or whoever else shall go for master in the said vessel, at Philadelphia, beginning the adventure upon the said goods and merchandise from the loading thereof on board the said vessel, and continuing the same until the said goods and merchandise shall be safely landed at the ports aforesaid.

And it shall and may be lawful for the said vessel, in her voyage, to proceed and sail to, touch and stay at, any ports or places, if thereunto obliged by stress of weather, or other unavoidable accident, without prejudice to this insurance. The adventures and perils which we the insurers are contented to bear and take upon us in this voyage, are: of the seas, jetsams, and all such other perils, losses, and misfortunes that have or shall come to the hurt, detriment, or damage of the said goods and merchandise, or any part thereof, as insurers are legally accountable for—warranted, nevertheless, by the insured, free from any charge, damage, or loss, which may arise in consequence of a seizure or detention of goods and merchandise hereby insured, or of the said brig, by reason or on account of any illicit or prohibited trade, or trade in articles contraband of war.

And all tobacco, salt, hides, skins, peltry, fish, fruit, wheat, Indian corn, Indian meal, peas, beans, flax-seed, or any other kind of grain or seeds, rice excepted; bread, coffee, and cocoa, stowed in bulk; all liquids, in casks or otherwise; and all other articles perishable in their own nature, are warranted by the insured free from average, unless general, or the ship be stranded; coffee and cocoa in bags, free from average, unless above ten per cent., or general; and all other goods free from average under five per cent., unless general.

And in case of capture or detention for adjudication, the insured renounce all claims against the insurers for demurrage; and in case of detention arising from stress of weather, the insured renounce all claim against the insurers for demurrage, seamen's wages, and provisions.

And in case of any loss or misfortune by any of the perils insured against, it shall be lawful to and for the insured, his factors, servants, and assigns, (and the insured on his part agrees and engages for himself, his factors, servants, or assigns,) to sue, labor, and travel for, in, or about the defence, safeguard, and recovery of the said goods and merchandise, or any part thereof, without prejudice to this insurance, to the charges whereof the said insurers will contribute, according to the rate of the sum hereby insured. And so the said insurers are contented, and stand bound to the insured, his executors, administrators, and assigns, for the true performance of the premises, confessing themselves paid the consideration for the insurance by the insured at and after the rate of five per cent. flat premium.

It is understood that this insurance is against sea risk only.

In case of loss, the same shall be paid in sixty days after proof and adjustment thereof, without any deduction, (except the amount of the premium, if then unpaid,) provided such loss shall amount to five per cent. on the sum hereby insured; under which no payment shall be made, unless in case of general average. In all cases of return premium, one-half per cent. on the sum insured shall be retained by the insurers. No part of the premium shall be returned or abated on account of any deviation from the voyage hereby insured. It is hereby agreed, that the insured shall not abandon to the insurers, until thirty days have elapsed after having given notice to them of his intention so to do, and of the loss or event which may entitle the insured thereto. It is declared and understood that, if the above-mentioned brig, after a regular survey, should be condemned for being unsound or rotten, the insurers shall not be bound to pay the sum hereby insured, nor any part thereof. It is also agreed by the parties of this policy, that in all instances when insurances are made to or from any ports or places at or on this side of the Cape of Good Hope, or Cape Horn, the lapse of twelve months from the time of sailing, or being last heard of, shall be considered as proof of loss, which loss the insurers agree to pay without further delay; and to or from any ports or places beyond either of the said capes, the lapse of eighteen months from the time of sailing, or being last heard of, shall be considered as proof of loss, entitling the insured to receive payment as aforesaid. And it is also mutually agreed by the parties to this policy, that if any dispute should arise relating to a loss or return premium on this policy, it shall be referred to two persons; one to be chosen by the insured out of three persons to be named by the president of the said company, and the other by the said president out of three persons named by the insured, who shall have full power to adjust the same; and in case they cannot agree, then they shall choose a third person, and the decision of any two of them shall be obligatory on both parties.

In witness whereof, the president of the said Patapsco Insurance Company hath subscribed his name and the sum insured, and caused their corporate seal to be affixed hereto, at the city of Baltimore, on the fifteenth day of August, in the year one thousand eight hundred and twenty-two.

LEWIS BRANT,
President pro tem. of the Patapsco Insurance Company.

SIR: CURAÇOA, *September* 25, 1822.

I am very sorry to tell you that after running great risks both as to lives and property, we arrived at this place on the 19th of this month. The expedition is completely destroyed, as some of the principals and the commander-in-chief are taken into custody by the authority of the Chief Magistrate of the island, and the vessel also that accompanied us to this place, which was a brig that joined us at St. Barts.

The brig Mary and cargo are safe, and most of her cargo is out and will be ready for sea in about ten days, unless prevented by Mr. Reid, as he and I do not agree.

Yours, respectfully,

A. BURNS.

Mr. THOMAS WATTSON.

N. B. This is in haste. I will give you every particular in my next, which will be very shortly.

SIR: CURAÇOA, *September* 26, 1822.

I have arrived at this place after encountering many difficulties and dangers both to lives and property. Every thing relating to the expedition is completely destroyed, and all that is saved are the provisions and brig. As [to] the military stores, [it] is doubtful whether they will be confiscated or not. As soon as I collect all the particulars relating to this unfortunate event, I shall endeavor to give them to you.

The reason why we are here is, that the general has deceived all who have had any thing to do with him; and while at St. Barts, and since, [there has been] nothing but quarrelling and dissatisfaction amongst those who ought to be united.

Yours, respectfully,

AARON BURNS.

Mr. THOMAS WATTSON, *Philadelphia.*

N. B. The brig and cargo are clear, except the military stores.

Aaron Burns to Thomas Wattson, dated at

SIR: CURAÇOA, *September* 26, 1822.

It falls to my part to inform you that every thing relating to the expedition is entirely destroyed. I will endeavor to give you all the particulars relating to this unfortunate expedition, and every transaction that has come within my knowledge shall be fully related.

We left the capes of Delaware on the 11th of August; on the 13th arrived at Barnegat; after cruising twenty-four hours off that place for our consorts, and not finding them, we proceeded on our passage for St. Barts. Nothing of consequence happened on our passage, except a little assumption on the part of Mr. Reid, which was highly resented by some of the passengers; they supposing him not vested with such high authority as he assumed. On the 8th of September, we arrived at St. Barts; we found Captain Gould, who is deeply concerned in the expedition, and who had been waiting some days for our arrival, he having arrived from New York in the schooner Selina, Captain Sisters: you have doubtless heard the general mention his name. He came on board, and desired us to come into port; which was immediately done, after consulting with General Holstein, who advised to that effect. At that place all the chief officers went on shore, where there was nothing but disputations between them and Mr. Reid, as they wished to take part of the cargo to raise funds. Four days after, arrived schooner *Andrew Jackson*,

Sanderson, from New York. After lying here five days, we were *ordered* off by the Governor, who repeated his order' declaring he would fire into us if we did not immediately obey the order. We left the principal officers on shore' and made sail for the Five Islands, at which place we arrived in two hours, it being only ten miles distant; both schooners from New York anchored there also, and a sharp built brig, called the Endracht, formerly the American privateer Saratoga, which had been bought at St. Barts by Captain Gould for the expedition. In the afternoon, all the officers who were compelled to leave St. Barts came on board. While at the Five Islands, nothing but the most violent disputes and contention was visible among the principal persons, and at last it was concluded to put all the military stores on board the brig Endracht, which was done, she being a very fast sailer. Several reports were current at this place, viz: that the inhabitants of St. Barts intended to rise and come against us; next, that several French men of war were cruising off for us, they having understood that the expedition was intended against St. Martin's and Guadaloupe. We all got under way immediately; the schooner Andrew Jackson proceeded to St. Barts, after having put all her military stores on board of the other brig, together with her passengers, to about thirty people in number, (the sharp brig, or Endracht, had in all about sixty in number,) all of the vessels doing the same; the rest, three in number, immediately put out to sea, as I thought with an intention to proceed to Crabb Island, to windward of Porto Rico, where the general repeatedly declared that every thing was in readiness to prosecute the expedition; but, after being at sea about six or eight hours, Mr. Irvine and the captain of the brig came on board, and declared that they had determined to proceed to Laguaira, instead of Crabb Island, the general having raised their expectations to the highest pitch in respect to procuring several hundred men at the latter place; they then discovered they had all been deceived, and that he had been guilty of the basest deception in holding out to them ideas which he never expected himself to be realized. We accordingly steered for Laguaira, but we got separated; some time after, Mr. Reid wished to go on board the other brig on some business, and I endeavored to come up to her, in which I succeeded; he went on board, and returned soon after, apparently very much alarmed, as he declared that they had threatened to detain him on board, and, with much uneasiness in his looks, also said they were desirous of sending a part of the passengers on board, to which I was strongly opposed. I then hailed the brig, and told them the decided course I should pursue; that if it was necessary to save the lives of the passengers, I would do all in my power to assist them; if, on the contrary, it was only a wish to get rid of some of them, that I would not take them on board; but would at any rate stay by them, and render them all necessary assistance; on which the French passengers in the other brig declared, unless I hove to, they would fire into me, and they had actually their muskets ready; on which I was compelled to heave to, and take some of them, but not until Mr. Irvine had come on board and said that their determination was to fire unless their demand was complied with. Those who had declared their determination to fire were nearly all French, to whom the general always appeared particularly partial; their determination was not only to fire into the brig, but to endeavor to kill all hands and take the brig from me. The number I took on board was twenty-six, mostly black, and of the lowest class. I then immediately lost all confidence in the principals, and determined to save the brig and cargo by getting her into the first port; and I succeeded in getting her in here on the 20th of September, and on the next day the brig arrived that I took the passengers out of. Both vessels were taken possession of by the orders of the Governor. After various examinations and questions, the Mary was given up; but the other brig is still in the hands of Government, with her cargo, which I believe will be cleared in a few days—at any rate, the cargo. Since we have been here, there have been continual disputes and contention among the passengers, myself, and Mr. Reid; some will have one thing, and some another. I have determined to abandoned the expedition, and save the brig and what cargo is left, as, in my opinion, there is but little confidence to be placed in any one, and great deception. The general at this time is confined; for what, I cannot say; the rest of the principal officers are rambling about, but not permitted to leave the place. The Mary's cargo is all out, and I shall take in for home in two or three days. All the cargo I had on board when we arrived here was the flour, beef, pork, bread, and saddles, with some trifling articles, as every thing else was put on board the brig Endracht at the Five Islands. I will conclude by observing, that the deception practised by the general almost exceeds the bounds of belief; for the resources and funds which he so repeatedly declared that he possessed in the West Indies were totally false, and every thing that he has said in relation to the expedition has proved a chimera of the wildest nature; and I cannot but believe him to be a foolish old man, whose ideas are almost obscured by age; and that he wanted not only the abilities to command, but a knowledge of the place to which he was destined, as his ignorance of the latter was only exceeded by his incapacity for the former.

AARON BURNS.

Mr. THOMAS WATTSON.

SIR: CURAÇOA, *October* 12, 1822.

I have written you all the most particular transactions since we left Philadelphia. I only have to add, that the general is still confined, and the principal officers are not permitted to leave the island. Every thing has been confusion and disorder amongst the passengers since our arrival here; and I do believe the most of them are a complete set of renegadoes, who are willing to say or do any thing for the sake of gain. For my part, I would scarcely trust any one, as they have said and declared to so many falsehoods respecting the expedition, and are still going on in the same way. The brig Mary is loaded with freight for New York, and will sail in about four days, unless something turns up that cannot be foreseen. Mr. Reid, I expect, has given you all the necessary information respecting the cargo, as to sails, &c.

Yours, respectfully,

Mr. THOMAS WATTSON. AARON BURNS.

I. Reid to Thomas Wattson, dated at

MY DEAR SIR: CURAÇOA, *October* 17, 1822.

Being detained here by this Government, and knowing not when leave will be given me to leave this miserable place, you may probably think that I ought to give you a detail of every thing relative to us since I left Philadelphia. But, as this will be handed you by Captain Burns, and as he himself has but barely escaped from the sad predicament in which all our concerns here are involved, I refer you to him for all the particulars.

Yours, &c. I. REID.

Mr. THOMAS WATTSON, *Philadelphia.*

SIR: JANUARY 8, 1823.

Representations having been made by the Spanish minister residing in this country that, in the course of the last summer, an illegal expedition against the Spanish island of Porto Rico was partly armed and fitted out in the

port of Philadelphia, I have been officially requested by the Secretary of State, under the President's direction, to collect and transmit to the Department of State any information concerning it which I can obtain, and particularly to ascertain why and how that expedition, if so armed and fitted out, so far eluded the notice of the public officers of the United States as to have met with no obstruction, nor to have been made known to any of the Executive Departments at the seat of Government.

According to this instruction, I have ascertained that an illegal expedition against Porto Rico sailed from this port in August, on board of the brig Mary, Captain Aaron Burns.

I request you to let me know, for the information of the Executive, why that vessel was not detained by you until the President's decision, or the owner's bond, was obtained, as the law requires of the collector, in case of an illegal expedition.

I will thank you for an early answer to this inquiry, and remain, very respectfully, your humble servant,

C. J. INGERSOLL.

JOHN STEELE, Esq., *Collector of the port of Philadelphia.*

---

232 barrels of superfine flour.	43 barrels of pork.
90 barrels of navy bread.	3 puncheons of rum and 1 cask of wine.
20 barrels of pilot bread.	27 saddles and 27 bridles.
40 barrels of beef.	112 cartridge boxes.

The above goods were shipped on board the brig Mary, Captain Burns, in addition to the list attached to the agreement; part of which was for the use of the passengers, and, consequently, not cleared out at the custom-house; and, in fact, some of the articles purchased after the vessel was cleared out; but every thing of importance, and what was considered as cargo, was regularly cleared out. The cost and charges of the whole, including the cash advanced, amount to $10,326 90.

THOMAS WATTSON.

PHILADELPHIA, *January* 7, 1823.

Robert Tillotson to the Secretary of State.

SIR: NEW YORK, *January* 23, 1823.

I have the honor to enclose an extract from a communication on the subject of the expedition in part fitted out in this port against the Spanish island of Porto Rico. Delicacy to those who have been good enough to give the information prevents me from accompanying this statement with the names of my informants. Should you, however, deem it necessary that a disclosure, on the authority of their names, should take place, I am authorized to say it shall be done.

Why this expedition eluded the vigilance of our public officers may in part be explained by that vigilance not being necessarily excited by a shipment that did not, in fact, develop its character until it left this port.

With great respect, I remain your obedient servant,

ROBERT TILLOTSON.

Hon. JOHN QUINCY ADAMS, *Secretary of State.*

[EXTRACT.]

Early in the month of August last, or thereabouts, there appeared in this city a Mr. Vogel, representing himself to be an agent of General William Henry Ducoudray Holstein, by him furnished with power to raise men and officers, and obtain supplies of arms and munitions of war, for the purpose of revolutionizing a Spanish colony, the name of which, for prudential motives, was concealed, until it might be more expedient to disclose it; at the same time, representing that the object in view had the sanction, through her agent in Philadelphia, of the Colombian republic, under whose flag, and in conjunction with whose forces, it was to be carried into effect; General Ducoudray in particular asserting, as we were informed, that Commodore Daniels, with his squadron, would co-operate in the attack. In consequence, on the 13th of August last, two vessels, the Andrew Jackson and the Selina, both schooners, sailed from New York, having on board a number of passengers, principally Americans and French, all of whom we believe (and in our own particular case do assert) were under the persuasion that our operations were to be conducted under the Colombian flag; the cargoes, consisting of muskets, sabres, saddles, powder, lead, and provisions, in packages of various sizes, having been shipped as merchandise for St. Thomas's or St. Barts. On leaving this port, we proceeded directly to the spot appointed as the place of rendezvous between our vessels and a Colombian twenty-two gun brig, which we had been taught by the agents of General Ducoudray to expect to fall in with off Barnegat: on board this vessel, which he asserted would sail from Philadelphia with men, arms, &c., it was our expectation to be transferred. After cruising some time on the above-mentioned ground without falling in with any such vessel, we proceeded (as had been preconcerted) to the second point of rendezvous, St. Barts. It may not be amiss, in this place, to remark, that a sail appearing in sight which was mistaken for our expected consort, a flag was displayed at the mast head, which we have since discovered to have been an assumed one, but respecting which we were at the time kept in ignorance whether it was a private signal or the Colombian flag, though we generally supposed it to be the latter. The Andrew Jackson being a dull sailer on a wind, and the weather proving adverse, our consort, the Selina, parted company, taking on board some of our principal officers, with intention to make the best of their way to St. Barts, to expedite some preparations making in that place. About this time it became known to some individuals that our destination was Porto Rico, though the same was not generally understood until about the time that we arrived at St. Barts; no suspicion being yet entertained that we were deceived respecting the expected succors and the protection of the Colombian flag. On our arrival at St. Barts, we learned that, instead of the Colombian brig, a vessel had arrived from Philadelphia, called the Mary, with men and arms; and that, in consequence of the non-performance of General Ducoudray's engagement, a vessel had been purchased in St. Barts, which had been a few days previously taken by a patriot privateer from the Spaniards. The Andrew Jackson did not enter the harbor of St. Barts, but lay on and off for three days, at the expiration of which time she received orders to make sail for Five Islands, where, on our arrival, we found lying in a small bay three vessels, the Mary, Selina, and Endracht, (as she was then called,) being, for some reason unknown to us, under Dutch colors.

At this place we first saw Mr. Irvine and General Ducoudray, and several persons to whom he had, as we understood, given commissions; but of what description we knew not, as we, the subscribers, never received any, nor saw one, until after our arrival at Curaçoa. The Governor of St. Bartholomew's, as we were informed, suspecting something of an improper nature in the expedition, had ordered these three vessels out of port; in consequence of which, but few of the soldiers there enlisted had been taken on board. The latter part of the day of our arrival at Five Islands was occupied in transferring the passengers, arms, munitions of war, and part of the stores, from the three vessels last mentioned into the newly purchased brig Endracht, and on the following morning the Endracht, Mary, and Selina weighed, and set sail (as we believed) for Crabb Island and St. Thomas's, there to take on board troops which had been previously raised; the Andrew Jackson entering the harbor of St. Barts to dispose of the remainder of her cargo; from and after which time we saw nothing more of her or of the Selina. On the same day, at sea, to our utter astonishment, we were informed by the captain of the Endracht (though the same was probably already known to some of the senior officers) that we had been deceived by General Ducoudray with respect to the existence of any Colombian commission for the vessels; on which the determination was, we believe, pretty general to leave the expedition on the first opportunity. About this time a council of the higher officers was held, in which it was determined that we should immediately proceed to Laguaira, to obtain the requisite commissions and a reinforcement of men; but this resolution was rendered impracticable by the discovery that the vessel was in danger of sinking; the guns were immediately thrown overboard, and the upper masts and spars sent down to ease the vessel; and the same evening, it coming on to blow hard, she was so damaged, and made so much water, that the master determined to enter the port of Curaçoa, stating that an attempt to enter that of Laguaira in our crippled state would unavoidably subject us to capture, as that place was in a rigid state of blockade. In consequence of the warped and colored representations of some interested person, a totally undeserved stigma has attached to the character of the Americans engaged in the expedition, by the assertion that they wished to fire into an American vessel. This vessel was our consort the Mary, the captain of which, refusing to take on board any of the passengers from the Endracht, (though informed that she was in danger, and had but one boat on board) was compelled by the threats of the troops on board this last vessel, being within half musket shot, to bring to for that purpose; but in this attempt to compel that assistance so inhumanly denied, however warrantable by the law of self-preservation, no American, we affirm, was engaged; and as no organization of the troops had taken place, they could not, had they been so inclined, have prevented it. Some of the passengers in the Mary from Philadelphia had signed, as they informed us, a declaration of independence; but the same was never seen by the subscribers [to this communication,] and the first and only copy of General Ducoudray's proclamation seen by us was on our homeward passage in another vessel, and was the same of which a translation appeared in the public prints. During an alarm occasioned by the appearance of the United States sloop Cyane, which was taken for a Spanish frigate, a bundle said to contain proclamations was brought on deck with intent to throw it overboard; but the Mary, being to windward of us, was first boarded by an officer from that ship, and, stating us to be a vessel in distress under her protection, the Cyane stood upon her course, and the proclamations were again carried below. On our arrival at Curaçoa, a Spanish admiral in that place demanding that an inquiry should be instituted into the nature of the expedition, such an inquiry accordingly took place: and circumstances appearing to justify such a measure, General Ducoudray and Mr. Irvine, who, as we understood, had signed the proclamation as Secretary of State, were arrested. The papers of the Endracht having been discovered at once to be forged Dutch papers, she had been already confiscated; but the master of the Endracht having succeeded in proving (as he himself informed the subscribers, who have since seen him in this city,) the cargo of that vessel to be American property, shipped at New York and Philadelphia, it was given up, as was the brig Mary and cargo, which had also been libelled; nothing having occurred in the proceedings of the court (before the departure of the Mary) to show her connexion with the expedition. The subscribers know little further of the proceedings of this court (which was still in session when they came away) than that, to our very great surprise, we heard that General Ducoudray and Mr. Irvine had there asserted that they had the sanction of the United States in preparing such an expedition; in relation to which, we can only say that such a thing had never been mentioned to us; but only that they had the authority of Don Manuel Torres, the Colombian agent at Philadelphia, and (he dying before the completion of the scheme) of his successor, Mr. Duane; for which reason we consider the assertion which we have above alluded to as ungrounded, and only intended to answer some private purpose of the general and his secretary.

Extracts from a letter of Mr. Robert M. Harrison to the Secretary of State, dated St. Bartholomew's, 16th September, and received at the Department of State 14th of October, 1822.

"I have the honor to inform you that there is an expedition, consisting of the following vessels, under the American *flag*, now at anchor in the *Five Islands*, for the purpose of going against *Porto Rico*, viz: schooner Andrew Jackson, of and from New York, captain's name unknown—cargo flour, salted provisions, and munitions of war; brig Mary, of and from Philadelphia, Burns, master, laden as above; schooner Selina, Sisters, master, cargo the same as the others; the Dutch hermaphrodite brig Endracht—that is to say, she hoists Dutch colors, but, in reality, has no papers, being a prize to a Colombian cruiser, which came here originally under the American flag: all these vessels are, apparently, under the direction of a Captain William Gould, who pretends that he is under bonds to the amount of $150,000.

"The chief of this expedition is a person of some celebrity, by the name of *Ducoudray de Holstein;* and I am sorry to say some citizens of the United States are engaged in it, not only of *splendid talents*, but who have heretofore held honorable and confidential situations under our Government, and who, I fear, will be forever lost to the country.

"I have been the more particular in detailing this affair to you from the circumstance of its originating in the United States, and its being prosecuted under that flag.

"I regret that none of our vessels of war should be here, as they might inquire into the conduct of the commanders of these vessels."

Mr. Cortland L. Parker, American Consul at Curaçoa, to the Secretary of State, dated

SIR: AMERICAN CONSULATE, CURAÇOA, *September* 27, 1822.*

On the 21st a brig, under the Netherlands flag, and another, under the American, arrived at this place from St. Bartholomew's; the former had on board Mr. Ducoudray Holstein, formerly a general in the Venezuela service, and a number of others, mostly European French, composing his staff as general, on an expedition against the Spanish

*Received at Department of State 8th November, same year.

Government of Porto Rico. On board the Mary, of Philadelphia, were several young men from the United States, mostly citizens, and of considerable respectability, attached to the above expedition. The vessels were brought in against the will of the general and all his foreign passengers, the masters declaring that they would follow no longer in an expedition unwarranted by their country or any other, and without either commission or force equal to the attempt.

The Dutch brig has been seized, and will no doubt be condemned, as her papers are false; the cargo I hope to get released as American property. The American brig has been permitted to unload her cargo, as usual, though under very strict examination.

The most correct information I can give you is in the proclamations enclosed, which I have with difficulty obtained permission to keep: but the most strange part of the affair, and that which proved the unfitness of Ducoudray Holstein to carry on such a plan, is, that he has bulletins ready written, in which he declares the brilliant success of the expedition. There are also letters from Mr. Irvine to Mr. Duane, wherein the success of the attack and landing is described at large.

I think it my duty to state these circumstances to you as soon as possible; and have the honor to be, with the greatest respect, your humble servant,

C. L. PARKER.

To the Hon. JOHN QUINCY ADAMS, *Secretary of State, Washington.*

PROCLAMATION.

[TRANSLATION.]

The General-in-chief of the army of the Republic of Boüqua (formerly Porto Rico) to the inhabitants of Porto Rico.

To arms, Americans, to arms! come and join our standard; your reward will be independence, your reward the name of free and brave Americans.

Our enterprise is easy and brilliant; the Spanish Governor has no other auxiliaries than those of the country, and he confides in your generosity! And what American could be such a traitor to his country, to his family, as to remain in the service of the King, and assist his tyrants to enchain us again?

To arms, companions, to arms! Live our independence, live our liberty! God, justice, reason, our valor, our union, and our sacred rights, call us and will protect us! Look at your families, your parents, your friends; think of their misery, of their slavery; and choose between chains or liberty!

Let the numerous patriots of this land who have called me come immediately to our head-quarters to be rewarded; let the valiant friends of independence unite under our banners; all shall be very well received and employed, according to his taste and his merits. The greatest part of you know me as one of the chiefs of the independence from the year 1811, and know that, as an old soldier, I have distinguished myself in the defence of the fortresses of Bocca Chica, and I am, moreover, married to a young American lady of Santa Fé de Bogota. I promise you liberty, a fixed and firm republic, if you choose to follow my counsels, and assist me, as your own interest requires, with your union, your zeal, and your valor.

That there may be regularity and order, I decree the following:

ARTICLE 1. Every one shall have protection and security of property. The person infringing this shall be punished capitally.

ART. 2. There shall be profound respect for divine worship, the churches, and the ministers of God, under pain of death.

ART. 3. The slaves shall not be set at liberty; otherwise, the country would be ruined, and the greatest disorders would take place.

ART. 4. The general-in-chief shall choose from among men of property, talents, and experience, inhabitants of the country, counsellors of state, who shall labor, conjointly with him, for a wise and solid organization; for laws, the maintenance of justice and of the tribunals; for the establishment of a good administration. These counsellors shall be engaged, later, in forming a project of a constitution and the mode of convoking a Congress.

ART. 5. The etat major shall dispose and organize what relates to the forces by land and sea.

ART. 6. Military men who serve under the royalist flag, European Spaniards, Americans or strangers, shall have superior rank, if they come immediately to our side with their arms; or they shall be rewarded according to their merit.

ART. 7. European Spanish civil officers, physicians, surgeons, and apothecaries, shall all remain in their situations until a new order, and those who conduct themselves well shall be continued.

ART. 8. There shall be appointed in each town one or more commissioners, to appoint freemen of the vicinity as citizens of our republic. Those who shall not conform to that order shall be treated as enemies of our cause. We shall keep a similar register at our head-quarters.

ART. 9. Americans born in the country shall enjoy the greatest advantages; they shall have the right of being employed in the Government, or in the army, according to their merits.

ART. 10. Foreigners, defenders of the country, or very useful with their talents and their industry, justly deserve the name of citizens, and shall enjoy the same rights as the rest.

ART. 11. Town councils shall, without any delay, send us a deputy; other voters shall remain each in his place and employment, to maintain quiet and order. The town councils which shall not conform to this article shall be treated as enemies of the country, and be brought before a military commission.

ART. 12. In each town a city militia shall be organized, which shall serve, till all be quiet, to maintain the public security.

ART. 13. There shall be raised a corps of infantry, and another of cavalry, composed of young citizens, who can equip themselves at their own expense, under the name of *guards of honor.* These guards shall have a brilliant uniform, and shall march with the general-in-chief.

ART. 14. All prisoners of state, whom the Spanish Government has confined for the sake of their political opinions, shall be set at liberty.

ART. 15. In each seaport in our power, all vessels shall be at once laid under embargo. None of them shall sail without leave in writing from the general-in-chief; the captains and their crews who shall assist us shall have the greatest advantages, according to their services and their merit. Those who do not conform to this embargo will expose themselves to all the rigor of the laws. The voters of the town council and the officers of the custom-house shall be responsible for the execution of this article.

ART. 16. Each town, each city, each individual, &c. who shall first rise in favor of independence, and shall send us deputies, or shall join us, shall have great rewards and privileges, according to their merit.

ART. 17. Commerce shall be free; and, to alleviate the public misery, the duties of entry and clearance in our ports shall be reduced to the half of what they were before for all articles of primary necessity.

ART. 18. The prohibition of any article whatever in the time of the King is null, and all may be introduced into our ports.

ART. 19. The beginning of the Government shall be very liberal, and shall protect not only commerce, but agriculture, industry, arts, sciences, public education, and the talents of the citizens.

Nothing shall be neglected that will give to our republic solidity and prosperity. The general-in-chief will receive with gratitude all plans and projects from any person whatsoever which tend to propose an establishment useful to the country; such individuals shall be rewarded.

When every thing shall be well arranged, that the republic be quiet, fixed, and firm, that we have a Congress and a wise constitution, that the three powers be well distinguished, then we shall be able to cry out, with truth, Live the country, live our independence, and perish the disturbers of it!

Given at our head-quarters of ———.

LUIS V. DUCOUDRAY HOLSTEIN.

[TRANSLATION.]

Solemn act of the Declaration of Independence.

The Spanish Government has given us the most forcible proofs of its tyranny, of its bad faith, and of its incapacity to protect and to govern us. The experience of three hundred years has made known to the whole world its passions, its unjust and perverse pretensions.

We have proved our gratitude and love to the Spanish Government with our fortunes and our blood; we have offered, in the beginning of the invasion of Spain by the troops of Napoleon, assistance, and every thing which a friendly nation can offer, without the least interest. Our recompense was the most unjust contempt; and, moreover, by a total abandonment of us to our own defence against the enemies of Spain, the Cortes, the Regency, and the King treated us as rebels, as perverse criminals, and pursued us with an unjust and cruel war, without our having given them any other reason than that of desiring to enjoy the same rights as the European Spaniards.

The Spanish Government has always desired to treat us as subjects, as slaves; it has been deaf to our just and lawful remonstrances; it has never ceased from tyrannizing over us; this Government has now lost our confidence, and is incapable and unworthy to govern us more.

Fully impressed with these truths, we declare solemnly before the Almighty God, before the whole universe, that we are resolved to suffer a similar tyranny no longer. A free, independent, and wise Government will give us happiness, strength, and consistency.

That order, union, activity, and the energy necessary in all the operations of our Government, may predominate, we have decreed as follows:

ARTICLE 1. Our general-in-chief is elected unanimously, and appointed President of the new republic of ——.

ART. 2. The President is the provisional, civil, political, and military chief. He shall direct all the branches of the administration, and of the forces, by sea and land, and shall appoint to all the offices, until the Congress shall be convened.

ART. 3. Our republic shall, from this time, leave off all communication with the Spanish Government.

ART. 4. The President is authorized to appoint a sufficient number of men of property and talents to form a Council of Government. These counsellors shall endeavor with him to consolidate and give activity to the well-being of the country.

ART. 5. A National Congress shall be assembled when the enemy shall be out of the territory of our country, and all shall be quiet and peaceable; then a project of constitution shall be attempted, and the installation of the legislative, judicial, and executive power shall take place.

Given at ———.

[TRANSLATION.]

Instruction of the General-in-chief, Provisional President of the Government of the Republic of ———, to the foreign officers serving in the army, by land and sea, of the said Republic, on the manner of conducting themselves with regard to the American inhabitants of the country.

It gives your chief pain to issue this instruction, although he is convinced of its utility. He hopes that you will make it your study, and follow it exactly.

The principal object of this instruction shall be, *to cause the inhabitants to forget that you are strangers.* It is indispensably necessary that their jealousy and natural hatred of all that bears the name of foreigner be forgotten, and that the reluctance they may feel to seeing you at their head should disappear, and be converted into esteem and admiration of your conduct and your talents. You will soon compel them to cherish you; and, in fine, to regard you as their brothers, their friends, and their superiors; then your chief will be content and satisfied. He has pursued the same course, the same conduct, and that for five years; and from the first year he has caused himself to be loved and to be respected to such a degree, that one word of his has had more effect than all the most rigorous punishments of their own native chiefs; for the officer and the soldier name him only as their father.

It is therefore his experience, it is the result of a very long and constant study of the character of this people, which he here presents to you. In following this instruction most exactly, you will find yourselves happy and content; in neglecting it, you will not only suffer personally from it, but your carelessness, your imprudence, your disobedience, will have an influence upon the well-being of your comrades, and upon that of all the foreigners who surround you. Wo to him, then, who shall wish to deviate from it; I shall immediately know him, and I shall be obliged to punish him rigorously, and to drive him from the midst of our ranks, which he would dishonor as a bad citizen, as a perverse and dangerous man, who obstinately persists in being guided only by his passions, and who would sacrifice the well-being of thousands of his equals upon the altar of a short-lived vanity. I am, as you know, upright, humane, indulgent to trifling faults; but I will be very severe, even inflexible, towards all those who shall give just causes of complaint, by having maltreated, without cause, either by word or deed, any American inhabitant, military or civil. The principles by which I am guided are known and simple—those of being impartial and just. The foreigner shall be treated as the American; the American as the foreigner: merit alone shall distinguish them.

Do you wish to be citizens of this country, and then to enjoy all their rights? Do you wish to aspire to the highest places in the Government, and to be on an equal footing with the native? They come to meet you; they offer you even all imaginable advantages; and do you wish, on your side, to do nothing to deserve these benefits? What is there out of the independent republic of South America which presents you such advantages? Certainly you will be very ungrateful, you will be unworthy of my confidence, if you do not exert all your zeal and your attention to come at it.

Assist me only by your docility, by your confidence, by your zeal, and I promise you that all will be well. I speak to you as a kind father of a family who loves his children; you are dear to me, as are the Americans; merit alone will distinguish you; and I shall know among you neither French, nor Germans, nor English, nor Poles, nor Danes, nor foreigners of any nation; you are in my eyes the children of the country, its defenders, and its citizens, as the natives are, who serve with you our common country. As to myself, personally, I am an American and a foreigner at the same time; for, born in Europe, and without the soil of this republic, as well as you, I am a naturalized American of long standing, as well by my services in the independence, as by my marriage with a young American lady. I will therefore hold the just medium between you and the American. I only ask of you confidence, union, and prudence, and all will be well. It is only by following my counsels, by studying this instruction, which has no tendency but to render you happy, to cause you to be loved and esteemed by the natives, that you will be worthy of being my children, and of filling the places which you now occupy.

As all these places are only provisional, your good or your bad conduct will have the greatest influence on your advancement. He who will take no care of himself will be exposed to be superseded immediately; whilst all those who shall conduct themselves well, who shall be zealous, active, and judicious, will be sure of being preferred. Read, therefore, with much attention, the following articles, and conform yourselves to them; then you will find yourselves well, happy, loved, and esteemed.

Article 1. The character of a native of this country.—This is good, tractable, and susceptible of receiving every impression, good or bad, according to the confidence which he shall have in his commander. His self-love is great; but, properly directed, it will render him susceptible of doing good and noble actions; ill-directed, it will only be productive of misfortune to him, and will drag you along with him. The love of liberty, of the independence of his country, the hatred which he naturally expresses for his oppressors, added to this self-love, will so elevate him, that he will fight with courage and with a greater degree of bravery, as he will have your example before his eyes.

Art. 2. Constantly and carefully avoid saying that you are French, English, Germans, &c. Tell them, on the contrary, that you are citizens of the country, zealous friends of independence, their brethren, their fellow-countrymen, and, when out of the service, their equals.

Art. 3. Above all, study with the greatest care the language of the country; employ all your leisure time in it; I will furnish you with all the elementary books gratis, as well as the necessary masters for attaining this language, as soon as possible.

Art. 4. Never affront any one whatever—your American superior, your American equal, or your inferior. Whoever shall address himself to you with any complaint, no matter what, hear him calmly and with patience. If you do not understand him, send for an interpreter; but immediately render him the strictest justice in the case of complaint: always say something obliging to him, even in refusing his demand. He will be at least satisfied of your good-will; he will communicate it to his comrades, and you will be greatly beloved.

Art. 5. Never be impatient in making your recruits go through the exercise, when they are naturally awkward and ignorant in the principle. Show them with mildness and patience what and how it ought to be done. Praise and encourage those whom you may observe willing to do well. If you ever perceive yourselves the evidence of any of these young people showing a repugnance, or even an ill-will, to do what you shall order, do not show them that you perceive it; do not humiliate him, but begin to excite his self-love; praise him at least a little for what he has executed but very ordinarily; encourage him in making him repeat it; he will finally lose that unwillingness, and will follow and obey you.

Art. 6. Punish only grievous faults; and, as to small ones, pardon them for the first time; exhorting them, however, with mildness, but with firmness, that they take good care of a second; that you should be sorry, but forced to punish them. Then you ought to do it, but coolly, and in a legal manner. You will soon see the good effect of such conduct upon all the spirits of those under you.

Art. 7. Never break your word to them, nor make a promise to them which you do not believe you can keep; for if you break it once, they will no more believe you; you will have lost their confidence. Say, rather, if the demand should seem to you to be well founded, that you will do your utmost to obtain it for them; make actually for them the necessary exertions; you will prove by that to your subordinates that you are in earnest for their welfare. He will soon know it; he will be content and satisfied; even when you have it not in your power to succeed, he will know your wish in it.

Art. 8. Take the greatest care of your troop; enter absolutely into the most minute details upon whatever concerns the comfort of your subordinates, and see that they want nothing. By that, you will be entitled to their gratitude, and to the power of commanding them.

Art. 9. Never mix with the soldiers when off duty, either in public places or any where else. Never drink with, nor descend to treat the soldier as your equal. Too much familiarity is as prejudicial as too much severity. It will sometimes happen that, in camps or in public feasts, some of your soldiers will offer you to drink to the republic or—no matter how; accept it; but immediately cause a bottle or more to be brought, tell them to drink your health, and go away.

Art. 10. When you are under arms at the head of your troop, either in the great manœuvres, or in the detail of exercises, say nothing to your soldiers but what is absolutely necessary; but when you come to go against the enemy, harangue them, and inspire them with courage, with ardor, and with confidence, by your good example. One single action, in which you shall have boldly exposed your person, will be sufficient to gain you their entire confidence. They will respect you and will cherish you; they will soon forget that you are a foreigner.

Art. 11. In conversation with any native, not even in speaking with your comrades, in presence of one of them, carefully avoid criticising their manners, their customs, their dress, &c. They will perhaps laugh with you; they will even frequently be the first to excite you; be always prudent and on your guard, for they will never forget your words; and the more elevated your rank, the more are you watched by them.

Art. 12. Abstain from gaming, and from debauchery of every kind; show, by your good conduct, that you are worthy of my confidence and of command. For gaming and debauchery will ruin your health and your purse; you will render yourself incapable of service, and you will become the butt of contempt.

Art. 13. Constantly endeavor to be brave, but just; even severe, when it shall be necessary; and six months of application and of practice in all that I have said to you will insure me your comfort and that of thousands of our compatriots. If any one of you have any doubts, any scruples, and will come and communicate them to me, I will, with pleasure, see all those who wish to be instructed, and I will endeavor to resolve them.

[TRANSLATION.]

Appeal of the General-in-chief, Provisional President of the Republic of Boüqua, (island of Porto Rico,) to foreigners of all nations, with the exception of European Spaniards.

HEAD-QUARTERS AT MAYAGUEZ, *September*, 1822.

The revolution in this island is accomplished; independence formally proclaimed; and a free Government, republican and wise, offers you employment, protection, security, and comfort.

We, in consequence, invite you to come and settle in our fine country, under a salubrious and benign climate, and we promise as follows:

ARTICLE 1. The right of citizen, that of voting, and that of aspiring to employments, civil and military, of the republic, without regard as to birth or religion, but purely to the morality and talents of the candidate.

ART. 2. To the military, the same right of citizen, punctual pay, and their wants fully provided. They may rely, according to their good conduct, upon certain and prompt advancement.

ART. 3. Those of the military and naval forces having had the misfortune to be wounded in the service of the republic shall be placed in the hotel of invalids, and shall be attended to at the expense of Government.

ART. 4. Physicians, surgeons, and apothecaries of talent, will find employment in our army and in our hospitals.

ART. 5. Cultivators, planters, and those versed in agriculture, will present themselves before the commission of agriculture, who will, according to their means and merit, assign to their hands the means to purchase the most necessary utensils, and instruct them in the way to prosperity.

ART. 6. Manufacturers, desirous to come and establish, will find protection and employment. Those who may have useful establishments to propose will present their plan to the council of state, and, if approved of, their enterprise will be facilitated and protected.

ART. 7. Merchants and traders are invited to establish here. There shall be no article prohibited; commerce will be protected; and the duties will be small.

ART. 8. Artists of every class, men of learning, and persons useful for public instruction, will find employment and protection.

ART. 9. Manufacturers of powder and tobacco, and curriers, armorers, carpenters, coopers, shoemakers, tailors, farriers, mechanics, workmen, and persons of whatsoever useful calling, will be employed and protected.

ART. 10. The present appeal excludes those who are prosecuted for crimes or infamous acts, stock-jobbers, gamesters by profession, persons without calling or trade, those living by unknown means, all adventurers, sharpers, and intriguers of every description having no profession or employment. They will soon be discovered, arrested, and expelled forever from the soil of our republic.

All persons designated in the first nine articles: those first arrived will enjoy greater advantages over those who will arrive later.

We invite the friends of our cause, the journalists and merchants, reading the present appeal, to assist us in propagating the same, by having it inserted in their papers, in the language of their country.

The main object of this proclamation is to endeavor to ameliorate the unhappy condition of thousands of foreigners, passing a miserable life, unmerited, and beneath their intellectual faculties.

They will endeavor to place each according to his merit, his conduct, his experience, and abilities, and will offer to all equality of rights, asylum, protection, and comfort.

The President General-in-chief:

LUIS VILLAUME DUCOUDRAY.

Secretary of State, pro tem.:

B. IRVINE.

[TRANSLATION.]

The General-in-chief of the republican army of Boüqua, (island of Porto Rico,) to the foreigners established in that island.

SIR: HEAD-QUARTERS AT ———.

Called by a considerable number of the inhabitants of your country, I come at the head of a corps armed to proclaim their liberty and independence.

This revolution is in your favor; by it, you will obtain the right of a citizen, and admission to civil and military situations, as the tenth article of the annexed proclamation proves.

The advantages to your families, and to so many thousands of our fellow-countrymen, are immense and incalculable. Come, then, without fear, to rally around me, to assist me in consolidating our work.

Those who shall prove their zeal and their devotion to our cause, and who shall present themselves first at our head-quarters, shall enjoy the greatest advantages, which shall surpass even their expectations. I shall know, in a few days, those who shall not have presented themselves there. All those who know me know that my word is sacred, and that my views tend towards the happiness of a wise, solid, and flourishing republic.

I have the honor to salute you.

L. V. DUCOUDRAY.

P. S.—I request you immediately to communicate this letter to your friends and acquaintances, and to rally them around us.

To the Foreigners of the island of Porto Rico.

[TRANSLATION.]

Form of reward of merit.

Attending to the merit of Don , his liberal principles, and known and promised adherence to the just cause of the independence and liberty of that part of America formerly Spanish, I give him this provisional and interim certificate, that, in the office or grade of , he may serve in the republic of , until the sovereign Congress have confirmed his nomination. His pay, emoluments, &c. run on, agreeably to his office, to count from this day's date.

Given at , 1822. Signed by my hand, registered, and sealed with the seal of the Government.

By order of the general, the intendant of the Government.

[TRANSLATION.]

Copy of a bill.

No. . GENERAL QUARTERS OF .

Obligation of the sum of , pledged upon the national property of the republic of . In months from this date the treasurer of the republic will pay or his order the said sum of .

THE GENERAL-IN-CHIEF.

Registered by the intendant.

Extract of a letter from Mr. Cortland L. Parker, American Consul at Curaçoa, to the Secretary of State, dated

CONSULATE OF THE UNITED STATES, CURAÇOA, *October* 18, 1822.*

"Annexed is my letter of the 27th ultimo; since which, the crews and passengers of the American and Netherlands brigs therein mentioned have been under examination; and, from what I have been able to learn, it appears that this expedition was to have been the forerunner of others against the West India islands of every Power in Europe; and some very strong expressions to that effect, in a letter from Mr. B. Irvine, have been the cause of his being placed in close confinement. The brig Mary is cleared, and I have succeeded in obtaining passports for thirteen young Americans, who have been shamefully deceived into an expedition which could bring on them nothing but disgrace and destruction."

R. W. Meade to the Secretary of State, dated

SIR: PHILADELPHIA, *December* 17, 1822.

Observing in the National Gazette of last evening a communication extracted from a paper called "The Statesman," purporting to be a correct statement of the late Porto Rico expedition, in which it is attempted to prove, (on mere assertion, however,) that the said expedition was undertaken and fitted out with the knowledge and co-operation of the late Don Manuel Torres, chargé d'affaires of the Colombian republic; and conceiving such a report to be a libel on the character of my late and much lamented friend, and on the Government he represented, I conceive it a duty I owe both to them and to myself, as the executor, friend, and only agent of that Government legally authorized to receive and open its correspondence, and of course encharged with its affairs *ad interim*, to declare the same totally unfounded, and, in fact, a fabrication for some sinister purpose. How far the authors of the expedition may have made use of Mr. Torres's name to seduce the deluded men who joined them, is what I am ignorant of; but can easily conceive that men who could undertake such a scheme would not hesitate at the use of any deception or means to accomplish their ends.

My knowledge of Mr. Torres's character is of long standing; my personal acquaintance with him dates since my return to this city in August, 1820; since when Mr. Torres had no secrets concealed from me. For many months previous to his death I saw him daily; and, when absent, which happened during his and my visit for a few weeks to Washington, we were in constant correspondence; and at his decease, Colonel Duane and myself were left encharged by him with all his public business; and since the departure of Colonel Duane from this country, I have remained solely encharged with the affairs and correspondence of that Government; and I do solemnly declare that there is not the smallest ground for believing that Mr. Torres was ever acquainted with the expedition, much less that he had ever given it his countenance. In the whole of his correspondence with his Government and its agents, actually in my possession, not one word or hint of the most remote kind is made of such a scheme; and, in fact, to any man of common sense acquainted with the character, prudence, and delicacy of conduct of Mr. Torres, it must be apparent that he never could have countenanced such a perfectly mad scheme.

For many months prior to the declaration by this Government of the independence of the Spanish Americas, a set of adventurers existed in this country, holding their rendezvous in this city, Baltimore, and New York, watching their opportunity to undertake any adventure which could furnish them the means of living at the expense of their neighbors. Many of them were foreigners of desperate fortune, who, in their imaginations, fancied any project lawful which should put them in possession of the means of seizing on a portion of the Spanish colonies, under the pretence of establishing independent Governments, but, in fact, with no other view but that of enriching themselves. The declaration of the independence of these countries by this Government at once destroyed all their hopes and expectations, and nothing but some desperate measure was now left them. Many of them made application to Colonel Cortes for employment under the Mexican Government; and I recollect one anecdote which he mentioned to me, of two of the principal chiefs of the band in this city, which so strongly marks the character of the men as to be worthy of being mentioned. Some time after he had in the most positive terms informed them that they would not be employed in Mexico, a paragraph appeared in one of our papers containing some details of troubles and a probability of intestine commotion in Mexico; they waited on him again to tender their services, stating their having heard of these reports, and that they now thought their services might be required. The colonel answered them that he neither knew of nor believed any such reports; that it might possibly be that there did exist a difference of opinion among some of the persons in Mexico as to the form of government to be adopted, but that that was a question to be settled by themselves; at all events, they did not require strangers to settle the point for them. Colonel Cortes, however, added: But, gentlemen, since you have heard of these parties, pray to which do you wish to attach yourselves, or offer your services to? The answer was: Oh! to either of them; the strongest, of course, if we could ascertain it; our object is to get employ. I never spoke directly or indirectly with any one of the persons concerned in this expedition, except to two young men who, I lately learned, had gone with it, and who had applied to me to endeavor to get them employment in the Mexican service. Baptist Irvine, to whom I had been introduced at Washington, came to this city for the express purpose, as he informed me, of procuring Spanish authors on the Americas, in order to complete a work which he had announced as being about to publish on those countries. He waited on me on his arrival; and, believing his object a praiseworthy one, I permitted him the use of my library, from whence he took a number of valuable books. During his stay here, I saw him, I believe, thrice. He returned my books by a servant, with a note; and the first and only information I had of the desperate step he had adopted I received from his signature to the proclamation published in our papers. I have reason to believe that pecuniary distress alone drove him to the extremity of joining these adventurers.

About the period of Mr. Torres's death, which happened on the 14th June, I was informed by a gentleman of this city that a sum of money, said to be $18,000, had been remitted by sundry persons residing in Porto Rico

* Received at the Department of State 8th November, same year.

to assist in revolutionizing that island; and I have reason to believe that with that money vessels were chartered as merchant vessels to take out these adventurers to some one of the neighboring islands, from whence other arrangements were, in all probability, intended to be made for fitting out the expedition. I have also heard that, long prior to the vessels sailing from the United States, disagreements had taken place among the persons engaged in the scheme, as to the respective offices or employments claimed by each in the island, already, in their fertile imaginations, in their possession; and that one or two, dissatisfied with their nominations, had actually proceeded to Boston, where Mr. Anduaga, the Spanish minister, then was, and laid before him a circumstantial account of the expedition, and every thing and person connected with it. I, therefore, did not consider it my duty, either as executor of Mr. Torres, or as a citizen of the United States, to take any notice of the affair; nor should I at this moment trespass on your more important vocations, did I not think it necessary, in the absence of any other representative of the Colombian republic in this country, to disavow any countenance having been directly or indirectly afforded to it by Mr. Torres. What promises may have been held out or made by any of the commanders of the private armed vessels of Colombia in this port, I am ignorant of, but have no reason to suppose that any of them had any hand in this business. I feel pretty confident that the only officer of the Colombian Government with whom I had been made personally acquainted, on account of the decease of Mr. Torres—Commodore Daniels—had no share in it, as his objects in the service of that country, at that period, were of a much more important nature.

I have the honor to remain, sir, your obedient servant,

R. W. MEADE.

To the Hon. JOHN QUINCY ADAMS, *Secretary of State, Washington.*

SIR: TREASURY DEPARTMENT, *December* 30, 1822.

The Secretary of the Treasury, to whom was referred the resolution of the House of Representatives of the 12th instant, requesting of the President such information as he may possess concerning a hostile expedition alleged to have been fitted out in the ports of the United States against the island of Porto Rico, has the honor to report: That the records and files of this Department, at the time of the said reference, furnished no evidence that any such expedition had been fitted out in the said ports. Since that date, the collectors of the districts of Philadelphia and New York have been required to furnish any information in their possession relative to the said expedition. Copies of their answers to the requisition are herewith communicated; from which it appears that no ground of suspicion existed, at the time the vessels alleged to have composed a part of the expedition cleared out, that any violation of the laws was contemplated by the owners or commanders of those vessels.

I remain, with respect, your most obedient servant,

WM. H. CRAWFORD.

JAMES MONROE, *President of the United States.*

SIR: COLLECTOR'S OFFICE, PORT OF PHILADELPHIA, *December* 23, 1822.

Immediately after the receipt of your letter of the 21st instant, the records of this office were examined for the purpose of ascertaining when the brig Mary Ann, Burns, master, and the schooner Selina, Sisters, master, cleared from this port. It appears that the brig Mary, (not Mary Ann,) Aaron Burns, master, cleared hence for Aux Cayes on the 5th day of August last, with a cargo consisting of navy bread, pilot bread, flour, beef, pork, rum, powder, drums, muskets, pistols, swords, cartridge-boxes, saddles, and lead bullets.

No evidence or information whatever was received at this office, either before the departure of the brig, or subsequent thereto, (except what is communicated in your letter,) of her being unlawfully equipped, or engaged in any enterprise prohibited by the laws of the United States.

It does not appear by the books of this office that the schooner Selina cleared from this port for a foreign port during the present year.

Very respectfully, I am, sir, your obedient servant,

JNO. STEELE.

WM. H. CRAWFORD, Esq., *Secretary of the Treasury.*

SIR: CUSTOM-HOUSE, NEW YORK, COLLECTOR'S OFFICE, *December* 24, 1822.

I have received your letter of the 21st instant, relative to the schooner Andrew Jackson, Sanderson, master, which vessel cleared from this office on the 10th day of August last for St. Bartholomew's and St. Thomas's. A copy of her outward manifest is herewith transmitted, by which it will be perceived that the cargo was not of a suspicious character. Neither has there any thing subsequently occurred, to my knowledge, to create suspicion in relation to this vessel. Should any information hereafter occur, I will immediately communicate it.

I have the honor to be your obedient servant,

JONATHAN THOMPSON, *Collector.*

Hon. WM. H. CRAWFORD, *Secretary of the Treasury.*

Report and manifest of the cargo laden at the port of New York on board the American schooner Andrew Jackson, Sanderson, master, bound for St. Bartholomew's and St. Thomas's.

Marks and numbers.	Packages and contents.	Value at the port of exportation.
H.	93 barrels beef,	$476 63
	9 barrels beef,	31 50
T.	10 hogsheads tobacco, 11,051 pounds,	372 01
	225 barrels flour,	1,350 00
	91 pigs lead, 100 cwt. 3 qrs. 0 lbs.	705 25
	82 boxes codfish,	266 50
	34 kegs tobacco, 3,294 pounds,	230 58
	30 barrels pork,	273 75
	35 barrels navy bread,	105 00
D. A., 107, 108, 109, 117, 125, 126, 132, 133, 141. A. C., 88, 89, 176, 177, 178, 203, 204, 205, 206, 207, 222, 249.	21 cases arms, 630,	
	17 cases saddlery,	1,292 50
	54 boxes raisins,	97 00
	15 half-barrels flour,	49 25
	60 kegs powder,	255 00
	1 medicine chest,	40 00
C. 117, 59.	10 cases assorted hardware,	2,910 48
	5 cases muskets, 20 in each case,	550 00

SAM'L SANDERSON.

17th Congress.] No. 541. [2d Session.

PRESERVATION OF THE MODELS IN THE PATENT OFFICE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 7, 1823.

Mr. Wood, from the Committee on the Expenditures of the Department of State, to whom was referred the letter of the Secretary of December 3d, 1822, accompanied by one addressed to him by the Superintendent of the Patent Office, reported:

That they have examined the subject referred to them, and find that such was the decayed or injured condition of many of the models in the Patent Office, that, during the summer past, it was deemed a duty by the Department to employ an artist to repair such as were in the greatest state of dilapidation; that the said artist has been employed since the 23d day of August last, at a compensation of two dollars per day; that many of the models are very complicated and of delicate structure, and, by the frequent handling of the numerous persons who visit the office, are very liable to be injured, and that many of them are already so much injured as to require repairs for their preservation from entire destruction; that the Department has suggested the propriety of making provision for the permanent employment of an artist, for the purpose of repairing them, and keeping them in a constant state of preservation.

The committee have been furnished with a statement from the Patent Office, from which it appears that, since the institution of the office, about three thousand five hundred patents have been issued, and that about one thousand eight hundred models of machines have been deposited in the Patent Office.

It is evident from this statement that more than one-half of the patents that have been issued under the patent act have been for mechanical inventions; and it appears from the statement accompanying this report, as well as from inspection, that a large proportion of them are calculated to facilitate the labors of agriculture, manufactures, and navigation.

Inventions of this kind involve new combinations of the mechanic powers; and their utility consists in their subjecting these powers to a more efficient operation in their application to practical uses. Every improvement in mechanical operations serves as a guide to new combinations and different applications, and leads to further inventions: such inventions deserve every encouragement in a country where it is an object to cheapen labor. It is supposed by competent judges that the single machine for cleaning cotton has saved to the United States more than half a million of dollars, in superseding the necessity of manual labor.

The object in establishing the Patent Office was, the preservation of the models of the inventions which may be deemed of sufficient importance to merit preservation. It is the object of the model, no less than the specification, to secure to the patentee the exclusive enjoyment of his invention during the continuance of his patent; to guard others from interfering with his rights; and to enable the public to enjoy the benefit of the invention after the monopoly shall have expired. It is of some importance in this case, also, to observe that, in many instances, the model is the test of the nature and extent of the invention, and forms the rule by which subsequent improvements are ascertained and secured to the inventors; for, although the specification, or a certified copy of it, is the legal evidence of the invention, yet many machines are so complicated that no one but a skilful artist can comprehend their construction or mode of operation without the inspection of a model; and in all cases of dispute respecting the extent of improvements in the principles of original machines of any complexity, it is impossible for a court or jury to judge correctly without a model exhibiting the improvements.

If it be deemed desirable to preserve the models of inventions for these purposes, it seems absolutely necessary that they should be preserved entire.

The committee will further observe, that the Patent Office is supported by the fees paid by the patentees, and that the receipts of the office since its establishment exceed the expenditures by a very considerable amount.

Your committee are therefore of opinion that an artist should be permanently employed, for the purpose of repairing, and keeping in constant preservation, the models in the Patent Office; and that a clause should be added to some proper bill, making an appropriation for that purpose.

All which is respectfully submitted.

List of models in the Patent Office, January 21, 1823.

For propelling boats,	38	For steam mills,	14
Carding machines,	8	Nail-cutting machines,	95
Making carriage-wheels,	4	Machine for making barrels, &c.	1
Ploughs,	65	Mud machines,	7
Thrashing machines,	20	Flax-dressing machines,	6
Winnowing machines,	25	File-cutting machines,	6
Bridges,	13	Machines for cutting dyewoods,	6
Saw-mills,	26	Cloth-shearing machines,	16
Water-mills,	17	Straw-cutting machines,	10
Wind-mills,	7	Boring machines,	3
Water-wheels,	26	Locks,	12
Pumps,	66	Guns,	2
Presses,	56		
Looms,	45		635
Stocking looms,	3	For various purposes,	1184
Spinning machines,	28		
Fire engines,	10		1819

SIR: TREASURY DEPARTMENT, REGISTER'S OFFICE, *January* 29, 1823.

In compliance with the request contained in your letter of the 23d instant, which I had the honor to receive, I beg leave to transmit, herewith, a statement of the annual receipts and expenditures of the Patent Office, from its establishment to the 31st December, 1821, so far as the records of this office have enabled me.

The vouchers for the contingent expenses of the Department of State, with which those of the Patent Office are blended, are at this time in that Department, for the purpose of forming a statement, under a recent resolution of the House of Representatives, of books, &c. purchased since the year 1817. The contingent expenses of the Patent Office, however, taking the average of 1814, 1815, and 1816, may be estimated at $600 per annum.

I am, sir, with great respect, your obedient servant,

JOSEPH NOURSE, *Register.*

Hon. SILAS WOOD.

Statement of the annual receipts and expenditures of the Patent Office to 31st December, 1821.

Years.	Receipts.	EXPENDITURES. Salaries of superintendent, clerks, and messengers.	Contingent expenses.
1793	$660	It does not appear that any payments were made during these years.	
1794	570		
1795	600		
1796	1,380		
1797	1,470		
1798	870		
1799	1,260		
1800	1,230		
1801	1,410		
1802	142		The vouchers for the contingent expenses were burnt by the British in 1814.
1803	2,910	$1,750 00	
1804	2,670	1,400 00	
1805	1,710	1,400 00	
1806	2,400	1,400 00	
1807	2,850	1,400 00	
1808	4,860	1,550 00	
1809	6,690	1,700 00	
1810	6,660	1,759 14	
1811	6,810	2,275 00	
1812	6,660	1,550 00	
1813	5,880	2,149 96	
1814	6,090	2,150 00	$403 01
1815	5,850	2,150 00	601 14
1816	5,760	2,150 00	778 09
1817	4,680	2,525 00	
1818	4,740	2,838 88	
1819	3,060	2,750 00	
1820	3,720	2,750 00	
1821	4,770	2,750 00	

TREASURY DEPARTMENT, REGISTER'S OFFICE, *January* 29, 1823.

JOSEPH NOURSE, *Register.*

17th Congress.] No. 542. [2d Session.

CUMBERLAND ROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 20, 1823.

SIR: TREASURY DEPARTMENT, *February* 19, 1823.

In obedience to a resolution of the House of Representatives, instructing the Secretary of the Treasury "to communicate to Congress the amount of money appropriated for the road from Cumberland to Ohio, designating what proportion of the same was expended on the surveying and location, construction, and repairs of the road; also, what part of it was paid to superintendents and their assistants, for miscellaneous and contingent purposes; and whether any part thereof is yet unaccounted for, remains due upon settlement, and has been carried to the surplus fund:" I have the honor to submit the enclosed letter and statement from the Register of the Treasury.

I have the honor to be your most obedient servant,

WM. H. CRAWFORD.

Hon. P. P. BARBOUR, *Speaker of the House of Representatives.*

SIR: TREASURY DEPARTMENT, REGISTER'S OFFICE, *February* 19, 1823.

In compliance with the within resolution, I have the honor to transmit a statement exhibiting the amount of money appropriated for the road from Cumberland to Ohio, designating what proportion was expended in the surveying and location, construction, and repairs of the road; also, what part of it was paid to superintendents and their assistants for miscellaneous and contingent purposes, and what part thereof is yet unaccounted for, remains due upon settlement, and has been carried to the surplus fund.

I have the honor to be, respectfully, your obedient servant,

JOSEPH NOURSE, *Register.*

Hon. WM. H. CRAWFORD, *Secretary of the Treasury.*

Statement of the expenditures for the road from Cumberland to Ohio.

Amount appropriated.	Surveying and locating.	Constructing.	Repairs.	Salaries to superintendents and assistants.	Miscellaneous and contingent.	Total amount accounted for.
$1,718,846 35	$29,144 25	$1,544,882 70	$16,160 19*	$53,034 61	$2,457 45	$1,645,679 20

Amount accounted for, brought down,	$1,645,679 20
To which add—	
Amount carried to the surplus fund,	66,810 63
Advances unaccounted for,	5,314 85
Due the United States on settlement,	1,041 67
Total appropriated,	$1,718,846 35

NOTE.—On the last settlement of David Shriver's account, there appears against him a balance of $22,013 07, for which he will be ultimately entitled to credit when the accounts of the individuals to whom it was paid (by said Shriver) shall be settled, or transferred to the books of the Treasury. This amount is included in the above statement of expenditures for the objects for which it was advanced.

TREASURY DEPARTMENT, REGISTER'S OFFICE, *February* 19, 1823.

JOSEPH NOURSE, *Register.*

17th Congress.] No. 543. [2d Session.

REORGANIZATION OF THE COURTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 3, 1823.

Mr. PLUMER, of New Hampshire, made the following report:

The Committee on the Judiciary, who were instructed by the House to inquire "whether any, and, if any, what alterations are necessary to be made in the organization of the courts of the United States, so as more equally to extend their advantages to the several States," and to whom was also referred the memorial of the State of Indiana upon the same subject, have had the same under consideration, and ask leave to report:

The number of new States admitted into the Union since the federal judiciary was first established, and the natural increase of business both in the old and new States, render, in the opinion of the committee, some change, at no very distant period, in the organization of the courts of the United States, highly expedient, if not essential to the due execution of the laws.

* The charges for repairs are so blended with the expenses of constructing, that it is difficult to discriminate the actual expenditure under this head; the above is the only charge which appears exclusively for repairs.

The judiciary system of the United States, as originally established, consisted of one supreme court, six circuit courts, and thirteen district courts. The district court was held by one judge in each district; the circuit court was formed by the union of the district judge with one or more of the judges of the supreme court; and the supreme court itself was composed of a chief justice and five associate judges. The number of the district courts has since been increased to twenty-seven, by the admission of new States into the Union, or the division of the old ones into separate districts; there being two district courts in New York, two in Pennsylvania, two in Virginia, and one in each of the other States. By an act of Congress, passed February 13, 1801, the United States were divided into six circuits, with a circuit court in each, consisting of three judges, who were to hold two terms a year in each district, and were invested with the same general powers and jurisdiction as the former circuit courts possessed. By the same act, the sessions of the supreme court were, in future, to be holden twice a year, at the city of Washington; the judges were no longer required to sit in the circuit courts; and their number, on the death or resignation of the judges then on the bench, was to be reduced to five. On the 8th of March, 1802, this act was repealed, and the former system was restored. On the 24th of February, 1807, a new circuit was formed in the western country, embracing the States of Kentucky, Tennessee, and Ohio; and the number of the judges of the supreme court was increased to seven. Since that time, six new States have been admitted into the Union from the West alone; and one has been created in the East, by the separation of Maine from Massachusetts. From the extent of the country, the number of the States, and the increasing mass of business constantly depending in the circuit courts, it was obviously impossible for seven judges to hold two courts annually in each of the twenty-seven judicial districts, into which the United States (exclusive of the Territories) are now divided. The judges of the supreme court have not, therefore, been required by law to go into the new western States; and there are, accordingly, no circuit courts holden in Louisiana, Indiana, Mississippi, Illinois, Alabama, and Missouri, nor in the Territories of Michigan, Arkansas, and Florida. In each of these States and Territories, the district court is vested with, and exercises, the jurisdiction of a circuit court of the United States.

The preceding statement may be considered as presenting a hasty outline of the principal features of the federal judiciary, with the most important changes it has successively undergone, but without pretending to notice its minuter variations.

It is understood by the committee that those States which, under the present arrangements, are deprived of the benefits of a circuit court, are desirous, for reasons not deemed necessary here to be enumerated, that such alterations should be made in the existing system as would extend to them the advantages enjoyed by the States where such courts exist. This desire of the new States to be placed upon a footing of equality with the old, in respect to their judicial establishments, so far as these depend upon the United States, appears to the committee just and reasonable. Nor are there wanting obvious reasons of interest and of policy, operating equally upon the Government and the people, in all parts of the Union, in favor of placing the courts of the United States, wherever they exist, upon the most respectable footing; and of giving them, in every section of the country, in the West as well as in the East, the form and the facilities which may, in each case, enable them best to answer the important objects of their original institution. For this purpose, three different plans have occurred to the committee as among the means most likely to effect this desirable object:

1. To increase the number of circuits to nine, and add two more judges to the supreme court.

2. To establish circuit courts throughout the United States, upon a plan similar to that adopted in 1801, but with such modifications as may be found expedient; and to provide for the eventual reduction of the number of judges of the supreme court to five.

3. To establish two circuit courts in the western States, with the same general powers and jurisdiction as are now possessed by the circuit courts of the United States, to which (as in other circuits) an appeal should lie from the district courts, and thence, under the ordinary limitations, to the supreme court.

Each of these plans possesses some advantages over the others, and is, at the same time, liable to some objections.

1st. In the final decision of judicial questions, a small number of judges, qualified for their station as those of the United States will, we may hope, always be, are likely to prosecute their legal inquiries more thoroughly, come to more correct conclusions, and act with greater impartiality, uniformity, and despatch, than a numerous, and consequently discordant, body can be presumed always to do. In this respect, it is believed that the number of the judges of the supreme court, as now constituted, is sufficiently large (if, indeed, it be not already too great) for the convenient despatch of the important business which comes yearly before it.

2d. With respect to the second proposition, it may be remarked, that a similar system having been once adopted, and subsequently abandoned, its re-enactment would probably be opposed, at least till other expedients, promising more favorable results, shall have been first tried.

3d. The institution of two new circuits in the western States, with one judge in each, who, sitting successively with the district judges in their several districts, should form the circuit court for those districts, would, it is believed, obviate many of the inconveniences arising from the present organization of the courts in that part of the Union; and the same arrangement, if found, on trial, to answer the purposes designed by it, might, as circumstances required, be extended to other sections of the country, and thus lead, finally, to the adoption of one uniform system of circuit courts throughout the United States. For the purposes of the present experiment, Indiana, Illinois, and Missouri might be conveniently formed into one circuit; and Louisiana, Mississippi, and Alabama into another.

Without going at all into the details of these several plans, or even expressing any decided opinion in favor of either of them, the committee, in obedience to the commands of the House to report on this subject, have thought proper to present it, at this time, in its present form, not with a view to the adoption, at this session, of any decisive measures in relation to a department of the Government so important as that of the judiciary, but in hopes that the subject may attract the attention of the country generally, and of those parts of it, in particular, which are more immediately concerned in its investigation; and that the next Congress may be prepared, at an early period, to decide whether any, and, if any, what changes are necessary in the organization of the courts of the United States, to enable them more effectually to attain the objects for which they were originally instituted.

The memorial from the Legislature of Indiana requests either that Congress would organize a new circuit, of which that State should form a part; or that she may be attached to the western circuit, consisting, at present, of Ohio, Kentucky, and Tennessee. The first of these requests would be substantially complied with by the adoption of either of the above plans suggested by the committee. The other alternative presented by the Legislature of Indiana is attended with some difficulty. There is, at present, but one judge of the supreme court in the western States; and it is understood by the committee that the terms which he is now by law required to hold, together with his attendance, annually, at the seat of Government, as a member of the supreme court, occupy his time and attention so exclusively, as to render it improper that any additional duties should be imposed upon him.

The committee, therefore, ask to be discharged from the further consideration of the resolution and memorial referred to them by the House.

INDEX TO MISCELLANEOUS.

VOLUME II.

A.

	Year.	No.	Page.
Abolition Society, relative to colonizing free people of color on the public lands—Report of a committee of the House of Representatives on memorial of the Kentucky,	1816	395	278
Abolition of Slavery, that it be prohibited in new States to be admitted into the Union—Memorial of the American Convention for promoting the,	1819	470	547
Accountabality, and a plan for enforcing the speedy payment of money due from individuals and corporate bodies to the United States—Report of the Secretary of the Treasury relative to the subject of,	1820	483	575
Accountant of the Navy Department relative to papers destroyed by the enemy in 1814—Letter from the,	1814	374	248
Accountant of the War Department relative to papers destroyed by the enemy in 1814—Letter from the,	1814	374	251
Accountants of the War and Navy Departments—Report of a committee of the Senate relative to increasing the salaries of the,	1816	405	299
Accountant and additional accountant of the War Department—Biennial register of officers and clerks in the office of the,	1816	410	310
Accountant of the Navy Department—Biennial register of officers and clerks in the office of the,	1816	410	311
Accounts of Patrick Magruder, Clerk of the House of Representatives—Report of a committee of the House relative to the incorrect state of the,	1814	377	253
Accounts—Explanatory statement of P. Magruder, Clerk, &c. relative to his,	1814	378	258
Report of a committee of the House of Representatives on the same,	1815	380	263
Report from the heads of the several Departments, with a plan to secure the accountability of public officers, and for the prompt settlement of public,	1816	411	396
Same,	1817	424	417
Accounts, &c.—Report of the Secretary of the Treasury on the progress made under the act to provide for the prompt settlement of public,	1818	442	460
Adams, as envoy for negotiating peace with Great Britain—Message from the President, with a copy of a commission, issued in the recess of the Senate, to John Quincy,	1814	368	240
Adams, as a Representative from New York—Report of the Committee of Elections on the petition of Erastus Root contesting the election of John,	1815	390	275
Adams, relative to the inadequacy of his salary as minister of the United States at London—Letter from John Quincy,	1816	409	306
Adams to Jonathan Russell's account of the proceedings of the American ministers who negotiated a treaty of peace with Great Britain at Ghent—Reply of John Quincy,	1822	528	947
Adjutant and Inspector General of the United States army, relative to the papers belonging to his office, destroyed by the enemy in 1814—Letter from the,	1814	374	252
Adjutant and Inspector General's office—Biennial register of clerks in the,	1816	410	335
Africans into the United States, by D. B. Mitchell, Indian agent of the United States, contrary to law—Message from the President, with documents relative to an alleged importation of,	1822	529	957
Agents of the United States, communicated by the Secretary of State—"Blue Book," or biennial register of officers and,	1816	410	307
Agents for the settlement of claims against the United States—Report of a committee of the House of Representatives relative to the misconduct of certain clerks in the executive offices in acting as,	1818	452	495
Agriculture, by introducing the tea plant to the notice of Congress—Letter from John S. Grimes, evincing his zeal in the cause of,	1812	323	185
Agriculture—Report of a committee of the House of Representatives, recommending the establishment of a national board of,	1817	433	442
Alabama for aid from the United States in the construction of a canal between the Alabama and Highwassee rivers—Memorial of the Legislature of,	1822	512	798
Alabama—Report of a committee of the House of Representatives on complaint of Edwin Lewis against Charles Tait, judge of the United States for the district of,	1823	537	1014
Alexandria, in the District of Columbia"—President Madison's objections to the bill entitled "An act for incorporating the Protestant Episcopal Church in the town of,	1811	294	152
Algiers—Expenses of intercourse with,	1810	273	23
And the United States—Account between the Regency of,	1810	273	32
Aliens—Message from the President of the United States returning, with objections, the bill entitled "An act supplementary to the acts heretofore passed on the subject of a uniform rule of naturalization," and recommending that provision be made in favor of,	1812	329	195
Alien, for citizenship and a patent right—Memorial of Thomas Owen, an,	1814	369	241

	Year.	No.	Page.
Aliens to become settlers and citizens of the United States—Memorial of the New York Irish Emigrant Association that encouragement be extended to,	1818	449	489
Aliens to become citizens in certain cases, without making a declaration of their intention three years before—Report of a committee of the House of Representatives on a resolution to admit,	1822	522	929
Ambassador, (See Minister.)			
Amelia Island—Report of a committee of the House of Representatives relative to the illicit introduction of slaves into the United States from,	1818	441	458
Amendments, (See Constitution.)			
Appointment of two subordinate officers in the War Department—Message from the President on the propriety of the,	1812	320	184
Appointment of Wm. Jones, as Secretary of the Treasury, in the place of Albert Gallatin, appointed envoy to treat with Great Britain and Russia, without resigning as Secretary of the Treasury—Message from the President relative to the temporary,	1813	341	206
Report of a committee of the Senate on the same,	1813	344	209
Appointment as minister to Sweden—Report of a committee of the Senate relative to the nomination of Jonathan Russell for,	1813	342	206
Message from the President, declining a conference with a committee of the Senate on the nomination of Jonathan Russell for the,	1813	347	215
Appointment as envoy, &c.—Report of a committee of the Senate that the President declined conferring with them in relation to Albert Gallatin's,	1813	350	217
Appointments made during the recess of the Senate—Message from the President, with copies of commissions issued for,	1814	368	240
Appointments of ministers and consuls, made by the President in the recess of the Senate, from the commencement of the Government to 1814—Message from the President, with a list of the,	1814	370	242
Appointments to office after their election as members of Congress—Message from the President, with a list of persons who have held,	1817	437	448
Report of a committee of the House of Representatives on the same,	1818	438	448
Same,	1818	439	457
Same,	1818	445	473
Appropriations from one object to another—Letter from Wm. H. Crawford, Secretary of the Treasury, on the subject of the transfer of,	1817	420	413
Architect of the public buildings—Letter from Benjamin Henry Latrobe, vindicating his official conduct as surveyor or,	1818	461	531
Archives destroyed by the enemy in 1814. (See Documents.)			
Archives of Florida from José Callava, late Governor of that province—Proceedings of Andrew Jackson, Governor, to recover a certain part of the public,	1822	513	799
Army of the United States, regarding certain corrupt and treasonable proceedings against the Government—Report of a committee of the House of Representatives on an inquiry into the conduct of Brigadier General James Wilkinson, of the,	1810	280	79
Army of the United States—Biennial register of the officers of the, viz:	1816	410	326
General staff,	-	-	326
Ordnance Department,	-	-	326
Medical Department,	-	-	326
Corps of engineers,	-	-	327
Light artillery,	-	-	328
Corps of artillery,	-	-	328
First regiment of infantry,	-	-	330
Second regiment of infantry,	-	-	331
Third regiment of infantry,	-	-	331
Fourth regiment of infantry,	-	-	332
Fifth regiment of infantry,	-	-	332
Sixth regiment of infantry,	-	-	332
Seventh regiment of infantry,	-	-	333
Eighth regiment of infantry,	-	-	333
Rifle regiment,	-	-	334
Pay of the officers and soldiers of the,	-	-	334
Officers of the Military Academy,	-	-	336
Cadets,	-	-	336
Army, of the United States relative to the progress on military roads, made under the authority of the Government—Reports from sundry officers of the,	1819	462	537
Army, relative to the progress made on the military road from Plattsburg to Sackett's Harbor, in New York—Report from Major General Brown, commander-in-chief of the,	1822	534	987
Army, relative to taking possession of the Floridas, under the treaty with Spain, and the recovery of certain archives from the late Spanish Governor—Proceedings of Major General Andrew Jackson, and other officers of the, (See Florida,)	1822	513	799
Arts—(See Patents)—Encouragement of inventions for useful. (See Fine Arts)—Encouragement of fine.			
Assistant counsel to the Attorney General of the United States—Allowance made to individuals as,	1816	407	303
Astor, relative to a settlement made by him as a fur trader, &c. at the mouth of the Columbia river, in 1811—Letter from John J.,	1823	536	1009
Attorney General of the United States—Report of a committee of the Senate relative to increasing the salary of the,	1816	405	299
Message from the President, with a statement of allowances to counsel appointed to assist the,	1816	407	302
Statement by James Monroe, Secretary of State, relative to the rank and duties of the,	1817	424	418
Report of the Secretary of the Treasury, with a statement of extra compensation for services in the courts of the United States to the,	1819	469	546
To the House of Representatives, declining to make a report on a claim of Major Wheaton, referred to him by that House, and stating his duties as Attorney General—Report from the,	1820	482	574
Relative to his official duties, compensation, clerks, records of office, &c.—Letters from the,	1820	489	590
Report of a commitee of the House of Representatives on the message of the President relative to the regular duties and allowances made for extra duties to the,	1822	524	930
Relative to an alleged importation of negro slaves from Africa contrary to law, by D. B. Mitchell, Indian agent—Reports from the,	1822	529	957

	Year.	No.	Page.
Attorney for the southern district of New York—Report of a committee of the House of Representatives relative to fees charged by the,	1818	457	518
Attorneys for extra services—Statement of compensation made to United States district,	1822	524	932
Auditor of the Treasury, relative to the papers destroyed by the enemy in 1814—Letter from the,	1814	374	249
Auditor of the Treasury—Report of a committee of the Senate relative to increasing the salary of the,	1816	405	299
Biennial register of officers and clerks in the office of the,	1816	410	308
Relative to the progress of business in his office, under the act for the prompt settlement of public accounts—Report from the First,	1818	442	463
Report from the Second Auditor of the Treasury on the same,	1818	442	463
Report from the Third Auditor of the Treasury on the same,	1818	442	464
Report from the Fourth Auditor of the Treasury on the same,	1818	442	465
Report from the Fifth Auditor of the Treasury on the same,	1818	442	465
Auditors of the Treasury, relative to the number of clerks and messengers in those offices, and stating the cases in which they are engaged in other pursuits—Reports from the several,	1822	531	980

B.

Bankrupt—Report of a committee of the House of Representatives on the expediency of releasing William Smith, an insolvent debtor of the United States, and a,	1817	425	419
Bankruptcy—Memorial of the Chamber of Commerce of Philadelphia, for the adoption of a uniform system of,	1817	422	415
Memorial of the merchants and traders of Boston, for the adoption of a uniform system of,	1819	472	548
Memorial of the Chamber of Commerce of New York, for the adoption of a uniform system of,	1820	478	567
Memorial of the Chamber of Commerce of Baltimore, for the adoption a uniform system of,	1822	509	796
In the United States," passed in 1800—Message from the President of the United States, with statements of the number of cases settled, &c. in the States and Territories under the "Act to establish a uniform system of,	1822	514	914
Memorial of the citizens of Charleston, South Carolina, for the adoption of a uniform system of,	1822	515	915
Bank of the United States within the same—Proceedings of the Legislature of Ohio relative to the power of that State to tax the branch of the	1821	500	643
Banks in the District of Columbia—Report of a committee of the House of Representatives on the expediency of rechartering certain,	1810	274	45
Report of a committee of the House of Representatives on sundry bills to incorporate certain,	1811	289	147
Banks in the Western country and the Treasury Department—Report of a committee of the House of Representatives relative to the official conduct of Gales and Seaton as printers, and to the suppression of parts of certain papers concerning transactions between certain,	1822	538	1015
Baptist Church, at Salem, Mississippi, for a donation of land—Petition from the,	1809	267	11
President Madison's objections to the act granting land to the,	1811	295	154
Barbary Powers—Statement from the Treasury Department, of the expenses of intercourse with the,	1810	273	20
Barlow, relative to the inadequacy of the salary of the United States minister at Paris—Letter from Joel,	1816	409	306
Bassett, contesting the election of Thomas M. Bayley as a Representative from Virginia—Report of the Committee of Elections on the petition of Burwell,	1814	360	233
Bayard, as envoy to negotiate peace with Great Britain—Message from the President with a copy of the commission issued in the recess of the Senate to James A.	1814	368	240
Bayley, as a Representative from Virginia—Report of the Committee of Elections on the petition of Burwell Bassett, contesting the election of Thomas M.	1814	360	233
Baylies, as a Representative in Congress from Massachusetts—Report of committee on the petition in favor of Charles Turner, against the election of William,	1809	264	1
Same,		266	7
Berlin and Milan decrees—Report of a committee of the Senate relative to a declaration of the Duke of Bassano to Mr. Barlow, relative to a repeal of the,	1813	342	206
Bills of credit and other printing under resolves of the Revolutionary Congress—Account of,	1810	275	47
Bills of exchange under same—Account of	1810	275	50
"Blue Book," or register of officers and agents of the United States, communicated to Congress by the Secretary of State,	1816	410	307
Blydenburg and Peter Augustus Jay, contesting the elections of Ebenezer Sage and John Lefferts—Report of the Committee of Elections on the petitions of Benjamin B.	1813	349	217
Bond for faithfully accounting for the contingent fund of that House—Report of a committee on the expediency of requiring the Clerk of the House of Representatives to give,	1812	314	180
Books and papers. (See Documents—See Library.)			
Boundary between North Carolina and Georgia—Proceedings of the Legislature and documents relating to the,	1810	279	72
Between that State and Tennessee—Memorial of the Legislature of Kentucky to obtain a settlement of the,	1818	451	490
With Great Britain—Report of a committee of the House of Representatives on the subject of the disputed,	1818	456	512
Between Kentucky and Tennessee—Articles of agreement between the commissioners for the settlement of the,	1820	490	591
Between that State and the States of New York and Delaware—Resolution of the Legislature of New Jersey to obtain the passage of a law for the establishment of the,	1822	510	797
Bowers, as Representative from New York—Report of the Committee of Elections on the petition of Isaac Williams, jun. contesting the election of John M.	1813	351	218
Bridges suitable for military purposes—Report of the Secretary of War recommending the purchase of the patent right of Benjamin Conner to make and construct,	1813	338	204
Brown, for a change of venue for the prosecution of certain German redemptioners who had absconded from him—Memorial of James,	1819	473	550
Buildings. (See Washington City.) Public.			
Burch and J. T. Frost, relative to the conflagration of the Capitol and destruction of the books and papers of the Clerk's office and Library of Congress—Letter from Samuel,	1814	371	245

	Year.	No.	Page.
Burr, and other improprieties—Report of a committee of the House of Representatives on an inquiry into the conduct of Brigadier General James Wilkinson, as regards a corrupt connexion with Aaron,	1810	280	79
C.			
Callava, late Governor, and Andrew Jackson, as Governor of Florida—Proceedings between Colonel José,	1822	513	799
Caldwell and Amasa Jackson, for remission of penalty incurred by their agent in violating the act prohibiting the introduction of slaves—Petition of Harry,	1809	269	13
Canal in Massachusetts, for aid from the United States—Memorial of the proprietors of the Middlesex,	1811	285	142
Canal in Pennsylvania, for aid from the United States—Memorial of the Company of the Union,	1811	299	161
Canals in that State—Memorial from the Commissioners of the State of New York, for aid from the United States in the construction of,	1811	303	165
Canals in New York to connect the great lakes with the Hudson river—Message from the President, with copy of an act of the Legislature of New York "to provide for the improvement of the internal navigation of the State," and for the construction of,	1811	304	166
Canal from Hudson river to the great lakes in New York ought to be provided for by the United States—Resolution of the Legislature of Ohio that the expense of a,	1812	312	178
Canal Company, the Union Canal Company of Pennsylvania and the Commissioners of the New York Canal from the great lakes to the Hudson river—Report of a committee of the House of Representatives on memorials from the Chesapeake and Delaware,	1812	313	178
Canals—Letter from the Secretary of the Treasury relative to means to be afforded by the General Government by sales of the public lands for making,	1812	313	179
Canal—Report of a committee of the Senate on the expediency of subscribing to the stock of the Chesapeake and Delaware,	1813	348	215
Canal Company—Report of a committee of the House of Representatives on the expediency of subscribing to the stock of the Chesapeake and Delaware,	1813	352	222
Canals—Report of a committee of the Senate on so much of the message from the President of the United States as relates to effecting internal improvements by roads and,	1816	398	283
Canal—Report of a committee of the Senate concerning the utility and importance of canals generally, and more especially of the Chesapeake and Delaware,	1816	399	285
Canal Commissioners of New York soliciting aid from the United States in constructing canals to connect the Hudson river with lakes Erie and Champlain—Memorial of the,	1816	412	399
Canals under charge of a Home Department—Relative to placing the subject of roads and,	1816	411	398
Canals—Report of a committee of the House of Representatives on so much of the President's message as relates to the subject of roads and,	1817	427	420
Canals—Report of a committee of the Senate on the same,	1817	429	424
Canal Company for aid—Report of a committee of the House of Representatives on memorial of the Chesapeake and Delaware,	1817	432	433
Canal Company—Report of a committee of the House of Representatives on the subject of affording aid to the Dismal Swamp,	1817	433	433
Canal, &c.—Report of Major J. Kearney, topographical engineer, to the Secretary of War, relating to a survey, &c. of the Dismal Swamp,	1817	433	433
Canals—Report of a committee of the House of Representatives on so much of the President's message as relates to the subject of roads and,	1817	435	443
Canals—Report of John C. Calhoun, Secretary of War, on a general plan for opening and constructing roads and,	1819	462	533
Canal to connect the Illinois river with lake Michigan—Report from the Secretary of War with Engineer's report on the subject of a,	1819	474	555
Canal between the Alabama and Hiwassee rivers—Memorial of the Legislature of Alabama for aid of the United States in constructing a,	1822	512	798
Canals, and referring to sundry works in particular—Report of a committee of the House of Representatives on the general subject of the internal improvement of the country by means of roads and,	1822	526	934
Objects referred to in said report, viz:			
A canal to connect the waters of Boston with Ipswich bay.			
To improve the navigation of the Hudson river.			
The Delaware and Raritan canal.			
The Chesapeake and Delaware canal.			
A canal to connect the Potomac and Youghiogeny rivers.			
A cannal to connect the tide waters of the Potomac with the Western waters.			
To improve the navigation and connect the waters of the Alabama and Tennessee rivers.			
A canal to connect the Pensacola and Mobile bays.			
The canal Carondelet from Lake Ponchartrain to New Orleans.			
Canal—Report of a committee of the House of Representatives relative to the condition of the Potomac Company, and to the improvement of the Potomac river above tide water by means of a,	1822	530	975
Canals—Resolution of the Legislature of Maryland in favor of the navy and of a system of internal improvements by roads and,	1822	533	985
Canal to improve the navigation of the Potomac river and to connect its waters with those of the Ohio—Report of the commissioners appointed by Maryland and Virginia on the condition of the Potomac Company and the importance of a,	1822	535	988
Canal, &c. to improve the navigation of the Potomac, and, in connexion with roads, to open a communication with the Western country—Report of Gen. Washington, Charles Carroll of Carrollton, and others, commissioners of Virginia and Maryland in 1785, on the importance of a,	1822	535	1006
Canary Islands said to be suffering from famine—Report of a committee of the House of Representatives on an inquiry into the necessity for affording relief to the people of the,	1812	321	184
Capitol in 1814—Letter from the Clerk of the House of Representatives relative to the destruction of the books and papers of that office and of the Library of Congress by the conflagration of the,	1814	371	245
Capitol and other public buildings that were destroyed by the enemy in 1814—Report of a committee of the House of Representatives on reconstructing the,	1814	375	252
Capitol. (See Washington.)			
Carroll of Carrollton and others, commissioners of Maryland and Virginia in 1785, on the subject of opening and improving the navigation of the Potomac river, and, in connexion with roads, to open a communication with the Western country—Report of George Washington, Charles,	1822	535	1006

	Year.	No.	Page.
Causes. (See Courts.) Trial of.			
Census of Indiana Territory in 1816,	1816	392	277
of Mississippi Territory in 1816,	1816	416	408
Chaplains of the Senate and House of Representatives—Report of a committee of the Senate on increasing the salaries of the,	1816	405	299
Chargés des Affaires—Report of a committee of the Senate relative to increasing the salaries of,	1816	405	299
Chesapeake and Delaware canal—Report of a committee of the Senate on the expediency of subscribing to the stock of the,	1813	348	215
Report of a committee of the House of Representatives on the same,	1813	352	222
Report of a committee of the Senate relative to the,	1816	399	285
Chesapeake and Ohio canal—Report of a committee of the House of Representatives relative to improving the navigation of the Potomac river, or to the,	1822	530	975
Report of the commissioners appointed by Maryland and Virginia on the condition of the Potomac Company, and on the importance of a canal to connect the waters of the Potomac with those of the Ohio river, or the,	1822	535	988
Report of commissioners of Virginia and Maryland in 1785, on improvements in anticipation of the,	-	-	1006
Church at Salem, Mississippi, for a donation of land—Petition of the Baptist,	1809	267	11
Church in the town of Alexandria, in the District of Columbia—President Madison's objections to the bill entitled "An act for incorporating the Protestant Episcopal,	1811	294	152
Church at Salem, Mississippi, &c.—President Madison's objections to the bill granting land to the Baptist,	1811	295	154
Civil, military, and naval, in the service of the United States—Biennial register of officers,	1816	410	307
Claims against the United States—Report of a committee of the House of Representatives on the misconduct of certain officers and clerks in the executive offices and the navy, in acting as agents for the settlement of,	1818	452	495
Claim of Major Wheaton, referred to him by that House, &c.—Report from the Attorney General of the United States to the House of Representatives, declining to make a report on the,	1820	482	574
Clay, on the subject of the compensation proper to be allowed to the ministers of the United States in foreign countries—Letter from Henry,	1816	409	306
Clerk of the House of Representatives a commission for disbursing the contingent fund—Report of the Committee of Accounts on the expediency of allowing the,	1812	314	180
Clerk of the House of Representatives—With a statement of the destruction of books and papers of his office, his vouchers of expenditures from the contingent fund, and Library of Congress by the conflagration of the Capitol, in 1814—Letter from the,	1812	371	245
Report of a committee of the House of Representatives relative to the destruction, by the enemy, of the books and papers, and of the Library of Congress; also, in relation to the accounts of disbursements from the contingent fund by the,	1814	377	253
With documents relative to the same, from the; explanatory letter from Patrick Magruder,	1814	378	258
Documents with said letter, viz:			
Certificate from Captain Benjamin Burch,	-	-	259
Certificate from Captain Harvey Bestor,	-	-	260
Order from Brigadier General Walter Smith,	-	-	260
Letter from John T. Frost,	-	-	260
Letter from George Magruder,	-	-	260
Certificate from General W. Smith,	-	-	260
Certificate from Washington Bowie,	-	-	261
Certificate from George N. Thomas,	-	-	261
Letter from A. & G. Way,	-	-	261
Account of A. & G. Way,	-	-	261
Letter from R. C. Weightman,	-	-	262
Report of a committee of the House of Representatives on the explanatory statement of the,	1815	379	263
Documents with the same, viz:			
Letter from Wm. Barnett, chairman of the Committee of Accounts,	-	-	265
Letter from Joseph Pearson, chairman of the committee, to George Magruder,	-	-	265
Answer from George Magruder to J. Pearson,	-	-	265
Statement from R. C. Weightman,	-	-	265
Testimony of P. Ferrall,	-	-	266
Continuation account of P. Magruder,	-	-	266
Resignation of Patrick Magruder as,	1815	382	267
Clerk of the House of Representatives and the clerks in his office—Report of a committee of the Senate on increasing the salaries of the,	1816	405	299
Clerk in the court of the southern district of New York—Report of a committee of the House of Representatives relative to the official misconduct of Theorun Rudd,	1819	464	542
Clerks in the executive offices acting as agents for the settlement of claims against the United States—Report of a committee of the House of Representatives on the misconduct of certain officers and,	1818	452	495
Clerks, officers, and agents in the service of the United States—Biennial register of,	1816	410	307
Clerks and others acting as agents for claims against the United States—Report of a committee of the House of Representatives on the misconduct of certain,	1818	452	495
Clerks in the Legislative and Executive Departments of the Government—Report of a committee of the Senate relative to the compensation of the officers and,	1821	499	637
Clerks and messengers employed in those Departments, and stating cases in which they are engaged in other pursuits—Reports from the several Executive Departments of the number of,	1822	531	978
Clinton, president of the Canal Commissioners of New York, to solicit aid from the United States—Memorial of De Witt,	1816	412	399
Coins—Note with report of the Secretary of State relative to the value of various,	1821	503	712
Colden, contesting the election of Peter Sharpe as Representative from New York—Report of the Committee of Elections on the memorial of Cadwalader D.	1821	505	751
Cole and others, contesting the patent right of Oliver Evans—Report of a committee of the House of Representatives on the memorial of William,	1814	354	224
Coleman and others—President Madison's objections to the bill for the relief of William,	1811	295	154
Coles upon General Roger Nelson, a member thereof—Report of a committee in case of a breach of the privileges of the House of Representatives in an assault by J. A.	1809	272	18